

TENTERFIELD SHIRE COUNCIL

POLICY STATEMENT

HEADING:

Public Gates and Vehicle Bypasses

MEETING ADOPTED AND RESOLUTION NO.:

**23 August 2017
168/17**

HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

24 August 2000	740/00
24 January 2003	25/03
26 September 2003	544/03
22 August 2012	302/12
26 June 2013	203/13
29 June 2016	156/16

Objectives

The objectives of this Policy are to:

- reduce the risk presented by Public Gates and Vehicle Bypasses to road users, Council and property owners within the Shire of Tenterfield; and
- support procedures for the issuing of permits, inspection, evaluation and maintenance of Public Gates and Vehicle Bypasses within the Shire of Tenterfield.

Policy Statement

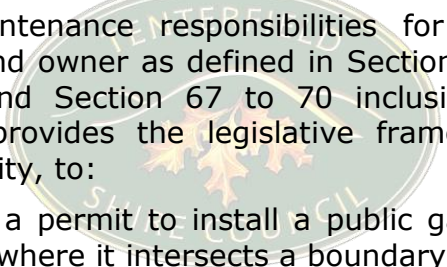
For reasons of public safety, road maintenance and risk management, Council's preference is for Public Gates and Vehicle Bypasses not to be installed on public roads. It is acknowledged however that gates and vehicle bypasses may be required under certain circumstances for genuine primary production purposes.

The aim of this Policy is to ensure that where Public Gates and Vehicle Bypasses are allowed that they must be installed, managed and maintained to an appropriate and consistent standard which minimises any safety risk to road users. Furthermore, all Public Gates and Vehicle Bypasses must be registered.

Council is authorised to issue Public Gate and Vehicle Bypass permits under the Roads Act 1993 and the Roads (General) Regulation 2000.

Public Gates and Vehicle Bypasses

1. A vehicle bypass is commonly known as a cattle grid (or stock crossing). The term vehicular bypass is to ensure consistency with the NSW Roads Act 1993 and Roads (General) Regulation 2000.
2. Vehicle Bypasses and Public Gates exist on Council's road network and may present a risk to road users, Council and property owners.
3. Tenterfield Shire Council is the roads authority responsible for all public roads within the Shire of Tenterfield, including classified roads, and is subsequently responsible for the management and safety for the travelling public.

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4. The ownership and maintenance responsibilities for Public Gates and Vehicle Bypasses rest with the land owner as defined in Section 128 to 137 inclusive of the NSW Roads Act 1993 and Section 67 to 70 inclusive of the Roads (General) Regulation 2000 which provides the legislative framework for Tenterfield Shire Council, as a roads authority, to:
 - approve the issue of a permit to install a public gate or vehicle bypass on an unfenced public road where it intersects a boundary fence; and
 - revoke a public gate/vehicle bypass permit; and
 - require the construction of a vehicle bypass (grid) around a public gate; and
 - require the permit holder to undertake maintenance of the gate, vehicle by-pass and approach road; and
 - obtain the consent of the adjoining landowners of the land and give notice of the proposal to erect a public gate or vehicle bypass on a public road; and
 - make orders on persons not complying with the Act and Regulations.
 5. 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.
 6. All existing Public Gates and Vehicle Bypasses must comply with the requirements of this Policy, including the design standards and permit conditions in the *Procedure for the Application and Consent of a permit to install a Public Gate and Vehicle Bypass (cattlegrid)* as amended from time to time. Council will carry out random inspections and make inspections as a result of a public complaint as to the structural integrity and compliance with the Policy specification.
 7. Public Gates and Vehicle Bypasses are assessed in accordance with the *Procedure for the Application and Consent of a permit to install a Public Gate and Vehicle Bypass (cattlegrid)* as amended from time to time.
 8. Failure of permit compliance within one month of advice will make permit holder liable for a permit revoking order.
 9. Council will not issue a new public gate or bypass permit on Class A roads (Regional Roads).
 10. No gates will be approved on the carriageway for roads classed as A, B and C in Council's Road Network Management Plan. Vehicle bypasses may be approved, and will be required to have an accompanying gate.
 11. Public Gates or Vehicle Bypasses may be approved on roads classed as D in Council's Road Network Management Plan.
 12. Council may not grant a public gate permit on a State or Regional road except with the concurrence of the Roads and Maritime Service, NSW (RMS). Similarly, Council may not grant a public gate permit if the gate is part of a rabbit proof, dog proof or marsupial proof fence except with the concurrence of the local Rural Lands Protection Board.

