

Gates and Grids Cancellation or Transfer Form



Privacy Notice: Council is collecting the personal information you supply on this form for the purpose of processing your application. Council is authorised to do this under the *Rockhampton Regional Council Local Law No. 1 (Administration) 2011*, specifically *Subordinate Local Law No. 1.17 (Gates and Grids) 2019*. Council deals with your personal information in accordance with law including the *Information Privacy Act 2009*.

This form is to be completed when a Gates and Grids responsible person approval is to be cancelled or transferred to a new responsible person.

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Approval Details		
Approval number:	Approval type:	Expiry:
Location of structure:		
Nature of Change		
I wish to:	<input type="checkbox"/> Cancel – ownership of property to which structure relates has been sold <input type="checkbox"/> Cancel – Council to remove structure and reinstate road <input type="checkbox"/> Transfer to a new responsible person	
Responsible Person Details to be Cancelled		
Responsible person name:		
Postal address:		
Preferred contact number:	Email:	
New Responsible Person Details		
New responsible person name:		
Postal address:		
Preferred contact number:	Email:	
New Responsible Person Public Liability Insurance <small>(please note a copy of the certificate of currency for public liability insurance must be provided)</small>		
Name of insurer:	Expiry date:	
Is the policy limit for a minimum of \$20 million dollars:		
<input type="checkbox"/> Yes <input type="checkbox"/> No – please arrange for policy limit to be increased before submitting to Council.		
Is Rockhampton Regional Council noted as an interested party:		
<input type="checkbox"/> Yes <input type="checkbox"/> No – please arrange for Council to be noted as an interested party before submitting to Council.		
Supporting Documentation		
Please remember to provide the following supporting documentation when submitting this form:		
<input type="checkbox"/> Certificate of Cover for Public Liability insurance to the minimum value of \$20 million dollars and noting Rockhampton Regional Council as an interested party – ensure the name on the insurance policy is the same name as the new responsible person's name on this cancellation or transfer form (if applicable).		

OFFICE USE ONLY	Date:	CSO:	Information Checked: Y / N
	Receipt No:	License No:	
	Coordinates:		

Declaration and Indemnity

Where this Application relates to an application to transfer please note the following:

In consideration of Council granting the approval of this Application, the proposed New Responsible Person;

1. Shall, at all times, hold harmless and keep indemnified the Rockhampton Regional Council and its officers, employees, members, agents and contractors ("Indemnified parties") from and against all actions, suits, proceedings, claims, demands, losses, costs, charges and expenses ("Claim") arising out of or in any way connected with the gate and grid the subject to the approval referenced in this Application, (in all circumstances whether directly or indirectly), including:
 - (a) any personal injury, illness, death to any person or damage to any property;
 - (b) any breach, non-observance or non-fulfilment of any condition of the approval;
 - (c) any act, matter, negligence or thing done or omitted to be done by the Applicant or its employees, agents or contractors.
2. Accepts that by proceeding with the activity, they will be taken to have agreed to the Standard and Non-Standard Conditions of Approval, if applicable.
3. Accepts that Council may impose additional non-standard conditions of approval which will be noted on the information notice issued at the time approval of the Application is granted.

I/we submit this form with the relevant supporting documentation as required. I/we declare that the contents of this form are true and correct to the best of my/our knowledge.

Responsible Person to be Cancelled

Name: _____ Signature: _____ Date: _____

New Responsible Person

Name: _____ Signature: _____ Date: _____

Standard Conditions of 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 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 million dollars 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. undertake compliance inspections of the structure as and when required by the local government; and
 - xiii. if the approval relates to a gate—undertake self-assessments as and when required by the local government.

GATES & GRIDS

About Gates and Grids

In some circumstances, a gate, or a gate and grid may be required for genuine primary production purposes where other methods of controlling livestock, such as fencing is impractical. Council's Gates and Grids Policy ensures 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.

Obligations of the Responsible Person

As the Responsible Person for a gate or gate and grid, you have a number of obligations, these are outlined in full as conditions in your Decision Notice. These include but are not limited to the following:

- Maintaining public liability insurance and providing this to Council when requested.
- Ensuring compliance with all conditions of the approval.
- Ensuring appropriate drainage for your gate or gate and grid.
- Ensuring sufficient maintenance of your gate or gate and grid and associated signage requirements.

