



Gladstone Regional Council

Council Policy

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| Title | CONDITIONALLY REGISTERED MOTOR BIKES & QUAD BIKES |
| Policy Number | P-2014/36 |
| Responsible Directorate | ENGINEERING SERVICES |
| Responsible Officer | MANAGER ROAD SERVICES |
| Date of Adoption | 17 MARCH 2015 |
| Resolution Number | G/15/2338 |
| Date Review Due | 17 MARCH 2018 |

1.0 PURPOSE:

Gladstone Regional Council (Council) has control of all public roads (other than State-controlled roads) in its area under the Local Government Act. The Act confers a "right of passage" by a member of the public to pass along a public road, subject to such restrictions as are imposed by the Council or law.

This policy sets out when Council will provide its permission for the operation of Conditionally Registered Vehicles (such as a motor bike or quad bike) on road reserves under the care and control of Council and when Council will not provide its permission.

2.0 SCOPE:

This Policy applies to road reserves that are under the care and control of Council. To be clear any permission granted under this Policy does not cover access to Environmental Park Areas, National Parks, bathing reserves, foreshore areas or any other area, other than the road reserve specifically listed in any approval issued by Council under this policy.

This policy applies to *Conditionally Registered* Vehicles specifically to the use of off road trail and quad bikes.

Registration of Conditionally Registered Vehicles by the Department of Transport and Main Roads requires the joint processing and approval of:

- (a) Gladstone Regional Council - who has to provide its permission, as the owner/controller of road/s where the person intends to use the Conditionally Registered Vehicle, to make the registration possible;
- (b) Queensland Police Service (QPS), PT 30B - who has to provide the Period Permit for Conditional Registered Vehicle; and

- (c) Queensland Department of Transport and Main Roads (DTMR) - who subsequently provides the Conditional Registration of the vehicle.

The QPS and/or the DTMR will condition matters such as public liability insurance, requiring each rider to wear a helmet, not exceed a specified speed limit, etc.

Council's role is to provide (or not provide) its permission for the use of specific Council controlled roads by the Conditionally Registered Vehicle with or without conditions.

3.0 RELATED LEGISLATION:

Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

4.0 RELATED DOCUMENTS:

Nil

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

Conditionally Registered: *MEANS* - conditional registration of a vehicle as issued by the Queensland Department of Transport and Main Roads.

6.0 POLICY STATEMENT:

For reasons of public safety, convenience and risk management, Council's preference is for no Conditionally Registered Vehicles (such as motor bikes and quad bikes or similar) to have access to public roads.

Council expressly excludes the operation of Conditionally Registered Vehicles on road reserves under the care and control of the Council in the following urban areas (which are the urban districts as defined in the Fire and Emergency Services Act 1990):

- a) Gladstone City
- b) Boyne Island/Tannum Sands
- c) Calliope
- d) Miriam Vale
- e) Agnes Water
- f) Seventeen Seventy
- g) Mount Larcom.

Council also expressly excludes the operation of Conditionally Registered Vehicles on road reserves in or adjacent to the following areas:

- (a) Bathing areas
- (b) Foreshores (including esplanades)
- (c) Parkland and open space areas.

Any operator of a business (i.e. hire for commercial gain) which proposes to operate Conditionally Registered motor bikes or quad bikes on Council controlled roads needs to obtain permission from Council. Such permission may be granted outside the exclusion areas with conditions.

Council will only consider applications for its permission for the use of Conditionally Registered Vehicles on roads reserves under its control outside of the exclusion areas listed above where;

- (a) The applicant can show that operating a Conditionally Registered motor bike or quad bike on Council's road reserve is required for other than recreational activities, and
- (b) The operation of the Conditionally Registered Vehicle will not cause undue damage to Council's assets; and
- (c) No unreasonable interference or disruption to the use of a public road would occur; and
- (d) Appropriate indemnities are in force to protect Council and the public against potential loss or damage.

Council permission for the use of road reserves outside the exclusion areas may be granted in respect of the use of a specific Conditionally Registered Vehicle on a specifically designated route where such use is not by a specific person (the approval holder), but rather, by whoever may be the user, from time to time, of the Conditionally Registered motor bike or quad bike.

Such permission shall be provided with the following conditions:

1. Require the Conditionally Registered motor bike or quad bike not to be operated or left standing on any footpath part of any road;
2. Require that the user of a Conditionally Registered motor bike or quad bike produce the approval when required by an authorised officer of Council;
3. Require the approval holder to give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the use of Councils road reserves under the Council permission provided.

There will be no fees and charges applied to applications for Council's permission under this policy.

7.0 ATTACHMENTS:

Nil

8.0 REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council
3. Periodic Review – 3 years from date of adoption.

| TABLE OF AMENDMENTS | | |
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| Originally Adopted | 15/5/2012 | G/12/1038 (formerly policy P-6.01.06) |
| Amendment 1 | 17/3/2015 | G/15/2338 |
| Amendment 2 | | |
| Amendment 3 | | |

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STUART RANDLE
CHIEF EXECUTIVE OFFICER