

Gates and Grids - Council Policy

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Related Legislation	<i>Local Government Act 2009</i>
Related Documents	<i>Application to Erect Gate and/or Grid Across a Road Western Downs Regional Council Local Law No 1 (Administration) 2011 Western Downs Regional Subordinate Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011 Western Downs Regional Council Subordinate Local Law No 1.16 (Gates and Grids) 2011 Manual of Uniform Traffic Control Devices (Road Signage) Western Downs Regional Council Delegations Register IPWEAQ - Lower Order Road Design Guidelines</i>

Policy Version	Approval Date	Adopted/Approved
1	14/12/2011	Adopted Ordinary Meeting of Council
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3	18/08/2021	Approved Ordinary Meeting of Council

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1 PURPOSE

The purpose of this policy is to ensure uniform standards are applied to applications for gates and grids on Council managed roads within our region without causing adverse impact on road users. Existing gates and grids will also be managed by this policy.

2 SCOPE

This policy applies to all existing and proposed grids and gates on public roads under the authority of Council and the framework for managing them. It provides the basis to manage applications, approval, installation, ongoing maintenance and removal of a gate and grid on a public road. It outlines responsibilities of the licence holder to ensure the risk to the license holder, road users and Council is safely managed.

Subordinate Local Law No. 1.16 (Gates and Grids) 2011 provides details as to the ownership of and responsibility for grids and gates on roads under the control of Western Downs Regional Council.

3 DEFINITIONS

Definitions detailed in *Subordinate Local Law No. 1.16 (Gates and Grids) 2011* apply to this policy.

An **owner** of a gate or grid installed across a public road, means the person/s who receives the benefit of the gate or grid, i.e. does not have the roadway fenced out, which allows stock to graze the road reserve.

4 NEW GATES AND GRIDS

4.1 Proposed Gate and/or Grid

A new gate or grid cannot be constructed on a Council controlled road without an application and approval from Council in accordance with Western Downs Regional Council *Subordinate Local Law No 1.16 (Gates and Grids) 2011*.

It will be the applicant's responsibility to construct and maintain the gate or grid to Council's standards and specifications at the applicant's cost.

An application and processing fee will be applicable and be prescribed in Council's Annual Fees and Charges.

All applications for gates and grids proposed on State controlled roads are to be referred by the applicant directly to Department of Transport and Main Roads for approval.

4.2 Information Required by Applicant to Support Application

4.2.1 If the installation of a gate or grid, or a gate and a grid are proposed

- a provide plan detailing the design of the proposed gate or grid, or gate and grid, including all dimensions, alignments and structural elements;
- b a plan identifying the location within the road of the proposed gate or grid, or gate and grid;
- c particulars of all warning or similar signage proposed to be erected by the applicant, and road signage in accordance with Manual of Uniform Control Devices (MUTCD) and IPWEAQ - Lower Order Road Design Guidelines;



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- d RPEQ certified engineering design or Fabricators Engineering certification of compliance;
- e details of when the prescribed activity will be undertaken;
- f the proposed term of the approval (10 years max, with option to extend after 10 years, subject to annual inspection performance);
- g applications must be made on the prescribed form and must be accompanied by all required supporting information and application fee;
- h notification from **all** boundary neighbouring property holders indicating their objection or non-objection to the application must be included as part of the applicant's submission.

4.3 Grids

- 4.3.1** Council's standard specification for a single (4m) and double (8m) grid to be largely in accordance with DTMR Standard drawing 1561,1562,1563,1564 and 1565. Heavy Duty Cattle Grid, minimum load rated at 20t/axle group up to 100km/hr. All prefabricated/modular grids satisfying this standard are preferred.
- 4.3.2** Council may accept alternative designs for single and double grids for a minimum load rating of 20t/axle group up to 100km/hr, including concrete abutments (sill logs not permitted).
- 4.3.3** Each application submitted for Council approval that is not Council's standard specification shall be accompanied by-
 - a certificate of design from a qualified Registered Professional Engineer Queensland (RPEQ) stating the design parameters;
 - documentation providing details of the grid fabrication and installation.
- 4.3.4** All grids will be accompanied by an adjacent gate located clear of table drains. The location is to be approved prior to construction. Where a single (4m) grid is installed, a suitable access for the safe passage of wide loads/machinery must be constructed to the gate from the road formation on each side of the fence.