13. Where there is an anomaly with the implementation of this Policy or special circumstance prevails, the matter will be considered by Council.

Related Policies and Documents

Application and consent of a permit to install a Public Gate and Vehicle Bypass (Cattle Grid).

Tenterfield Shire Council Road Network Management Plan.

Legislation

Local Government Act (NSW) 1993

Roads Act (NSW) 1993

Roads (General) Regulation 2000

ATTACHMENT 1:

Procedure for the Application and Consent of a permit to install a Public Gate and Vehicle Bypass (Cattlegrid)

1. Purpose

To reduce the risks to landholders associated with Public Gates and Vehicle Bypasses through the development of a systematic approach to the approval, inspection, evaluation and maintenance of all Public Gates and Vehicle Bypasses.

2. Objectives

- Document a transparent system for the approval and licensing of Public Gates and Vehicle Bypasses;
- Identify construction standards;
- Define maintenance standards and responsibilities;
- Define registration and recording procedures;
- Provide a legal framework for the enforcement of the Policy;
- Ensure that their location does not materially affect the enjoyment of persons or parties wishing to use Council's road network.

3. Administration

Council is responsible for the management of all activities within the Road Reserve under the Roads Act 1993. Installation, maintenance and renewal of Public Gates and Vehicle Bypasses are activities which require the provision of a permit to carry out works within the road reserve (Section 138 Permit). The Public Gate and Vehicle Bypass permit owner will be required to obtain a Section 138 permit prior to commencing any work within the road reserve, inclusive of the payment of any fee as set annually through Council's adopted Fees and Charges.

The permit holder shall indemnify Council from any claim arising from an accident or injury associated with the public gate, vehicle bypass, approach road or associated signposting.

The Roads Act 1993, Sections 128 to 137 provide legislative directives for the management of Public Gates and Vehicle Bypasses specifying that to issue a permit the road must:

- Be unfenced;
- Pass through a parcel of land owned by the applicant;
- Intersect a boundary at the point of grid installation;
- Not be a State Highway without RMS concurrence.


3.1 Public gate and bypass Identification

Public Gates and Vehicle Bypasses will be identified using GPS coordinates, the road on which they are installed, and the distance from an identified intersection of that road.

3.2 Compliance with amendments to Revised Policy and Procedure

All new permits and renewed Public Gate and Vehicle Bypass permits shall be subject to the conditions specified in this procedure at full cost to the applicant.

Existing vehicle bypasses that are subject to public complaint and do not comply with the design standards specified within this procedure shall be deemed to be structurally deficient and the permit shall be required to be renewed in accordance with the revised policy and procedure.



Where Council seals a road adjacent a gate or bypass, Council will pay for the upgrade costs. The permit holder will continue to be responsible for maintenance i.e. for seal maintenance over the 20m approaches rather than gravel maintenance.

4. Application for Public Gate and Vehicle Bypass Permit

4.1 Submitting an Application

To apply for a Public Gate and Vehicle Bypass Permit the owner of the land through which the public road passes must complete the Application to Erect a Public Gate / Vehicle Bypass and pay the applicable fee as set annually through Council's adopted Fees and Charges. Applicants must also obtain written consent from adjoining property owners for the erection of the proposed gate and/or vehicle bypass.

4.2 Council's Internal Administrative Procedures

- Registration;
- Site Inspection, location identified and photographed;
- Sight written consent from adjoining property owners for the erection of the proposed grid;
- Proposal advertised and call for submissions requested;
- Approval advertised with proposed installation 1 month after advertising;
- Consent issued to applicant.

4.3 Application Fee

Any person wishing to initiate an application to install a public gate or to construct a vehicle by-pass on a public road will be required to pay a fee on application. This fee is to cover the cost of advertising the application and other administrative matters that must be undertaken prior to the issuing of the permit.

The fee to be paid is set annually through Council's adopted Fees and Charges.

