

Banana Shire Council

Subordinate Local Law No. 8 (Gates and Grids) 2011

Contents

Part1	Preliminary	2
	1 Short title	2
	2 Purpose and how it is to be achieved	2
	3 Authorising local law	2
	4 Definitions.....	2
Part 2	Permits.....	2
	5 Power to require a permit	2
	6 Conditions of permits.....	3
Part 3	Public liability insurance	3
	7 Requirement to hold public liability insurance.....	3
Certificate.....		4



Part 1 Preliminary

1 Short title

This local law policy may be cited as *Banana Shire Council Local Law Policy No. 8 (Gates and Grids)*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to *supplement Local Law No. 8 (Gates and Grids) 2011*, which provides for the regulation of all gates and grids across public roads within the local government's area.

(2) The purpose is to be achieved by providing for—

- (a) the requirements to acquire a permit; and
- (b) the conditions of such permit; and
- (c) the safe movement of pedestrians and vehicles; and
- (d) the proper maintenance of the public road.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 8 (Gates and Grids) 2011 (the authorising local law)*

4 Definitions

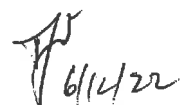
Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Permits

5 Power to require permit—Authorising local law, s 4

For the purposes of section 4 of the local law, an application for a permit must include, or be accompanied by, the following information:-

- (a) A plan detailing the design of the proposed gate or grid, including its dimensions, alignments and structural elements.
- (b) A plan identifying the location within the public road of the proposed gate or grid.
- (c) Details of all warning or similar signage proposed or required to be erected either by the local law or this subordinate local law.

 6/14/22

6 Conditions of permit—Authorising local law s 5

For the purposes of section 5 of the local law, the conditions that will ordinarily be imposed on a permit are:-

- (a) The gate or grid must be constructed to the local government's satisfaction and in accordance with any standard plans and specifications which the local government may develop or adopt from time to time.
- (b) Construction of the gate or grid must be as detailed in the application or as detailed by the local government.
- (c) The holder of the permit must ensure unrestricted movement of traffic along the road during construction and installation of the gate or grid and must take all precautions as specified by the local government to prevent or minimise obstruction to traffic or risk of personal injury or damage to property.
- (d) The holder of the permit must keep the gate or grid in good and sufficient repair.
- (e) The holder of the permit must maintain the road, for a distance of 5 metres on each side of the gate or grid, in good and sufficient repair so that traffic is not impeded or obstructed and to prevent or minimise the risk of personal injury or damage to property.
- (f) The holder of the permit must provide and maintain any signage associated with the gate or grid as directed by the local government.
- (g) The holder of the permit must destroy any noxious plants or weeds within the maintained area of the gate or grid (as described in this section).
- (h) The gate or grid is to be sign-posted and such signs are to be maintained in compliance with such plans, specifications and guidelines as are specified and notified by the Local Government from time to time.

Part 3 – Public liability insurance

7 Public liability insurance—Authorising local law s 14

For the purposes of section 14 of the local law the insurance which a responsible person must take out and maintain is public liability insurance in an amount of not less than \$10,000,000.00 for each occurrence to cover:-

- (a) loss, injury or death to any person; and
- (b) loss, injury or destruction of any property belonging to any person, including the Local Government; and
- (c) economic loss and damage sustained by any person including the Local Government; and

P 6/12/22

- (d) liability of the permit holder under an indemnity given by the permit holder in favour of the Local Government caused or contributed to by the permit holder in any way while performing or purporting to perform or failing to perform the permit holders obligations under a permit issued under the local law.

Certificate

This and the preceding three (3) pages bearing my initials is a certified copy of *Subordinate Local Law No. 8 (Gates and Grids) 2011*, made in accordance with the provisions of *the Local Government Act 2009*, by the Banana Shire Council by resolution dated the 23rd day of November 2022.



.....
Chief Executive Officer