
NUMBER: S0049/ Roads Infrastructure
ACT: LOCAL GOVERNMENT ACT 2009
POLICY TITLE: GATE & GRID POLICY

POLICY

1. PURPOSE AND SCOPE

The *Transport Infrastructure Act 1994* and *Transport Operations (Road Use Management) Act 1995* impose a statutory duty on Council to construct, maintain and operate public roads to promote the safe transport of persons and goods, while the *Local Government Act 2009* grants Council control of all roads in our local government area.

This policy sets the legal framework for Council to control the existence of gates and grids upon public roads under its control and is to be read in conjunction with Charters Towers Regional Council (CTRC) Local Law No. 24 (Gates and Grids), which itself has been enacted by Charters Towers Regional Council under the powers vested in it through the Local Government Act 2009. A copy of this policy and the local law is available on Council's website at www.charterstowers.qld.gov.au.

2. COMMENCEMENT OF POLICY

This policy will commence from 11 October 2017. It replaces all other policies relating to Gates and Grids.

3. APPLICATION OF POLICY

This policy applies to all people who own or intend to install gates or grids across public roads.

This policy provides a simple and consistent process for the management of gates and grids on public roads to allow for the safe movement of stock on roads without causing adverse impact on road users. The policy sets out the specifications required of each gate and grid as well as the process for installing, removing or replacing a gate or grid to allow for the permit holder (owner) and CTRC to ensure governance of this policy.

4. DEFINITIONS

4.1 In this policy:

"Grid" means a structure designed to permit the movement of vehicular traffic along a road but prevents the passage of livestock.

"Gate" means a movable, hinged barrier for closing an opening in a fence line crossing a public road.

"Public Road" means a road for which the local government is responsible.

"Permit Holder (owner)" means the person responsible for a gate or grid installed, or to be installed, across a public road who benefit from the gate or grid that is, or is to be installed.

"Frangible" means to be able to collapse, or fall away easily and relatively safely under impact.

"RPEQ" Registered Professional Engineer of Queensland.

5. POLICY PROVISIONS

5.1 Responsibility

Under *Local Law No 24. (Gates and Grids)* a person must not install a gate or stock grid on a public road unless the installation has been approved (permitted) by Council.

It is Council Policy that all gates, stock grids and associated infrastructure are the responsibility of the owner, and installation is at the applicant's cost and expense. The owner of the stock gate or grid is responsible for maintenance of the gate or grid structure, the roadway for 5 metres on either approach to the gate or grid, and for the associated fencing including gates within the road reserve. Council may carry out maintenance of the road if required within 5 meters either side of the gate or grid at the permit holder's expense.

The permit holder shall accept all liability and must possess a public risk policy of insurance for an amount of at least \$10,000,000 (10 million dollars), specifically indicating coverage over the gate and grid and nominating Charters Towers Regional Council as an interested party. This is required to indemnify owner and Council against all claims for personal injury and property damage resulting from the existence of the gate or grid, including for the initial construction period. Boundary gates or grids shall be indemnified by both parties and Council shall issue a permit for the gate or grid to both parties.

Owners of unauthorised gates and grids will be ordered to remove such structures or alternatively they will be removed by Council with costs recoverable from the property owner.

The permit holder has a duty of care to regularly monitor the condition of the gate or grid and adjacent roadway, and to initiate action with respect to maintaining the gate or grid in a safe operating condition for the travelling public.

5.2 General

Council will approve a gate (only) within a fence line across a public road if that road is classified as an Access Road only in Council's road hierarchy (refer STRAT0028 Road Risk Management Policy). Such a gate shall have a minimum width of four metres and appropriate delineation and warning signage as approved by Director Roads Infrastructure.

Council encourages owners to fence out roads to eliminate the need for gates or grids wherever possible/practicable.

All gates and grids located on a designated State controlled road will be referred by the applicant to the Department of Transport and Main Roads.

5.3 New Installation

Applications to install a new gate or grid must be submitted to Council prior to construction and all details as contained in *F0254 Application for Gate or Grid Permit* must be addressed.