5. Design Standards

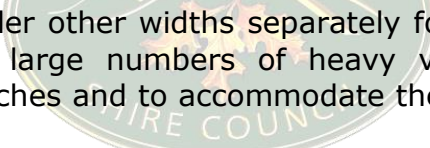
5.1 Cattle Grid & Base

A number of companies manufacture prefabricated cattle grid units. Council approval for the use of these units is dependent on their compliance with Council's structural design standards, which are that the structure is capable of carrying a B-Double truck or a HS20-T44 loading and have the dimensions as specified below for the particular road hierarchy. Privately manufactured cattle grids will require a certification of compliance from a Structural Engineer. Manufacturer's RMS certified cattle grids will be approved by Council.

Installation requirements

- Steel grids are level with the approach road surface, are free from defects and will not cause any damage to tyres;
 - The concrete bases and surrounds are free from defects and provide continuous support for the grid;
 - Posts on either side of the grid are painted white and fitted with reflectors facing along the road in each direction.
- Width
 - The trafficable width of all vehicle bypasses shall be a minimum of 1 metre

wider than the sealed road width on the approaches up to a maximum of 6.0 metre; and

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- Council shall consider other widths separately for roads carrying higher traffic volumes, carrying large numbers of heavy vehicles, with restricted sight distance on approaches and to accommodate the pavement width for the class of road.

5.2 Public Gates construction requirements

- The posts on either side of the gate must be fitted with reflectors facing along the road in each direction and painted white; and
- The minimum trafficable width of a public gate shall be 3.6 metres.
- The gate shall be made from galvanised steel.
- The gate shall be free swinging and shall remain unlocked at all times.
- The permit holder of the gate shall ensure that the road which services the gate is constructed and maintained to a standard such that it is negotiable by normal two (2) wheel drive vehicles at any time.
- The permit holder of the gate shall also ensure that the signposting as listed in section 5.4 below is installed and maintained.

5.3 Vehicle Bypass approaches

- The owner is responsible for the maintenance of the road carriageway for a distance not exceeding 20 metres from each side of the structure and for the width specified in the Permit as identified in Part 6 Clause 70 of the Roads (General) Regulation 2000. Council reserves the right to vary the distance based on the circumstances of the application.
- The approach road shall be constructed with a gravel pavement of sufficient thickness to carry any vehicle that may be required to use the road. The gravel pavement shall be constructed to the requirements of Tenterfield Shire Council.
- Where the grid is installed on a sealed road, the seal must be reinstated following installation of the bypass.

5.4 Signposting

- The warning signposting on both approaches are clean and legible and the post is straight and at the correct height
- Grid (or gate) warning signs (W5-16B) shall be erected on steel posts at 1.5 metres to the bottom of the sign on both approaches to the vehicle by-pass at distances between 60m and 210m prior to the structure – refer to Table A at Appendix D and E.

6. **Construction**

All work shall be carried out in accordance with the NSW Workplace Health and Safety Requirements, the Roads Act 1993, Roads (General) Regulation 2000 and applicable Australian Standards. The construction and upgrading of the permitted Public Gate, Vehicle Bypass and associated signposting shall be at the full cost of the holder(s) of the gate permit.

Prior to constructing a Public Gate and/or Vehicle Bypass, the owner of the land through which the public road passes must complete an Application to Erect a Public Gate / Vehicle Bypass. In addition, a Section 138 Permit must be obtained. All applicable fees associated with the Public Gate and/or Vehicle Bypass application must also be paid.

7. Inspections

7.1 Proactive Inspections

The Permit holder is responsible for carrying out regular inspections to ensure that the public gate and vehicle bypass complies with the design standards.

Council will during its routine road risk assessment inspections, identify any observable defects and inform the permit holder of these defects.

7.2 Reactive Inspections

Council staff will respond to customer service public complaints that request inspection. Any defects observed during the course of such inspections will be forwarded to the permit holder for their attention.

7.3 Observable Defects

Any observable defects identified by Council during any proactive or reactive inspection shall be rectified by the Permit holder at their full cost and in a timely manner, with the work being performed to the satisfaction of Council.

8. Maintenance

8.1 Rectification of Defects - Repairs

The maintenance of permitted public gates and vehicle bypasses shall be the sole responsibility of the permit holder. Maintenance shall be carried out on a timely basis to ensure the safety of the travelling public along the road is not compromised.

