



Gladstone Regional Council

Council Policy

Title	GATES AND GRIDS POLICY
Policy Number	P-2020-03
Business Unit/s	STRATEGIC ASSET PERFORMANCE
Date of Adoption	16 JUNE 2020
Resolution Number	G/20/4221
Review Date	16 JUNE 2023
Date Repealed	

1.0 PURPOSE:

This Policy sets out the management framework and responsibilities for Gates and Grids in Roads within the Gladstone Region.

2.0 SCOPE:

This policy applies to Roads in the Gladstone Region.

3.0 RELATED LEGISLATION:

- *Local Government Act 2009*
- *Transport Infrastructure Act 1994*
- *Transport Operations (Road Use Management) Act 1995*

4.0 RELATED DOCUMENTS:

- The Business's standard drawing/specification for gates and grids (CMDG-G-019 and CMDG-G-020).
- Gates and Grids Corporate Standard

5.0 DEFINITIONS:

To assist in the interpretation of this policy and the supporting Corporate Standard, the following definitions apply:

Business means Gladstone Regional Council in its operational capacity.

Council means Gladstone Regional Council as the local government entity for the Gladstone Region.

Landholder means the person (or entity) who would normally be considered to be the property owner deriving the benefit for the gate or grid to contain livestock.

Note: Grids that are shared by more than one property may have multiple landholders.

Maintained Road means a Road that is noted on the Business's road register as being maintained by the Business.

Private Works Agreement means an agreement between Council and the Landholder for the Business to replace the gate or grid and specifies the costs to be paid by the Landholder and the agreed terms for payment.

Road has the meaning as set out under Section 59 of the *Local Government Act 2009*.

Unmaintained Road means a Road that is not a Maintained Road.

Useful Life means an estimate of the average number of years an asset is considered useable before its cost to maintain exceeds the cost to replace.

6.0 POLICY STATEMENT:

The control of all Roads in Queensland (other than State and National controlled roads) rests with local government and therefore local governments have the responsibility for the control of gates and grids on Roads.

To minimise hazards to motorists, it is preferred that no gates or grids be installed on Roads in the Gladstone Region. It is acknowledged however, that it is not always practical for Landholders to fence rural properties adjoining Roads to control stock and prevent stock entering Roads. In some instances, a gate or grid may provide the best overall outcome.

For Maintained Roads, where a gate or grid is already in place or is deemed necessary and is approved under this policy, the Business will, subject to transfer of ownership, be responsible for the maintenance and repair of the gate or grid until the end of its Useful Life. Landholder(s) will be provided with the opportunity to pay for the replacement of a gate or grid at the end of its Useful Life and any salvage right if removed. In order for the Business to assume maintenance responsibility, the Landholder must agree in writing to transfer ownership to Council for existing gates and grids. For clarity, new grids on Maintained Roads are owned by the Business.

For gates or grids on Unmaintained Roads within the Region and gates or grids for which ownership is not transferred to Council, risk and liability for the gate or grid will remain with the Landholder(s) deriving, or potentially deriving, the benefit from the gate or grid.

For all Roads, including Maintained Roads and Unmaintained Roads, the Business reserves its rights to remove a gate or grid that is:

- Installed without prior written approval;
- Deemed a safety hazard; or
- Is at the end of its Useful Life.

6.1 Condition Assessment

An inspection and maintenance regime for gates and grids installed on Roads will be carried out in accordance with asset management processes. Gates and grids will be rated as follows:

Rating	Description
Poor to Fair	Estimated 0 – 5 year remaining life expectancy.
Fair to Acceptable	Estimated 5 – 15 year remaining life expectancy
Acceptable to Compliant	Estimated 15 – 25 year remaining life expectancy

Where a gate or grid is determined to be at the end of its Useful Life or unsafe, notice will be sent to the Landholder asking if the Landholder wishes to pay for a replacement gate or grid. The notice shall include:

1. An estimate of costs associated with replacing the gate or grid;
2. Details of payment options for costs;
3. A timeline for responding to the letter along with further actions to occur;
4. Any specific requirements relevant to the individual gate or grid.

Where the Landholder agrees to pay for replacement of the gate or grid, the Landholder will be required to enter into a Private Works Agreement. On execution of the Private Works Agreement, and subject to the agreement conditions being met, arrangements to replace the gate or grid will be made by the Business in accordance with the terms of that agreement.

Where the Landholder no longer requires the use of a gate or grid, or fails to respond within the designated timeframes, the gate or grid will be removed.

If a Landholder wishes to salvage the materials contained in the gate or grid, the Landholder must give notice of this prior to removal.

6.2 Application Process

If a Landholder wishes to install a new gate or grid on a Council Road, or a Landholder wishes to complete maintenance, repair, replacement or removal of a grid or gate on an Unmaintained Road, the Landholder must first submit written application to the Business. The Application must include:

1. Details of the proposed location of the gate or grid including a GPS location.
2. Alternative options already investigated to contain stock including a cost estimate for the installation of a rural fence on the property boundary adjacent to the Road that the gate or grid is to be installed on.
3. Details of the proposed works.

The Chief Executive Officer (or delegate) will determine if the request is approved, taking into consideration the following:

- All required information submitted as required by this policy; and
- Risks associated with the location of the proposed gate or grid.

If installation of a new gate or grid on a Road is approved, the Landholder will be required to enter into a Private Works Agreement. On execution of the Private Works Agreement, and subject to the conditions being met, arrangements will be made by the Business to install the gate or grid in accordance with the terms of that agreement.

Ongoing maintenance for new gates and grids will be the responsibility of:

- The Business for gates and grids on Maintained Roads; and
- The Landholder for gates and grids on Unmaintained Roads.

For gates and grids on an Unmaintained Road, works approved by Council must be completed at the Landholder's expense according to conditions imposed by Council as part of the approval of the application.

7.0 ATTACHMENTS:

Nil.

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	17 June 2014	G/14/2033	
Amendment 1	17 November 2015	G/15/2645	P-2015/27
Amendment 2	16 June 2020	G/20/4221	Formerly P-2015/27. New policy based on new position for responsibility and changes made to Subordinate Local Laws.
Amendment 3			

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CHIEF EXECUTIVE OFFICER