



SPECIAL MEETING

AGENDA

5 JULY 2019

Your attendance is required at a Special meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 5 July 2019 commencing at 1.00pm for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", is written over a faint, light blue circular stamp.

CHIEF EXECUTIVE OFFICER
3 July 2019

Next Meeting Date: 16.07.19

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor S J Schwarten
Councillor A P Williams
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

5 OFFICERS' REPORTS

5.1 DRAFT GATES AND GRIDS POLICY AND ANTI-COMPETITIVE TESTING OF PROPOSED SUBORDINATE LOCAL LAWS

File No: 11979

Attachments:

1. Draft Gates and Grids Policy [↓](#)
2. Subordinate Local Law No. 1.17 (Gates and Grids) 2019 [↓](#)
3. Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2019 [↓](#)
4. Local Law (Repealing) Local Law (No. 2) 2019 [↓](#)

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Peter Kofod - General Manager Regional Services

SUMMARY

A revised subordinate local law has been developed and Subordinate Local Law No. 1.17 (Gates and Grids) 2019 which covers the installation, maintenance and removal of gates and grids. In addition a policy for the management of gates and grids has been prepared. This report seeks Council's endorsement to publically exhibit these documents and seek community feedback.

OFFICER'S RECOMMENDATION

THAT Council resolves to:

1. Receive the Draft Gates and Grids Policy and undertake public consultation;
2. Propose to make each of the following:-
 - a. Subordinate Local Law No. 4 (Local Governmental Controlled Areas, Facilities and Roads) 2019; and
 - b. Subordinate Local Law No. 1.17 (Gates and Grids) 2019
 - c. Local Law (Repealing) Local Law (No. 2) 2019
3. Consult with relevant government entities about the overall State interest for Local Law (Repealing) Local Law (No. 2) 2019 under section 29A(3) of the *Local Government Act 2009*.
4. Pursuant to section 257 of the *Local Government Act 2009* ('the Act'), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide –
 - a. How the public interest test of the subordinate local laws listed is to be conducted; and
 - b. The matters with which the public interest test report in relation to the subordinate local laws particularised must deal; and
 - c. The consultation process for the public interest test and how the process is to be used in the public interest test.

COMMENTARY

Public consultation was undertaken in late 2018 advising the community that Council was undertaking a review and seeking input and suggestions. The consultation included:

- Letters sent to stakeholders
- Public Notice in The Morning Bulletin
- Notification on Council's Website
- Notices in Customer Service Centres and Libraries

Council received 45 submission (21 on template). The keys issues raised were:

- Consultation to take place with impacted properties
- Notification to directly affected property owners/occupiers prior to the commencement of work
- Temporary signage during construction and/or maintenance
- Permanent signage
- Bi – Annual inspection by owner

These key issues were considered in the review of the relevant subordinate local law and policy development.

A revised subordinate local law has been developed, *Subordinate Local Law No. 1.17 (Gates and Grids) 2019* which covers the installation, maintenance and removal of existing gates and grids. In addition a policy for the management of Gates and Grids has been prepared.

The key changes incorporated include;

- Standard plans from Capricorn Municipal Development Guidelines (CMDG) will be provided with the application form;
- Applicants will need to notify directly affected property owners/occupiers (application form, owners to sign acknowledgement);
- Public Liability to be obtained and provided to Council for the Responsible Person and Contractor undertaking the work;
- Provide reason for the gate, or gate and grid e.g. livestock containment needs
- Vehicular movement per day:

| Vehicular Movement Per Day | Requirement |
|----------------------------|---------------|
| < 50 | Gate only |
| ≥ 50 | Gate and Grid |

The relevant subordinate local laws have been updated and draft policy prepared. It is planned to undertake community consultation and publicly exhibit for six (6) weeks.

The following documents will be exhibited:

- Draft Gates and Grids Policy;
- Subordinate Local Law No. 1.17 (Gates and Grids) 2019;
- Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019.

The consultation will include;

- Letters to key stakeholders and previous submitters; and
- Public Notice in The Morning Bulletin; and
- Notices will be placed in Customer Service Centres and libraries; and
- Notification and submissions through Council's Website.