Structural repairs must be completed within one (1) month of the issue of the order and safety defects must be rectified within two (2) months of the issue of the order. Council may also impose a penalty in accordance with the Roads Act 1993 for non-compliance.

Where maintenance is to be undertaken on a Public Gate and/or Vehicle Bypass, the owner of the land through which the public road passes must obtain approval from Council through a Section 138 Permit, inclusive of payment of any fees.

8.3 Failure to Maintain

Failure to ensure that maintenance on vehicle bypasses is carried out may result in Council revoking the Public Gate or Bypass Permit. As a result of an inspection identifying a defect the permit holder will be advised of the defect and ordered to carry out repairs to meet the requirements of the Order. If the Public Gate Permit Holder fails to meet the requirements of the Order, then the Permit will be revoked and the structure removed from the road reserve at the full cost of the Permit Holder. Any materials salvaged will remain the property of Council.

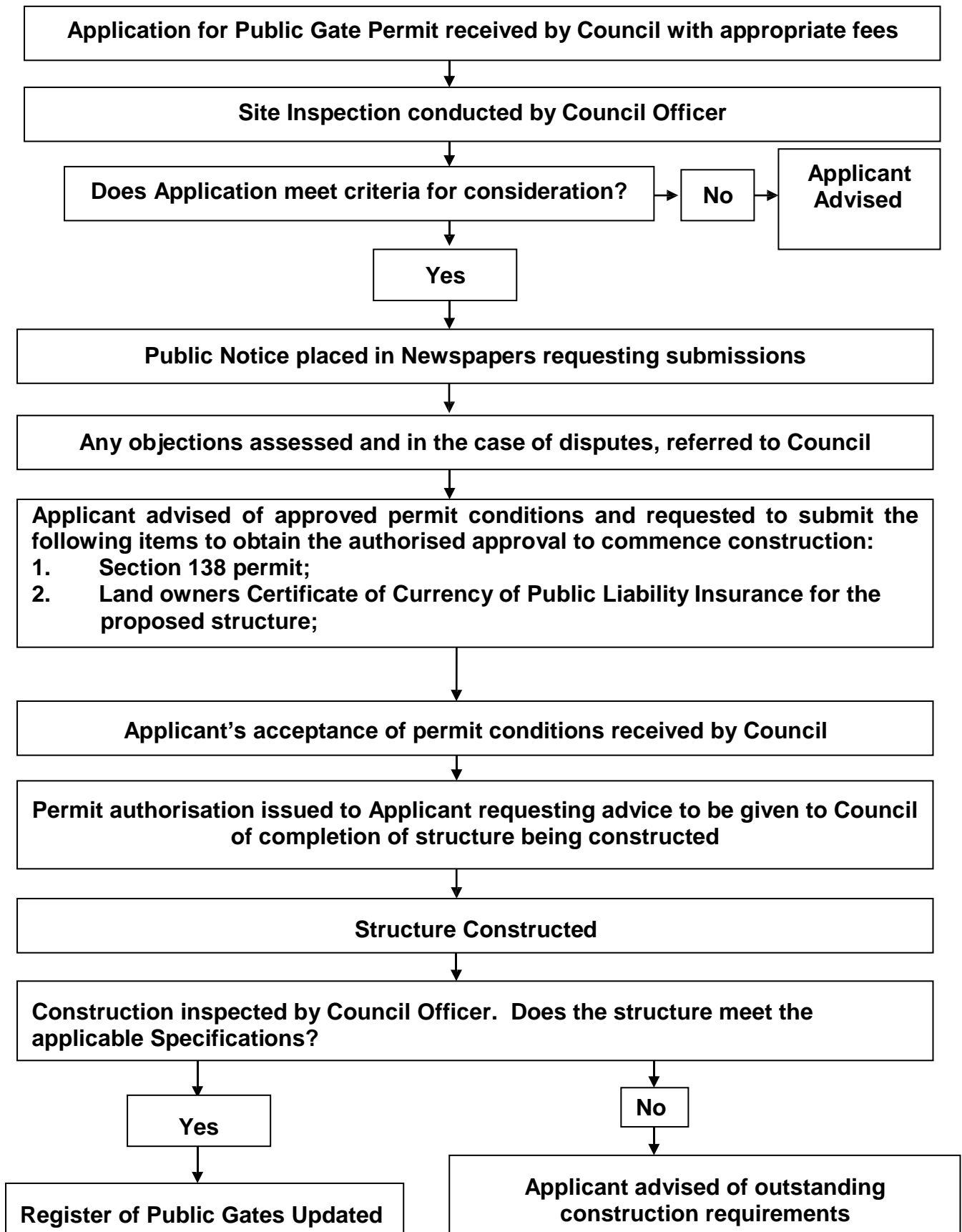
8.4 Vehicle Bypasses in a Dangerous Condition

