

Local Law Policy
Local Law No. 3 (Gates and Grids)

CLONCURRY SHIRE COUNCIL

Local Law Policy No. 3 (Gates and Grids)

This Local Law Policy is to be read with Local Law No. 3 (Gates and Grids).

Made by Council resolution on 28/05/96.

Citation

1. This local law policy may be cited as Local Law Policy No. 3 (Gates and Grids).

Objects

2. The objects of this local law policy are to provide detailed information called upon by Local Law No 3 (Gates and Grids) to regulate the installation of gates and grids across public roads to ensure that they do not interfere with—

- (a) the safe movement of pedestrians and vehicles; or
- (b) the proper maintenance of the public road.

Definitions

3. All definitions shall be described in the Local Government Act 1993 and Local Law No.3 (Gates and Grids)

- “fence” means a structure designed to prevent the straying of animals;
- “gate” means a structure designed to swing on hinges to permit the movement of pedestrian, vehicular traffic and animals along a road when opened;
- “grid” means a structure designed to permit the movement of pedestrian or vehicular traffic along a road but to prevent the passage of livestock;
- “structure” means any gate, grid or fence or combination of the three as defined in this section;
- “Council” means Cloncurry Shire Council.

Application, Transfer and Cancellation of Licenses

4. All applications, transfers and cancellations of licences applied for and issued are to be on the approved form in accordance with section 4 of the Cloncurry Shire Council Local Law No. 1 (Administration).

Application for licence in special circumstances

5.1 In the case where a person has made application to the Council to erect a structure or structures across a road which separates the land of the applicant from the land held by other owners and the land of such other owners along the frontage of such road is already fenced, the applicant shall forward with the application a written agreement of such other owners with respect to the use of any such fence or fences of other such owners as part of the enclosure of the applicant's land.

- (i) If such other owners default in making such agreement with such applicant; or,
- (ii) In case where such other owners have refused to apply to the Land Government under the provisions of section 323 of the Land Act 1962, for a determination by the Government for a judgement in the sum of money in respect of the benefit to such applicant of the fence or fences concerned; or
- (iii) In case where such other owners shall acquiesce in the making of an agreement with the applicant only on such terms as shall appear to the Council unreasonable and inequitable;

the Council may in its discretion grant to the applicant a licence to erect such fence or fences across the road concerned in accordance with the application subject to any special terms, conditions, stipulation, and provisions as the Council may deem fit and proper to impose.

5.2 When any such licence has been granted, such licensee is hereby empowered to erect such fence or fences across the road concerned, notwithstanding that such fence or fences may encroach upon the land of such other owners, and neither the licensee nor the Council shall incur any liability for trespass in respect of the entry on and remaining on the land for the purpose of carrying out the work necessary for the erection or maintenance of such fence or fences concerned.

Public Liability Insurance

6. For the purpose of section 11 of the Local Law, the public liability insurance to be taken out and maintained by a person who has an approval under this local law is required to ensure the extent of cover is a minimum of \$5 million and at the time of seeking approval or renewal of a licence provide details requested in the application form of the public liability insurance cover currently held.

Existing Structures

7.1 Prior to 1st January 1997, owners of all existing structures located on Council maintained roads shall be required to apply for a licence.

7.2 Licences shall be granted for existing structures on the condition that they are upgraded to comply with Council's specifications by no later than 30th June, 2005.

7.3 If the Council causes a section of road which contains a gate or grid to be re-aligned, then the Council shall bear the cost of relocating such gate or grid onto the new road alignment.

7.4 Any structure located on any Council maintained road, and for which a licence from the Council has not been obtained, constitutes an illegal structure and, as such, must be removed no later than 30th June, 1997 or sooner if determined by the Shire Engineer.

Duration of Licences

8. Licences granted pursuant to this subsection continue in force until cancelled by the Council:

- (i) on the application of the licensee; or
- (ii) at any time after giving three months notice to the licensee.

Objection to continuance of a Licence

9. A person may with respect to a licence, lodge with the Council a written statement of the persons objections to the continuance of the licence and of the grounds thereof, and shall send a copy of such statement to the holder of the licence, and the Council shall consider the objections and hear such evidence on the subject as appears necessary, and may at it's discretion, having regard to public convenience, cancel the licence.

Conditions which will always be imposed on a Licence

10.1 Construction/purchase of all grids will meet the specification required by the Department of Transport or as specified hereunder:

<u>Road Designation</u>	<u>Minimum Grid Size</u>	<u>Minimum Standard</u>
All roads	3.6 x 2.1 m	Rocla or equivalent or Q.T. Standard Dwg. 1171

The Council will determine the required size of grids giving consideration to the road conditions and expected usage and traffic flows on the road.

10.2 Signage on all grids/gates will be as specified within the Department of Transport's Roadworks Signage Guide. Grid signage must consist of markers (D4-3L and R) and grid signs W5-16.

10.3 Gates on all Council maintained roads shall not be locked.

10.4 The licensee shall supply and install the grid, signage and all necessary roadworks to the approached, all in accordance with Council requirements.

10.5 Every gate erected in pursuance to any licence shall be painted in a uniform colour, and shall have the words "licensed public gate" painted in letters 100mm high on some conspicuous part.

10.6 The holder of a licence shall keep the gate and grid in good and sufficient repair.

10.7 If the licensee neglects to keep the gate and grid in good and sufficient repair, the Council may cancel the licence.

Conditions which will ordinarily be imposed on a Licence

11. The Council may require the erection of a grid in addition to a gate, and may impose in any licence so issued such special conditions with regard to the description of the grid.

General

12. Cloncurry Shire landholders may purchase grid/gate signage from Council at cost for the purpose of delineating a grid on a Council/Private road within the Shire.

13. No claim shall be made and no action or proceeding shall lie against the Council in respect of injury or damage to any person or property arising out of any act or omission by any person to whom a licence has been granted by the Council, which act or omission is in relation to the structure.