BACKGROUND

In September 2017 Council resolved to develop a policy and procedure for the management of Gates and Grids in response to a petition received. The petition raised concerns regarding the installation of another gate on Sandy Creek Road, Bushley and allowing gates on dedicated roads that disadvantage residents.

Council had an existing Gates and Grids Local Law which covers the installation, maintenance and removal of existing grids and gates. This Local Law was adopted in 2011. The local law is to regulate the installation of gates and grids across public roads to ensure they meet the required standards for safe movement of pedestrians and vehicles or to allow for the maintenance of the public road. It also requires appropriate indemnities to be place to protect Council and the public against loss or damage. Council also requested Fact Sheets be developed to educate community in the shared use of rural roads.

In May 2018 an overview of current policies implemented by a range of Local governments were presented at Councillor Workshop.

Following the workshop an audit of gates and grids has been undertaken and letters sent to residents to confirm ownership and responsibility. It is estimated that ownership has been determined for approximately 70% of the 300 existing gates/grids.

LEGAL IMPLICATIONS

The *Local Government Act 2009* and the *Local Government Regulation 2012* provide the legislative guidance for the making of Local and Subordinate Local Laws.

CONCLUSION

The Draft Gates and Grids Policy and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019* and *Subordinate Local Law No. 1.17 (Gates and Grids) 2019* be presented to Council for consideration to move to public consultation stage and the appropriate delegations made.

DRAFT GATES AND GRIDS POLICY AND ANTI-COMPETITIVE TESTING OF PROPOSED SUBORDINATE LOCAL LAWS

Draft Gates and Grids Policy

Meeting Date: 5 July 2019

Attachment No: 1

1 Scope

This policy applies to gates and grids across a road under Rockhampton Regional Council's control.

This policy does not apply to gates and grids located on property boundaries.

2 Purpose

The purpose of this policy is to provide a framework under which gates and grids installed across roads are to be managed that aligns with State and local laws and allows for the safe control of livestock without causing an adverse impact on road users.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Anti-Discrimination Act 1991

Local Government Act 2009

Local Government Regulation 2012

Local Law No. 1 (Administration) 2011

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Subordinate Local Law No. 1.17 (Gates and Grids) 2019

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019

Transport Operations (Road Use Management) Act 1995

Capricorn Municipal Development Guidelines - Heavy Duty Cattle Grid Standard Drawing CMDG-G-020 and 6.0m Gate Detail Standard Drawing CMDG-G-019

Department of Transport and Main Roads Manual of Uniform Traffic Control Devices

Fees and Charges Schedule

Refund, Exemption and Reduction of Fees and Charges Policy

4 Definitions

To assist in interpretation, the following definitions apply:

| | |
|-------------------|--|
| Authorised Person | A person who is appointed under the <i>Local Government Act 2009</i> and other Acts to ensure that members of the public comply with the relevant Local Government Acts in relation to the local government and the Region. |
| Council | Rockhampton Regional Council |
| Gate | As defined in <i>SLL1.17</i> , a hinged or sliding barrier used to close an opening in a wall, fence or hedge |
| Grid | As defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i> , a structure designed to: (a) Permit the movement of pedestrian or vehicular traffic along a road; but |

| | |
|--------------------|---|
| | (b) Prevent the passage of livestock. |
| MUTCD | Manual of Uniform Traffic Control Devices |
| Responsible Person | As defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019</i> , for a gate or grid installed across a road, means each of the following persons: (a) The person who installed the gate or grid, or the gate and the grid; (b) The person for whose use or benefit of the gate or grid, or the gate and the grid, were installed; (c) The person who has the benefit of the gate or grid, or the gate and the grid installed across the road. |
| Road | As defined in <i>Local Law No. 1 (Administration) 2011</i> : (a) A road as defined in the <i>Local Government Act 2009</i> , section 59; and (b) A State-controlled road: (i) Prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and (ii) In respect of which the chief executive has given written agreement under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 66(5)(b). |
| SLL1.17 | <i>Subordinate Local Law No. 1.17 (Gates and Grids) 2019</i> |

5 Policy Statement

In order to minimise unreasonable nuisance and the potential for motorists to be exposed to safety hazards whilst utilising a road, Council's preference is for no gates or grids to be installed across roads.

