



Policy

PUBLIC GATES AND STOCK GRIDS

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PUBLIC GATES AND STOCK GRIDS POLICY



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PUBLIC GATES AND STOCK GRIDS POLICY



1. OBJECTIVES

- 1.1. This policy aims to reduce the exposure of the landowner and Council to the possibility of a claim through the management of the risks associated with Public Gates and Stock Grids.
- 1.2. This policy aims to:
 - Document a transparent system for the approval and licensing of Public Gates and Stock Grids.
 - Establish standards for the construction of Public Gates and Stock Grids.
 - Define maintenance responsibilities for Public Gate and Stock Grid permit holders
 - Define registration and recording procedures for Public Gates and Stock Grids.
 - Provide a legal framework through which the Public Gates and Stock Grid Policy can be enforced
 - Ensure that the location of Public Gates and Stock Grids do not materially affect the enjoyment of persons or parties wishing to use the Balranald Council Road Network
- 1.3. To (within Council's available resources):
 - Provide safe roads for use by road users
 - Provide a system of proactive maintenance
 - Identify areas that require maintenance
- 1.4. To assist in meeting the Strategic Governance targets outlined in Council's Management Plan:
 - To identify and address the needs for the improvement of the Rural Local Road Network and to improve the level of service to the general public and residents of the Council area
 - Promote road safety
 - To control private structures on roads and road openings and to ensure all works are carried out to adopted standards

2. STATEMENTS

- 2.1. Council aims to provide a managed approach to the provision of Public Gates and Stock Grids
- 2.2. This policy, together with the procedures, provides the guidelines for managing Public Gates and Stock Grids

3. PRINCIPLE

- 3.1. To provide a managed level of public safety for users of the road network
- 3.2. To minimise the number of impediments to the free flow of traffic

4. BACKGROUND

- 4.1. A Stock 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. Throughout this document the more common term Public Gate and Stock Grid will be used to describe a Bypass. Appendix 1 shows the layout of a typical Public Gate and Stock Grid in a Bypass combination.
- 4.2. Public Gates and Stock Grids exist on Council's Road network and present a risk to road users, property owners and Balranald Shire Council.

- 4.3. Whilst Council has the control, care and management responsibility of its public roads, ownership and maintenance responsibility for Public Gates and Stock Grids rests with the landowner, as defined in the Roads Act 1993.
- 4.4. This Policy and procedures are derived from industry best practice and 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 Stock Grids.
- 4.5. This Policy applies to all roads maintained by Council within its Local Government Area. (Refer to Council's Road Register). It does not apply to Crown Roads. NSW Crown Land is responsible for Crown Roads.
- 4.6. It is important that proposed Public Gates and Stock Grids are approved and constructed to a defined standard, and that existing structures are reviewed for compliance with the relevant legislation and this Policy.

5. RELATED POLICIES and DOCUMENTS

- 5.1. Council's Road Register

6. PROCEDURES FOR THE APPROVAL, INSPECTION AND MAINTENANCE OF PUBLIC GATES AND STOCK GRIDS

- 6.1. The aim of this Policy is to provide for and encourage proper management of Public Gates and Stock Grids.
- 6.2. This shall be achieved by developing and maintaining a systematic approach to approval, inspection, evaluation, maintenance and repair of all Public Gates and Stock Grids as identified in the Public Gate and Stock Grids Register and by implementation and management of a permit system.
- 6.3. The procedures aim to:
 - a) Document a transparent system for the making and determining of applications for Public Gates and Stock Grids
 - b) Identify standards for the construction of Public Gates and Stock Grids
 - c) Define maintenance responsibilities for Public Gate/Stock Grid permit holders
 - d) Define registration and recording procedures for Public Gates and Stock Grids

7. APPROVAL AND PERMIT PROCEDURES

7.1. Permit Application for Existing Public Gates and Stock Grids

- a) Owners of any existing Public Gates and Stock Grids will be required to lodge a permit application with Council. The applicant will be required to identify whether the current condition of the structure complies with the defined standard and to advise current Public Liability insurance details for the structure.
- b) The condition of the structure must comply with the defined standard to enable Council to issue a permit. In cases where a permit is not issued for an existing structure for any reason, Council may direct the owner to take appropriate action, including for example:
 - i) Removal of the structure(s)
 - ii) Elimination of the Public Gate/Stock Grid by fencing the road reserve
 - iii) Upgrading the structure to meet construction standards

- iv) Replacing the structure to meet construction standards

7.2. Permit Application for new Public Gates and Stock Grids

Council will consider applications for a Public Gate/Stock Grid Permit only when the following four conditions all apply:

- 1) Where no viable alternative such as fencing, exists
 - 2) The application does not relate to an excluded road as defined in Table 1 below
 - 3) Road safety concerns indicate placement of such structures would not create an unacceptable hazard
- AND**
- 4) The road intersects a boundary fence

Following is a table containing Council's Public Gate and Stock Grid requirements and exclusions.

