

GATES AND GRIDS ON PUBLIC ROADS POLICY

Responsible Department: Infrastructure Delivery
Responsible Section: Design Services
Responsible Officer: Manager Design Services

Objective

The objective of this Policy is to reduce public liability issues associate with gates and grids and ensure the safety of road users within the Narrabri Shire Local Government Area. Specifically, this Policy aims to:

- Establish an approval system;
- Identify standards for construction;
- Define maintenance responsibilities for owners of grids and gates;
- Establish registration requirements; and
- Ensure that the location of gates and grids provides a safe road for use by road users.

For reasons of public safety, road maintenance and risk management, Council's preference is:

- for Gates and Grids not to be installed on public roads; and
- where they are installed to be removed as soon as possible after they are no longer required.

Introduction

Stock grids and gates are structures constructed on a road for the purpose of controlling stock movements and as such are only of benefit to the landowner.

The *Roads Act 1993* (NSW) requires any new or existing structures on a public road to have a permit from the Road Authority (as defined by the *Roads Act 1993* (NSW)).

Policy

1. Definitions

Term	Meaning
AADT	Annual Average Daily Traffic.
Council	Authorised Council Officer from Narrabri Shire Council.
Gate	A Public Gate as defined under the <i>Roads Act 1993</i> (NSW).
Grid	A cattle grid or sheep grid located beside the gate. Also referred to as a 'by-pass' so long as it is constructed in accordance with specifications outlined by the <i>Roads Act 1993</i> (NSW).
Permit	Within the context of this Policy, refers to a permit granted by a roads authority for infrastructure to be installed on a public road in accordance with Part 9 of the <i>Roads Act 1993</i> (NSW).
Owner	The landowner or their successor in title, as per Part 9 Division 2 of the <i>Roads Act 1993</i> (NSW)
Road Users	Includes both vehicles and pedestrians.

Term	Meaning
Structure	Within the context of this Policy, refers to gates and grids (including any other associated infrastructure and fixtures) that are constructed on a public road.

2. Issuing of Permits

- 2.1. Narrabri Shire Council, as a roads authority within the Narrabri Shire Local Government Area, is authorised to issue permits for gates and grids in accordance with the *Roads Act 1993* (NSW) and the *Roads Transport (General) Regulation 2021* (NSW).
- 2.2. Installation of new grids will only be considered where the cost of fencing is substantially more than the cost of installing a new grid. The cost of a grid is calculated regarding the following:
 - (a) The cost to construct the to 'public road standard';
 - (b) The cost to construct an associated bypass track; and
 - (c) The cost to install associated signage.
- 2.3. Applications for a permit for gates and grids will be considered by Council on their merits, pursuant to the following:
 - (a) The location must meet the safety requirements established by the General Manager or their delegate;
 - (b) Gates are not permitted on formed public roads (notwithstanding that a gate shall be installed as an adjunct to any approved grid); and
 - (c) The applicant must show that fencing the road is not a viable alternative to the provision of a gate or grid.
- 2.4. For a Permit to remain in place for a Structure, the following conditions must be met:
 - (a) Safety is maintained for all road users;
 - (b) No alternative (such as fencing) to the installation of a Structure is viable;
 - (c) The gate is placed at a point where the road intersects a boundary fence;
 - (d) The road where the Structure is (proposed or pre-existing) is not classified as a State or Regional Road;
 - (e) Gates are to only be installed as an adjunct to an approved grid on a formed public road;
 - (f) The owner shall keep the Structure in a reasonable state that is of satisfactory condition to the Council at their own expense; and
 - (g) The owner shall effect repairs to the Structure at their own expense that Council may require.

3. Responsibility for Structures

- 3.1. Ownership and responsibility of the structure and all associated items, including approaches and signs, shall be vested in the landowner or their successor in title, as per Part 9 Division 2 of the *Roads Act 1993* (NSW).
- 3.2. The responsibility for a Structure (and the accompanying Permit) is transferred with the sale of the land.
- 3.3. Should no owner of a structure be identified, Council shall be entitled to remove the structure.
- 3.4. Construction, maintenance, and removal of gates and grids shall be carried out at the Owner's expense.

- 3.5. Structures and associated side fences and signage must comply with the relevant NSW Government standards and any other requirements as established by Council.
- 3.6. Owners of gates and grids are liable to maintain the Structures as a whole, at their own expense.
- 3.7. Owners of Structures are liable to seal and maintain the public road approaches to the structure for 20 metres each side of the grid, to the satisfaction of Council.

