

Gladstone Regional Council

Subordinate Local Law No. 1.16 (Gates and Grids) 2023

Contents

- Part 1 Preliminary..... 2**
 - 1 Short title2
 - 2 Purpose and how it is to be achieved2
 - 3 Authorising local law.....2
 - 4 Definitions.....2

- Part 2 Approval for prescribed activity..... 2**
 - 5 Matters regarding the prescribed activity—Authorising local law, sections 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a).....2
 - 6 Approvals that are non-transferable—Authorising local law, section 15(2)3

- Schedule 1 Gates and grids 4**

- Schedule 2 Categories of approval that are non- transferable 17**

- Schedule 3 Dictionary..... 18**

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.16 (Gates and Grids) 2023*.

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, sections 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, section 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.

7 Transitional provision

Section 5(4) does not apply to a gate or a grid, or a gate and a grid (individually and collectively referred to as **road infrastructure**) if—

- (a) the road infrastructure was installed on a road on the commencement of this subordinate local law; and
- (b) each responsible person for the road infrastructure applies for an approval in respect of the undertaking of the prescribed activity on the road on or before 31 December 2024.

Schedule 1 Gates and grids

Section 5

1. Prescribed activity

- (1) Installing a gate or a grid, or a gate and a grid, across a road.
- (2) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road¹.

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

- (1) A current approval granted by the local government is not required in respect of the undertaking of the prescribed activity if the undertaking of the prescribed activity complies with the requirements specified in subsection (2) or subsection (3).
- (2) A current approval is not required if—
 - (a) for a gate or a grid, or a gate and a grid, each responsible person for the gate or the grid, or the gate and the grid, has, before or after the commencement of this subordinate local law, entered into a written agreement with the local government; and
 - (b) the agreement has not been terminated by any party to the agreement; and
 - (c) the agreement specifies the rights and obligations of the parties in relation to the undertaking of the prescribed activity; and
 - (d) for the gate or the grid, or the gate and the grid, the agreement states that a current approval granted by the local government is not required in respect of the undertaking of the prescribed activity.
- (3) Also, a current approval is not required for a gate or a grid, or a gate and a grid (individually and collectively referred to as **road infrastructure**) if—
 - (a) the road infrastructure is situated on an unmaintained road; and
 - (b) at each place where the unmaintained road connects with a maintained road—signage is installed stating “End of Council maintained road. Continue at your own risk.”; and
 - (c) the responsible person for the road infrastructure ensures that temporary road signage that complies with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices is placed on each side of the road infrastructure during construction, maintenance or repair of the road infrastructure; and
 - (d) the responsible person for the road infrastructure, for the duration of the time when the prescribed activity is being undertaken, maintains in full force and effect a broadform public liability insurance policy—
 - (i) indemnifying a person who may suffer personal injury (including

¹ See Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011, schedule 2, item 2(c) and (d).

- death or illness) or property loss or damage due to or relating to the undertaking of the prescribed activity, 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; and
- (ii) for 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; and
 - (iii) from an insurer licensed under the *Insurance Act 1973 (Cwlth)* to conduct general insurance business; and
 - (iv) with the local government endorsed on the policy as a person with an interest in the property in accordance with the *Insurance Contracts Act 1984 (Cwlth)*; and
- (e) the responsible person provides the local government with a certificate of currency for the public liability insurance policy not less than 14 days after the receipt of a written request from the local government; and
 - (f) the responsible person indemnifies the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government as a result of the undertaking of the prescribed activity; and
 - (g) the responsible person maintains the road infrastructure in good condition and repair—
 - (i) so that vehicular and pedestrian traffic is not impeded or obstructed; and
 - (ii) to prevent or minimise the risk of personal injury or damage to property; and
 - (h) the responsible person undertakes the removal of the road infrastructure if—
 - (i) the road infrastructure—
 - (A) is not effective for its intended purpose; or
 - (B) is causing a nuisance, or poses a risk of a nuisance; or
 - (C) constitutes an actual, or potential safety hazard; or
 - (ii) the section of the road on which the road infrastructure is installed is accepted, or included, on the local government's regular road maintenance program and the road infrastructure does not comply with the standard plans and specifications of the local government; and
 - (i) the responsible person undertakes the removal of the road infrastructure if the removal of the road infrastructure is necessary as a consequence of—