Council does however acknowledge that a gate, or a gate and grid may be required under certain circumstances for genuine primary production purposes where other methods of controlling livestock, such as fencing is impractical. This policy will ensure that where a gate, or a gate and grid are permitted they are installed, managed and maintained to an acceptable and consistent standard which minimises unreasonable nuisance and safety risk to road users.

Council will not approve the installation of a grid without a gate. Gates are to remain in a default open position unless otherwise approved by an Authorised Person.

5.1 Prescribed Activities and Compliance with Local Laws

The installation of a gate, or a gate and a grid across a road, and being a responsible person for a gate, or a gate and a grid across a road are prescribed activities within Council's SLL1.17. Such activities must be approved and remain compliant in accordance with this subordinate law.

5.2 Application for Approval

Residents must conform to Council's SLL1.17 and apply to Council to:

- (a) Install a new gate, or gate and a grid across a road;
- (b) Transfer ownership of an existing approved gate or grid, or gate and a grid installed across a road; and
- (c) Seek approval of an existing gate, grid, or gate and grid installed across a

road.

Applicants seeking approval for any of the above must complete the Road Reserve Works (Gates and Grids) Application Form located on Council's website and submit with required supporting documentation and application fee.

Applications received will be assessed within 10 working days in accordance with the criteria specified within SLL1.17. If approved a permit for a two year term will be issued to applicants. A permit may be renewed for a further two year period upon application.

Council reserves the right to:

- (a) Terminate approval;
- (b) Refuse to renew the approval; and
- (c) Refuse to transfer the approval,

If:

- (a) Changes occur to the classification or alignment of the road on which it is situated;
- (b) There is a demonstrated change in road usage patterns;
- (c) The original purpose of the gate or gate and grid no longer exists; or
- (d) The gate or grid or gate and grid is not compliant.

5.2.1 Application Assessment - Proposed Installation of new Gate, or Gate and Grid

Applications will be assessed in accordance with the criteria specified in SLL1.17 and with consideration to the following:

- (a) The current need to contain livestock and if an alternative method is available;
- (b) The relative cost of utilising an alternative method of containing livestock and the financial circumstances of the applicant;
- (c) If the proposed gate or gate and grid will allow current road usage to continue and ensure that future traffic requirements of the road will not be impeded;
- (d) Traffic volume of the road; and
- (e) Submissions received from residents directly impacted in relation to the application.

5.2.2 Approval Transfers on Property Sales

If the responsible person sells their property, the responsible person must notify Council to cancel their approval thus cancelling their responsibility for the gate or grid, or gate and grid that was covered by the approval. Fees paid previously will not be refunded when the approval is cancelled.

New property owners will have 30 days to make an application for an approval to be transferred to a new responsible person.

If a transfer application has not been received by a new property owner within 30 days Council will consider the gate or grid, or gate and grid to be non-compliant/abandoned and will commence procedures as set out in paragraph 5.4 of this policy.

There is no fee associated with a transfer application and approvals applied to transfers shall apply to the end of the current approval period for the approval just cancelled.

5.2.3 Approval of Existing Gate, Grid, or Gate and Grid

For an existing gate, grid, or gate and grid installed prior to <policy adoption date>, an application for approval must be sought by the owner. Such approval shall be subject to the conditions of the approval. The gate or grid, or gate and grid will be audited by Council for compliance with the conditions of approval. If the gate or grid, or gate and grid is found to be non-compliant the non-compliance will be managed in accordance with paragraph 5.4 of this policy.

5.2.4 Approval Renewals

Council will issue a renewal notice approximately 30 days before the approval expires. If the approval is not renewed before expiry Council will consider the gate or grid, or gate and grid to be non-compliant/abandoned and will commence procedures as set out in paragraph 5.4 of this policy.