4.4 Gates

Gates shall be:

- 4.4.1** constructed to provide a minimum clear opening of 7.0 metres;
- 4.4.2** in two sections to permit convenient use by the public;
- 4.4.3** of stock proof construction and to be swinging on hinges;
- 4.4.4** fitted with a minimum of three delineators evenly spaced on each section of the gate;
- 4.4.5** accompanied by a grid (Council will not licence a gate without a grid) where it is either across a road giving access to more than two properties, or more than one property which is residentially occupied, not considering the property of the applicant;
- 4.4.6** locks will not be permitted on any gate within the gazetted road reserve.

4.5 Signs



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4.5.1 All signage will be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) Part 2, and IPWEAQ - Lower Order Road Design Guidelines where applicable. Refer 10 - General Signage.

4.6 General

4.6.1 Any grid/gate approvals granted by Council will be inspected annually and shall have an annual permit renewal and inspection fee which will be levied through the property rates notice.

4.6.2 Gates and Grids need to remain compliant during the period of the licence.

4.6.3 Council will require the applicant to indemnify Council and to take out and maintain public liability insurance (\$10,000,000), specifically nominating gate and grid and associated works, and produce documentary evidence of the insurance to Council prior to the installation of the gate or grid.

4.7 Standards and Exclusions

4.7.1 Licensed gate and grid requirements and exclusions will be as follows: -

Traffic Volumes	Licence Grid and Gate Type Required
Road with greater than 150 vehicles per day (vpd)	Not permitted
Road with traffic volumes >10 vpd and <150vpd and formation > 6m	Double grid
Road less than 6m of formation and less than 10 vpd	Single grid

4.8 Application Fees and Renewal Charges

4.8.1 The applicant will pay a fee on application as prescribed in Council's annual fees and charges

4.8.2 For approved applications, an annual permit renewal and inspection fee as prescribed in Council's annual fees and charges will be levied through the property rates notice.

4.9 Decision

4.9.1 Authority for the approval of licensed grid and gate applications accompanied by a 'Non-Objection Notice' from each and all boundary neighbouring property holders has been delegated to the Chief Executive Officer. This authority may be further delegated to the General Manager – Infrastructure Services.

4.9.2 For applications received where one (1) or more 'Notice/s of Objection/s' is/are received, the application will be referred to Council for determination.

5 EXISTING GATES AND GRIDS

5.1 The owner shall maintain all gates and grids to a standard that ensures public safety and that the road is trafficable in normal conditions.

5.2 The owner of the gate or grid will maintain the structure and 5 metres each side of the structure. Signage and drainage pertaining to the gate or grid must also be maintained to the required standard by the owner.

5.3 Where Council undertakes road and drainage maintenance on a road with a gate or grid, such works will cease 5 metres from the structure on both sides.



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- 5.4** An application to replace an existing grid with a gate or vice versa will be reviewed.
- 5.5** Should works be required to the grid or gate, Council will notify the owner in writing and the owner shall rectify any defects within the time specified. If the works are not carried out within sixty (60) days of the date of the letter, Council will remove the grid and invoice the owner for all associated costs.
- 5.6** Council will undertake annual inspection of gates and grids and issue annual permit renewal on completion of works by the owner. The cost of the annual inspection and permit is per the applicable fees and charges in that year.
- 5.7** In the event of a safety hazard at the grid or gate the owner will be required to address this immediately to a level that is satisfactory to Council and then to Council's standard specification.
- 5.8** All repairs or replacement of existing grids shall be undertaken:
- In accordance with this policy;
 - Engineering design and certification for repair methodologies may be required and approval must be obtained from Council prior to work being undertaken;
 - Engineering design and certification will be at the grid owner's expense;

Load Rating:

- Grids installed on Council roads shall be designed and constructed to a minimum 20t/axle group Load Rating;
- Alternative grid designs may be acceptable however engineering certification will be required and written approval must be obtained from Council prior to installation.

Prefabricated/modular grids from manufacturers to this standard are preferred.

