

2262 Gates and Grids

Governance Policy

PURPOSE

- 1) The policy establishes the framework for Council's management of new and existing gates and/or grids across local government controlled roads to ensure any adverse impacts on vehicular and pedestrian traffic are minimised.

SCOPE

- 2) This policy applies:
 - (a) to the installation and construction of a new gate and/or grid on a local government-controlled road;
 - (b) to the maintenance of existing gates and/or grids on local government-controlled roads;
- 3) This policy does not apply to gates and/or grids located on property boundaries provided that the gate and/or grid does not encroach on the road reserve.

DEFINITIONS

Term	Definition
Ancillary Works and Encroachments	For the purposes of this policy, includes gates and grids.
Approval	An Approval issued by Council pursuant to LL No. 1 and SLL No. 1 to the Responsible Person prior to the installation of a gate and/or grid on a local government-controlled road.
Approval Holder	The person to whom an Approval is issued by Council and is responsible for ensuring compliance with the conditions of Approval.
Council	North Burnett Regional Council.
Gate	A hinged or sliding barrier used to close an opening in a wall, fence or hedge
Grid	A structure designed to permit the movement of pedestrians or vehicular traffic along a road but prevents the passage of livestock.
LGA	<i>Local Government Act 2009</i> (Qld).
Local Government Controlled Road	All roads in Council's local government area that it is responsible for controlling and excludes State controlled roads and public thoroughfare easements.
LL1	<i>North Burnett Regional Council Local Law No. 1 (Administration) 2011.</i>
Required Fee	The cost of applying for an Approval pursuant to Council's Fees and Charges, adopted annually.
Responsible Person	The person who is responsible for a gate and/or grid installed across a local government controlled road and is required to obtain an Approval from Council and will be responsible for the ongoing maintenance of the gate and/or grid (usually the adjoining landholder).
Road	Has the meaning as set out in section 59 of the Local Government Act 2009.
SLL1	<i>North Burnett Regional Council Subordinate Local Law No. 1 (Administration) 2011.</i>
Standards	The terms and conditions specified in the Approval granted to the Approval Holder by Council for the installation of a gate and/or grid on a local government-controlled road.

POLICY

OBJECTIVES

- 4) To provide a comprehensive standard for:
 - (a) members of the community seeking to install and construct a gate and/or grid on a local government-controlled road;
 - (b) the maintenance standards expected for existing gates and/or grids; and
 - (c) Council's enforcement response to non-compliance with an Approval and/or where existing gates and/or grids become defective or fall into a state of disrepair.

PRINCIPLES

- 5) Section 60 of the *Local Government Act 2009* (Qld) specifies that Council has control of all roads in its local government area. Council acknowledges that the power to control all roads in its local government area includes making a local law *"to regulate the construction, maintenance and use of ancillary works and encroachments along, in, over or under roads"* (s.60(2)(f)(ii)).
- 6) Council acknowledges that its obligations pursuant to section 60 of the LGA is to allow for the safe and unimpeded movement of all traffic.
- 7) The installation of a new gate and/or grid is considered a prescribed activity under LL1 and SLL1 (**the Local Laws**) and must be approved by Council prior to the construction.
- 8) Any cost involved in the construction of a new gate and/or grid or maintenance of an existing gate and/or grid will be the sole responsibility of the Responsible Person.
- 9) The Responsible Person will be required to take out and maintain, in respect of the gate or grid, a public liability insurance policy which provides indemnity for each individual occurrence in an amount of not less than \$20,000,000 and producing a copy of the policy on demand by an Authorised Person of Council.