5.3 Obligations of Responsible Person

The responsible person is responsible for:

- (a) Notifying directly affected property owners/occupiers of any proposed works no later than two weeks prior to proposed commencement of the works;
- (b) Carrying out all work and bearing all costs associated with the signage, installation and maintenance of a gate, or a gate and grid in accordance with the approved specifications and to the satisfaction of an Authorised Person;
- (c) Ensuring compliance at all times with the standards as specified in the approval and being personally liable for any damage or injury caused by the structure;
- (d) Constructing drainage in association with the gate, grid or a gate and grid to ensure that no damming or ponding of stormwater run-off occurs on the road, road reserve or adjoining property or approaches;
- (e) Displaying temporary and permanent signage during construction and/or maintenance in accordance with the Department of Transport and Main Roads MUTCD;
- (f) Undertaking compliance inspections of the structure and submitting the required documentation at intervals specified within the conditions of approval; and
- (g) Undertaking, where applicable, a self-assessment that it is reasonable or reasonably necessary to keep an approved gate in a closed position rather than a default open position and submitting the assessment at intervals specified within the conditions of approval; and
- (h) Maintaining public liability insurance and providing Council with a Certificate of Currency.

5.4 Abandoned or Non-Compliant Gate, Grid or Gate and Grid**5.4.1 Abandoned Gate, Grid or Gate and Grid**

Where an authorised person considers that a gate, grid or a gate and grid is abandoned Council will:

- (a) Take reasonable steps to identify the owner of the structure;
- (b) Where an owner has been identified, issue a notice to the owner to advise of their responsibilities under SLL1.17 and this policy, and request that the person seek approval for the prescribed activity within a specified timeframe. Should the owner fail to comply with the notice,

Council will remove the structure with the costs recoverable from the property owner.

- (c) Where the owner cannot be identified Council will remove the structure and impound in accordance with Council's local laws.

5.4.2 Non-compliant Gate, Grid or Gate and Grid

Where the owner/responsible person is known to Council, Council will liaise with the owner/responsible person to ensure that the gate, grid or the gate and grid installed across a road conforms to requirements. Should the owner/responsible person fail to comply, Council will undertake compliance and enforcement action in accordance with Council's local laws.

5.5 Fees and Charges

An application fee, annual fee and renewal fee applies as per Council's adopted Fees and Charges Schedule for the current financial year.

An application fee will not apply where an application is received by Council before 30 June 2020 for an existing gate, grid, or gate and grid installed prior to the adoption of this policy.

There is no fee associated with a transfer application.

Application fees are not refundable if an application for an approval is refused. Fees may be refunded as per Council's Refund, Exemption and Reduction of Fees and Charges Policy.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

7 Document Management

| | |
|------------------------|--|
| Sponsor | Chief Executive Officer |
| Business Owner | General Manager Community Services |
| Policy Owner | Manager Planning and Regulatory Services |
| Policy Quality Control | Legal and Governance |



**DRAFT GATES AND GRIDS POLICY
AND ANTI-COMPETITIVE TESTING OF
PROPOSED SUBORDINATE LOCAL
LAWS**

**Subordinate Local Law No. 1.17
(Gates and Grids) 2019**

Meeting Date: 5 July 2019

Attachment No: 2

Subordinate Local Law No. 1.17 (Gates and Grids) 2019

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.17 (Gates and Grids) 2019*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 1 activity.

- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Gates and grids

Section 5

1. **Prescribed activity**

- (1) Installing a gate, or a gate and a grid, across a road.
- (2) Being a responsible person for a gate, or a gate and a grid, installed across a road.

2. **Activities that do not require an approval under the authorising local law**

No activities stated.

