



Policy Subject/Title: Gates and Grids on Roads Policy

Policy Number: OP/018

Responsible Officer: Director Operations

Legislative or Regulatory Reference: *Local Government Act 2009*

Related Policies / Procedures: Local Law No 1 (Administration) 2011.
Gates and Grids (Application of Continuing Local Law) Local Law 2011 Kilcoy Shire Council, Local Law No 24 (Gates and Grids)
Local Law No 2 (Animal Management) 2011
Subordinate Local Law No 2 (Animal Management 2011)

Authorised by: Somerset Regional Council

Authorised on: 27 February 2019 [Doc ID 1097651]

Review / Amendment Dates:

1. OBJECTIVE

The objective of this policy is to ensure that where gates and grids are allowed on roadways they must be installed, managed and maintained to an appropriate and consistent standard which minimises any safety risk to road users.

This policy does not apply to gates and grids at property entrances or on property boundaries, provided that the gate and grid does not encroach on the road reserve.

2. BACKGROUND

The Local Government Act 2009 grants Council control of all roads in our local government area. Gates and grids are defined as ancillary works on roads within this legislation and while Council has the responsibility for the control, care and management of our public roads, provision of this policy transfers responsibility to the landowner for gates and grids which are permitted for use.

3. PURPOSE

The purpose of this policy is to ensure that where gates and grids are allowed they must be installed, managed and maintained to an appropriate and consistent standard which minimises any safety risk to road users.

4. SCOPE

This policy applies to Council roads throughout the Somerset Regional Council area.

5. POLICY

This policy is applicable to the approval, installation, ongoing maintenance and removal of a gate and/or grid on public roads including the responsibilities of the permit holder.

5.1 General

5.1.1 All gates and grids within the region on public roads that form part of Council's Asset Register must be approved and registered by Council in accordance with Somerset Regional Council, Gates and Grids (Application of Continuing Local Law) Local Law 2011 and Kilcoy Shire Council, Local Law No. 24 (Gates and Grids).

5.1.2 Owners of unauthorised gates and grids must make application to Somerset Regional Council for approval of structure or remove the structure from the roadway or they will be removed by Council.

5.1.3 Council's preference is for no gates or grids to be installed on roadways.

5.1.4 Applications to erect a gate and grid on a public road will only be considered on roads that are a single lane bitumen road or are classified as gravel, formed, unformed, unused and unmade. The road reserve boundaries may be unfenced or fenced on one side only. The suitability of a gate or grid will be recommended by the Director Operations based on the function/characteristics of the road, location, traffic volumes and potential future use of the

road. The following traffic volumes will be used as a guide to determining suitability of a gate or grid:

- Less than 10 vehicles per day for gate only applications;
- Less than 50 vehicles per day for grid applications.

5.1.5 The installed gate and grid must ensure unrestricted movement of traffic along the road. During construction and installation of the gate or grid, the permit holder must take all precautions as specified by Somerset Regional Council to prevent or minimise obstruction to traffic or risk of personal injury or damage to property.

5.1.6 The holder of the permit must keep the gate or grid in good and sufficient repair as per Somerset Regional Council's current requirements. A gates and grids inspection guide will be made available to permit holder. (Refer to appendix one)

5.1.7 Public liability insurance is required to be taken out and maintained by the permit holder. It must indemnify Somerset Regional Council against any legal liability.

5.2 Gates

5.2.1 All gates on public roads must be a minimum of 3.7m in width, tubular steel construction and installed in accordance with Somerset Regional Council's standard drawing, Gate Approach Sign Layout SRC-ROAD-27. (Refer appendix one).

5.2.2 All gates on public roads are not to be locked to ensure unrestricted movement of traffic along the road.

5.3 Grids

5.3.1 Grids shall be of steel or concrete construction to current Department of Transport and Main Roads standard grid drawings number 1561 and 1565. The grid shall be a minimum of four (4) metres in width on single lane bitumen roads, gravel and unformed/unused roads. However, the exact width of the grid will be recommended by the Director Operations who will take into consideration the function/characteristics of the road, location, traffic volumes and potential future use of the road.

5.3.2 Should an applicant wish to install a grid which is not to Department of Transport and Main Roads standards, it must have RPEQ certification.

5.3.4 Grids should be installed in conjunction with a gate and a sidetrack to a minimum of 3.7m in width and constructed to a standard that is negotiable by normal two-wheel drive vehicles in all weather. Council may consider applications where the inclusion of a side track is not considered practical.

5.3.3 All grids shall be installed in accordance with Somerset Regional Council's standard drawing, Grid Approach Sign Layout SRC-ROAD-028. (Refer appendix one).

5.4 Responsibility of Permit Holder

5.4.1 The permit holder will be responsible for the installation and maintenance of a gate and grid, ensure compliance at all times with the approved conditions and as per Somerset Regional Council's Gates and Grids (Application of Continuing Local Law) Local Law 2011.

5.4.2 The permit holder will be required to carry out all work associated with the installation and maintenance of a gate and grid and in accordance with Council's standard gate and grid

drawings SRC-ROAD-27 and SRC-ROAD-028.

