



# **Public Gates and Bypass Grid Policy**

## POLICY OBJECTIVE

This policy enacts and complies with the [Road Act 1993](#), *Road Regulations 2018* and the *Work Health & Safety Regulation 2017*. 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 installation, maintenance and removal of public gates and bypass (grids).

To achieve this, Council has developed a Public Gates and Bypass Grid Inspection and Maintenance Procedure that identifies:

- A system for the approval, registration and recording of public gates and bypass grids
- Minimum standards for the construction and maintenance of public gates and bypass grids
- Council and permit holder's responsibilities for public gates and bypass grids.
- The legal framework to enforce this Policy; and
- Ensure that the location of public gates and bypass grids do not adversely affect users of Council's Road Network.

## Legislative provisions

*Roads Act 1993*

*Roads (General) Regulation 2018*

*Work Health & Safety Act 2017*

*Work Health & Safety Regulation 2011*

## Scope

*This policy applies to all Council controlled roads within the Goulburn Mulwaree Council Local Government area.*

## Policy Statement

Public gates and bypass grids are structures on a road for the primary purpose of controlling stock movements for the benefit of landowners/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 Council's Local Government area.

These structures come under the regulatory control of Council as deemed in the *Roads Act 1993*. Therefore public gates and bypass grids installed and erected within Council's designated area need to ensure compliance with Council and legislative standards.

In accordance with section 73 to 76 of the *Roads Regulation 2008* and part 9 Division 2 of the *Roads Act 1993*, ownership and responsibility of these structures and all associated items, including 20m approaches to the structure and signage, shall be vested in the landowner/occupier or their successor in title.

Therefore, Council aims to provide a managed approach to the provision of Public Gates and Bypass Grid Permits 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.

## Permits

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

Permits are issued on an annual basis and will require renewal on an annual basis. Renewal of the permit is the responsibility of the landowner/occupier and is to be renewed within fourteen (14) days of the permit expiring.

In the transition period of two (2) years from March 2021 to March 2023 Council will waver permit fees. Fees costs shall be set in future revision of this document.

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

Where a public gate and bypass grid 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. Existing gates and grids will only be reapproved if they are on a 'no through road' and only one property owner is affected.

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

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

The landowner/occupier must clearly erect and display the permit number on a notice on or near the public gate and/or bypass 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 if one is not already in the landowners/occupiers possession. Any gates not brought up to the required standard within the notified time period may be removed by Council at the cost of the landowner.

Where Council grants a permit to an existing structure without requiring an upgrade, it is the landowners/occupiers responsibility to ensure the public gate and bypass (grid) comply with Council's standards.

When Council grants a new Public Gates and Bypass Grid Permit, the landowner/occupier will also need to apply for and comply with an s138 Road Occupation application, as work is being performed on a Council road reserve.

A 'Public road' as referred to in this policy covers Council maintained roads as defined in the Road Act 1993.

Gates and grids will not be permitted on through roads, or where the road services more than one property past the gate or grid.

## New Gates or Grids

Applications for new gates and grids may be made to Council. Any new gates or bypass grids will be granted in line with the *Roads Act 1993* only if no reasonably practical alternative exists, and the road services only one property past the suggested location of the gate.

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 (*Road Regulation 2008, Part 6, C73*).

Proposals for new gates or bypass grids will be published in a local newspaper, and responses considered for 28 days prior to consideration of the permit. All submissions made in that time frame will be considered prior to a decision being made on granting the permit (*Road Regulation 2008, Part 6, C74*).

### Repairs and replacements

In accordance with the *Roads Act 1993* and the *Roads Regulation 2008* the landowner/occupier is the party responsible for the state of repair of the public gate, bypass grid and 20 metres each side of the structure.

**Note:** If Council determines that repairs and maintenance are required, landowners/occupiers will be required to apply to Council for a Permit under Section 138 of the *Roads Act 1993* to undertake this work if the work is to be carried out in or on the road reserve. This also includes any persons contracted to perform the work.