- (i) a change to the classification or alignment of the road on which the road infrastructure is installed; or
- (ii) a demonstrated change in road usage patterns on the road on which the road infrastructure is installed; or
- (iii) the original purpose for which the road infrastructure was installed no longer existing.

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

- (1) If a gate or a grid, or a gate and a grid, are installed across a road, or are proposed to be 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 gate and grid; and
 - (c) particulars of all warning or similar signage proposed to be erected, or that has been erected, by the applicant; and
 - (d) particulars of—
 - (i) the stock kept by the applicant on the land adjoining the road on which the prescribed activity is, or is proposed to be, undertaken; and
 - (ii) alternative options which have been investigated by the applicant to contain the stock on the land; and
 - (e) any other factors or issues that the applicant or the local government considers relevant to the application.
- (2) If the gate or grid, or the gate and the grid, are proposed to be installed across a road—details of the time when the prescribed activity will be undertaken.
- (3) The proposed term of the approval.
- (4) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (5) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (6) If requested by the local government, a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a broadform public liability insurance policy—
 - (a) 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, 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; and
 - (b) for 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; and

- (c) from an insurer licensed under the *Insurance Act 1973 (Cwlth)* to conduct general insurance business; and
 - (d) with the local government endorsed on the policy as a person with an interest in the property in accordance with the *Insurance Contracts Act 1984 (Cwlth)*.
- (7) If the local government has prepared a checklist in respect of the undertaking of the prescribed activity—a completed checklist in respect of the undertaking of the prescribed activity.
- (8) If the application relates to a gate or a grid, or a gate and a grid, installed across a road and—
- (a) the design of the gate or the grid, or the gate and the grid, does not comply with the standard plans and specifications of the local government; and
 - (b) the application is not accompanied by a current RPEQ certification for the gate or the grid, or the gate and the grid,
- a site specific report about the structural integrity of the gate or the grid, or the gate and the grid, and RPEQ certification for the gate or the grid, or the gate and the grid.
- (9) If the local government considers that alternate, or higher, standards than the standard plans and specifications of the local government for the undertaking of the prescribed activity are warranted—RPEQ certification in respect of each structure in respect of which the alternate, or higher, standards will apply.
- (10) A detailed traffic control management plan which relates to the installation and ongoing maintenance of the gate or the grid, or the gate and the grid, prepared by a suitably qualified and competent person.

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) 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; or
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.
- (2) The undertaking of the prescribed activity must—
- (a) allow current road usage to continue; and
 - (b) ensure that future traffic requirements of the road are not impeded.
- (3) The undertaking of the prescribed activity on the road must be appropriate having regard to—
- (a) the classification of the road; and
 - (b) the level and type of traffic which use the road, both currently, and as projected during the likely useful life of the gate or the grid, or the gate and the grid.
- (4) An application to install a gate only across a maintained road will generally only be considered if—
- (a) the maintained road is not a through road; and
 - (b) the maintained road, past the point at which the gate is proposed to be installed, only provides access to the land of the applicant; and
 - (c) the gate will not be locked to prevent public access; and
 - (d) the road, past the point at which the gate is proposed to be installed, will be open to, and capable of use by, the public and will be developed for, or have as 1 of its main uses, the driving or riding of motor vehicles.
- (5) If a grid is to be installed—
- (a) the grid must meet load bearing capacity and technical requirements for material and signage in accordance with the standard plans and specifications of the local government; and
 - (b) the grid must be installed in conjunction with a gate and a side track having a minimum width as nominated in the standard plans and specifications of the local government; and
 - (c) the side track must be constructed to a standard that is negotiable by 2 wheel drive vehicles in all weather.
- (6) If a grid is installed —
- (a) and the grid does not meet the requirements of subsection (5)(a), the applicant must satisfy the local government, by the production of RPEQ certification, that the grid meets load bearing capacity and other requirements of the standard plans and specifications of the local government; and

