

POLICY:-	
Policy Title:	Public Gate and Bypass (Grid) Policy
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PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy Developed by:	Asset and Risk Coordinator
Committee/s (if any) consulted in the development of this policy::	N/A
Responsibility for implementation:	Director of Works and Operations
Responsibility for review of Policy:	Asset and Risk Coordinator

1. Purpose and Objectives of this Policy

This policy complies with the Roads Act 1993 and Roads Regulation 2008. The purpose of the policy is to improve the safety of Council's rural roads network by setting out the responsibilities for landowners and Council in the installation, maintenance and removal of public gates and bypass (grids). This will be achieved by developing and maintaining a systematic approach to the approval, inspection, evaluation, maintenance and repair of public gates and bypass (grids).

The objectives of this Policy are:

- To document a transparent system covering all matters relating to the administration and management of public gates and grids.
- To document standards for the construction of public gates and grids.
- To define clearly the responsibilities of Permit holders for public gates and bypass (grids).
- To define clearly the registration and recording procedures for public gates and grids.
- To outline the legal framework through which the Policy can be enforced.
- To ensure that the location of public gates and bypass (grids) does not adversely affect road users wishing to use Upper Lachlan Road Network.

2. Policy Statement

Public gates and bypass (grids) are structures on a road for the purpose of controlling stock movements and as such are of benefit to the landowner and neighbouring property owners who use the road for legal access. They serve no other purpose than to control stock between boundaries of neighbouring properties. They have the potential to impact upon the safe and efficient passage of the community road user.

Being a structure across a road the public gate and bypass (grid) comes under the regulatory control of Council and as such necessitates being constructed and maintained to a standard acceptable to Council.

Ownership and responsibility of the structure and all associated items, including 20m approaches and signs, shall be vested in the landowner or his successor in title, as per Roads Act 1993 Part 9 Division 2 and Clauses 73 to 76 of the Roads (General) Regulation 2008. Should no landowner for a structure be identified, Council shall be entitled to remove the structure.

3. Permits

The Roads Act requires that any public gate and bypass (grid) on a public road must have a permit from the Council.

In the transition period of two (2) years 2018 to 2020 Council will waive permits fees. Fees costs shall be set in future revision of this document.

Landowners of existing public gates and bypass (grids) must apply for a permit from Council to registered and check compliance to the minimum standard for public gates and bypass (grids)

Where a public gate and bypass gate are situated on the boundary between two properties and the road reserve is unfenced on both sides of the boundary, a joint application may be made by the landowners of the two properties. The standard permit application fee shall apply to joint applications.

Where Council does not grant a permit for an existing public gate and bypass (grid) due to refusal of an application for a permit, or no application being submitted by landowners, Council may order the removal of the existing public gate and bypass (grid).

Council will maintain a register of permits granted, locations and landowners of public gate and bypass (grid). This register will be available for inquiries from the public as to ownership details of grids and gates. To comply with relevant privacy legislation, the application form for a public gate and bypass (grid) permits will include a declaration that the applicant gives consent to Council disclosing their name to the public in response to inquiries about public gate and bypass (grid) ownership.

The permit number must be clearly displayed by the landowner on a notice erected at the public gate and bypass (grid).

Existing substandard public gate and bypass (grid) Council will require repairs or upgraded to comply with the Council's Specification before granting a permit.

Where Council grants a permit without requiring upgrading of an existing public gate and bypass (grid), the landowner remains responsible to make the public gate and bypass (grid) comply with Council's standards.

4. New Grids

No new public gate and bypass (grid) shall be approved for construction on roads under Council's control. Council's long term goal shall be for the fencing of all dedicated roads with a view to the ultimate elimination of grids/grids on dedicated public roads.

5. Repairs & Replacement

To be consistent with the Roads Act 1993 Part 9 Division 2, the landowner of the public gate and bypass (grid) or his/her successor in title is responsible for the satisfactory state of repair of the grid structure, for twenty (20) metres of

roadway either side of the public gate and bypass (grid) and associated fencing including both gate and grid within the road reserve.

All maintenance of the public gate and bypass (grid) and associated items is the responsibility of the landowner. This includes contacting council or an approved contractor if repairs are required. Contractors require consent by Council to work in, on or over the road service (Road Act s138 permit)

The landowner may request Council to undertake repairs and/or replacement of a public gate and bypass (grid) subject to an agreement being entered into by the Applicant and Council. Arrangements will be on the basis of costs being repaid to Council by agreement.