3. **Documents and materials that must accompany an application for an approval**

- (1) If the installation of a gate, or a gate and a grid, are proposed—
 - (a) a plan identifying the location within the road of the proposed gate, or gate and grid; and
 - (b) particulars of all temporary and permanent warning or similar signage proposed to be erected by the applicant; and
 - (c) details of the time when the prescribed activity will be undertaken; and
 - (d) the impact, if any, of the prescribed activity on pedestrian and vehicular traffic including a plan detailing how the applicant proposes to manage traffic in the undertaking of the prescribed activity; and
 - (e) the materials, plant and equipment to be used in the undertaking of the prescribed activity; and
 - (f) a written acknowledgement from landholders directly affected by the undertaking of the prescribed activity; and
 - (g) particulars of livestock containment needs including alternative methods available to the applicant and feasibility of such methods.
- (2) If a gate or a grid, or a gate and a grid, are installed across a road—
 - (a) a plan detailing the design of the gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and
 - (b) a plan identifying the location within the road of the gate or grid, or the gate and the grid; and
 - (c) details of all warning or similar signage erected about the gate or grid, or the gate and the grid; and
 - (d) particulars of livestock containment needs including alternative methods available to the applicant and feasibility of such methods.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity must not—
 - (a) result in—
 - (i) harm to human health or safety, including the safety of vehicular or pedestrian traffic; or
 - (ii) property damage or loss of amenity; or
 - (iii) unreasonable nuisance; or
 - (iv) the unreasonable obstruction, or disruption, of vehicular or pedestrian traffic; or
 - (v) unreasonable prejudice to the proper maintenance of a road; or
 - (vi) environmental harm; or
 - (vii) environmental nuisance; or
 - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.
- (2) If the prescribed activity is the installation of a grid—the prescribed activity must not be undertaken unless the installation of the grid is to be undertaken—
 - (a) contemporaneously with the installation of a gate; or
 - (b) to complement the use, by a responsible person, of a gate, and the gate is identified in a current approval granted by the local government to the responsible person.
- (3) If the prescribed activity is being a responsible person for a gate, or a gate and a grid, installed across a road—the prescribed activity must not be undertaken if the removal of the gate, or the gate and the grid, identified in the application is, or is likely to become, necessary—
 - (a) because the gate, or the gate and the grid, on the road results in—
 - (i) harm to human health or safety, including the safety of vehicular or pedestrian traffic; or
 - (ii) property damage or loss of amenity; or
 - (iii) unreasonable nuisance; or
 - (iv) the unreasonable obstruction, or disruption, of vehicular or pedestrian traffic; or
 - (v) unreasonable prejudice to the proper maintenance of a road; or
 - (vi) environmental harm; or
 - (vii) environmental nuisance; or

- (b) otherwise in the public interest.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or unreasonable nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.
- (2) If the approval relates to the installation of a gate, or a gate and a grid — the conditions of the approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the installation of the gate, or the gate and the grid, must be carried out; and
 - (c) specify standards with which the installation of the gate, or the gate and the grid, must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the installation of the gate, or the gate and the grid; and
 - (iii) give the local government specified indemnities; and
 - (iv) construct the gate, or the gate and the grid, in accordance with standard plans and specifications which the local government may develop or adopt from time to time; and
 - (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (vi) clear and maintain the road in the vicinity of the gate, or the gate and the grid, (including the destruction of plants and vegetation); and
 - (vii) remove a gate, grid or structure erected or installed, under the

-
- approval, at the end of a stated period; and
 - (viii) remove a gate, grid or structure erected or installed, under the approval, if the gate, grid or structure—
 - (A) is not effective for its intended purpose; or
 - (B) is causing unreasonable nuisance, or poses a risk of a unreasonable nuisance; or
 - (C) constitutes an actual, or potential safety hazard; and
 - (ix) if the approval relates to the installation of a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
 - (x) maintain the road, for a distance of 5m on each side of the gate, or the gate and the grid, as the case may be, in good and sufficient repair —
 - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
 - (B) to prevent or minimise the risk of personal injury or damage to property; and
 - (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road; and
 - (xii) take specified measures to ensure the unrestricted movement of vehicular and pedestrian traffic along the road during construction and installation of the gate, or the gate and the grid, as the case may be, and minimise obstruction of vehicular or pedestrian traffic or the risk of personal injury or damage to property; and
 - (xiii) ensure that any gate is left securely in an open position unless it is reasonable to close the gate having regard to a current need to contain livestock, the relative cost of utilising an alternative way of managing the livestock, and the financial circumstances of the approval holder.
- (3) If the approval relates to being a responsible person for a gate, or a gate and a grid, installed across a road—the conditions of the approval may—
- (a) require compliance with specified safety requirements; and
 - (b) require the approval holder to—
 - (i) carry out specified work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance in an amount not less than \$20,000,000.00 and produce documentary evidence of the insurance to the local government within a
-