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, acceptance to carry out the works is at Councils discretion.

If a road inspection conducted by Council identifies that works are required to a structure, Council will notify the owner in writing and the owner shall rectify the problem 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 structure at the cost of the landowner/occupier.

### Council road work

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:

The Owner will:

- Either pay Council for the purchase of a gate or grid and associated items required, meeting Councils specifications.
- Pay for the installation of the upgrading works to Councils standards
- Be responsible for ongoing maintenance of the public gates and or bypass grids

The Council will:

- Where applicable remove the existing structures and abutments and deliver to a mutually agreeable location on the owner's property.
- Transport public gates/bypass grid to site
- Install public gates/bypass grids and appropriate signage.
- Construct temporary side-track with appropriate signage for the duration of the works if required
- Complete associated road works.

Under the terms of this policy a structure relocated by Council shall remain the responsibility of the landowner/occupier to maintain and keep in compliance with Councils standards.

## Warning signs

Council requires warning signs to be erected to increase the visibility of structures across public roads on both sides and to be positioned as to be readily seen from a vehicle approaching the structure. Warning signs will be in accordance with AS1742.2.

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

## Indemnity

The landowner/occupier 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 land owner must provide evidence of this cover on an annual or renewal basis to Council.

Therefore the landowner/occupier shall indemnify and keep indemnified the Council from and against all claims and demands, however and whenever arising through an act or omission on the part of the occupant in and about the construction, reconstruction, repairs or failure to repair the 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.

## Revoke permit permission

Council may at any time revoke a permit granted by it under this policy for public gates and bypasses grids on public roads. The landowner/occupier or his successor in title shall within the specified timeframe as noted on the notice of revocation served on him by the Council, remove the structure and warning signs displayed in connection with the structure and take such steps as the Council may require, to ensure the safety of persons using the road.

**Note:** It is the landowner/occupier's responsibility to take appropriate measures to ensure the safety of road users once Council has revoked a permit.

## Working on Public Roads

To comply with the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* and maintenance and or construction works at public gates and bypass grids on public roads shall be performed by contractors and or landowners/occupiers working with a valid Section 138 permit issued by Council.

## Subdivision

Where additional lots are created through the subdivision of existing rural properties, whether or not they contain dwellings, it will be Councils requirement to remove any existing public gates or bypass grids within the land being subdivided. Road reserves within these lots must be fenced to control livestock.

If significant development is proposed Council may require the developers to arrange the removal of existing public gates and bypass grids on roads leading to the new subdivision to ensure suitable access is provided. This work is to be undertaken at the expense of the developer.

## Minimum Acceptable standards

All works are to be undertaken in line with Councils Engineering Standards, NSW Work Health & Safety requirements, the Road Act 1993, Roads Regulation 2008, industry standards, and applicable Australian Standards. The applicant must provide design plans for any proposed structures for acceptance by Council as part of the permit application process.

Grids must conform to HS20-T44 loading and be certified by a structural engineer.

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

**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, and not less than 5 metres wide. Where an existing public gate and bypass grid has been constructed with a width less than this, the signage provided should include a NO OVERTAKING OR PASSING warning sign on the approach.

**Public Gate**

The public gate shall be made of resilient material of minimum width of 3500mm and should be arranged to be free swinging and shall remain unlocked. The gate and any support structure and fencing within the road reserve must be erected in accordance with the *Road Act 1993*. In addition, the gate must have reflectors on each side of the gate, with red on the left hand side and white on the right hand side.

**Public Gate signage**

Public gates are required to have appropriate signage (reflective class 1) that is adequately positioned so that all approaching vehicles / road users have a visual of the sign as they approach. Signage is required on both sides of the gates and or bypass and should bear the words “PUBLIC GATE” with the letters being at least 75mm high.

**Bypass (Grid) Existing**

Existing bypass (grid) shall have a minimum clear width of 4.0 metres. The length (in direction of travel) of the existing bypass (grid) shall be between 1.7m to 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.