When a vehicle bypass is deemed to be in a dangerous condition and the Permit Holder cannot be contacted quickly, Council will carry out temporary road restoration measures which may include removal or infilling the grid. All costs incurred by Council for these emergency works and any costs from damage or injury caused by the structure will be the sole responsibility of the permit holder.

8.5 Penalty for Non-Compliance

If any person fails to carry out their obligations under this document following the service of Council's Maintenance Orders, then Council will apply the statutory procedures for compliance and the levying of penalties as specified in the Roads Act 1993.

**APPENDIX B
FLOWCHART FOR PERMIT APPLICATIONS**





APPLICATION TO ERECT A PUBLIC GATE/VEHICLE BY-PASS, Roads Act 1993

I / We _____ of _____ hereby apply to Tenterfield Shire Council as the roads authority for permission to erect a public gate and/ or vehicle by-pass across the unfenced road at the location detailed in Schedule A below.

I / We agree to:

- Erect the gate, a vehicle by-pass, drainage and associated signposting at the site of the public gate in accordance with Council's Policy Statement No 2.162 and at our full cost.
- Comply with all the provisions of the Roads Act 1993 (Sections 128 to 137 inclusive), the Roads (General) Regulation 2000 (Sections 67 to 70 inclusive) and Council's Policy Statement No. 2.162 with respect to the maintenance of the gate, the vehicle by-pass, signposting and the approach road.
- Comply with the specific conditions set out in the permit issued by Council.
- Not commence works until one (1) month after the published advertisement notifying of the issue of the permit.
- Pay the application fee for the issue of permit as set annually by Council in its Fees and Charges;
- Indemnify Council from any claim for accident or injury incurred by the public (\$20,000,000), and provide a copy of current Public Liability insurance policy (if available) which shows inclusion of the works detailed in Schedule A.
- Undertake repairs and any maintenance necessary to the gate, the vehicle by-pass, signposting and the approach road to ensure the continuous serviceability and safety of the travelling public along the road.
- Attach any Detailed Plans and specifications of the proposed the public gate and/or vehicular bypass.
- Provide a site plan which indicates the location of the public gate / vehicular bypass in relation to the adjoining roads and property lots.

