

Application to take action on rural road

1. POLICY STATEMENT

Rural roads in Townsville City Council's (Council) Local Government Area (LGA) are for open and ongoing public use, unless determined otherwise.

Council recognises there are occasions when rural roads within our LGA need to have access prevented or restricted on a permanent or temporary basis.

Council has established the rural road criteria (see 6.1) to guide relevant decisions of Council, and also to assist businesses, owners or residents in applying (see 8) to permanently or temporarily prevent or restrict public access to a rural road, such as through the installation of a gate or fence.

Council may refuse an application or may approve a complete or limited restriction of public access to a rural road. If the Council specifies that there be a limited restriction only, the approval-holder must erect and maintain prominent signage on the road, gate or fence detailing the ways in which members of the public can obtain access to the rural road.

Council will take enforcement action against the unauthorised construction or installation of a gate or fence that prevents or restricts public access to a rural road. Where gates or fences were historically installed without authorisation, Council may apply this policy retrospectively.

The Construction, Maintenance and Operations Section of Council is responsible for assessments of applications to restrict access to a rural road, and also for maintaining the rural road network. The Environmental Health and

Regulatory Services (EH&RS) team in Council is responsible for enforcement action under this policy.

2. PRINCIPLES

Council provides open access to the approximate 180kms of rural roads within our LGA to ensure residents have access to their properties, businesses can manage their concerns and residents and tourists alike can enjoy the amenity of our rural areas.

Council will not restrict public access to a rural road to enhance privacy of a property accessed by that road or to assist in the management of stock.

3. SCOPE

This policy applies to all rural roads within Council's LGA.

4. RESPONSIBILITY

The Director of Infrastructure and Operations within Council has overall responsibility for this policy. The following have responsibilities for the day-to-day operations of matters included in this policy, including rural road maintenance, asset management and regulatory enforcement, and should be consulted by the Director in making any decisions: the General Manager Construction, Maintenance and Operations; the General Manager Infrastructure Planning, Assets & Fleet; the Team Manager Asset Management; the Director of Planning, Environmental and Cultural Services, the General Manager of Planning and the Team Manager of EH&RS, and.

5. DEFINITIONS

Action on rural road – for the purposes of this policy, an action on a rural road is the installation or construction of any infrastructure in a rural road reserve that permanently or temporarily prevents or restricts access to the rural road, including, but not limited to gates, fences, drainage and stock grids.

Public Use – is the use of a rural road by a member of the public for reasons other than accessing a property they own, reside in or work at.

Road Reserve – means an area of land under Council's control, dedicated, notified or declared to be a road for public uses. The road reserve extends from the property boundary on one side to the property boundary on the other side - it does not need to contain a formed road.

Rural Road – roads outside of urbanised areas other than State-controlled roads. In general, rural roads are unsealed and un-kerbed streets – some rural roads are sealed. In some cases, rural roads are not within road reserves. Council will not accept responsibility for creating or maintaining a rural road that is upon private land unless otherwise agreed to.

Rural Road Criteria - Council has established the 'rural road criteria' to, a) assist a business or owner/resident in applying for a temporary or permanent rural road closure and/or restricted access, such as through the installation of a gate, fence or (stock) grid; and b) to provide decision making guidance to Council when assessing a relevant application.

Shared Use – Where more than one property owner uses the road for their own or their workers access to their residence or building, or to a worksite for an approved use of the land. This does not include properties that are vacant or are not being used for any purpose.

Unsealed Road - refers to an unformed, formed, or formed and gravelled road that does not have a wearing course, such as a sprayed bitumen seal, to protect the road pavement.

6. POLICY

6.1 RURAL ROAD CRITERIA

Council has established the rural road criteria to guide relevant decisions of Council when considering an application to permanently or temporarily prevent or restrict access to a rural road in Council's LGA. The rural road criteria can also assist a business, owner or residents in developing their application for an action on a rural road.

In assessing an application Council will consider the following criteria:

1. The safety of persons using the rural road, or of persons who are likely to be affected by the public use of the rural road;
2. The security of persons and property of a business, resident or owner who are likely to be affected by the public use of the rural road;
3. The cost to the community of making/maintaining the road according to standard;
4. The public interest of the rural road, including the shared use of the rural road;

5. The demonstrable need and nature of the use of the road, including the type of vehicles used and the appropriate speed for vehicles to be driven upon the road;
6. Whether an alternate access is available, and the safety and suitability of that access; and
7. Where a rural road does not exist, but the area is accessed by the public, the level of need for a rural road.

6.2 RURAL ROAD MAINTENANCE

Council will maintain our rural roads in accordance with our relevant standards and annual maintenance program.

7. LEGAL PARAMETERS

The Environmental Health and Regulatory Services (EH&RS) area within the Planning, Environmental and Cultural Services Division of Townsville City Council is responsible for the administration and enforcement of this policy under Council's Local Laws.

