

1. Policy Statement

This policy sets Hinchinbrook Shire Council's legal framework for Council to control the existence of gates and grids upon public roads under its control.

2. Scope

This policy and its associated documentation apply to grids and gates installed on Hinchinbrook Shire Council's maintained and unmaintained road network. The policy is based on and supports Council's Local Law No. 1.16 (Gates and Grids).

3. Responsibility

Under Local Law No. 1.16 (Gates and Grids) a person must not install a gate or grid on a public road unless the installation has been approved (permitted) by Council.

Under this policy and Local Law No. 1.16, all gates, grids and associated infrastructure are the responsibility of the owner (permit holder), and installation is at the applicant's cost and expense. The owner (permit holder) of the grid is responsible for maintenance of the grid structure, the section of roadway immediately adjacent to the grid, and for the associated fencing including gates within the road reserve.

Council may allow the installation of a gate across Council's road reserve under limited circumstances. An application is to be made to Council, where a risk assessment is to be undertaken based on traffic count data, number of properties serviced by the road and surrounding land uses. A final resolution is required to be attained from Council.

The owner (permit holder) shall accept all liability and take out and maintain the insurance required to indemnify themselves and Council against all claims for personal injury and property damage resulting from the existence of the grid, including the initial construction period. Boundary gates and grids shall be indemnified by both parties and Council shall issue a permit for the gate or grid to both parties.

The owner (permit holder) has a duty of care to regularly monitor the condition of the grid(s) and gate(s) and adjacent roadway, and to initiate action with respect to maintaining the grid in a safe operating condition for the travelling public. The Assets and Infrastructure Department is responsible for ensuring that annual inspections are undertaken to ensure the owner (permit holder) is meeting the requirements of this policy.

4. Definitions

Gate	Means a hinged or sliding barrier used to close an opening in a wall, fence or hedge.
Grid	Means a structure designed to permit the movement of pedestrian or vehicular traffic along a road, but to prevent the passage of livestock.
Road	Is an area of land dedicated to public use as a road, a footpath or bicycle path, a bridge, culvert, ford, tunnel or viaduct as defined in section 59 of the Local Government Act.
Structure	Means anything that is built or constructed, whether or not it is attached to land as defined in the Local Government Act.

5. Policy

5.1 New Installation

Where it is desired to install a new grid installation:

- The landholder must make an application to Council on the Application for Grid Permit Form.
- Pay all fees and charges which comprises of an "Application for a Grid or Gate Permit" fee as per Council's schedule of general fees and charges.
- Upon approval, carry out all prescribed works in accordance with Council's Standard Drawings and Private Works in Road Reserve Policy.

5.2 New Roadworks

In the event of Council performing new road construction at the grid location, it is Council policy that the grid be upgraded to meet Council specifications. The responsibilities in such a case are as follows:

If the grid is deemed non-compliant and does not meet Council specifications:

The owner must:

- Purchase and install grid to the required specification on Council's standard drawing or alternatively provide certification for the grid;
- Purchase and install, abutments and new grid to specification;
- Purchase and install signage as per specification;
- Where applicable supply of materials and installation of any gates and fencing required;
- Obtain a Registration (Permit Certificate) of grid at completion of works; and
- Undertake on-going maintenance of the grid.

Council must:

- Where applicable remove existing grid and abutments;
- Construct temporary side track with appropriate construction works signage for the duration of the works; and
- Complete associated road works.

If at the time of the road upgrade, the grid meets Council's specification, it will be Council's responsibility to reinstate the grid if required at no cost to the owner.

5.3 Upgrading of Grids

Where Council requires a grid or gate to be upgraded to meet its current standard, Council will issue a Notice to the landholder, and the landholder shall make all the necessary improvements as listed in the Notice, at no cost to Council.

The landholder may request Council to carry out the works under a Private Works authorisation on a full cost-recovery basis. In such a case, Council will:

- provide an estimate of the cost of the work;
- provide an expected date of commencement and completion, prior to the Private Works agreement being signed; and
- carry out all works required, at such time as a suitable crew is in the area, so as to minimise travel/establishment costs.

Actual costs incurred will be charged to the landholder.

Where a complete grid replacement or grid removal is necessary, Council will require the landholder upgrading the gate and/or grid to carry out all prescribed works in accordance with Council's Standard Drawings and Specifications. Where renewals or upgrades to an existing grid are required, for example, replacement of end wall or signage, than a Private Works in Road Reserve Permit is required.