POLICY STATEMENT

- 10) To ensure a consistent standard regarding the construction, maintenance and compliance requirements for all gates and grids across local government-controlled roads, Council will ensure adherence to LL1 and SLL1 (**"the Local Laws"**):
 - (a) **New Gates and/or Grids – Construction and Installation**
 - A Responsible Person seeking to install and construct a gate and/or grid across a local government-controlled road will be required to apply to Council on the approved Form and by paying the required fee providing all of the required information and supporting documentation requested by Council.
 - Council will, through its approval process, ensure that any gates and/or grids constructed meet the required standard, being Gate Specification S1 or S2 for gates and Grid Specification S1 for grids, unless otherwise agreed and provided through conditions of an Approval.
 - The Responsible Person is solely responsible for payment of the Required Fee and the annual grid licence fee which will be included with the rates notices to cover costs of the annual inspection.
 - The installation of signage associated with the gate and/or grid will be to the required standard and at the cost of the Responsible Person.
 - (b) **Existing Gates and Grids – Maintenance Requirements**
 - When undertaking maintenance of existing gates and/or grids that are not subject to a LL Approval (i.e. the gate and/or grid was in existence prior to the commencement of Council's Local Laws), further Council approval will not be required provided the works comply with the requirements as specified in Schedule 4 of SLL1.
 - Council will undertake regular inspections of constructed gates and/or grids and record a condition assessment report to be provided to the Responsible Person.
 - For any maintenance works that are required and have not been undertaken to the required standard, the Responsible Person will be required to either obtain an Approval from Council to upgrade the gate and/or grid to the required standard or remove the gate and/or grid.

- Where removal is required, Council will remove a gate and/or grid at no cost to the Responsible Person, provided that person requests Council's assistance within 60 days of being provided with the condition assessment report.
- (c) **Defective Gates and Grids – Compliance Requirements**
- If a gate and/or grid is found to be defective, Council will:
 - (i) If an Approval exists for the gate and/or grid, notify the Approval Holder by way of Compliance Notice under LL1, requiring the Approval Holder to address the non-compliance; or
 - (ii) If there is no Approval, require the Responsible Person to undertake the maintenance works required to bring the gate and/or grid up to the required standard.
 - Where non-compliance remains following a notice to the Approval Holder or Responsible Person, Council will consider further enforcement options pursuant to its Local Laws.
 - If ownership of the gate and/or grid cannot be established, Council will remove or repair the gate and/or grid if found to be defective, with removal being the preferred option.

ROLES AND RESPONSIBILITIES

11) New Gates and Grids – Construction and Installation

- The Responsible Person must make an application to Council and pay the required fee prior to commencing installation and construction of a gate and/or grid;
- Council's Authorised Officer is required to assess the application against LL No. 1 and SLL No. 1 and if satisfied the application meets the requirements, approve the application.
- The Responsible Person is not permitted to commence installation or construction of a gate and/or grid until an Approval has been granted by Council.

12) Existing Gates and Grids – Maintenance Requirements

- The Approval Holder must maintain the gate and/or grid in accordance with conditions of Approval.
- The Responsible Person must maintain the gate and/or grid to the required standard.
- Council's Authorised Officer will undertake a compliance inspection of constructed gates and/or grids on a regular basis, usually at least every two (2) years, unless determined otherwise by Council.

13) Defective Gates and Grids – Compliance Requirements

- Council is responsible for carrying out a regular compliance inspection of the gate and/or grid.
- The Approval Holder or Responsible Person is required to address any non-compliance advised by Council.
- Council is responsible for further enforcement action if required.

APPLICABLE LEGISLATION AND REGULATION

14) Applicable legislation and regulation:

- (a) *Local Government Act 2009* (Qld), section 60(1) and (2)(f)(ii);
- (b) *North Burnett Regional Council Local Law No. 1 (Administration) 2011*; and
- (c) *North Burnett Regional Council Subordinate Local Law No. 1 (Administration) 2011*.

RELATED DOCUMENTS

15) Related documents are:

- (a) Gates and Grids Approved Drawings GR-01 and GT-01
- (b) Gates and Grids Procedure

RESPONSIBLE OFFICER

General Manager Works

APPROVAL DATE

28 October 2021

REVIEW DATE

October 2025 (Standard four year term)

REVISION HISTORY

Version	General Managers	Approval Date	History
1	General Manager Works	28 October 2021	New

ANNEXURE 1

Gates and Grids Approved Drawings GR-01 and GT-01