- 5.9** Any work undertaken on gates or grids must be approved by Council and undertaken by competent and qualified people. The following requirements will be the minimum required for such approval:
- All roadwork signage is to be in accordance with the Manual of Uniform Traffic Control Devices; relevant qualifications to install this signage;
 - Persons erecting signs must have the appropriate qualifications;
 - All requirements of the Workplace Health & Safety Act and Regulations for works on public roads must be met.
- 5.10** If any gate or grid maintenance issues arise as a result of routine maintenance inspections, notification from the public etc., Council will contact the gate or grid owner and issue a notice listing the identified defects.
- 5.11** Council will undertake emergent repairs to gates or grids if requested by the gate/grid owner, with resultant costs recouped under a private works agreement. This work cannot be warranted.
- 5.12** Further remedial repairs may be required to be undertaken by the owner in addition to any emergent works undertaken by Council.
- 5.13** If works of an emergent nature are identified, Council reserves the right to affect such repairs as deemed necessary for public safety, with such costs incurred recouped from the gate or grid owner. This work cannot be warranted.



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- 5.14** If traffic safety issues are identified, Council will cancel the grid permit and remove the grid after a 30 day notification period if the owner/s do not affect repairs or comply with recommendations within this period.
- 5.15** Council reserves the right to undertake maintenance and construction work on roads adjacent to grids. Grid and gate owners will be responsible for any upgrades required as a result.
- 5.16** Where an agreement cannot be reached on removal of a grid, as can be the case where more than one owner is involved, the permit will be revoked and the grid removed.

6 APPROVAL FOR WORKS IN ROAD RESERVE

- 6.1** Council policy - Works in Road Reserve – applies to all works carried out within road reserves under the control of Council, including the installation and maintenance/repairs of grids and gates. Approval for the installation or maintenance/repairs of grids and gates will be conditioned accordingly.

7 GATES AND GRIDS THAT ARE NOT MAINTAINED

- 7.1** Disused gates and grids that are not maintained shall receive a compliance Notice from Council for repair or removal.
- 7.2** Council may remove the gate or grid at Council's cost if requested by the owner when resources are available.

8 COMPLIANCE

- 8.1** A register of all gates and grids will be maintained by Council. Annual inspections will be a visual inspection on the condition of the components and not the structural integrity of the components (this is owner's responsibility).
- 8.2** Grid owners are responsible for inspecting and maintaining grids/gates and the structural integrity of the grid/s.
- 8.3** Grid owner will be advised in writing of any actions required resulting from inspections.

9 UNAUTHORISED GATES AND GRID

- 9.1** Where an owner constructs or erects an unauthorised gate or grid without Council approval, in accordance with *Western Downs Regional Council Subordinate Local Law No 1.16 (Gates and Grids) 2011*, the owner may be issued with a compliance notice to rectify the situation. The costs associated with this action will be borne by the owner.
- 9.2** Where a safety concern or a drainage problem is caused by an unauthorised or inadequately maintained gate or grid, Council may act to remedy the cause of concern subject to a compliance notice being issued to the owner. The cost of such action shall be borne by the owner.

10 COUNCIL WORKS ON ROADS

Where Council constructs a new road, reconstructs an existing road to higher standard, or upgrades infrastructure (services), the owner will be notified of the upgrade unnecessary to the gate or grid and the contribution required by the owner.



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10.1 Owner

The owner will be offered the following options regarding their contribution for the costs of the upgrade:

- a. the owner to supply the approved gate and/or grid;
- b. Council to supply and install the approved gate and/or grid with agreement to recover the costs (including administration costs) from the property owner through the application of a Special Charge being applied to the property assessment pursuant to sections 92 and 94 of the *Local Government Act 2009*. Terms and Conditions are to be negotiated case by case; or
- c. Council to supply and install the approved gate and/or grid with agreement to recover the costs (including administration costs) from the property owner through the application of a Special Charge being applied to the property assessment pursuant to sections 92 and 94 of the *Local Government Act 2009*. Terms and Conditions are to be negotiated case by case; or
- d. Council to supply and install the approved gate and/or grid with agreement to recover the costs (including administration costs) by invoicing the property owner under a Commercial Works arrangement. Terms and Conditions are to be negotiated case by case; or
- e. the property owner opting to fence the property boundary in lieu of a replacement gate and/or grid with Council removing the existing gate and/or grid at no cost to the property owner. A Special Charge or Commercial Works arrangement may be negotiated regarding the cost of the works. Terms and Conditions are to be negotiated case by case.

10.2 Council

Where applicable, remove the existing grid and associated infrastructure and deliver to a mutually agreeable location:

- a. Installation of new grid, abutments and signage; and
- b. Complete associated roadworks.

11 GATES AND GRIDS - GENERAL SIGNAGE

(refer MUTCD, and IPWEAQ- Lower Order Road Design Guidelines)



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