5.4.3 The permit holder will be responsible for all temporary and permanent signage during construction and/or maintenance in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

5.5 Application for Gate and Grid Permit

5.5.1 New Application

- Applications to install a new gate and grid must be submitted to Council prior to any construction of structures.
- Applications must be accompanied by correspondence from adjoining landowners offering no objection to the installation of the proposed structure on the public road.
- The applicant will be required to accompany the application with the current gates and grids application fee as listed in Council's scheduled Fees and Charges.

5.5.2 Existing Gates and Grids

- All existing gates and grids will be required to be registered and maintained in accordance with Council's standard gate and grid drawings SRC-ROAD-027 and SRC-ROAD-028.
- An application will only be accepted to license an existing gate or grid providing it complies with condition 5.1.4.
- In the event of a previously unregistered gate and grid, the applicant must submit an application within 90 days of being aware that the structure is unregistered.
- Prior to replacing an existing gate or grid, an application must be made to Council for approval to ensure that the structure meets Council's current standards.

5.6 Objections to an Application

5.6.1 An advertisement will be placed in a local newspaper giving interested persons 30 days to lodge objections in writing to an application for the installation of a gate and grid.

5.6.2 Council will consider all submissions received in relation to an application for a gate and grid but reserves the right to refuse an application based on any objection received.

5.7 Refund of Application Fee

5.7.1 Where an application for a gate and grid does not comply with the standards as defined in this policy and the applicant has not responded to a request for additional information within 30 days, the application will not be approved and the application fee is non-refundable.

5.7.2 Where an application is withdrawn prior to investigation by Council's representative or consideration by Council, a full refund will be made.

5.7.3 Where an application is investigated and not approved the application fee is non-refundable.

5.8 Term of Approval

5.8.1 The initial permit issued by Council to erect the structure on the public road will be for a period of six (6) months. If installation is not commenced within six (6) months the permit will be cancelled.

5.8.2 Following approval for the installation of the structure and prior to construction, the permit holder must submit to Council a Traffic Control Management Plan for approval. The traffic control management plan must be in accordance with the specifications of the Manual of Uniform Traffic Control Devices (MUTCD).

5.8.3 Should the installation of the structure not be completed within sixty (60) days of starting the installation, Council may issue a show cause notice as to why the permit should not be cancelled.

5.8.4 When the structure has been inspected and meets Council's approval conditions, a licence will be issued.

5.10 Inspections

5.10.1 The permit holder will be responsible for carrying out inspections to ensure the structure/s complies with Council's standards. The frequency of inspection is at the permit holder's discretion or as required by council, having regard to the prevailing condition and age of the particular gate and/or grid. A gates and grids inspection guide will be made available to permit holder. (Refer to appendix one)

5.10.2 Somerset Regional Council will undertake an inspection, to ensure that the structure/s complies with Council standards. Compliance notices will be issued where non-compliance is found.

5.10.3 If structures are not made compliant to Somerset Regional Council's satisfaction within thirty (30) days, Council may issue a show cause notice as to why the permit should not be cancelled.

5.11 Cancellation of permit

5.11.1 Council may at any time cancel the permit if –

- (a) A condition of the permit is not complied with
- (b) The removal of the gate or grid becomes necessary in the interests of public safety or otherwise in the public interest.

5.11.2 Council will give written notice to the responsible person of proposed cancellation and allow the responsible person to make written representations to council within fourteen (14) days from the date notice being given about proposed cancellation in accordance with local law 24.

5.12 Removal of Gates and Grids

5.12.1 Removal by Permit Holder

- The permit holder may remove the gate and grid from the road reserve at any time on advice to Council and in accordance with conditions specified by Council.
- The road must be reinstated to a standard as specified by Somerset Regional Council

and all costs associated with the reinstatement will be the responsibility of the permit holder.

- The containment of any livestock will remain the responsibility of the land owner and Council will bear no responsibility for damage or injury arising from wandering livestock. Stock not contained at the time of removal will be impounded in accordance with Local Law No. 2 (Animal Management) 2011.

5.12.2 Removal by Council

- If necessary Council may remove a gate and/or grid in accordance with Local Law No. 24 (Removal of gate or grid), the permit holder and adjoining land owners will be notified by written notice thirty (30 days) prior to the removal of the structure to allow provisions to be made for the containment of stock.
- Where no adjoining landowner accepts ownership and maintenance responsibility for a grid and gate, council will give notice that the grid or gate will be removed. After thirty (30) days council will remove the grid or gate.
- The containment of any livestock will remain the responsibility of the land owner and Council will bear no responsibility for damage or injury arising from wandering livestock.
- Stock not contained at the time of removal will be impounded in accordance with Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 2 (Animal Management) 2011.
- There will be no cost to the permit holder for the removal of the defective gate and/or grid.
- The costs for impounding the livestock will be recovered by Council from the permit holder.
- All materials salvaged in relation to the removal of a gate and grid will be offered to the permit holder.

6. EFFECTIVE FROM

This policy is effective from 27 February 2019.

7. DATE OF RESOLUTION

This policy was approved by the Chief Executive Officer and adopted by the Somerset Regional Council at the Ordinary Meeting of 27 February 2019.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line.

Signed:

Date: 27 February 2019

Appendix 1

- **Gates and Grids Inspection Guide FORM F782**
- **Gate Approach Sign Layout SRC-ROAD-27**
- **Grid Approach Sign Layout SRC-ROAD-028**