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. A refund of the application fee shall not be given if the application is denied.

Where a grid is installed, the applicants, at their own expense, shall also install a gate, in accordance with the approved CTRC Standard Drawings. This gate shall be installed in the fence line at a distance of no more than fifty (50) metres from the grid.

Once installed it is an offence to lock such a gate and such gates shall be maintained in good working order so as to allow ease of access for any member of the travelling public wishing to use the gate.

5.3.1 Objections to an application

An advertisement will be placed in two editions of a local newspaper giving interested persons 30 days' notice to lodge objections in writing to an application for the installation of a gate and grid. A pro forma of the required advertisement is enclosed for guidance at Attachment 7.2.

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

5.4 Existing Gates and Grids

All existing gates and grids require a completed *F0254 Application for Gate or Grid Permit* and are maintained to the standard specified in this policy.

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

The permit holder may approach 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 works authority 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 permit holder.

Where a complete gate/grid replacement or gate/grid removal is necessary, Council will require the permit holder upgrading the gate or grid to submit *F0254 Application for Gate or Grid Permit*, carry out all prescribed works in accordance with CTRC Standard Drawings and specifications and pay the replacement and/or removal fee as listing in Council's scheduled fees and charges.,

5.4.1 Transfer of ownership

In the event of transfer of ownership *F0292 Application for Gate or Grid Transfer of Ownership* is required to be submitted to Council. No gates and grid fee will be required for a transfer of ownership application.

5.5 Supply of Grids and Signs

Council does not have any grids and/or abutments available for sale. However there are a number of businesses in the region, which manufacture grids for sale. All grids and abutments installed shall meet the strength requirements of Australian T44 Highway Loading as defined by "Austroads - 1992".

Grids that are not prefabricated require Registered Professional Engineer of Queensland (RPEQ) certification or will be supplemented with a Statutory Declaration.

Council can make available for purchase the required signs, posts and fittings through Council's store at market rates, plus handling and cost recovery.

Following installation by the landowner the ongoing maintenance of “GRID” and “ONE LANE” warning signage will be the responsibility of Council.

5.6 Maintenance of Installation

Maintenance of a gate or stock grid installation is the responsibility of the 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. Guidelines are included at Attachment 7.1 to assist in this process.

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.

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 owner.

The owner must agree in writing as a condition of the permit, prior to installing/upgrading the gate or grid, to pay Council for all maintenance work carried out on the installation, whenever Council is unable to contact the owner within a reasonable period, or if the repair work identified in a “Notice” is not completed within the time stipulated in the “Notice”.

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”.

5.7 Other Terms and Conditions

Subject to satisfactory installation of gates or stock grids, as set out in this policy, the applicants may be issued a permit on the following terms and conditions:

The permit shall continue in force until cancelled by the Local Authority;

- 1) The permit holder shall maintain the gate or grid in good condition, and shall also maintain the road in a good condition (including the destruction of all noxious weeds) for a distance of 5 metres on either side of the grid so that public traffic may not be impeded or obstructed;
- 2) The permit holder shall secure with a reputable insurer, insurance cover for each gate or stock grid, with respect to public liability of an amount not less than ten (10) million dollars. This insurance cover shall indemnify and keep indemnified both the owner and the Local Authority 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 gate or grid, including for the duration of the construction period;
- 3) Such insurance shall be maintained current for the duration of the existence of the gate or stock grid;
- 4) The owner shall within fourteen days of demand, deliver a copy of the insurance policy to the Local Authority as evidence of conformance with his obligations in regard to this condition;
- 5) If a gate or grid permit is relinquished by the owner, or cancelled by Council, the owner shall be responsible for removing the gate or grid, gate and appurtenances from the road and reinstating the roadway to the standard of the road on either side of the gate or grid. *F0227 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 owner.

5.8 Location and Alignment

5.8.1 Location

A gate or stock grid shall only be constructed on a public road at the location (specified road chainage) authorised by the Council.