If a road inspection by Council identifies that works are required to the public gate and bypass (grid), Council will notify the owner in writing and the owner shall rectify any problems immediately. If the works are not carried out within thirty (30) days of the date of the letter then Council may perform the works or remove the public gate and bypass (grid) and bill the landowner/s.

Where an existing public gate and bypass (grid) is, in the opinion of Council's Engineer, in such a state of disrepair as to constitute a danger to traffic, it is to be removed or repaired immediately. Safety signage shall be installed at the landowners cost.

6. Routine Road Grading

At routine road grading, the approaches to public gate and bypass (grid) maybe graded as part of the roadway at no cost to the landowner but any material pushed into the grid cavity by the grader shall not be removed by Council.

All maintenance work at public gate and bypass (grid) remains the responsibility of the landowners including grading approaches 20m each side of the public gate and bypass (grid).

7. Council Roadwork

In the event of Council performing road construction at a public gate and bypass (grid) location, the public gate and bypass (grid) will be upgraded to meet Council specifications. The responsibilities in such a case are as follows:

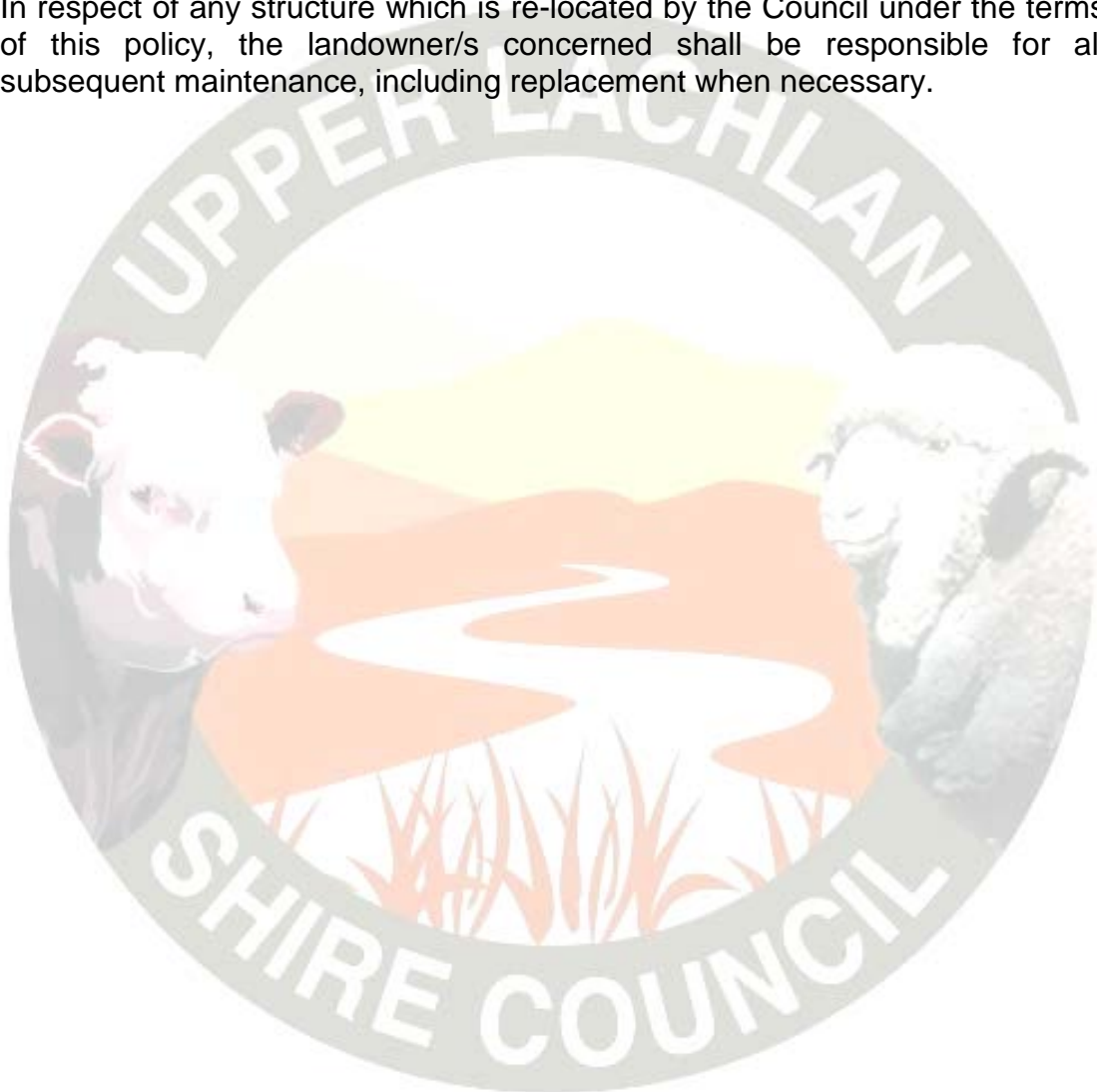
7.1: Owner

- To pay Council for the purchase of a grid and associated items meeting Council's
- To pay for the installation of the upgrading works to Council's standards
- Where applicable, supply materials for any gates and/or fencing
- To be responsible for ongoing maintenance of grid

7.2: Council

- Where applicable remove the existing grid and abutments and deliver to a mutually agreeable location on the owner's property
- Transport of grid to site
- Installation of grid and grid signage
- Construct temporary side-track with appropriate signage for the duration of the works
- Complete associated roadworks

In respect of any structure which is re-located by the Council under the terms of this policy, the landowner/s concerned shall be responsible for all subsequent maintenance, including replacement when necessary.



8. Warning signs

Warning signs and associated measures to increase the visibility of structures across public roads shall be erected on both approaches in such position as to be readily seen from a vehicle approaching the structure. Such safety measures shall be of the materials, height, size, design, and appearance prescribed in AS1742.2.

Warning signs and the maintenance costs will be the responsibility of the landowner/s.

9. Indemnity