5.4 Maintenance of a Grid or Gate

Maintenance of a gate or grid is the responsibility of the owner (permit holder), and due diligence must be exercised proactively in identifying maintenance required to ensure safety of the travelling public, and in initiating remedial action when required.

Should Council identify that works are required to correct any problems, Council will issue a Notice to the owner and the owner shall rectify the defects within the specified timeframe.

If the works are not carried out within the time stated on the Notice, then Council may undertake the works or remove the gate or grid and recover the costs of such work as a debt due and owing from the landholder.

Council may take action of its own accord without notification to the owner (permit holder) in the event of an emergency arising with such costs to be recoverable from the property owner in accordance with the Local Government Act provisions.

In the event of a safety hazard being identified at the grid, the owner is required to immediately correct the problem to a safe condition, which is satisfactory to Council and to full specification level within a period stated in the Notice. A Private Works in Road Reserve Permit may be required to undertake these works.

5.5 Grids on Unmaintained Roads

Grids located across an unmaintained formed road must meet the requirements set out in the standard unless the following exists:

- (i) An unlocked gate to be installed adjacent to the cattle grid;
- (ii) The road to the gate is to be installed to a minimum standard suitable for vehicle access and is to be maintained by the owner (permit holder);
- (iii) Signage in accordance with the relevant standard drawing; and
- (iv) Approved permit in place for the existence of the gate.

5.6 Other Terms and Conditions

Subject to satisfactory installation of grids, as set out in this policy, the applicants may be issued a permit on the terms and conditions listed herein.

5.6.1 The permit shall continue in force until cancelled by the Council.

5.6.2 The Council may cancel this permit at any time by giving three (3) months written notice to the owner (permit holder). The Council must provide good reason for the cancellation of the permit. For example, permits may be cancelled when the grid owner has failed to maintain the structure to the required specification or failed to pay their annual licence fee.

5.6.3 The owner (permit holder) shall maintain the grid in good condition, and shall also maintain the road in a good condition (including the destruction of all noxious weeds) for the distance specified in the Local Law on either side of the grid so that public traffic may not be impeded or obstructed.

5.6.4 The owner (permit holder) shall secure with a reputable insurer, insurance cover for each grid, with respect to public liability of an amount not less than twenty (20) million dollars. This insurance cover shall indemnify and keep indemnified both the landholder and the Council from and against any claim, action or proceeding in respect to injury or damage to any person or property arising out of the existence of the grid or gate, including for the duration of the construction period.

5.6.5 Such insurance shall be maintained current for the duration of the existence of the grid.

5.6.6 The landholder shall within fourteen (14) days of demand, deliver a copy of the insurance policy to the Council as evidence of conformance with the obligations in regard to this condition.

5.6.7 If a grid permit is relinquished by the landholder, or cancelled by Council, the landholder shall be responsible for removing the grid, gate and appurtenances from the road and reinstating the roadway to the standard of the road on either side of the grid. Application to carry out works on a road or interfere with a road or its operation shall be completed. This shall include the removal of any mounding used, and reinstatement and compaction of the gravel surface, and be completed within three (3) months from the date the permit is relinquished/cancelled. If the removal is not completed by the required time, or to the satisfaction of Council, Council will undertake the work and recover the costs of such work as a debt due and owing from the landholder.

5.6.8 The Council may upgrade non-compliant grids if the responsible person does not make written representations to the Council within a period of at least 30 days from the date of the Notice. Council will undertake the work and recover the costs of such work as a debt due and owing from the landholder

6. Legal Parameters

Local Government Act 2009

Local Government Regulation 2012

Subordinate Local Law No. 1.16 (Gates and Grids) 2012

Manual of Uniform Traffic Control Devices (MUTCD)

7. Associated Documents

Standard Drawing R025 – Grid Arrangement

Standard Drawing R026 – Grid Concrete and Earthworks Details

Standard Drawing R027 – Gate and Sign Layout


Standard Drawing R028 – End Panel Details

Standard Drawing R029 – Gate and Sign Layout for a Gate on an Unmaintained Formed Road

ISD-PO-003 Private Works in Road Reserve Policy

ISD-EF-006 Private Works in Road Reserve Application Form

ISD-EF-003 Application for a Grid or Gate Permit Form

DOCUMENT HISTORY AND STATUS						
Action		Name		Position	Signed	Date
Approved by Council		A Rayment		CEO		28/06/2019
Policy Version:	02	Initial Version Adopted	29/08/2017	Current Version Adopted:		25/06/2019
Maintained By:		Infrastructure Services Delivery		Next Review Date:		25/06/2021
File Location:		O:\Policy-Procedures-Forms\Policies				