5.8.2 Alignment

A gate or stock grid shall be constructed at right angles to the centre line of the road. This may mean that in some circumstances, the alignment of the gate or stock grid will be skewed in relation to the alignment of the fence line.

The centre of the gate or stock grid shall be coincident with the centre of the pavement, whether or not it has been widened for curve requirements, or otherwise.

The grade of the grid shall conform to the longitudinal grade of the road unless directed otherwise by the Director Roads Infrastructure.

The levels of the grid surface (including crossfall) shall be in accordance with the directions of the Director Roads Infrastructure.

5.9 Construction

5.9.1 Grid Size

Where a grid is being installed or replaced, it must be a minimum of four meters in width and in accordance with the minimum trafficable width of the road.

Grids that are existent upon adoption of this policy will be deemed compliant in regard to width. From the adoption date of this policy the minimum grid width for new installation and replacements will be four meters.

5.9.2 General

Stock grids shall be constructed to the dimensions and details shown on the CTCRC Standard Drawings (S0049-1 - S0049-4). Where those drawings are silent, the specifications shown on Main Roads Standard Drawings 1353 and 1561 are to apply.

All excavation and subsequent disposal of spoil shall be carried out in an environmentally responsible manner in accordance with Council's Environmental policy.

Approach ramps (if ordered) shall be constructed in accordance with the grades shown on the drawings. The quality of the material used in the ramps, and the construction method employed, shall be in accordance with current Council standards and practices and shall require approval of the Director Roads Infrastructure.

5.9.3 Ground Preparation

In poor soil conditions Council may direct that selected fill be used beneath the abutment and floor.

In special circumstances the Council may direct that the drainage under the grid requires a concrete erosion protection slab between the footings.

5.9.4 Endwalls/Wingwalls

Endwalls/Wingwalls shall be constructed to the dimensions shown in the drawings. Their purpose is to prevent earth from collapsing from the road embankment at each end.

5.9.5 End Structures/Frangible Zone

Council is concerned to ensure that if there is a collision between a travelling vehicle and posts or rails on the sides of a stock grid, the posts or rails shall provide minimal resistance (i.e. be frangible) and collapse, or fall away easily and relatively safely under the impact.

The frangible zone is 3 m either side of the grid structure. Refer CTRC standard drawings S0049-2.

Maximum post/rail size within the frangible zone shall be maximum 65 mm outside diameter or diagonal with 2.3mm wall thickness steel pipe, or equivalent.

Prefabricated end panels as shown in the CTRC standard drawings S0049-2 may be installed. Note that all horizontal rails parallel to the direction of traffic, shall have fully welded connections, and be housed within an outer frame. Treatments other than those specified in the CTRC Standard Drawings may be approved by the Director Roads Infrastructure.

No unrestrained horizontal rails parallel to the direction of traffic, of any description, are permitted, as they constitute a potential "horizontal spear hazard" for motorists. If such currently exists they shall be removed and replaced with an acceptable arrangement.

Tubular steel panels shall be prefabricated from galvanised pipe manufactured in accordance with AS1450, to the dimensions as shown in S0049-2.

5.9.6 Delineators

Where the approach road alignment requires it, delineators (guideposts) shall be installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) to guide traffic safely through the stock grid installation.

5.9.7 Grid Warning Signs and Width Markers

Reflectorised grid warning signs shall be provided at both approaches to the grid (in accordance with the Manual Uniform Traffic Control Devices (MUTCD). Unless on approach from an arterial road whereby insufficient distance makes insertion of a grid sign ineffectual.

Unless directed otherwise by the Director Roads Infrastructure, warning signs for the grid shall be erected as follows:-

- (a) On the left hand side of the road (facing the oncoming traffic), distant from the gate or grid not less than 75m and not more than 200m.
- (b) Positioned not less than 2m and not more than 5m from the edge of the carriageway unless directed otherwise by the Director Roads Infrastructure.
- (c) Angled to the road as necessary to provide satisfactory visibility to approaching traffic.
- (d) On galvanised steel pipe, outside diameter/diagonal. 65mm maximum, 2.3mm wall thickness.