Table 1 – Public Gate and Stock Grid Requirements/ Exclusions

ROAD CLASSIFICATION	PUBLIC GATE AND STOCK GRID TYPE REQUIRED
State Highway or Regional Road	Not permitted
Arterial & Sub-arterial	Not permitted
Collector	Not permitted
Major Local <ul style="list-style-type: none"> • more than 200 vehicles per day 	Not permitted
Minor Local <ul style="list-style-type: none"> • more than 20 vehicles per day • less than 20 vehicles per day 	Single Stock Grid and Gate (See Standard Drawing in Appendix 1) Public Gate or Stock Grid as required by the landowner

7.3. Application Assessment Criteria

- a) Assessment of applications will be undertaken to ensure compliance with the requirements for Public Gates and Stock Grids detailed in Clauses 128 to 137 of the Roads Act 1993 and Clauses 68 to 71 of the Roads Regulation 2018.
- b) The legislation stipulates that:
 - i) Gates must be white with standard signage and reflectors on each side
 - ii) Public Gates and Stock Grids must be in good condition
 - iii) Road approaches for a maximum distance of 20m on both sides of the Public Gate/ Stock Grid must be maintained by the permit holder
- c) As required by this legislation, Council must consider any submissions made by the public following public notification, before granting a permit.

7.4. Permit Periods

- a) 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.

- b) All Public Gate/Grid permits have a maximum permit period of one year. A permit must be renewed annually.

8. CONSTRUCTION STANDARDS

All work is to be carried out in accordance with the Roads Act 1993, Roads Regulation 2018 and applicable Australian Standards. All Public Gates and Stock Grids must be constructed to a standard acceptable to Council. In certain circumstances it may be necessary to provide design details and for the structure to be certified by a Structural Engineer. A number of companies manufacture prefabricated grid units. Subject to their design specifications being referred to Council, such units will be approved for use.

9. MAINTENANCE STANDARDS

9.1. Structural Components

The owner is responsible to maintain the structure and signage of the Public Gate/Stock Grid to ensure performance in compliance with the Construction Standard. All maintenance work is to be carried out in accordance with NSW Work Health & Safety requirements, the Roads Act 1993, Roads Regulation 2018 and applicable Australian Standards. Council will provide guidance if required.

9.2. Road Carriageway

- a) The owner is responsible for the maintenance of the road carriageway for a distance of 20 metres either side of the Public Gate/Grid as identified in Part 6 Clause 71 of the Roads Regulation 2018. Council reserves the right to vary the distance based on the circumstances of the application, but this distance will not be greater than 20 metres.
- b) The Public Gate/Grid Permit issued by Council, being the road authority, will contain conditions regarding the maintenance of the road carriageway. The owner must comply with these conditions.
- c) Council may carry out maintenance of the carriageway within this distance from the Public Gate/Grid at the owner's expense if the conditions are not complied with.
- d) The owner must not carry out maintenance works on the carriageway unless specified in the permit.

9.3. Maintenance of Grids

Failure to ensure that maintenance on Public Gates/Grids is carried out may result in Council revoking the Public Gate/Grid Permit and removing the structure from the road reserve. Council will order the Public Gate/Grid Permit holder to conduct repair works prior to taking any such action. If the Public Gate/Grid Permit holder fails to meet the requirements of an Order, then the Permit will be revoked, and the structure removed from the road reserve. All costs associated with the removal of structures will be recovered from the Permit Holder and all materials salvaged shall remain the property of Council.