The landowner shall indemnify and keep indemnified the Council from and against all claims and demands, howsoever and whenever arising through any act or omission on the part of the occupant in and about the construction, reconstruction, repairs or failure to repair the said public gate and bypass (grid), fencing, or other associated items, whether arising out of any action or direction of the council, or its agents or otherwise.

The landowner shall at all times maintain public liability insurance cover over each public gate and bypass (grid) in an amount of not less than \$20 million. The landowner must provide evidence of current cover to Council at least annually.

10. Revoke permission

Council at any time may revoke any permission granted by it under this policy for private structures on public roads and the person by whom the structure was erected or his successor in title shall within the time specified in the notice of revocation served on him by the council remove the structure and warning signs displayed in connection therewith and take such steps as the council may require to ensure the safety of persons using the road.

11. Working on Public Roads

To address public and workplace safety issues, all maintenance and construction works at public gate and bypass (grid) on public roads shall only be performed by contractors working with a Section 138 certificate and approved by the Council.

The landowner may elect to use Council's workforce as private works jobs at the landowner's expense.

12. Subdivisions

Where rural properties are subdivided to create any additional lots that may or may not contain dwellings, Council will require the removal of existing public gates and bypass (grid) within the land being subdivided. Council will require road reserves in rural subdivisions to be fenced to control livestock.

In areas subject to significant subdivision development Council may require developers to remove existing public gate and bypass (grid) on roads leading to their subdivisions as part of providing an adequate standard of road access.

Council does not provide financial assistance for boundary fencing or public gate and bypass (grid) removal in association with subdivisions.

13. Minimum Acceptable Standards

All work is to be carried out in accordance with Council's Operational Plans, NSW Work Health & Safety requirements, the Road Act 1993, Roads Regulation 2008, industry standards, and applicable Australian Standards. Council will provide guidance if required. The applicant must provide design detail for the structure to cater for HS20-T44 loading and have the design certified by a Structural Engineer. A number of companies manufacture prefabricated cattle grid units. Subject to their design specification being referred to Council, such units will be approved for use.

