



Public Gates – Installation, Maintenance and Removal Policy

DOCUMENT AUTHORISATION

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Note: Document Control continued at Appendix A



 General Manager

23/2/23

 Date

ACKNOWLEDGEMENT OF COUNTRY

Glen Innes Severn Council acknowledges and pays respect to the Ngorabul people as the traditional custodians of this land, their elders past, present and emerging and to Torres Strait Islander people and all First Nations people.

PURPOSE

This Policy sets out Council's position in respect to the installation, maintenance and removal of gates and grids on public roads.

The purpose of this policy is to:

- To reduce the risk presented by public gates to road users, Council and landowners and to provide a managed level of public safety for users of the road network, minimising the number of impediments to the free flow of traffic; and
- To support procedures for the issuing of permits, inspection, evaluation, maintenance, and removal of public gates.

APPLICABILITY

This policy applies to all public roads where Council is the Roads Authority per the *NSW Roads Act 1993*.

OUTCOMES

Council aims to provide a managed approach to the provision of Public Gates and Bypasses. This shall be achieved by developing and maintaining a systematic approach to the approval, inspection, assessment, maintenance, repair and removal of Public Gates within the Glen Innes Severn Local Government Area.

ROLES AND RESPONSIBILITIES

Council, as the roads authority, will provide guidance and information in line with appropriate procedures for managing gates on public roads.

DEFINITIONS

Public Gate: a gate permitted to be installed on a public road corridor for use by the public.

Stock Grid (NSW Roads Act 1993 “Bypass”): a sheep or cattle grid installed on the line of the road adjacent to a public gate.

POLICY STATEMENT

Council may grant public gate permits to occupiers of land adjoining unfenced public roads only when all of the following conditions are satisfied:

- a. Where no viable alternative, such as fencing, exists;
- b. The public gate is to be located where the public road intersects a boundary fence, or as near as possible to allow for safe siting of the public gate (public gates are to be installed on straight sections of road, not on crests or curves);
- c. A bypass (stock grid) is to be erected on the road alignment, and an alternate swinging gate installed adjacent within the road reserve, all conforming with legislative requirements and Council specifications;
- d. After considering any submissions following public notification of the proposal.

All new Public Gate permits will require the installation of an associated bypass (Stock Grid). The stock grid shall be on the line of the road, with the gate offset to one side.

The minimum trafficable width of new stock grids shall be 7.2 metres for roads having a classification of Minor Collector (average daily traffic ranging from 50 to 100 vehicles per day) in Council’s functional road hierarchy, and 4.0 3.6 metres on roads of lower classification. Grids must be designed and installed to withstand a 20 tonne per axle loading.

Public gates will generally not be permitted on roads having a classification of Major Collector or above. Any exceptional circumstances may be considered and determined by Council on a case-by-case basis.

Existing gates and grids that do not meet the above specifications will be permitted to remain for such time as they remain in good repair and are not deemed to be problematic.

Application for approval for a new public gate or grid will incur the permit fee as identified in Council’s Operational Plan in addition to the S138 application process.

The maintenance of public gates (including bypasses), and the maintenance of the full trafficable width of road approaches up to 20 metres from the public gate, shall be the full responsibility of the permit holder. Where a grid reaches such a state of disrepair as to warrant its replacement, the permit holder shall arrange for its upgrade, removal or replacement at their own cost.

Approval for the replacement or repair of existing public gates or grids is by way of a Road/Footpath Opening/Occupancy for Works Within Road Reserve Application Form (s138 Roads Act – Works and Structures). Replacement grids must meet the above specifications for new grids.

Maintenance works on the road pavement approaches to grids are hereby generally approved under S138/S139 of the NSW Roads Act. The permit holder must ensure that such works are managed with regard to the legislative requirements of safety of workers and other motorists.

In situations where the permit holder does not maintain public gates to an acceptable standard, Council may direct the owner to take appropriate action which may include:

- i. Removal of the structure (revocation of the public gate permit);
- ii. Fencing of the road reserve;
- iii. Upgrading the structure to comply with regulations and standards;
- iv. Replacing the structure to comply with regulations and standards.

Council will, within its budgetary constraints, endeavour to provide a level of funding each year to meet the management requirements documented in the procedures.

Where possible, the removal of public gates and vehicle bypasses will be encouraged. Council recognises that the most satisfactory treatment for Public Road reserves is the provision of fencing on both sides of the road for the containment of stock.

LEGISLATION AND SUPPORTING DOCUMENTS

Relevant Legislation, Regulations and Industry Standards include:

- Part 9 Division 2 (Sections 128 to 137) of the *Roads Act 1993*; and
- Part 6 (Sections 73 to 76) of the *Roads Regulation 2008*; and

Relevant Council Policies and Procedures include:

- Council's minimum specification applying at the time; and
- Relevant Australian Standards.

VARIATION AND REVIEW

The Public Gates – Installation, Maintenance and Removal Policy shall be reviewed every three (3) years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council.

The term of the Policy does not expire on the review date, but shall continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.