Signs shall be bolted to posts using two 12mm diameter galvanised cup-head bolts, nuts and washers, and brackets.

All posts shall be erected vertically and shall be embedded a minimum of 600mm into solid ground.

Materials List for 'GRID' signage is as follows:-

2	x	'GRID' warning signs (W5-16B)
2	x	'ONE LANE' warning signs (W8-16B) single grids only
2	x	posts and sets of brackets
2	x	width marker - Left (D4-3A(L)) single grids only
2	x	width marker - Right (D4-3A(R)) single grids only

Following installation by the permit holder the ongoing maintenance of grid signage (including "one lane" sign) will be the responsibility of Council.

In all cases width markers shall be erected at each end of the grid to define the grid width to approaching traffic. Refer to CTRC standard drawings S0049-3.

5.10 Double Grids

Where the stock grid is so wide that it requires construction using two separate grid panels, the two grids shall be connected together with M24 bolts at 300mm centres and secured using nylon locknuts to prevent them vibrating loose, and to facilitate removal if/when necessary. The distance between the two grids shall be a maximum of 40mm.

5.11 Traffic Control during Installation

The applicants, prior to commencement and during the entire period necessary for installation of the grids, shall take all necessary steps for the protection of the travelling public during excavation, concrete works, laying and setting of the grid and fencing, by:-

- (a) Complete *F0227 Application to carry out works on a road or interfere with a road or its operation* (Refer website);
- (b) erecting suitable barriers together with appropriate warning signs and devices, in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and as directed by Council's Director Roads Infrastructure, warning of the work in progress;
- (c) constructing a safe and adequate side-track to allow traffic to by-pass the construction site and as directed by Council's Director Roads Infrastructure; and
- (d) repairing or causing to be repaired, any damage to the roadway caused through such excavation, concrete works, laying and setting of the grid and fencing, with repairs to be effected in such a manner so as to restore the roadway to a similar state and condition as existed prior to the commencement of the works.

5.12 Inspections and Hold Points

5.12.1 New Installation Inspections

In the event that approval is granted for a stock grid, a person shall not commence construction or placement until Council carries out the following inspections and the authorisation is given to proceed:

- (a) The steel grid structure (other than for an approved pre-fabricated grid) must be either certified by a RPEQ, or alternatively, inspected by Council to determine compliance with the CTRC Standard Drawings, prior to transport to site. (Approved pre-fabricated grids compliant with relevant specifications are available for purchase from commercial grid manufacturers).

- (b) The exact location at which a stock grid is to be located must be inspected and approved by Council so that issues of safety concerning sight distance etc. are determined.
- (c) Concrete abutments/slabs must be inspected by Council, at the following Hold Points:
- I. when excavation and steel fixing is completed and prior to pouring; and,
 - II. on completion of pour and once grid has been mounted.
- (d) Steel abutments must be inspected:
- I. prior to placing the abutments
 - II. After the abutments and grid structure have been installed
 - III. An inspection to ensure all appropriate signage has been installed is required upon completion.

Inspections may be arranged by contacting Council's Roads Infrastructure Department on phone 07 4761 5387 at least 7 days prior to the date the inspection is required.

5.12.2 Programed Inspections

Council officers will inspect all gates, grids and approaches as part of routine road network inspections every 2 years. Any defects observed during the course of these inspections will be advised to the permit holder in writing as a defect "Notice".

6. POLICY REVIEW

The policy is to be reviewed whenever legislation changes, OR every two years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Variations

The Council reserves the right to vary, replace or terminate this policy from time to time.