Appendix A shows the applicable standards for a Public Gate, and Appendix B shows a diagrammatic representation of the construction of a public gate and bypass (grid)

13.1 Trafficable Width

The trafficable width of any public gate and bypass (grid) shall be the greater of the minimum standard trafficable width of the road class and the existing formation width, not less than 5 meters. Where an existing public gate and bypass has been constructed with a width less than this, the signage provided should include a NO OVERTAKING OR PASSING warning sign (R6-1A) on each approach

13.2: Public Gate

The public gate shall be made of resilient material of minimum width 3500mm wide and should be arranged to be free swinging and shall remain unlocked. The gate, and any support structures, and fencing within the road reserve shall be painted white.

13.2.1 Public Gate signage

- Minimum clear opening of 3.50 metres.
- Adequate sight distance must be available along each direction of approach.
- Gate and approaches must be arranged to allow practical use by stock and heavy vehicles.
- Gate must not be locked at any time.
- Gate must be painted white. (required by Roads (General) Regulation 2008)
- Reflectors shall be provided on each side of the gate, showing red on the left hand side and white on the right hand side for approaching traffic.

- A notice must be attached to both sides of the gate bearing the words “PUBLIC GATE” in letters at least 75 mm high.
- A stock grid must also be provided unless Council specifically authorises otherwise.

13.2.2 Public Gate - side track

The bypass (grid) side track which services the public gate is to be constructed to a standard such that it is negotiable by normal two wheel drive vehicles in all weather.

13.3: Bypass (grid)

Exiting bypass (grid) shall have a minimum clear width of 4.0 metres. The length (along the road) of the existing bypass (grid) shall be between 1.7m to 2.1m. The landowner access the liability of stock jumping a bypass with a road length of less than 2.1m

Where existing grids are required by Council to be upgraded because of their poor condition, these grids shall be replaced with grids having a minimum clear width of 4.0 metres and fitting into the original foundation on road length not less than 1.7m.

Adequate sight distance must be available along each direction of approach.

The grid shall be located on a straight length of road, with the level of the top of the grid matching the level of the adjacent road pavement.

The cavity under the grid shall be drained.

13.3.1 Bypass (grid) Signage

- Reflectors shall be provided on each side of the grid, showing red on the left hand side and white on the right hand side for approaching traffic.
- A notice must be clearly displayed at each end of the stock grid bearing the words “MAX. LOAD 44 TONNES” in letters at least 75 mm high.
- The notices shall also state the Council permit number and grid owner’s name in letters at least 75mm high.
- Standard “Grid” warning signs (W5-16B) and “One Lane “ signs (W8 - 16B) shall be erected on galvanised steel posts at a distance of 100 metres from the grid on each approach. These signs shall be erected so that the bottom of the sign is 1.5 metres above the adjacent road centre-line.
- “No overtaking Or Passing” signs (R6-1A) are required at Grid approaches where the width between kerbs and vertical obstruction of less than 5m.
- A set of G9-206 (L) and G9-206 (‘R) chevrons are required on either side of the structure.

14. Definitions

- The Council: Upper Lachlan Shire Council
- The Landowner: Any person in lawful possession of land, including occupants.
- Stock grid: Steel grid and associated support structures, barriers, Warning signs and fencing. Stock grid, stock grates have the same meaning.

Under this policy, the singular includes the plural and vice versa.

15. Implementation & Review

The Works and Operations Department is responsible for the implementation and ongoing review of this Policy.

16. Relevant Legislation and Reference

Extracts from the Roads Act 1993 and Roads Regulation 2008

Roads Act 1993

Division 2 Public gates

128 Roads authority may grant permit

- (1) A roads authority may permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence.
- (2) A permit may not be granted with respect to a classified road except with the concurrence of the RTA.
- (3) A roads authority must cause notice of the granting of the permit to be published in a local newspaper.
- (4) The occupier for the time being of the land to which a permit relates is taken to be the holder of the permit.

129 Erection and maintenance of public gates

- (1) The holder of a public gate permit may, at any time after one month from the publication of the notice of the granting of the permit, erect a gate in accordance with the permit.
 - (2) The holder of a public gate permit must ensure that:
 - (a) a notice is attached to both sides of the gate bearing the words "PUBLIC GATE" in letters at least 75 millimetres high, and
 - (b) both the gate and the notice are maintained in good condition.
- Maximum penalty: 10 penalty units.

130 Revocation of permit

- (1) The roads authority may at any time revoke a public gate permit.
- (2) The occupier of the land the subject of a public gate permit that has been revoked must remove the gate within one month after notice of the revocation is served.
Maximum penalty: 10 penalty units.