The grid shall be located on a straight length of road with adequate sight distance available along each direction of approach. The level of the top of the grid shall match the level of the adjacent road pavement. The cavity under the grid shall be drained.

**Related Documents**

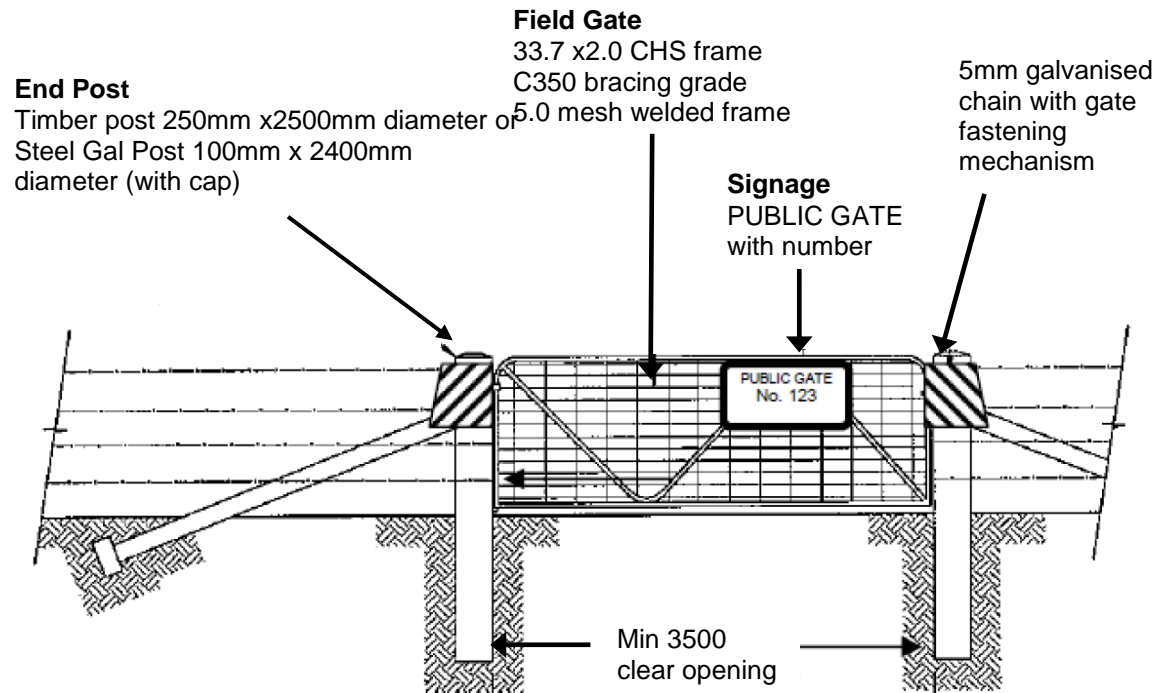
Goulburn Mulwaree Council Gates & Grids Procedure document needs to be followed to ensure the principles of this Policy are adhered to.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	6 April 2021	2021/141	6 April 2021	6 April 2021
2	21 June 2022	2022/229	21 June 2022	19 July 2022
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