Associated Standard Drawings

- S0049-1 Concrete Abutment Details
- S0049-2 Grid End Panels and Fence Options
- S0049-3 Layout, Signs and Frangible Zone
- S0049-4 General Grid Arrangement

Associated Forms - refer Council website

- F0254 Application for Gate and Grid Permit
- F0227 Application to carry out works on a road or interfere with a road or its operation
- F0292 Transfer of Grids Ownership

Associated Policies/Documents

- STRAT0028 Road Risk Management
- Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD)
- Department of Transport and Main Roads Technical Specification, MRTS14 Road Furniture
- T44 Highway Loading - Austroads 1992

Relevant Laws

- Local Government Act 2009
- Transport Infrastructure Act 1994
- Transport Operations (Road Use Management) Act 1995
- Local Law No.24 (Gates and Grids) 2011
- Subordinate Local Law No. 24 (Gates and Grids) 2011
- Local Law No.1 (Administration) 2011
- Subordinate Local Law No. 1.15 (Carrying out Works on Roads or Interfering with a Road or its Operation) 2011

7. ATTACHMENTS AND APPENDICES

7.1 ATTACHMENT A - Guidelines for Maintenance

Guidelines for the maintenance and care of permitted stock grids

The following is provided as an indicative guide, but the owner is responsible to fulfil their duty of care with respect to the travelling public and initiate their own actions as the need arises. The safety of the travelling public is of utmost importance and urgent action by the permit holder is required when appropriate.

Broken Grid Rails:	1 rail: to be replaced within 48 hours More than one rail - to be repaired immediately
Loose Grid Rails:	Broken welds are to be repaired within 7 days
Signs:	The owner shall ensure that all requisite signs are in place and maintained in a satisfactory state. Any signs which are removed, damaged or have lost their reflective characteristics shall be replaced within 15 days of becoming aware.
Delineation:	Minimum delineation requirements identified in the CTRC Standard Drawings shall be maintained at all times. Damaged wing panels should be repaired within 10 working days. Width Markers or delineators should be replaced within 7 working days.
Fence Posts Construction:	Maximum post size within the frangible zone shall be maximum 65 mm outside diameter/diagonal with 2.3mm wall thickness steel pipe, or equivalent.
Road Subsidence:	Where the roadway immediately adjacent the abutments suffers subsidence, the licensee shall take action to fill the depression with sound gravel material to bring the surface back to grade.
Visibility:	The owner shall ensure that the structure remains in a highly visible state at all times. Any vegetation growth in the vicinity of, or on the approaches to the structure, which obscures or partly obscures visibility of the grid, shall be removed. The owner shall ensure painted surfaces are maintained in a state of high visibility.
Horizontal Spear Hazards:	Any unrestrained horizontal railings aligned parallel to the direction of traffic, shall be immediately removed, as they present a particular hazard to traffic. Wire ties, small bolts or tack welding fixing the rails may not constitute satisfactory restraint in the event of impact by a vehicle.
Non-Frangible posts:	Posts of greater structural strength than a 65mm OD steel pipe shall be removed from the "frangible" zone.

7.2 ATTACHMENT B - Proforma newspaper advertisement

APPLICATION FOR PERMISSION TO ERECT FENCES WITH LICENSED STOCK GRIDS AND GATES

Notice is hereby given that it is the intention of (Full Name) to apply to the Charters Towers Regional Council for permission to erect (Number) fences, with licensed stock grids and gates across the road known as (Description and Location).