131 Effect of permit

While a public gate permit is in force, the public gate to which it relates is taken not to constitute a public nuisance and does not give rise to an offence against this or any other Act.

132 Offences with respect to public gates

- (1) A person must not cause any damage to a public gate or to any notice attached to the gate in accordance with this Division.
Maximum penalty: 10 penalty units.
- (2) A person who opens a public gate must cause it to be closed again immediately after it has been used.
Maximum penalty: 10 penalty units.
- (3) A person who fails to cause a public gate to be closed is liable for any loss or damage suffered by the occupier of the land adjoining the public road on which the gate is situated as a result of the gate having been left open.

133 Construction of by-pass around road gate

- (1) An occupier of land adjoining an unfenced public road across which a public gate is situated at the point where the road intersects a boundary fence:
 - (a) must not, unless the appropriate roads authority so permits, and
 - (b) must, if the appropriate roads authority so requires, construct a by-pass for vehicles at the intersection of the road with the boundary fence.
Maximum penalty: 10 penalty units.
- (2) The roads authority may not permit or require the construction of a by-pass:
 - (a) if the by-pass is to be used in connection with a public gate across a main road, except with the concurrence of the RTA, and
 - (b) if the public gate is part of a rabbit proof, dog proof or marsupial proof fence, except with the concurrence of the local rural lands protection board.
- (3) A by-pass is to consist of:
 - (a) a ramp to allow vehicles to be driven over the top of the boundary fence, or
 - (b) a cattle grid or sheep grid located beside the gate, and must be constructed in accordance with such specifications as may be approved by the roads authority.
- (4) If the appropriate roads authority so requires, the person permitted or required to construct a by-pass:
 - (a) must construct the by-pass along the line of the road, and
 - (b) must re-locate the gate beside the by-pass.
Maximum penalty: 10 penalty units.
- (5) The occupier for the time being of land to which a permit relates is taken to be the holder of the permit.

134 Notice board to be erected at by-pass

- (1) The occupier of land on which a by-pass is constructed must ensure that:
 - (a) a notice, in the form required by the appropriate roads authority, is exhibited on a conspicuous notice board near each end of the by-pass, and
 - (b) both the by-pass and the notice are maintained in good condition.
Maximum penalty: 10 penalty units.
- (2) A notice may prohibit vehicles exceeding a specified laden weight from being driven over the by-pass.
- (3) If the appropriate roads authority requires a person to construct a by-pass, that authority may contribute to the cost of construction and erection of the notices.

135 Closing of by-pass

- (1) A by-pass may be closed and the notices relating to the by-pass may be removed:
 - (a) if the public gate in connection with which the by-pass was constructed is removed, or
 - (b) if the fence of which the by-pass forms part is made rabbit proof, dog proof or marsupial proof.
- (2) A person who closes a by-pass:
 - (a) must give notice of the closure to the appropriate roads authority before or immediately after the closure, and
 - (b) must take such steps as the appropriate roads authority directs to ensure the safety of persons using the road.

136 Revocation of by-pass permit

- (1) The roads authority may revoke a permit given with respect to a by-pass by means of a notice served on the holder of the permit.
- (2) The occupier of the land the subject of the permit must, within the time specified in the notice:
 - (a) remove the by-pass and its notices, and
 - (b) take such steps as are specified in the notice to ensure the safety of persons using the road.

Maximum penalty: 10 penalty units.

137 Offences

- (1) A person must not:
 - (a) drive a vehicle over a by-pass in contravention of a notice displayed in connection with the by-pass, or
 - (b) wilfully damage or remove a notice displayed in connection with a by-pass, or
 - (c) wilfully obstruct or damage a by-pass.

Maximum penalty: 10 penalty units.

- (2) A person who causes damage to a by-pass as a result of driving a vehicle over the by-pass in contravention of such a notice is liable for:
 - (a) the cost of any repairs to the by-pass necessary as a result of the contravention, and
 - (b) any loss or damage suffered by any other person as a result of the damage to the by-pass.

Roads Regulation 2008

Part 6 Public gates

73 Consent of adjoining landowner to be obtained

An application for a public gate permit that is made by a person who owns land on one side only of the road across which the proposed public gate is to be erected must be accompanied by the written consent of the owner or owners of the land on the other side of the road.

