



Attachment 9

Legal Environmental and Policy Implications

The *Transport Infrastructure Act 1994* and *Transport Operations (Road Use Management) Act 1995* impose a statutory duty on Council to construct, maintain and operate public roads to promote the safe transport of persons and goods. The *Local Government Act 2009* grants Council control of all roads (excluding main roads) in the local government area. Gates and grids fall within the definition of ancillary works on roads within this legislation.

The following Council Local Laws provide the framework for the further regulation of gates and grids on our local road network:

- *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;*
- *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;*
- *Local Law No. 1 (Administration) 2011;*
- *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011; and*
- *Subordinate Local Law No. 1.16 (Gates and Grids) 2011.*

Council's Policy P-2015/27 provides additional administrative guidance to Officers on how Council wishes to administer the above legislative requirements of gates and grids within the Gladstone Region. Council is due to review its P-2015/27 Gates and Grids Policy, the review date being 17 November 2018.

Under the current legislative framework Council does not own grids located within the road reserve. Gates and grids are owned by the property owners who install them under a Council permit process. Council recognises that it is not always feasible for landowners to fence property boundaries from the road reserve and for the benefit of property owner/s permits the installation of grids to assist in the management of livestock.