- stated period; and
- (iii) give the local government specified indemnities; and
- (iv) maintain the gate, or the gate and the grid, in accordance with standard plans and specifications; and
- (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
- (vi) clear and maintain the road in the vicinity of the gate, or the gate and the grid (including the destruction of plants and vegetation); and
- (vii) remove a gate, grid or structure identified in the approval, at the end of a stated period; and
- (viii) remove a gate, grid or structure identified in the approval if the gate, grid or structure—
 - (A) is not effective for its intended purpose; or
 - (B) is causing unreasonable nuisance, or poses a risk of a unreasonable nuisance; or
 - (C) constitutes an actual, or potential safety hazard; and
- (ix) if the approval relates to a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
- (x) maintain the road, for a distance of 5m on each side of the gate, or the gate and the grid, as the case may be, in good and sufficient repair—
 - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
 - (B) to prevent or minimise the risk of personal injury or damage to property; and
- (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road; and
- (xii) if the approval relates to a gate—ensure that any gate is left securely in an open position unless it is reasonable to close the gate having regard to a current need to contain livestock, the relative cost of utilising an alternative way of managing the livestock, and the financial circumstances of the approval holder; and
- (xiii) undertake compliance inspections of the structure as and when required by the local government; and
- (xiv) if the approval relates to a gate—undertake self-assessments as

and when required by the local government.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

| Column 1 Application requirement | Column 2 Individuals or organisations that are third party certifiers | Column 3 Qualifications necessary to be a third party certifier |
|---|--|--|
| No application requirement stated | | |

Schedule 2 Categories of approval that are non-transferable**Section 6**

Every approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

gate means a hinged or sliding barrier used to close an opening in a wall, fence or hedge.

grid has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

responsible person has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

structure has the meaning given in the *Local Government Act 2009*.

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.17 (Gates and Grids) 2019* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of 2019.

.....
Chief Executive Officer

831375_1

**DRAFT GATES AND GRIDS POLICY
AND ANTI-COMPETITIVE TESTING OF
PROPOSED SUBORDINATE LOCAL
LAWS**

**Local Government Controlled Areas,
Facilities and Roads (Amendment)
Subordinate Local Law (No. 1) 2019**

Meeting Date: 5 July 2019

Attachment No: 3

Rockhampton Regional Council

Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2019

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2019*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 2 (Restricted activities for local government controlled areas or roads)

Schedule 2, item 2, column (2), paragraph (b), ‘or a grid’—
omit.

This and the preceding page bearing my initials is a certified copy of *Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2019* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of 2019.

.....
Chief Executive Officer

831362_1

**DRAFT GATES AND GRIDS POLICY
AND ANTI-COMPETITIVE TESTING OF
PROPOSED SUBORDINATE LOCAL
LAWS**

**Local Law (Repealing) Local Law
(No. 2) 2019**

Meeting Date: 5 July 2019

Attachment No: 4

Local Law (Repealing) Local Law (No. 2) 2019

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1 Short title

This local law may be cited as *Local Law (Repealing) Local Law (No. 2) 2019*.

2 Commencement

This local law commences on the date notice of the making of the local law is published in the gazette.

3 Local law repealed

This local law repeals *Livingstone Shire Council (Gates and Grids) Local Law No. 3*.

4 Expiration

This local law expires on the day after notice of the making of the local law is published in the gazette.

This and the preceding page bearing my initials is a certified copy of *Local Law (Repealing) Local Law (No. 2) 2019* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of *(insert the date of the relevant resolution of Council)* 2019.

.....
Chief Executive Officer

6 CLOSURE OF MEETING