- (b) the installation of the grid incorporates, or includes, the installation of an associated gate and side track having a minimum width as nominated in the standard plans and specifications of the local government ; and
 - (c) the side track must be constructed to a standard that is negotiable by 2 wheel drive vehicles in all weather.
- (7) The local government may—
- (a) require the publication of an advertisement in a local newspaper circulating in the local government area—
 - (i) about the undertaking of the prescribed activity by the applicant; and
 - (ii) giving interested persons 14 days to lodge a submission in writing; and
 - (b) when deciding whether to grant an approval for the applicant to undertake the prescribed activity, consider, and have regard to, the content of each written submission about the undertaking of the prescribed activity which is properly made to the local government in response to the publication of the advertisement in the local newspaper.

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 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 grid; 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 grid, or the gate and the grid, must be carried out; and
 - (c) specify standards with which the installation of the gate or the grid, 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 a broadform public liability insurance policy as specified in section 3(6) and, if requested by the local government, produce documentary evidence of the insurance to the local government; and
- (iii) give the local government specified indemnities; and
- (iv) construct the gate or the grid, or the gate and the grid, in accordance with the standard plans and specifications of the local government 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 grid, or the gate and the grid, (including the destruction of plants and vegetation); and
- (vii) remove, or cooperate with the local government in relation to the removal of, a gate, grid or structure erected or installed, under the approval, at the end of a stated period; and
- (viii) remove, or cooperate with the local government in relation to the removal of, 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 a nuisance, or poses a risk of a nuisance; or
 - (C) constitutes an actual, or potential safety hazard; and
- (ix) if the approval relates to the installation of a grid—also erect, or install—
 - (A) a gate at the location of the grid having a minimum width as nominated in the standard plans and specifications of the local government; and
 - (B) a side track that is negotiable by 2 wheel drive vehicles in all weather; and
- (x) maintain the road, for a distance of 5m on each side of the gate or the grid, 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 grid, 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) keep the gate securely closed whenever the gate is not in immediate use; and
- (e) require the approval holder to remove, or cooperate with the local government in relation to the removal of, the gate or the grid, or the gate and the grid, if the removal is necessary as a consequence of—
 - (i) a change to the classification or alignment of the road on which the gate or the grid, or the gate and the grid, is installed; or
 - (ii) a demonstrated change in road usage patterns on the road on which the gate or the grid, or the gate and the grid, is installed; or
 - (iii) the original purpose for which the gate or the grid, or the gate and the grid, was installed no longer existing; and
- (f) require the approval holder to construct drainage in association with the installation of the gate or the grid, or the gate and the grid, to ensure that no damming or ponding of storm water runoff occurs on the road, or within the area at which the prescribed activity is undertaken, including adjoining premises and the approaches to the place at which the prescribed activity is undertaken; and
- (g) require the approval holder to undertake the installation of specific temporary and permanent signage during the undertaking of construction and maintenance activities associated with the undertaking of the prescribed activity in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices; and
- (h) require the approval holder to—
 - (i) undertake an annual compliance inspection of the gate or the grid, or the gate and the grid; and
 - (ii) after undertaking the annual compliance inspection—submit to the local government, within a time frame prescribed by the local government—
 - (A) a report about the annual compliance inspection; and
 - (B) supporting photographs; and
 - (C) if requested by the local government, documentary evidence that public liability insurance, as specified by the local government in the approval, has been taken out and maintained by the approval holder; and
- (i) require the approval holder to ensure that the gate or the grid, or the gate

and the grid, and the area of road reserve for a distance of 25m either side of the gate or the grid, or the gate and the grid, is kept free of pest plants, debris and extraneous items, for example, a fallen tree limb or a tyre; and

