

COONAMBLE

SHIRE COUNCIL GATES AND STOCK GRIDS ON PUBLIC ROADS POLICY

PURPOSE

The purpose of this policy is to outline when Coonamble Shire Council will permit the installation of a gate or stock grid on a Council public road.

The policy also provides guidance for the design, installation and maintenance for gates and stock grids on Council Public Roads, as well as defines the responsibilities for the permit holder and the conditions applicable to any approval given.

BACKGROUND AND RELATED LEGISLATION

Local Government Act, 1993

Roads Act, 1993

Roads Regulation, 2018

SCOPE

This Policy applies to all of Council's public roads.

POLICY

A stock grid, cattle grid or stock crossing, when combined with a public gate is referred to in the Roads Act 1993 and the *Roads Regulation 2018* as a Bypass. Whilst public gates and cattle grids are permissible under the *Roads Act 1993* (the Act) to be placed on Council's road network, these installations can present a risk to road users, property owners and Council as the Roads Authority.

Whilst Council has the control, care and management responsibility of its public roads, ownership and maintenance responsibility for Public Gates and Cattle Grids rests with the landowner, as defined in the *Roads Act 1993*.

This Policy and associated procedures are derived from the provisions of the *Roads Act 1993* and *Roads Regulation 2018*, which enable a Roads Authority to grant permits for installation of Public Gates and Cattle Grids.

It is important that proposed Public Gates and Cattle Grids are approved and constructed to a defined standard, and that existing structures are reviewed for compliance with the relevant legislation and this Policy.

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

GENERAL

Conditions of Installation

Council will only consider applications for a Public Gate and Cattle Grid Permit, when all the following four (4) conditions apply:

1. No viable alternative (such as fencing) exists;
2. The application does not relate to an excluded road as defined in Table 1;

3. Determination made by Council officers 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	Not permitted
Major Local (more than 200 vehicles per day)	Double Cattle Grid and Gate
Minor Local	Single Cattle Grid and Gate

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 cattle grids must be in good condition. Road approaches for a minimum distance of 20m on both side of the gate and or cattle 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.

Permit Periods

Clause 130 of the *Roads Act 1993* states that a Council may at any time revoke a public gate/ grid permit.

Without limiting the circumstances in which Council can revoke a permit, Council will revoke a permit where it comes to the attention of Council that the gate and or grid is not being maintained or is a risk to road safety.

Minimum requirements for design and construction

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 Regulations 2008* and applicable Australian Standards. All Public gates and stock grids must be constructed to a design standard acceptable to Coonamble 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.

Cattle Grids are to be capable of carrying a W7 or T44 legal axle loading with a factor of safety. A number of suppliers manufacture prefabricated grid units. Subject to their

design specifications being referred to Council, such units will be approved for use. Where cattle grids are independently designed, an engineer's certificate signed by a qualified structural engineer is required.

Details of grid structure, foundations, abutment, approach ramps, horizontal and vertical alignment shall be submitted with application and shall be sufficient to guarantee the safe transit of vehicles and shall not interfere with the natural drainage of the area.

When a grid is on a curve, the cross fall of the grid shall conform to that of the road. Approach ramps shall be constructed for the full width of the running surface of the grid. The longitudinal grade of the approach ramps shall be such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%.

The approach surface is to start flush with the grid. At 20m from the grid, the road surface is to grade away from the centreline of the road at between 3%- 6% cross-fall.

The fill used in the approach ramps shall comply with that listed in Section 138 conditional approval letter and be thoroughly compacted and finished to council specification. A fully compacted 4m wide bypass road will also need to be constructed around each grid, through the adjacent gate.

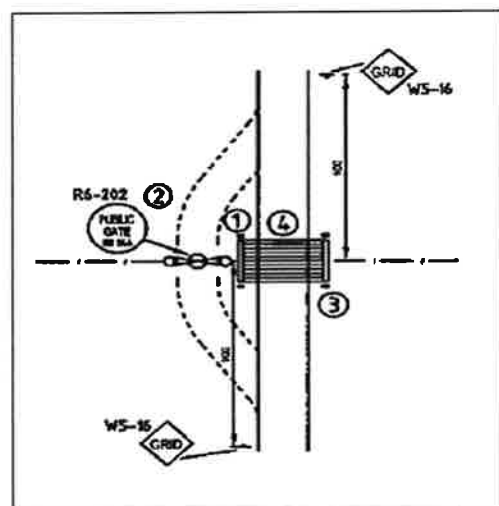
The applicant shall construct drainage under the grid and adjacent gated bypass road, to ensure that no damming or ponding shall occur on the roadway. The resulting runoff must not cause damage or degradation to the public road.

Figure 1 provides a typical arrangement for a Public Gate and Cattle Grid.

Figure 1 – Typical arrangement of a Public Gate and Cattle Grid in Bypass Combination

Notes

1. Public Gate to be registered and kept painted white by land owner.
2. All signs at land owners cost.
3. Guide posts with reflectors either side (4)
4. Cattle Grid to be 3.61m wide on narrow gravel road, 7.22m wide on two lane gravel road and not permitted on a bitumen sealed road.



LEGISLATIVE OBLIGATIONS

Maintenance Liability

The permit holder is responsible (at their own cost) to maintain the structure and signage to an 'as constructed' standard. The owner will manage the public gate/stock grid to ensure compliance with this Policy and the original construction standard.

The permit holder is responsible for the maintenance of the road carriageway for a minimum distance of 20m either side of the structure as per Part 6 Clause 70 of the Roads Regulations 2008. The owner must not carry out maintenance works on the carriageway beyond 20m 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 officers will regularly inspect all gates and stock grids and will notify the permit holder 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 holder of the permit 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 permit holder has refused continued requests for repairs, Council staff will carry out the immediate necessary repairs. Cost of the repairs will then be recovered from the permit holder. Cancellation of permits will be considered by the Manager Roads.

Where the stock grid is considered to be no longer fulfilling its intended function, the holder of the permit is to be advised that Council will revoke the permit unless the holder of the permit 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 public gate or stock grid permit if it does not meet Council's requirements. Under the *Roads Act 1993* Clause 130 part 2, Council will advise the owner of the gate / stock grid that the structure must be removed within one (1) month after notice of the revocation has been issued.

Enforcement

Council may enforce compliance with this Policy by exercising any or all of its powers as described in the *Roads Act 1993*

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.

Maximum penalty: 10 penalty units.

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.

DEFINITIONS


Gate: A hinged barrier used to close an opening in the boundary – in respect to this policy the gate must be approved by Council prior to installation and is maintained in a good working order.

Stock Grid: Consists of a depression in the road covered by a transverse grid of bars or tubes, normally made of metal and firmly fixed to the ground on either side of the depression, such that the gaps between them are wide enough to not allow an animal to cross but sufficiently narrow so as not to impede a wheeled vehicle.

Public Gate: A Public Gate must be painted white and the posts on either side of the gate are fitted with reflectors facing along the road in each direction (as per Regulation 75 of the Roads Regulation)

RESPONSIBILITIES

The Manager Roads is the responsible officer for this Policy.

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Department: Infrastructure		
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