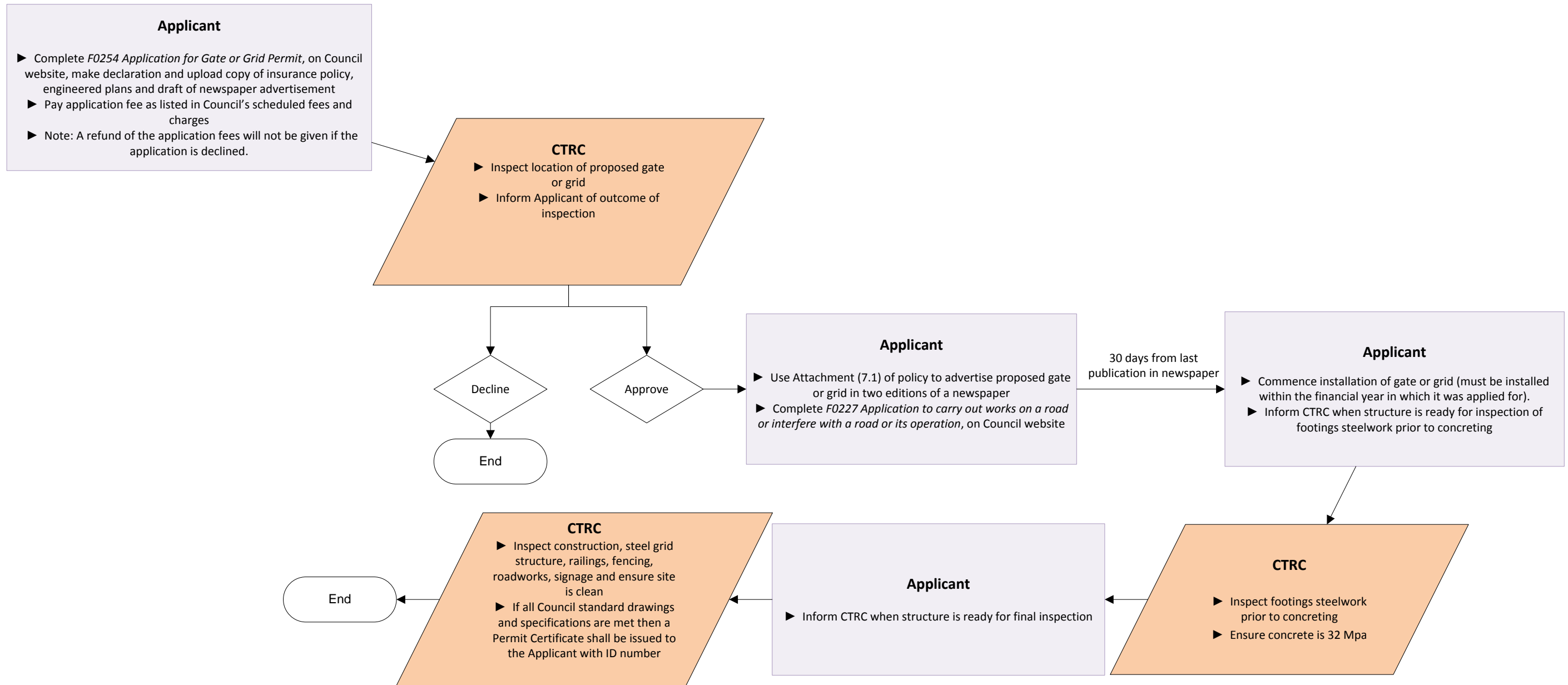
The application may be inspected at Charters Towers Regional Council Administration Office, 12 Mosman Street, Charters Towers, and objections may be lodged in writing, setting out the grounds for such objections, with the Chief Executive Officer within 30 days from the date of this publication.

