

## 1. Purpose

The purpose of this Policy is to improve the safety of users of Council's road network by setting out the responsibilities of landowners / occupiers and Council, in the management and administration of gates and grids on public roads.

## 2. Objectives

The objective of this Policy is to reduce public liability issues associated with gates and grids and ensure the safety of road users within the Warrumbungle Shire Local Government Area (LGA). Specifically, this Policy aims to:

- Establish an approval system;
- Identify standards for construction;
- Define maintenance responsibilities for owners of grids and gates;
- Establish registration requirements; and
- Ensure that the location of gates and grids provides a safe road for use by road users

## 3. Scope

This Policy applies to all Council controlled public roads within the LGA. It also applies to situations where a gate or grid exists, or is proposed to be installed.

The Policy does not apply to Crown Roads. NSW Crown Land is responsible for Crown roads.

## 4. Legislation and Associated Documents

<b>ASSOCIATED LEGISLATION</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act, 1993</i> (NSW)</li> <li>• <i>Roads Act, 1993</i> (NSW)</li> <li>• <i>Roads Regulation, 2018</i> (NSW)</li> <li>• <i>Roads Transport (General) Regulation 2021</i> (NSW).</li> <li>• <i>Work Health &amp; Safety Act 2011</i> (NSW)</li> <li>• <i>Work Health &amp; Safety Regulation 2011</i> (NSW)</li> <li>• <i>Privacy Act 1988</i> (Cwth)</li> </ul>
<b>ASSOCIATED DOCUMENTS</b>	<ul style="list-style-type: none"> <li>• <i>Australian Standard 5100</i> (AS5100)</li> </ul>

## 5. Definitions

Term	Definition
Council	Authorised Council Officer from Warrumbungle Shire Council
Gate	A Public Gate as defined under the <i>Roads Act 1993</i> (NSW).
Grid	A cattle grid or sheep grid located beside the gate. Also referred to as a 'by-pass' so long as it is constructed in accordance with specifications outlined by the <i>Roads Act 1993</i> (NSW).
Permit	Within the context of this Policy, refers to a permit granted by a roads authority for infrastructure to be installed on a public road in accordance with Part 9 of the <i>Roads Act 1993</i> (NSW).
Owner	The landowner or their successor in title, as per Part 9 Division 2 of the <i>Roads Act 1993</i> (NSW)

Road Users	Includes both vehicles and pedestrians.
Structure	Within the context of this Policy, refers to gates and grids (including any other associated infrastructure and fixtures) that are constructed on a public road

## 6. Policy Statement

Gates and grids are structures on a road for the primary purpose of controlling stock movements for the benefit of land owners/occupiers. The structures serve no other purpose other than to control stock between boundaries of neighbouring properties, but have the potential to impact road users in the LGA.

These structures come under the regulatory control of Council as deemed in the *Roads Act 1993*. Public gates and grids installed and erected within the LGA shall comply with Council and legislative standards.

In accordance with Part 6, Division 1, Sections 73 to 76 of the *Roads Regulation 2018* and Part 9, Division 2 of the *Roads Act 1993*, ownership and responsibility of these structures and all associated items, including approaches not exceeding 20 metres to the structure and signage, shall be vested in the landowner /occupier or their successor in title.

Council aims to provide a managed approach to the provision of gates and grids on public roads by minimising the number of impediments to the free flow of traffic; risk to landowners / occupiers and users of the road network; and minimise the risk to Council in the provision of maintenance.

**Note:** Whilst gates are to remain closed they are not to be locked as they are Public gates rather than Private Gates.

## 7. Permits

The *Roads Act 1993*, requires that any gate or grid on a public road must have a permit from Council.

Permits will be assessed upon application. They are to be renewed every three years. Renewal of a permit is the responsibility of the landowner / occupier and is to be renewed within fourteen days of the permit expiring.

All new and renewal permits must be accompanied by a Public Liability Insurance Certificate of currency to a value of \$20 million naming Warrumbungle Shire Council as an interested party.

Fees for the Renewal of a Permit will not be charged where the landowner / occupier renews a permit on time and provides all of the documented evidence including renewal form and photos to Council within 14 days of a permit expiring. The Application fee will apply.

Where a gate and grid on a public road is situated on a boundary between two neighbouring properties and the road reserve is unfenced on both sides of the boundary, a joint application may be made by the landowners / occupiers of the two properties, with only one standard permit application fee applying.

Where Council does not grant a permit for an existing gate and grid on a public road due to refusal of a permit application or no application being submitted, Council has the right to remove the structure.

Council also has the right to at any time revoke a permit under Clause 130 of the *Roads Act 1993*.

Council will maintain a register of permits granted and their locations. The register will be available for inquiries from the public as to ownership details of the gates and grids.

To ensure compliance with the *Privacy Act 1988* Council will seek consent from the landowner / occupier on the permit application to disclose the permit holder's name. The landowner / occupier must clearly erect and display the permit number on a notice on or near the public gate and or grid.