SCHEDULE A – LOCATION OF PROPOSED PUBLIC GATE / VEHICLE BY-PASS

Road Name					
Location					
RAN				Parish	
Lot		Sec		DP	

SCHEDULE B – APPLICANT CONTACT DETAILS

Postal Address			
Phone Number		Email	

Signature of Applicant(s): **Date:**

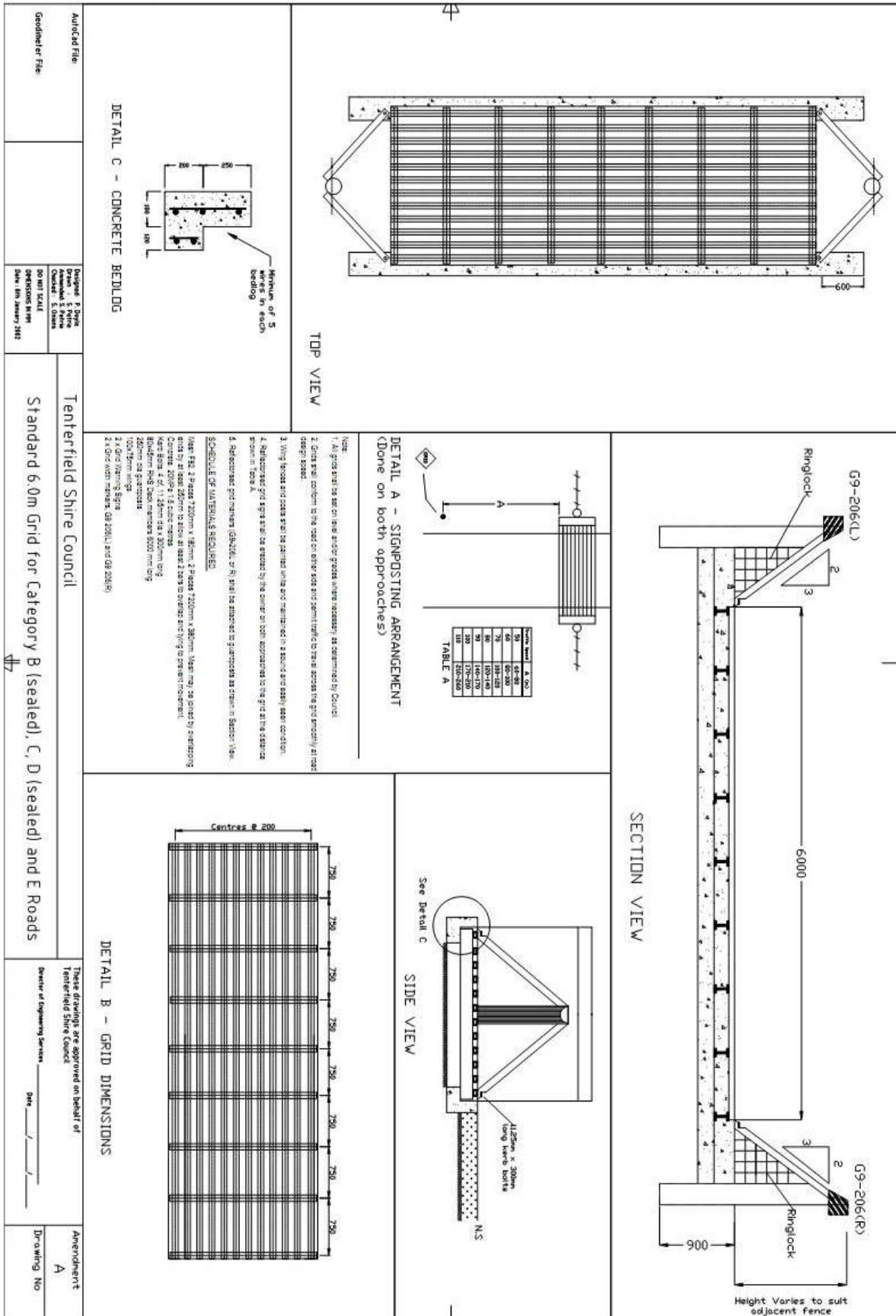
<i>Council Use Only.</i>	
Application Fee:	Inspection Date:
Date Paid:	Permit Number:
Receipt Number:	Date Issued:
Submission Advertising Date:	Notice Advertising Date:

Policy Statement No. 2.162
Date of Effect: 23 August 2017
Name of Policy: Public Gates & Vehicle By-Passes

Review Date:
August 2020

Responsible Officer:
Chief Operating Officer

APPENDIX D STANDARD DRAWING 6.0 M WIDE VEHICLE BYPASS



Approved File

Designed by: P. Dine
 Drawn by: S. Mire
 Checked by: S. Dine
 Date: 10 January 2017