Name: _____

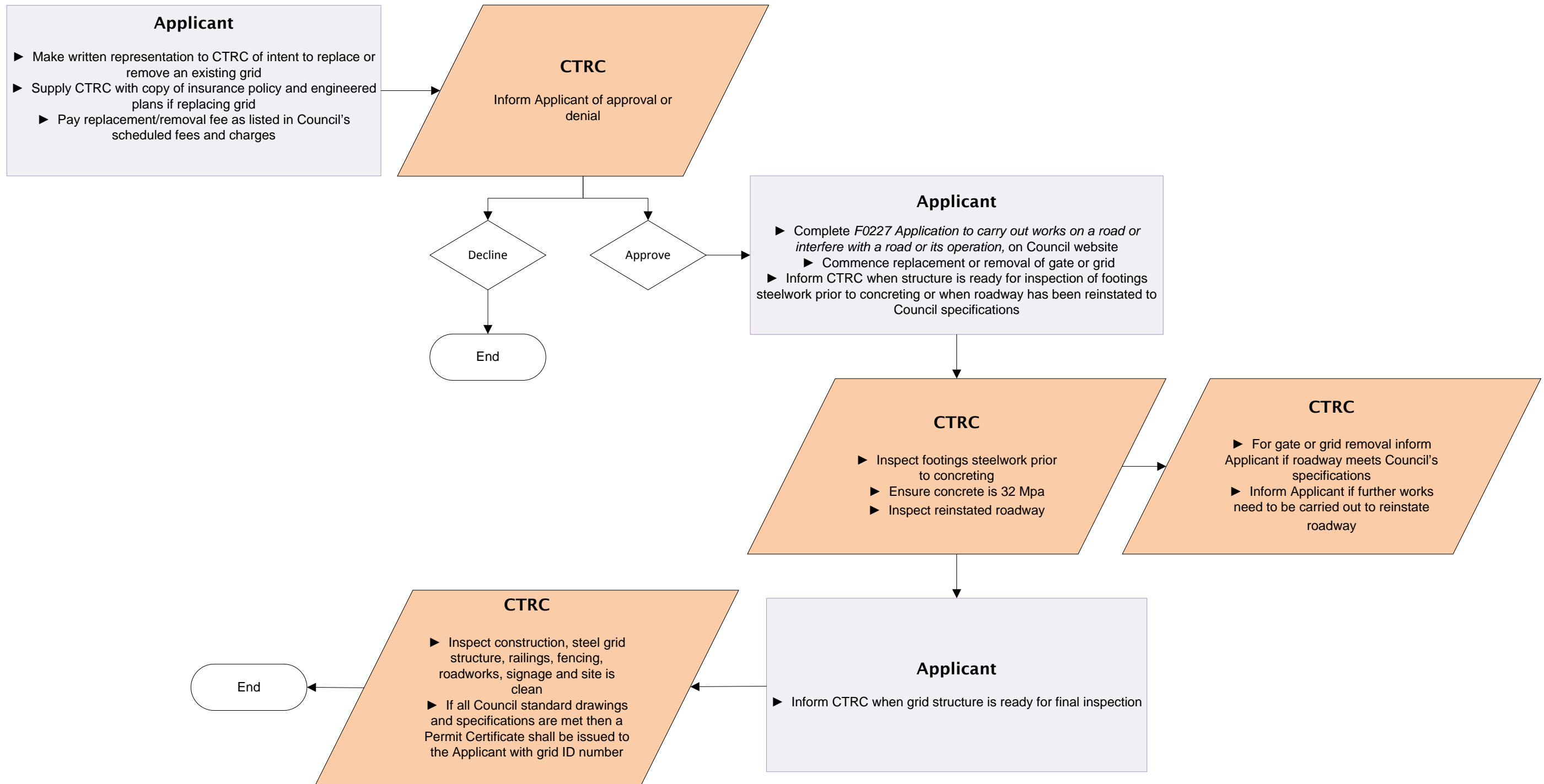
Address: _____

Property: _____

7.3 ATTACHMENT C - New Grid Application Workflow



7.4 ATTACHMENT D - Replacement or Removal of Grid



7.5 ATTACHMENT E - Statutory Declaration

Oaths Act 1867

Statutory Declaration

QUEENSLAND
TO WIT

I,

of in the State of Queensland

do solemnly and sincerely declare that

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867.

Signature of declarant/deponent

Taken and declared before me at

this day of

A Justice of the
Peace/Commissioner for
Declarations.

Official Use Only:

POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: Cameron Scott
 Title: Director Roads Infrastructure
 Policy Maintained by: Cameron Scott
 Title: Director Roads Infrastructure
 Review date: 11 October 2019

Original issue: 16 July 2014
 Current version: 9, Adopted 11 October 2017

CEO Signature:



 11 October 2017

DIRECTIVE TO P&C:

Key Stakeholders identified and engaged within this development process	(Names/Sections here):
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Distribution & Dissemination of approved:

Policy / Administrative Directive / Procedural Guidelines / Other:

Process	Stakeholders identified	Date completed
Email		
Notices		
Noticeboards		
P&C Newsletter		
Corporate Newsletter		
Payslips		
Section/Toolbox meetings		
Other:		
Other:		

Signed (for and on behalf of P&C):

Date:

Recorded/evidence in Document Management System (ECM):