Legislation relevant to this policy are:

- Local Government Act 2009
- Local Law No.1 (Administration) 2011
- Local Law 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011
- Subordinate Local Law 1.16 (Gates and Grids) 2011
- Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
- Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Any actions, such as the installation of a gate or fence by a person or business on a rural road within Council's LGA requires approval under Local Laws. To take such an action without an approval is a breach of our Local Laws. Local Law 1 – Administration, enables EH&RS to take enforcement action for breaches of the Local Laws.

EH&RS enforce the Local Laws by undertaking an investigation into any allegation of a breach of the Local Law. In relation to actions on rural roads, if a breach is identified, EH&RS may issue a Compliance Notice for the responsible party to remove the infrastructure that has been installed without approval. If the works are not carried out within the period prescribed by the Compliance Notice, Council may then engage a suitably qualified person to perform the works. An invoice for the cost of any works will be issued and if not paid within 30 days, the cost will become a charge on the rates. Depending on the circumstances, EH&RS may also issue a penalty infringement notice or prosecute for non-compliance with the Compliance Notice.

8. ASSOCIATED DOCUMENTS

Application for permanent or temporary prevention or restriction of public access to a rural road.

Application to take action on rural road



LOCAL LAW 1

This application is to seek approval to take an action on a rural road within the Townsville City Council Local Government Area (Council LGA).

APPLICANT DETAILS

If contact details change, please update Council.

☐ Over 18 years ☐ Under 18 years – please provide date of birth _____

Name of Applicant _____

Residential Address _____

Suburb _____ State _____ Post code _____

Postal Address _____

Phone No. _____ Mobile _____

Email _____

Alternative contact name _____ Phone _____

Privacy collection statement

Townsville City Council collects and manages personal information in the course of performing its activities, functions and duties. We respect the privacy of the personal information held by us. The way in which Council manages personal information is governed by the Information Privacy Act 2009. We are collecting your personal information in accordance with Local Law 1. The information will be used to process this application and inform any potential compliance actions in relation to this activity. Generally, we will not disclose your personal information outside of Council unless we are required to do so by law, or unless you give your consent to this disclosure. For further information about how we manage your personal information please see our Information Privacy Policy.

WHAT ARE YOU APPLYING FOR?

- ☐ I am applying to install a gate ☐ I am applying to install a fence
☐ I am applying to install a (cattle) grid

If you are applying for something else, please provide a brief description of it:

WHAT IS THE REASON FOR YOUR APPLICATION?

Please provide a brief reason for why you are applying. For example, you may be applying to install a gate or fence to restrict public access to the rural road going past your property.

WHAT IS THE LOCATION OF THE PROPOSED ACTION

Please provide a map, site photos and GPS coordinates that specifically identify the location of the proposed action.

APPLICANT DECLARATION

I hereby apply to take the above proposed action on a rural road within the Council LGA by completing this form and declare that the particulars I've stated are true and correct in every detail. I agree to comply with Council's terms and conditions, as set out on page 2.

I am aware that it is an offence to knowingly provide false or misleading information. If the application is made by a corporation or incorporated association, the person signing the form must occupy a position that is legally entitled to make an application on behalf of the corporation or incorporated association.

I understand that the information provided in and accordance with this application maybe disclosed publicly under the *Evidence Act 1977*.

Signature: _____ Date: _____

OFFICE USE ONLY

Date _____ Receipt no. _____ Officer ID _____

TERMS AND CONDITIONS

Any action proposed on a rural road within the Council LGA, such as the installation of a gate, fence, drainage, stock grid must be approved by an Authorised Officer of Council.

Post the taking of any action on a rural road within the Council LGA, such as the installation of a gate, fence, drain or stock grid, the signatory to this application is responsible for the upkeep and maintenance of any gate, fence, grid or other action to ensure the safety of people and animals.

Post the taking of any action on a rural road within the Council LGA, such as the installation of a gate, fence, drain or stock grid, the signatory to this application is responsible for the upkeep of appropriate signage on and/or near the road, gate, fence, drain or stock grid, detailing the ways in which members of the public can obtain access to the rural road

If the signatory to this application wishes to make any change to an existing gate, fence, drain or grid or other action they must submit another application using this form.

SUBMIT THE FORM

Refer to the Schedule of fees and charges on Council's website for payment information:

In person: Present your application at a Customer Service Centre

- 103 Walker Street, Townsville City
- CityLibraries Thuringowa, 86 Thuringowa Drive, Thuringowa Central.

Payment options include cash, cheque, EFTPOS and/or credit card (Mastercard or Visa).

By mail: Return your completed application form together with cheque/money order payable to:

Townsville City Council

PO Box 1268, TOWNSVILLE CITY QLD 4810

By email: enquiries@townsville.qld.gov.au

If no payment is provided a customer service representative will contact you for payment via credit card over the phone. Confirmation of registration, tag and receipt will be forwarded by mail or issued at the time of payment.