

[Date]

[Title/Recipient]

[Organisation]

[Address]

[SUBURB] [STATE] [POSTCODE]

Dear [Recipient]

APPROVAL NO. [SYSTEM GENERATED]

GATE OR GRID APPROVAL UNDER SUBORDINATE LOCAL LAW NO. 1.16 (GATES AND GRIDS) 2023 TRANSITIONAL PROVISIONS¹ – ‘BEING A RESPONSIBLE PERSON FOR A GATE OR GRID INSTALLED ACROSS A ROAD’

Under the provisions of Council’s *Subordinate Local Law No. 1.16 (Gates and Grids) 2023*, Council hereby provides approval for a gate, or a grid (with accompanying gate), installed across a formed maintained road, the details of which are contained in Schedule 1 below, subject to the conditions contained in Schedule 2 and Schedule 3.

SCHEDULE 1 – APPROVAL HOLDER, STRUCTURE AND LOCATION [Data to be taken from Pathway]

Structure Type	
Approved Structure	
Approval Holder	
Surname	
Given Name/s	
Company Name (if applicable)	
Postal Address	
Residential Address	
Email	
Telephone Number/s	
Mobile Phone Number/s	
Approved Location	
Road Name	
Locality	
Chainage	
Longitude	
Latitude	
Council Asset Number	
Term of the Approval	
Approval Term	Commences from the date of this letter until Council determines that the structure must be removed for a reason under Schedule 2(h)

¹ Applications under the transitional provisions are only available for gates and grids installed prior to 16 May 2023 and applications may be lodged up to 31 December 2024.

SCHEDULE 2 – STANDARD CONDITIONS OF APPROVAL

Definitions that apply in this schedule:

1. **formed, maintained road** means that part of a Maintained Road which is constructed/formed for traffic to drive on (ie. the bitumen or gravel road pavement)
2. **maintained road** means a Road or parts of a Road that are included in Council's regular Road Maintenance Program
3. **accompanying gate** means the gate installed in the fence adjoining a grid to facilitate the movement of stock, machinery or traffic around a grid in a Formed Maintained Road

The approval holder must, at their own cost:

- (a) Maintain and repair as required, the grid and/or gate in a structurally sound, safe, trafficable and fit for purpose condition which will not 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) nuisance; or
 - (iv) unreasonable obstruction of vehicular or pedestrian traffic; or
 - (v) unreasonable prejudice to the proper maintenance of a road; or
 - (vi) environmental harm; or
 - (vii) environmental nuisance.
- (b) Install and maintain permanent signage on and around the approved gate or grid in accordance with the Capricorn Municipal Development Guidelines Standard Drawings being:
 - (i) For Grids: Standard Drawing CMDG-G-020; and
 - (ii) For Gates across the formed maintained road (excludes accompanying gate to a grid), Standard Drawing CMDG-G-019.
- (c) When carrying out work on the approved gate or grid, to warn motorists of the work, the approval holder must ensure that temporary advance warning roadworks signs are erected adjacent to the formed maintained road, for the duration of the works and removed once work is completed. This temporary advance roadworks signs must comply with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices – [Part 3: Traffic control for works on roads](#).
- (d) Ensure that all approved grids in a formed maintained road have an accompanying gate adjacent to the grid, with a minimum wide of 3.6 metres which is accessible from the formed road in both directions via a side-track that can be safely used by 2-wheel drive vehicles in all weather conditions. The side-track and accompanying gate are to be maintained by the approval holder. The accompanying gate for the grid must remain unlocked to ensure that it can be used in emergency situations or when other circumstances warrant the grid being bypassed.
- (e) For the duration of this approval, maintain in full force and effect broadform public liability insurance for the gate or grid, indemnifying a person who may suffer personal injury (including death or illness) or property loss or damage due to or relating to the undertaking of the prescribed activity (being responsible for a gate or grid in a road), or the use of the area on which the prescribed activity is being undertaken, by the responsible person and persons acting

through the responsible person. The policy must hold cover with a minimum amount of \$20 million for a single event, on a 'claim occurring' basis so that any claim made by the responsible person, under the policy after expiration of the period of the policy cover but relating to an event occurring during the currency of the policy, will be covered by the policy, subject to the claim meeting the policy's other terms and conditions. The insurance must be from an insurer licensed under the *Insurance Act 1973 (Cwlth)* to conduct general insurance business. The policy must be endorsed with Gladstone Regional Council having an interest in the property in accordance with the *Insurance Contracts Act 1984 (Cwlth)*. The approval holder must provide a copy of the insurance policy to Gladstone Regional Council if requested to do so.

- (f) Acknowledges that in obtaining this approval the approval holder hereby indemnifies Gladstone Regional Council against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, Gladstone Regional Council as a result of the undertaking of the prescribed activity (being responsible for a gate or grid in a road).
- (g) Clear and maintain vegetation in and around the grid and/or gate to ensure motorists have clear visibility of the structure in the formed maintained road.
- (h) Co-operate with Gladstone Regional Council with the removal of an approved gate or grid if the gate or grid structure—
 - (i) is not effective for its intended purpose; or
 - (ii) is causing a nuisance, or poses a risk of a nuisance; or
 - (iii) constitutes an actual, or potential safety hazard; or
 - (iv) it has been deemed by Council to be at the end of its useful life; or
 - (v) there is a change to the classification or alignment of the road on which the gate or the grid is installed; or
 - (vi) there has been a demonstrated change in road usage patterns on the road on which the gate or the grid is installed; or
 - (vii) the original purpose for which the gate or the grid was installed no longer exists (road is no longer unfenced).
- (i) Maintain adequate drainage for the approved gate or grid to ensure that no damming or ponding of storm water runoff occurs on or adjacent to the formed maintained road.
- (j) Undertake at a minimum an annual inspection of the approved gate or grid to ensure that it continues to meet these approval conditions. Council recommends that inspection records be kept should they be required in the event of a third party claim for compensation.
- (i) If requested to do so by Gladstone Regional Council conduct any safety or compliance inspections using the forms/guidelines required by Council and submit within a time frame prescribed—
 - (ii) a report about each safety and compliance inspection; and
 - (iii) supporting photographs; and
 - (iv) if requested, documentary evidence that public liability insurance, as specified in this approval has been taken out and maintained by the approval holder; and

- (v) if required, a site specific report about the structural integrity of the gate or the grid by an appropriate qualified person as nominated by Council.
- (k) If the approval holder's land transfers to another owner, give written notice of the transfer to Gladstone Regional Council within 14 days of completion of the transfer to ensure that the gate or grid approval is also transferred.
- (l) If this approval relates to a gate only across the formed maintained road, the approval holder must ensure that:
 - (i) the gate is not locked to prevent public access; and
 - (ii) the road past the gate is open to, and may be used by, the public, and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.

SCHEDULE 3 – SITE SPECIFIC CONDITIONS OF APPROVAL

The approval holder must, at their own cost:

I. Insert any special conditions to apply to the gate or grid at this location otherwise, insert nil.

II. Insert any special conditions to apply to the gate or grid at this location otherwise, insert nil.

FURTHER INFORMATION AND ENQUIRIES

If you have any questions regarding this approval, please do not hesitate to contact Council's **Roads Program Delivery Team**.

Yours faithfully

OFFICER NAME
TITLE