4. Maintenance

- 4.1. Council requires the Owner to keep the Structure in a reasonable state so as to not impede the movement of any road user.
- 4.2. The Owner shall indemnify Council against all claims and demands in relation to the Structure.
- 4.3. If an inspection by Council identifies that works are required to the Structure, Council will notify the owner in writing.
- 4.4. The Owner has 30 days from notification from Council that the Structure requires works to rectify the issues identified by Council.
- 4.5. The Owner may seek an extension to the 30 days from Council upon agreement of the General Manager, or their delegate.
- 4.6. If issues are not rectified at the conclusion of the 30 days (or other period as approved by the General Manager, or their delegate) Council may perform works necessary to rectify the issue or remove the Structure and recover all associated costs from the Owner.

5. Standards

- 5.1. Council staff are to act in the best interest of the road user when determining requirements in relation to a Structure.
- 5.2. Council will not consider permitting new public gates unless at the boundary of a property where there are no other landowners beyond that point. All other gates must be removed.
- 5.3. Minimum acceptable standard for gates on public roads:
 - (a) The minimum width of a gate shall be 7.3 metres;
 - (b) Adequate sight distance must be available along each direction of approach;
 - (c) Gate must not be locked at any time;
 - (d) Gates must be aluminium or painted white;
 - (e) Gates must be affixed with reflectors upon each side (displaying red reflectors on the left hand side and white reflectors on the right hand side for approaching traffic); and
 - (f) A notice must be attached to both sides of the gate, bearing the words "PUBLIC GATE" in letters at least 75 millimetres high.
- 5.4. Minimum acceptable standard for gates on public roads:
 - (a) Grids must be at least 3.85 metres wide;
 - (b) Grids must have a minimum carrying capacity of 42 tonnes;
 - (c) Grids must be installed by way of a pit dug into the road and covered with an open grille so as to enable road users to travel over it;

- (d) Grids must be affixed with markers (sign D4-3A) on both sides of the grid and on both approaches;
- (e) Advanced warning signs must be erected on both approaches, 100 metres in advance of the grid bearing the word "GRID" (sign W5-16B); and
- (f) The road must be constructed and gravelled at least 6 metres wide for a distance of at least 20 metres on both approaches to the grid.

5.5. Council may require higher standards to be met at the discretion of the General Manager or their delegate.

5.6. If a structure has been constructed in accordance with a Council issued permit but is of a lesser standard than that outlined in clauses 5.3 and 5.4, the structure may remain in position until replacement becomes necessary, or until such time as Council directs the Owner to replace it with a structure that meets the current standards.

6. Council Managed Road Maintenance

6.1. If Council is required to perform maintenance or upgrade of a public road where a Structure is located, the Structure will be upgraded to meet legislated and Council's specifications. The responsibilities in such cases are as follows:

(a) The Owner will:

- (i) Reimburse Council for the costs incurred to upgrade the Structure to the relevant standards; and
- (ii) Maintain the Structure once Council has handed the asset back to the Owner.

(b) Council will:

- (i) Notify the Owner of their intention to upgrade the public road, including any structures located along it, at least seven (7) days prior to the commencement of works; and
- (ii) Remove any replaced infrastructures (including grids, abutments and signage) and deliver them to a location that is mutually agreed upon to by the Owner.

7. Removal

7.1. Unauthorised structures on public roads are considered obstructions and are therefore illegal and require removal.

7.2. Where possible, Council shall encourage the removal of structures from public roads.

7.3. If Council determines that the Structure is in such a state of disrepair as to constitute a danger to traffic, it is to be removed or repaired immediately.

7.4. All of Council's costs associated with the maintenance or removal of structures will be recovered from the Owner and all materials salvaged shall remain the property of Council.

8. Review

8.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

References

- *Local Government Act 1993* (NSW).
- *Roads Act 1993* (NSW).
- *Roads Transport (General) Regulation 2021* (NSW).
- Gates and Grids on Public Roads Procedure.
- Gates and Grids on Public Roads Application Form

History

Minute Number	Meeting Date	Description of Change
612/95	June 20, 1995	Adopted
244/97	April 15, 1997	Amended
536/99	September 21, 1999	Amended
4/2008	February 5, 2008	Amended
514/2010	August 17, 2010	Amended
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	June 23, 2020	Rebranded
336/2022	October 18, 2022	Adopted