Any existing structures determined by Council to be substandard will require repairs or upgrades to comply with Council's specifications prior to the granting of a permit. Any structures not brought up to the required standard within the notified time period may be removed by Council at the cost of the landowner / occupier. Time periods have been determined as up to six months for minor repairs or upgrades; and up to 12 weeks for major repairs or upgrades or as otherwise agreed between Council and the landowner / occupier.

Where Council grants a permit to an existing structure without requiring an upgrade, it is the landowner / occupier's responsibility to ensure the gate and grid comply with Council's standards.

When Council grants a new permit, the landowner / occupier will also need to apply for and comply with a s138 Road Occupation application, as work is being performed in a Council road reserve.

A 'Public road' as referred to in this Policy covers Council maintained roads as defined in the *Roads Act 1993*.

## 8. New Gates or Grids

Council will only consider applications for new gate and grid permits under the following circumstances: -

1. No viable alternative (such as fencing) exists;
2. The application does not relate to an excluded road as defined in Table 1;
3. A determination made by Council that placement of such structures would not create an unacceptable hazard; and
4. The road intersects a boundary fence.

**Table 1- Public Gates and Cattle Grid Requirements/Exclusions**

Road Classification	Public Gate/Cattle Grid Exclusion
State Highway or Regional Road	Not permitted
Arterial or Sub-Arterial Road	Not permitted
Collector	As per Council Determination
Major Local (more than 200 vehicles per day)	Double Cattle Grid and Gate
Minor Local	Single Cattle Grid and Gate

An application for a 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.

Proposals for new gates and grids on public roads will be published in a local newspaper, and responses considered for 28 days prior to consideration of the permit. All submissions made in that timeframe will be considered prior to a decision being made on granting the permit.

## 9. Application Assessment Criteria

An assessment of an application will be undertaken to ensure compliance with the requirements for public gates and cattle grids detailed in Clauses 128 to 137 of the *Roads Act 1993*, and Clauses 68 to 71 of the *Roads Regulation 2018*.

The legislation stipulates that gates must be white with standard signage and reflectors on each side. Gates and grids must be in good condition. Road approaches for a minimum distance of up to 20m on both side of the gate and / or grid must be maintained by the permit holder.

As required by this legislation, Council must consider any submissions made by the public following public notification, before granting a permit.

## 10. Design and Construction Requirements

All construction and installation costs are to be paid by the applicant. Council may levy additional charges to the applicant if there are design and legal expenses incurred by Council.

All works are to be carried out in accordance with the *Roads Act 1993*, *Roads Regulation 2018* and applicable Australian Standards. All gates and grids must be constructed to a design standard acceptable to Warrumbungle Shire Council. Details of the grid proposed to be installed and the proposed installation layout shall be submitted to Council for approval with any application.

### 10.1. Gates

Refer to Annexure A.

Minimum acceptable standard for gates on public roads:

- a) The minimum width of a gate shall be 7.3 metres;
- b) Adequate sight distance must be available along each direction of approach;
- c) Gate must not be locked at any time;
- d) Gates must be galvanised or painted white;
- e) Gates must be affixed with reflectors upon each side (displaying red reflectors on the left hand side and white reflectors on the right hand side for approaching traffic); and
- f) A notice must be attached to both sides of the gate, bearing the words "PUBLIC GATE" in letters at least 75 millimetres high.

### 10.2. Grids

Refer to Annexure B.

Minimum acceptable standard for grids on public roads:

- a) Grids must be at least 4 metres wide;
- b) Grids must have a minimum carrying capacity of 14 tonne/axle;
- c) Grids must be installed to the grade of the road and the level of the grid surface is to be at the grade line of the road surface. Clearance below the grid at all points is to be a minimum 300mm.
- d) Drainage must be constructed under the grid to ensure that no damming or ponding shall occur on the roadway.
- e) Grids must be affixed with markers (sign D4-3A) on both sides of the grid and on both approaches;
- f) Advanced warning signs must be erected on both approaches, 100 metres in advance of the grid bearing the word "GRID" (sign W5-16B); and
- g) The road must be constructed and gravelled at least 6 metres wide for a distance not exceeding 20 metres on both approaches to the grid.

Council may require higher standards to be met. If a structure has been constructed in accordance with a Council issued permit but is of a lesser standard than that outlined above, the structure may remain in position until replacement becomes necessary, or until such time

as Council directs the landowner / occupier to replace it with a structure that meets the current standards.

## 11. Maintenance

The landowner / occupier is responsible for the maintenance of structures and all associated costs. The landowner / occupier will manage structures ensure compliance with this Policy and the specified construction standard.

Council will assist with up to 50% of the costs associated with repairs to sealed sections of road.

The landowner / occupier may approach Council to carry out 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 landowner / occupier.