74 Notice inviting objections

Before determining an application for a public gate permit, the roads authority:

- (a) must cause notice of the proposal to erect a public gate (including particulars as to the proposed location of the gate) to be published in a local newspaper, and
- (b) must allow sufficient time (being not less than 28 days from the date of publication of the notice) for written submissions on the proposal to be made to the roads authority, and
- (c) must have due regard to any written submissions on the proposal that are made to the roads authority within that time.

75 Maintenance of public gates

The holder of a public gate permit must ensure that:

- (a) the gate is white, and
- (b) the posts on either side of the gate are fitted with reflectors facing along the road in each direction.

Maximum penalty: 10 penalty units.

76 Road near gate

The holder of a public gate permit must ensure that the road approaches to the gate are maintained in good condition for such distance (not exceeding 20 metres) from each side of the gate, and for such width, as the roads authority may determine when granting the permit.

Maximum penalty: 10 penalty units.



Appendix A – Public Gate construction specification

W5-14 Warning Sign

NOTES:

1. ALL TIMBER shall be an approved hardwood.
2. FIELD GATE CHS to be grade C350 to AS 1163 and gate hinges to manufacturer's specifications,
3. BOLTS, NUTS AND WASHERS to be hot-dip galvanized to AS 1214.
4. ALL STEELWORK AND FITTINGS to be hot-dip galvanized to AS/NZS 4680.
5. GALVANIZED FENCING WIRE to AS 2423.
6. DIMENSIONS are in millimetres, unless shown otherwise.
7. SIGNAGE is to be erected as per AS 1742.2. This requires a W5-14 warning sign on either side of the Public Gate between 50m to 200m from the structure. A "Public Gate" sign is also to be displayed on the gate clearly showing the Permit Number. A set of G9-206(L) and G9-206(R) chevrons are also required on either side of the structure.

REFERENCED DOCUMENTS:

Australian Standards:

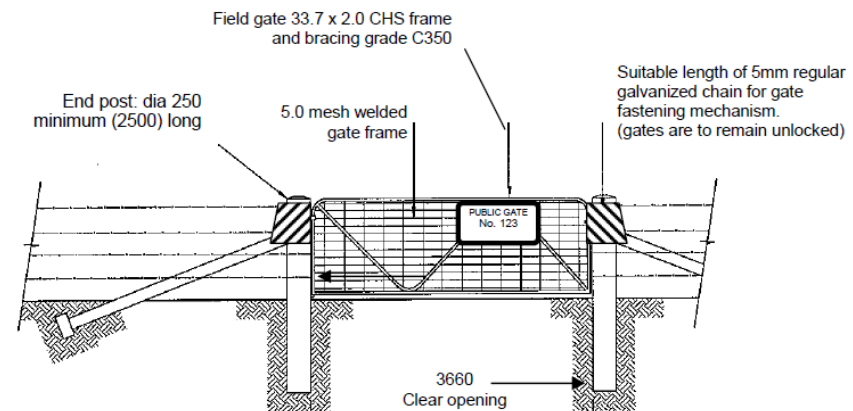
AS 1163 Structural Steel Hollow Sections

AS 1214 Hot-Dip Galvanized Coatings on Threaded Fasteners
(ISO metric coarse thread series)

AS 2423 Galvanized Wire Fencing Products

AS/NZS 4680 Hot-Dip Galvanized (zinc) Coatings on Fabricated Ferrous Articles

AS 1742.2 Manual of uniform traffic control devices – Traffic control devices for
general use