- (j) if the approval holder is the responsible person for a gate or a grid, or a gate and a grid, identified in the approval, and the approval holder transfers any land of the approval holder in the proximity of the gate or the grid, or the gate and the grid—require the approval holder to give written notice of the transfer to the local government within 14 days of completion of the transfer; and
 - (k) require the approval holder to implement traffic control measures during the construction and maintenance of the gate or the grid, or the gate and the grid, which comply with applicable requirements of the Manual of Uniform Traffic Control Devices; and
 - (l) require the approval holder to carry out regular inspections of the gate or the grid, or the gate and the grid, to ensure that each structure identified in the approval complies with the structural requirements specified in the approval, having regard to the prevailing condition and age of the structure; and
 - (m) if the removal of a gate or a grid, or a gate and a grid, is required under subsection (2)(d)(vii) or (viii), or subsection 2(e), permit the approval holder to apply to the local government, under the authorising local law, for an approval to undertake the prescribed activity; and
 - (n) if the approval relates to the installation of a gate only across a maintained road—require the approval holder to 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; and
 - (o) require that, if the approval relates to the installation of a gate and a grid—
 - (i) the works associated with the installation of the grid are to be undertaken by the approval holder, or a contractor of the approval holder, at the expense of the approval holder; and
 - (ii) the works associated with the installation of the gate are to be undertaken by the approval holder, or a contractor of the approval holder, at the expense of the approval holder; and
 - (p) require that, if the approval relates to the installation of a gate only — the works associated with the installation of the gate are to be undertaken by the approval holder, or a contractor of the approval holder, at the expense of the approval holder.
- (3) If the approval relates to being a responsible person for a gate or a grid, 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 a broadform public liability insurance policy as specified in section 3(6) and, if requested by the local government, produce documentary evidence of the insurance to the local government; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain any gate across a formed maintained road in accordance with—
 - (A) the standard plans and specifications of the local government; or
 - (B) other plans and specifications which are approved by the local government in writing; and
 - (v) maintain the grid, in accordance with—
 - (A) the standard plans and specifications of the local government; or
 - (B) other RPEQ approved plans and specifications which are approved by the local government in writing; and
 - (vi) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (vii) clear and maintain the road in the vicinity of the gate or the grid, or the gate and the grid (including the destruction of plants and vegetation); and
 - (viii) remove, or cooperate with the local government in relation to the removal of, a gate, grid or structure identified in the approval, at the end of a stated period; and
 - (ix) remove, or cooperate with the local government in relation to the removal of, 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 a nuisance, or poses a risk of a nuisance; or
 - (C) constitutes an actual, or potential safety hazard; and
 - (x) if the approval relates to a grid—also install or erect at the location —
 - (A) a gate having a minimum width as nominated in the

-
- standard plans and specifications of the local government;
and
 - (B) a side track that is negotiable by 2 wheel drive vehicles in all weather; and
 - (xi) maintain the road, for a distance of 5m on each side of the gate or the grid, 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
 - (xii) exhibit specified signage warning about the conduct of the prescribed activity on the road; and
 - (xiii) keep the gate securely closed whenever the gate is not in immediate use; and
 - (c) require the approval holder to remove, or cooperate with the local government in relation to the removal of, the gate or the grid, or the gate and the grid, if the removal is necessary as a consequence of—
 - (i) a change to the classification or alignment of the road on which the gate or the grid, or the gate and the grid, is installed; or
 - (ii) a demonstrated change in road usage patterns on the road on which the gate or the grid, or the gate and the grid, is installed; or
 - (iii) the original purpose for which the gate or the grid, or the gate and the grid, was installed, no longer existing; and
 - (d) require the approval holder to construct drainage in association with the ongoing maintenance of the gate or the grid, or the gate and the grid, to ensure that no damming or ponding of storm water runoff occurs on the road, or within the area at which the prescribed activity is undertaken, including adjoining premises and the approaches to the place at which the prescribed activity is undertaken; and
 - (e) require the approval holder to undertake the installation of specific temporary and permanent signage during the undertaking of construction and maintenance activities associated with the undertaking of the prescribed activity in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices; and
 - (f) require the approval holder to—
 - (i) undertake an annual compliance inspection of the gate or the grid, or the gate and the grid; and
 - (ii) after undertaking the annual compliance inspection—submit to the local government, within a time frame prescribed by the local government—