9.4. Public Gates and Stock Grids in a Dangerous Condition

Where a Public Gate/Grid is deemed to be in a dangerous condition and the Public Gate/Grid Permit holder cannot be quickly contacted, the grid will be temporarily repaired by Council at the Public Gate/Grid Permit holder's cost. This will include any steps the Executive Manager of Engineering deems as necessary to make the structure safe for traffic and may include temporary filling of the Stock grid with compacted gravel or complete removal of the grid. The Public Gate/Grid Permit holder will be held solely responsible for any damage or injury caused by the structure.

9.5. Penalty for Non-Compliance

If any person fails to carry out their obligations under this policy following the serving of the various notices and requests from Council officers, the statutory procedures for compliance and the levying of penalties as contained in the Roads Act 1993 will be applied.

10. INSPECTIONS

10.1. Proactive Inspections

- a) The owner is responsible for carrying out regular inspections to ensure the Public Gate/Grid complies with specified standards
- b) Subject to availability of resources, Council staff will inspect Public Gates and Stock Grids as part of scheduled road network inspections. Any identified condition defects will be advised to the owner for rectification or removal.

10.2. Reactive Inspections

Council staff will respond to Customer Requests and any defects observed during the course of such inspections will be advised to the owner for rectification or removal.

11. APPLICATION PROCEDURES

The following procedures provide a guide to applicants regarding what they can expect when applying for a Public Gate/Grid permit.

11.1. Upon Application

- a) Lodgement of application form(s) (ensuring all information is completed as required)
- b) Lodgement of associated plans as required by the application form
- c) Payment of fees

11.2. Initial Inspection

- a) The location proposed for the Public Gate/Grid is inspected by a Council officer
- b) The officer prepares a report which may include any photos or drawings made during inspection and supporting information in relation to site suitability (e.g. site distance measurements, road width etc.)
- c) If the site is found to be unsuitable, a letter is sent to the applicant advising of their unsuccessful application. The letter is accompanied by a partial refund of fees – applicant is refunded the cost of a second inspection

11.3. Community Consultation

- a) The proposed Public Gate/Grid is advertised in the Council newsletter, on Council's website and on Facebook as required by the legislation
- b) Submissions may be received by Council in response to the advertisement
- c) Council provides a written or verbal response to the submissions as appropriate
- d) Council reviews submissions and determines the application

11.4. Conditional Approval

- a) Legislation dictates that conditional approval may only be granted 28 days or more after community consultation has concluded
- b) Council writes to the applicant advising conditions of approval

11.5. Construction Approval

a) All documentation must be submitted by the applicant as stipulated in the conditions

As a minimum this must include:

- i) Design and layout of proposed Public Gate/Grid
- ii) Construction contractor's insurance details
- iii) Traffic Management Plan
- iv) Certificate of Currency of Public Liability Insurance for the proposed Public Gate/Grid with a minimum cover of \$20,000,000
- v) Construction / maintenance bond lodged

b) Provided all the submitted documentation is satisfactory, Council provides the applicant with approval of design and Traffic Management Plan, and acknowledgment of receipt of insurance details.

11.6. As Constructed Inspection(s)

a) Once the Public Gate/Grid is constructed the applicant advises Council and a Council officer inspects.

b) If construction is found to be below standard or not to specifications, the Council officer liaises with the applicant and will provide:

- i) Detailed list of defects identified during inspection
- ii) Written or verbal notification to applicant or construction contractor
- iii) Follow-up inspection details

11.7. Final Permit

a) Council writes to the applicant providing a Public Gate/Grid Permit Number

b) Construction bond is transferred to maintenance bond

c) Council's Register of Public Gates/Grids is updated with the following minimum information:

- 1) Public Gate/Grid Permit Number
- 2) Applicants Name
- 3) Date of Application
- 4) Date of Advertisement
- 5) Date of Determination
- 6) Construction requirements
- 7) Location of Public Gate/Grid
- 8) Road name and chainage from start datum or crossroad
- 9) Legal description of properties adjoining structure (Lot/Section/DP)
- 10) Legal description of responsible land parcel (lot/Section/DP)

12. FEES AND CHARGES

Fees will be charged in accordance with Council's adopted Schedule of Fees and Charges.

13. REVOCATION OF PERMITS

Public Gate/Grid permits may be revoked for the following reasons:

13.1. Failure to Act on an Order to Repair

Section 9 of this Policy outlines the circumstances under which an Order for repair or maintenance works on a Public Gate/Grid may be issued. Reasonable opportunity for the permit holder to carry out corrective action is to be provided. Such opportunity shall not exceed 3 months.