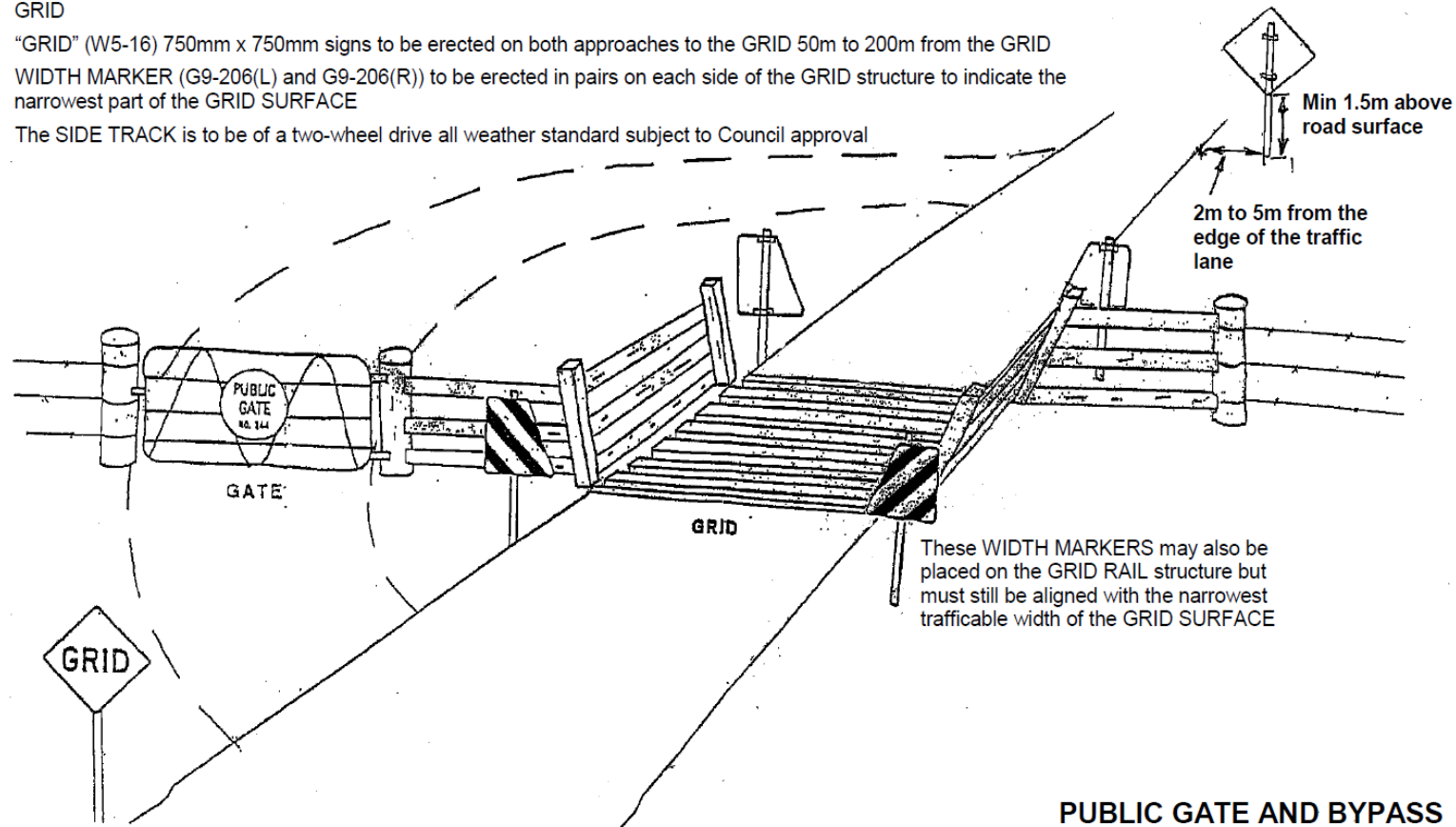


PUBLIC GATES CONSTRUCTION SPECIFICATIONS

Appendix B – Public gate and Bypass (grid) construction specification in combination

Notes:

- GRID SURFACE to be at a width specified by Council and a minimum 2.1m long along road
- GRID to have at least 300mm clearance underneath the entire GRID
- Where possible the roadside drainage should be directed under the GRID to aid in self cleaning of GRID
- PUBLIC GATE PERMIT HOLDER is responsible for the maintenance of the road for a specified length either side of the GRID
- "GRID" (W5-16) 750mm x 750mm signs to be erected on both approaches to the GRID 50m to 200m from the GRID
- WIDTH MARKER (G9-206(L) and G9-206(R)) to be erected in pairs on each side of the GRID structure to indicate the narrowest part of the GRID SURFACE
- The SIDE TRACK is to be of a two-wheel drive all weather standard subject to Council approval



**PUBLIC GATE AND BYPASS
DIAGRAMATIC REPRESENTATION**