- (A) a report about the annual compliance inspection; and
 - (B) supporting photographs; and
 - (C) if requested by the local government, documentary evidence that public liability insurance, as specified by the local government in the approval, has been taken out and maintained by the approval holder; and
 - (D) a site specific report about the structural integrity of the gate or the grid, or the gate and the grid, and RPEQ certification for the gate or the grid, or the gate and the grid; and
- (g) require the approval holder to ensure that the gate or the grid, or the gate and the grid, and the area of road reserve for a distance of 25m either side of the gate or the grid, or the gate and the grid, is kept free of pest plants, debris and extraneous items, for example, a fallen tree limb or a tyre; and
 - (h) if the approval holder is the responsible person for a gate or a grid, or a gate and a grid, identified in the approval, and the approval holder transfers any land of the approval holder in the proximity of the gate or the grid, or the gate and the grid—require the approval holder to give written notice of the transfer to the local government within 14 days of completion of the transfer; and
 - (i) require the approval holder to implement traffic control measures during the undertaking of construction and maintenance activities at the gate or the grid, or the gate and the grid, which comply with applicable requirements of the Manual of Uniform Traffic Control Devices; and
 - (j) require the approval holder to carry out regular inspections of the gate or the grid, or the gate and the grid, to ensure that each structure identified in the approval complies with the structural requirements specified in the approval, having regard to the prevailing condition and age of the structure; and
 - (k) if the removal of a gate or a grid, or a gate and a grid, is required under subsection (3)(b)(viii) or (ix), or subsection (3)(c), permit the approval holder to apply to the local government, under the authorising local law, for an approval to undertake the prescribed activity; and
 - (l) if the approval relates to the installation of a gate only across a maintained road—require the approval holder to 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.

7. Term of an approval

- (1) The term of an approval—

- (a) must be assessed having regard to the information submitted by the applicant; but
 - (b) must not exceed 12 months.
- (2) The term of the approval must be specified in the approval.
- (3) In any event, the approval comes to an end on the earlier of—
- (a) the date on which the approval ends; and
 - (b) the date the approval is cancelled; and
 - (c) unless the approval has been transferred, the date the approval holder is no longer the responsible person for the prescribed activity.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended—
- (a) must be assessed having regard to the information submitted by the approval holder; but
 - (b) must not exceed 12 months.
- (2) The term of the renewal or extension must be specified in the written notice.

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 7

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

Schedule 3 Dictionary

Section 5

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 moveable barrier, usually hinged or sliding, which is used to close an opening in a wall, fence or hedge and is designed to allow passage into, or out of, a place whether enclosed or not.

grid has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

maintained road means a road, including any part of a road, that is maintained by the local government under the local government's regular road maintenance program, which commits the local government to providing a level of service for the road, or any part of the road.

responsible person has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

road—

- (a) has the meaning given in the authorising local law; and
- (b) includes—
 - (i) an area of land that—
 - (A) is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; and
 - (B) is open to, or used by, the public; and
 - (ii) a footpath or bicycle path.

RPEQ means Registered Professional Engineer of Queensland.

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

unmaintained road means all roads (excluding State-controlled roads) which are not maintained by the local government under the local government's regular road maintenance program.

useful life, of an asset comprising a gate or a grid, means an estimate of the average number of years that the asset is considered useable before the cost to maintain the asset exceeds the cost to replace the asset, as determined by the local government in its sole discretion.