30 000 SCALE
 DIMENSIONS IN MM

Tenterfield Shire Council

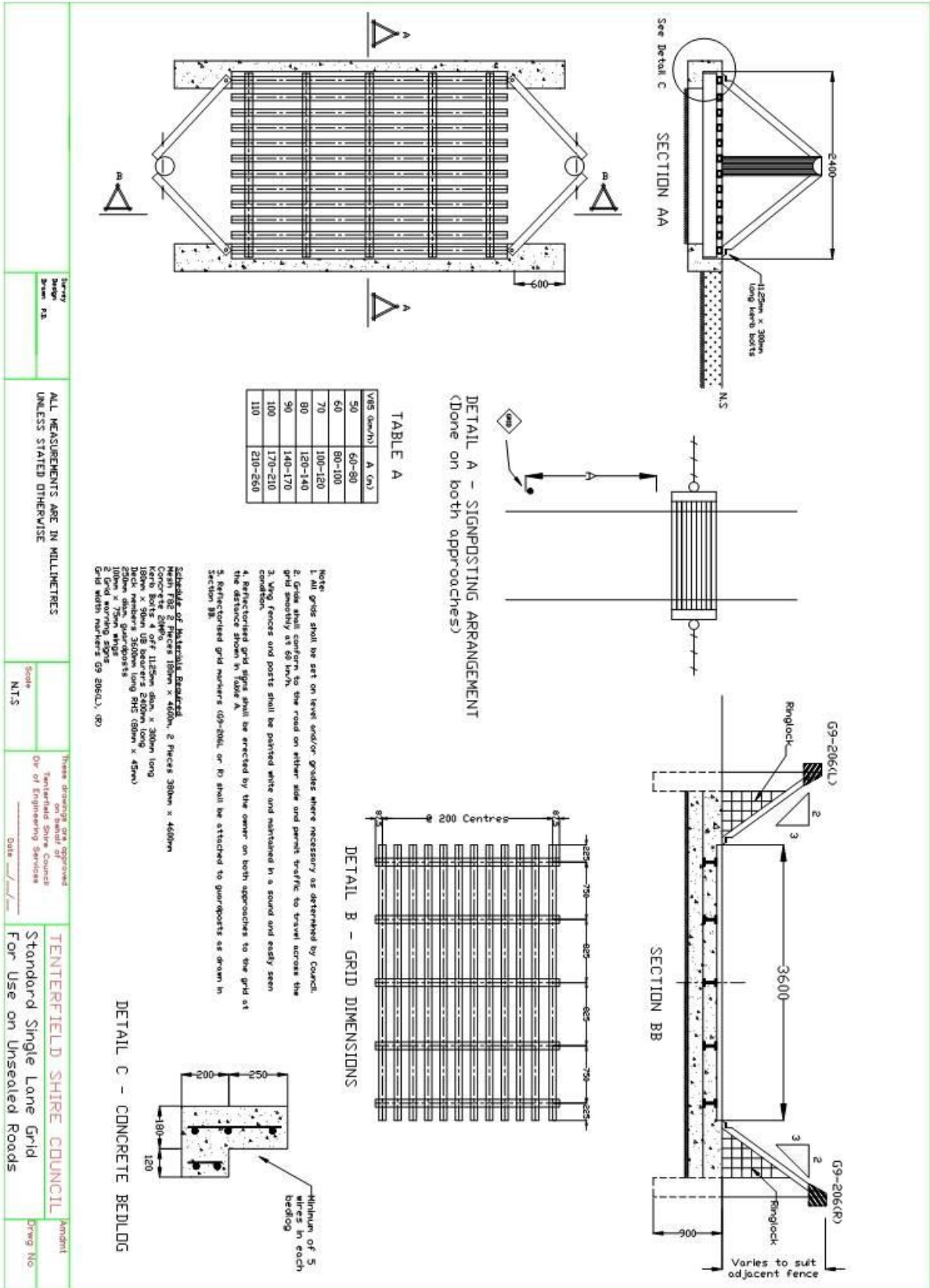
Standard 6.0m Grid for Category B (sealed), C, D (sealed) and E Roads

These drawings are approved on behalf of
 Tenterfield Shire Council

Director of Engineering Services _____ Date: _____

Amendment A
 Drawing No _____

APPENDIX E STANDARD DRAWING SINGLE LANE GRID



APPENDIX F TYPICAL ARRANGMENT – PUBLIC GATE AND VEHICLE BYPASS

Notes:

- The Permit holder is responsible for maintenance of the road carriageway for a distance not exceeding 20 metres from each side of the grid
- Grid to have at least 300mm clearance to the underside of the entire grid
- Where possible, roadside drainage should be directed under the grid to aid self-cleansing of the grid
- The minimum permissible grid width is 3.6 metres
- The maximum permissible grid width is 6.0 metres
- The minimum trafficable width of a public gate is 3.6 metres
- The gate shall be free swinging and remain unlocked at all times
- All signage for the Public Gate and Vehicle Bypass to be installed and maintained at landowners cost
- Public Gates and Vehicle Bypasses to be constructed to Council's requirements