**DIRECTORATE:** Operations

**BUSINESS UNIT:** Design and Asset Management

## Appendix A – Public Gate Construction Specification

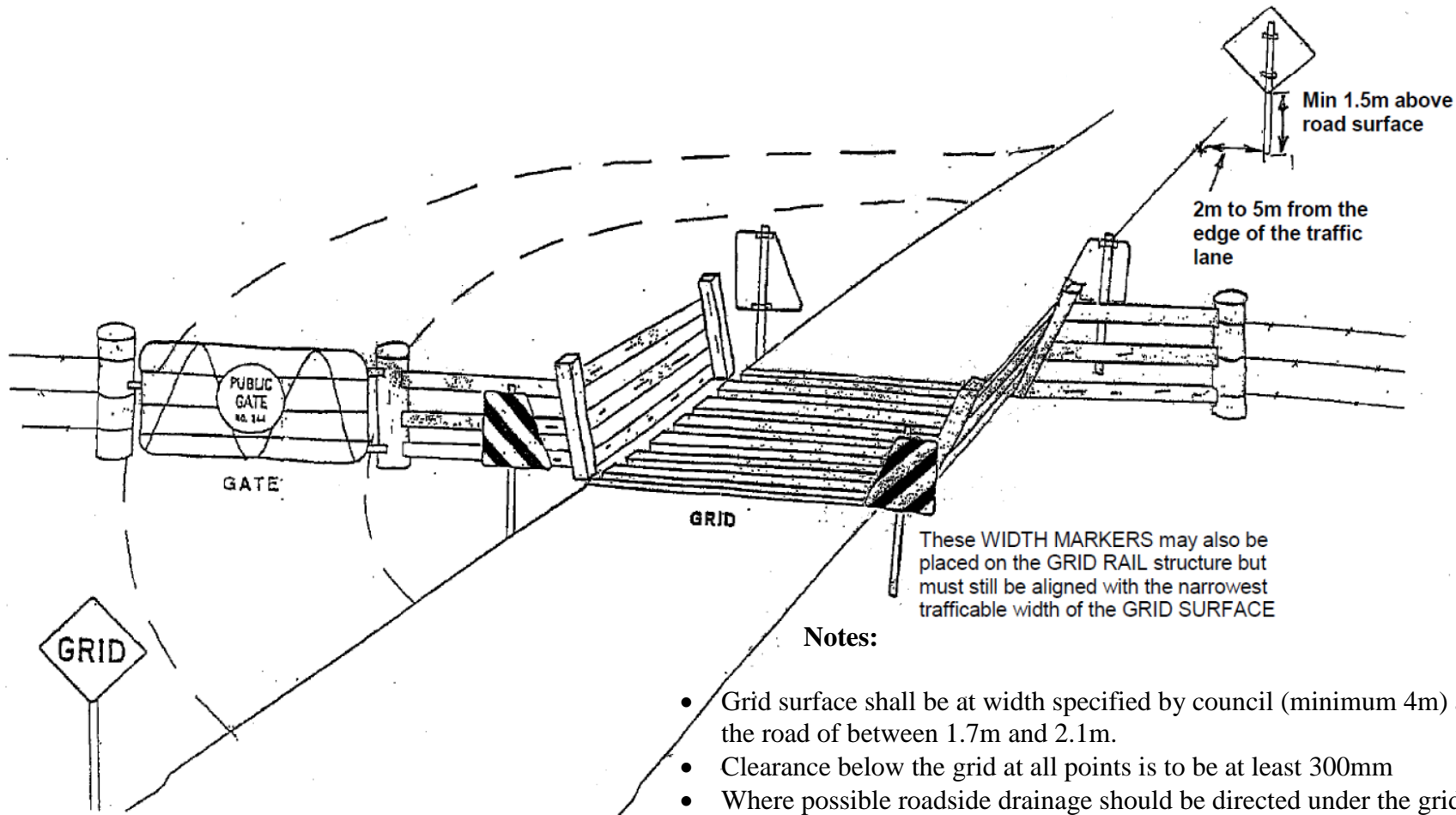


W5-14 Warning Sign

### Notes:

- 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 - Public gate and Bypass Grid combination construction specification



Notes:

- Grid surface shall be at width specified by council (minimum 4m) and have a length along the road of between 1.7m and 2.1m.
- Clearance below the grid at all points is to be at least 300mm
- Where possible roadside drainage should be directed under the grid
- The public gate permit holder is responsible for maintenance of the road 20m either side of the grid
- 'Grid' (W5-16) 750mm x 750mm signs to be erected on both approaches to the grid, between 50m and 200m from the grid.
- Width marker G9-206 (L) and G9-206 (R) chevrons are required on either side of the structure to indicate the narrowest part of the structure.
- The side track is to be of 2 wheel drive all weather standard subject to Council approval.