13.2. No Permit

All existing Public Gates and Grids that do not have a current permit shall be ordered in writing to be removed within 12 months of issue of such notice.

If the Public Gate/Grid owner fails to meet the requirements of the Order, the structure shall be removed from the road reserve by Council. All costs associated with the removal of structures will be recovered from the owner and all materials salvaged shall remain the property of Council. If the owner is not able to be identified, Council shall remove any associated structures.

13.3. Change of Circumstances

Where there is significant development or sustained increase in traffic volumes, a review of any permits for Public Gates/Grids is to be undertaken by Council. If the impact is considered to be significant, the permit owner shall be advised that the infrastructure is to be removed within 12 months of receipt of an Order to do so.

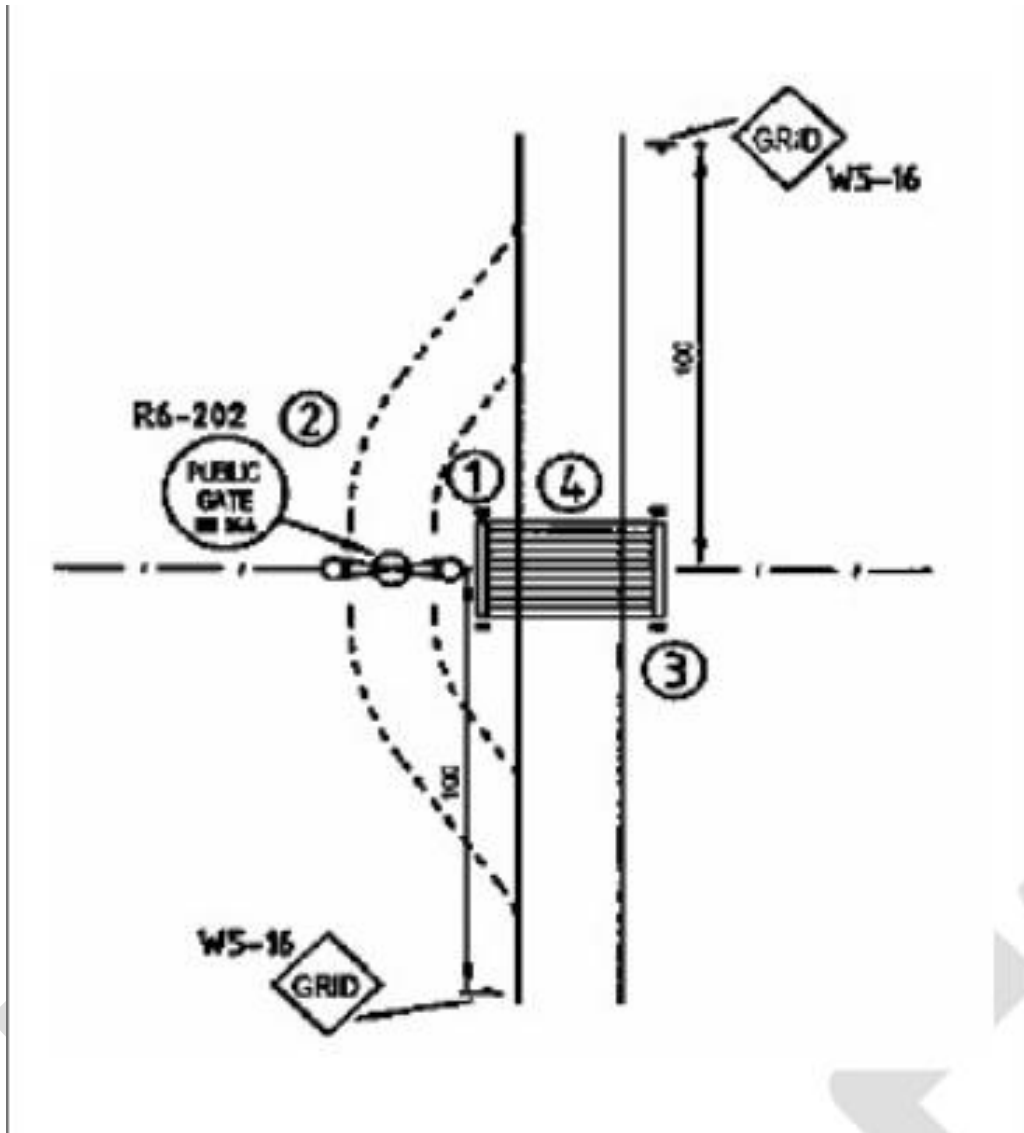
14. BALRANALD SHIRE COUNCIL PUBLIC GATE/GRID REGISTER

An entry into the Register of Public Gates/Grids will include:

1. Public Gate/Grid Permit Number
2. Applicants Name
3. Date of Application
4. Date of Advertisement
5. Date of Determination
6. Construction and Stock grid requirements
7. Location of Public Gate/Grid
8. Responsible land parcel

15. APPENDICES

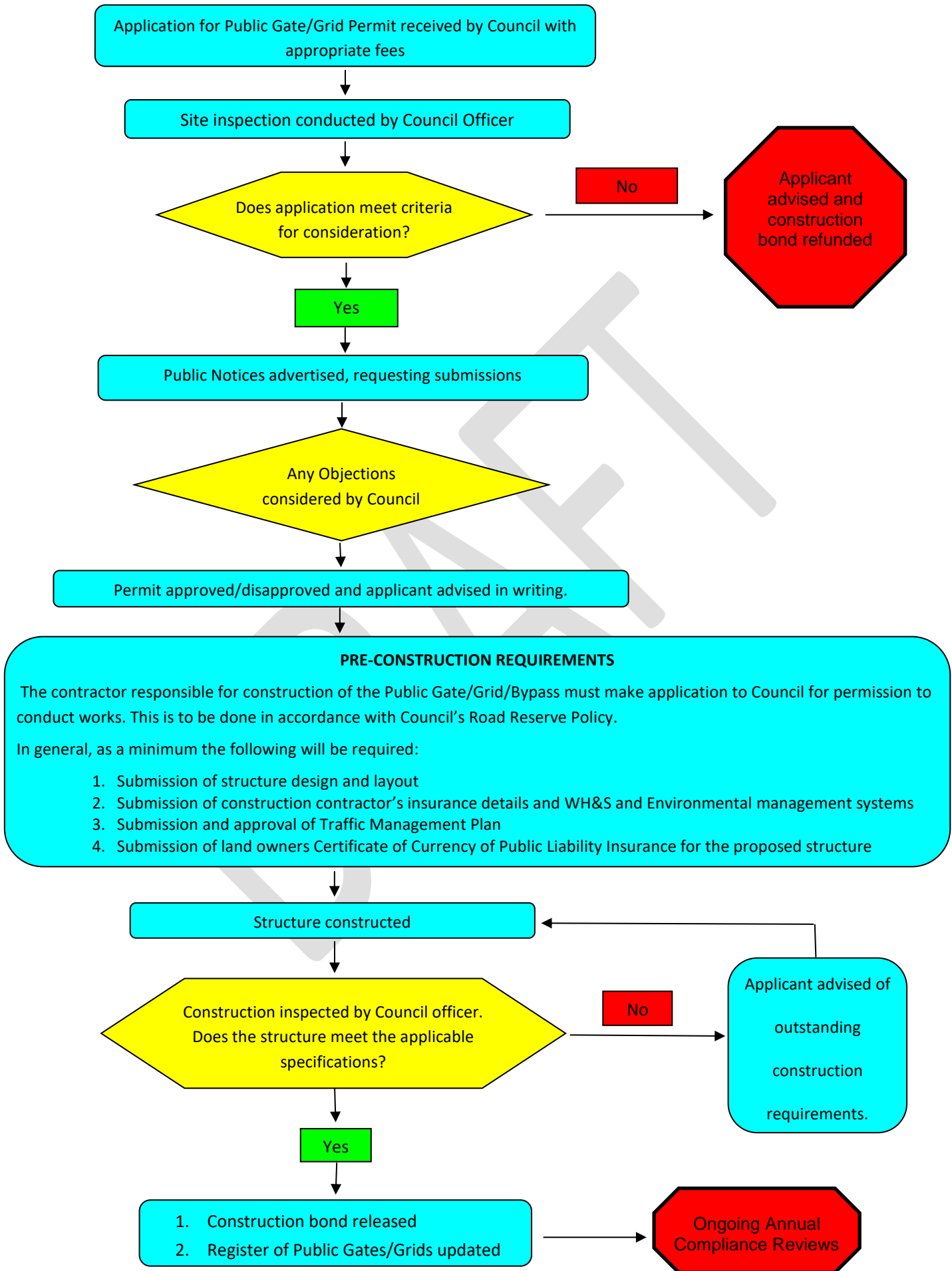
15.1. Appendix 1 - Standard Drawing of a Public Gate and Stock Grid