- Maintaining your approval by renewing at the appropriate times.
- Additional requirements during the application and construction phase.

How to Lodge an Application

To lodge an application for a new Gates and Grids Approval you will need to submit the following:

- A completed Application Form;
- The Application Fee;
- Certificate of Currency for Public Liability Insurance;
- A location plan showing the location of the proposed structure – this must include the distance in km from the closest intersecting road;
- A design of the proposed structure/s;
- Registered Professional Engineer of Queensland (RPEQ) certification for the grid *where not a pre-cast 'heavy duty' Aprilla Grid (or approved equivalent); and*
- *Engineered design of gate where not a gate as per 6.0m gate detail – CMDG standard drawing-G-019.*

Fees and Charges

Please see Council's Fees and Charges schedule for current fees. There is a fee for the application of a new gate or gate and grid and also a renewal fee for the continued renewal of your existing approval.



The Application Process

Once your application is received, Council will ensure all information is received before issuing you with a Properly Made Letter. This letter will provide you with your application number and will confirm that you can commence public notification.

Council will assess your application and will contact you within 10 business days of your Properly Made Letter if anything further is required to decide your application.

Once all information is received and the public notification stage is complete, Council will decide your application within 10 business days.

Public Notification

When a new gate or gate and grid is proposed across a road, the application must go through public notification to allow other affected residents and road users an opportunity to make comment on the proposal. Any submission received during this period will be considered by Council when deciding your application.

Please see the Gates and Grids Public Notification Guide for further details.

Renewal Process

As the Responsible Person of a Gates and Grids Approval, you will receive a renewal notice before your approval expires.

You are required to submit the following before your permit expires to avoid enforcement action for a non-compliant gate or grid:

- A completed Approval Renewal Form;
- The approval renewal fee; and
- An updated Certificate of Currency for Public Liability Insurance;

Once the above documents are received, you may be issued with a new Gates and Grids Approval for a new term.

Cancelling or Transferring to a New Owner

If the Responsible Person sells their property and no longer requires the gate or gate and grid, they must notify Council on the approved Cancellation or Transfer Form. This form can also be used to transfer the approval to the new owner who will become the new Responsible Person. If transferring to a new Responsible Person, the new Responsible Person must provide a copy of their Certificate of Currency for Public Liability Insurance.

A new approval will be issued identifying the new Responsible Person and the original term of approval will remain.

There is no fee for this transfer and there is no refund for any cancellation.



GATES & GRIDS

PUBLIC NOTIFICATION GUIDE

When a new gate or gate and grid is proposed across a Council controlled road, the application must go through public notification to allow other residents and road users an opportunity to make comment on the proposal. Any submission received during this period will be considered by Council when deciding your application.

When Public Notification Starts

Shortly after lodging your application, you will receive a Properly Made Letter. This letter will confirm that you can commence public notification of your application.

You must commence public notification within 10 business days of receiving your Properly Made Letter.

Notification Period

The period of public notification is 15 business days from the day after the notice is installed and must be maintained for this period.

How to Undertake Public Notification

To carry out public notification you must install a notice at the proposed location of the gate or gate and grid in the following manner:

- Placed at the side of the road at the proposed location of the gate or gate and grid (preferably on an existing fence);
- Clearly visible from the road;
- A minimum of 1m from the carriageway;
- Mounted at least 1m above ground level;
- Made of weatherproof material;
- At least A0 size; and
- In the approved format (overleaf).

Notices can also be purchased from Council.

Proposed Gate [and Grid]

Make a submission from [insert date] to [insert date]

Application No: [insert application number]

Make a Submission to:

Rockhampton Regional Council
Development Engineering
PO Box 1860
ROCKHAMPTON QLD 4700
enquiries@rrc.qld.gov.au

Information and Enquiries:

Development Engineering
1300 22 55 77
www.rockhamptonregion.qld.gov.au
enquiries@rrc.qld.gov.au

After the Notification Period

After the notification period, the responsible person (Applicant) must within 10 business days of the end of the period, give Council written notice that they have complied with the public notification requirements including photographic evidence of the properly installed notice. Failure to do this, may result in a lapsed application.

How to Make a Submission

A submission must:

- be made in writing and may object or support the application;
- be received during the notification period;
- state the name and residential address of the submitter; and
- state the grounds for the submission, including facts and circumstances relied on for the grounds.

As a Submitter, you will receive notification of the decision.