The landowner / occupier is responsible for the maintenance of the road carriageway for a distance not exceeding of 20 metres either side of the structure as per Part 6 Clause 71 of the *Roads Regulation 2018*. Maintenance works must not be carried out on the carriageway beyond the distance 20 metres either side of the structure unless specified in the permit. Council may carry out maintenance of the carriageway within the distance specified from the structure at the owner's expense.

Council will inspect all gates and stock grids and will notify the landowner / occupier in writing should the structure require rectification or renewal. Given gates and grids are a private benefit, Council may levy inspection charges on the owner.

Where the landowner / occupier has failed to act on a request to undertake repairs or removal within 28 days of the notification, Council may issue penalties as contained in the *Roads Act 1993*.

In an emergency, where safety is deemed to be compromised, OR where a landowner / occupier has refused continued requests for repairs, Council will carry out the immediate necessary repairs. Cost of the repairs may be recovered from the landowner / occupier.

Where a gate or grid is considered to be no longer fulfilling its intended function, the landowner / occupier will be advised that Council will revoke the permit unless the landowner / occupier provides sufficient grounds to keep the permit. Where determined by a Council resolution, under the *Roads Act 1993* Clause 130, Part 1, Council as the Roads Authority

may revoke the permit if it does not meet Council's requirements. Under the *Roads Act 1993* Clause 130, Part 2 Council will advise the landowner / occupier that the structure must be removed within one month after notice of the revocation has been issued.

## 12. Responsibilities

The Manager Roads is responsible for the day to day application of the Policy.

## 13. Getting Help

The staff member/s who can assist with enquiries about the Policy: -

Position: Manager Roads

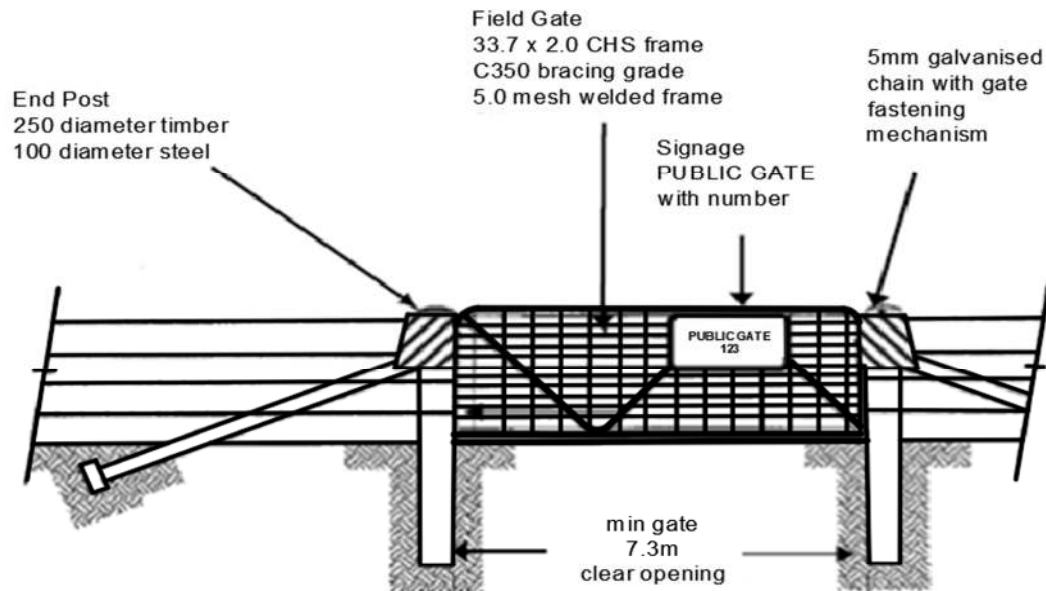
Department: Technical Services

## 14. Version Control

<b>DEPARTMENT</b>	<b>Technical Services</b>		
<b>RESPONSIBILITY</b>	Manager Roads		
<b>VERSION CONTROL</b>			
<b>Policy Name</b>	<b>Id No and Version</b>	<b>Resolution</b>	<b>Date Adopted</b>
Gates and Grids on Public Roads	V2	92/2425	17.10.24
<b>Next Review Date</b>	October 2026		



## Appendix A Gate on Public Road Construction Specification



W5-14 Warning Sign

Notes:

- All timber to be approved hardwood
- Field gate CHS to be grade C130 to AS1163 and gate hinges to manufacturers specifications
- Nuts, bolts and washers to be hot dip galvanised to AS/NZ 4680
- Galvanised fencing wire to AS 2423
- All dimensions are in millimetres unless others shown
- Signage to erected to AS 1742.2, including W5- 14 warning sign on either side of the Public gate between 50m and 200m from the structure. A 'PUBLIC GATE' sign displayed on the gate showing the permit number. A set of G9-206 (L) and G9-206 (R) chevrons are required on either side of the structure.



## Appendix B Gate and Grid Combination on Public Road Construction Specification