Notes:

1. Public Gate to be registered and kept painted white by landowner
2. All signs at landowner's cost
3. Guideposts with reflectors either side (4)
4. Stock 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

15.2. Appendix 2 - Flowchart for Applications for a Public Gate/Grid Permit



15.3. Appendix 3 – Public Gate/Grid Permit Application Form

PUBLIC GATE/GRID PERMIT APPLICATION FORM

All Communications to be addressed to:

The General Manager
Balranald Shire Council
PO Box 120
70 Market Street
Balranald NSW 2715

email: council@balranald.nsw.gov.au
Telephone: 03 50201300

APPLICATION FOR PERMIT TO ERECT OR ALTER A PUBLIC GATE OR STOCK GRID

Sections 128 & 133 Roads Act 1993

To: Executive Manager Engineering

As an occupier of land through which an unfenced public road passes, I hereby apply for permission to erect a Public Gate/Grid across:

.....at a distance of.....km from
(Road Name)

.....
(Nearest cross road)

On the boundary of: Lot.....Section.....DP.....

And: Lot.....Section.....DP.....

In the Parish of:

Location of Public Gate/Grid:

At the site of the proposed Public Gate/Grid, wooden pegs or stakes are to be placed either side of the road and marked "Public Gate". The application is to be accompanied by 2 (two) copies of the following:

- (a) **Plan of Site:** The site plan is to be drawn to scale and show locations of the proposed Public Gate, Grid, road reserve, boundary fences, connecting fences, distance along road from property boundaries, road drainage, natural features (e.g. steep slopes, bogs, trees) and any obstacles which could affect use of the proposed Public Gate.
- (b) **Locality Plan:** The site of the proposed grid and gate is to be clearly marked on a photocopy of a Parish map or 1:25,000 topographical map.
- (c) **Attachments to Application to Erect a Public Gate/Grid:** This attachment is to be signed by all adjoining landowners showing their consent to the application.

Name:

Address:

Signature of Applicant:Date:

Note: If this application is approved the Public Gate/Grid is to be constructed to Council specifications and if Council deems that a Bypass is required then the Bypass is to be constructed as per Council's Public Gates and Bypasses Policy.

FEES:

- Fee for application, inspection and registration of 1 (one) gate only: (\$ +\$ GST) \$.....
 - Fee for application, inspection and registration of additional gate when installing 2 or more gates on one property: (\$ +\$ GST) \$.....
 - Construction bond to be refunded upon satisfactory completion of construction (GST exclusive) \$.....
 - TOTAL: \$.....
-

OFFICE USE ONLY

Public Gates/Grids:

Job No:

Construction Bond:

Assessed Fee:

Date Received:

Receipt No:

Advertisement:

- Council Website Date:
- Facebook Date:
- Council Newsletter Date:

15.4. Appendix 4 – Public Gate/Grid Inspection Report

PUBLIC GATE/GRID INSPECTION REPORT

Inspected by: _____ Inspection Date: ____/____/____

Public Gate Permit No: _____ Road Name: _____

Distance From: _____ is _____ km

Area: _____ Location: _____

GRID FIELD INSPECTION

Grid Description: (materials used, rail spacing etc.) _____

Grid Condition:

Is grid level with road surface? YES / NO

Are any rails missing? YES / NO

Is there excessive build up under grid? YES / NO

(List repairs required) _____

Guard Rails and Signage:

Are signs on approach in place? YES / NO

Is guard rail construction adequate? YES / NO

(List repairs required) _____

Gate Condition:

Is gate construction adequate? YES / NO / Not Applicable

Are 'Public Gate' signs adequate? YES / NO / Not Applicable

Is access trafficable? YES / NO / Not Applicable

(List repairs required) _____

Road Approach Condition:

Owner responsible for _____ metres either side of grid.

(List repairs required) _____

Inspectors Comments: _____

Rating (1-EXCELLENT to 10-UNSAFE) _____