

POLICY

ROADS – Ramps – Public Gates and Grids

Date adopted by Council	28 June 2021
Minute number	H.06.2
Endorsed by	Senior Management Group
CM Ref	CD-192/20
Due for review	September 2025
Related documents	Various Asset Management Plans
Responsible officer	Manager Works Delivery
Department/Section	Infrastructure Services / Works Delivery
Category	Roads
Community Strategic Plan goal	<p>Goal 7 Enhance and improve the road network and bridges to meet the needs of current and future generations and communicate priorities and progress to the Community.</p> <p>CS27 Maintain and upgrade the road network and bridges.</p>



Policy Statement

To manage the installation and removal of public gates and grids across the Upper Hunter Shire.

Objective

To provide direction and consistency in the management of gates and grids across the Upper Hunter Shire. This shall be achieved by developing a systematic approach to the approval, inspection, assessment, maintenance, repair and removal of public gates and grids within the Shire that takes into account community expectation, relevant standards, costs and environmental, health and safety issues.

Scope

This policy applies to all Council staff involved in the assessment, planning, management and undertaking of road operation and maintenance activities.

Policy Details

1. General

All grids and gates on public roads must be registered and a permit provided. A register of all existing grids and gates locations on maintained roads has been established and is maintained by Council. The permit holder is responsible under the Roads Act NSW 1993 for maintenance of the grid and gate, the bypass road to the gate and 20 metres of road on each approach to a grid.

Grids and gates on unmaintained Council road reserves will remain the maintenance responsibility of the permit holder.

Gates shall not be permitted on roads with a traffic volume greater than 10 vehicles per day unless they are located adjacent to a grid. Use of electrified grids is not permitted.

In the event of the ownership of the subject property being transferred, so does the responsibility of the grid and gate.

2. Regulation and Responsibility

- The Roads Act 1993 ('Roads Act') (particularly Part 9 Division 2 (Sections 128-137))
- The Roads Regulation 2008 ('Roads Regulation') (Part 6 (Sections 73 – 76))
- Council's minimum specification applying at the time; and
- Relevant Australian Standards



The Roads Act and Roads Regulation declares that the roads authority ('the Council') is required to authorise and register all grids and gates on public roads and set standards for the construction and upkeep of the grids and gates.

Council may permit the occupier of any land through which an unfenced public road passes to erect a grid or gate across the road at any place at which the road intersects a boundary fence. It is an offence to construct a grid or gate without a permit.

The legal obligation lies with the landholder (owner of the grid or gate) to ensure the grid or gate is maintained in a safe condition for use by all traffic. Any incident caused by failure to satisfactorily maintain a grid or gate may result in the landholder being held personally liable.

The Council will undertake inspections of grids and gates across the Shire and notify the landholder of any maintenance required to be undertaken by the landholder. Council reserves the right to carry out any maintenance required at any time and debit the cost of the work to the landholder.

The Council may revoke the grid or gate permit at any time, should this maintenance works not be undertaken to the required standard. If the permit is revoked the landholder must remove the structure within one month of notice of revocation being served.

Council shall not be responsible for any damage caused to any gates, grids or other property in respect of this application and located within the road reserve, either by Council's own staff or machinery, or any outside body. Any restoration works necessitated as a result of such damage shall be the responsibility of the landholder.

3. Council Policy and Procedure

Permits may only be granted where:

- The grid or gate is located where the public road intersects a boundary fence, or as near as possible to a boundary fence
- Consideration of the location and traffic volume renders it impractical to have the road boundary fenced out
- The road boundary is not already fully fenced out

Permits will not be granted where:

- The road has a classification of State Road
- If the proposed grid or gate location will be a safety hazard

4. Publication of notices

Prior to approving the relevant grid and/or gate permit the Council will provide notice of the permit application in the local newspaper. The publication will include the proposed location



of the grid or gate. The Council must give due consideration to any written submission received within 28 days of publication before the permit may be granted.

5. Making an application for a permit

Applications will only be considered if the application form is filled out and all documents required in the application form checklist are included. This includes payment of relevant fees, as set out in the Council Fees & Charges. The landholder must also gain written consent of any adjoining landowners and written approval from any other department with interests in the road reserve.

If banks are located on the road reserve and the proposed location of works is raised above the level of natural country, an additional agreement must be included indemnifying the Council against any claims of damage caused by the banks.

6. Safety measures to be implemented during construction on gate/grid

Construction must only occur during hours of daylight, and the landholder must undertake works in accordance with a Traffic Control Plan approved by Council's Manager Strategic Assets. The applicant must also conduct a risk assessment of all duties involved in the works and send a copy of the plan to the Manager Strategic Assets.

During construction the landholder must follow the traffic management process in the approved Traffic Control Plan.

It is the responsibility of the landholder to maintain the lights, sign and side track and ensure they are in a reasonable condition at all times. The costs of all such works, including restoration of existing pavements and bitumen surfacing, shall be met by the applicant. The applicant must restore the road and road reserve to the condition it was in prior to the works commencing. This includes removal of any rubbish, levelling of any surplus earth and removal of any debris or matter in the drains.

7. Construction of Public Grid or Gate

Part 6 Public Gates of the Road Regulation (2008) applies to all grids and gates. Construction must occur in accordance with the safety measures noted in the previous section, and the terms of the permit. The grid or gate must be perpendicular to the road and the centre of the grid or gate must correspond with the centre of the road. It must be installed at the location submitted in the permit.

Sites for motor bypasses proposed to be installed must be approved by Council and appropriate levels must be obtained from the Manager Strategic Assets.



The landholder must not erect the grid or gate within one month of the publication of the permit. The landholder must complete the construction within 12 months of the date of approval or the permit will be rendered ineffective.

Grids and gates are to be constructed in accordance with Council's standards.

The following grid dimensions must be adopted:

Class One roads – Minimum width 6 metres

Class Two roads – Minimum width 6 metres or by resolution of Council

Class Three roads – Minimum width 4 metres

If, due to road alterations, the Council requires the relocation of a grid or gate that does not meet the requirements outlined above and has a 14 tonne capacity, one quarter of the cost of the relocation shall be borne by the landholder and three quarters by the Council.

Where the grid or gate complies with the standards and relocation is required, the Council will bear the full cost.

Where additional motor bypasses are required by a landholder, the full cost shall be borne by the landholder

8. Maintenance of Public Grids and Gates

The maintenance of public grids and gates (including bypasses and any relevant signage) and the maintenance of the full trafficable width of road approaches up to 20 metres from the public gate, shall be the full responsibility of the permit landholder.

Council reserves the right to carry out any repair works at any time and debit such costs to the owner.

Council may issue a direction in writing requiring the landholder of a public grid and gate permit to carry out work to cause the public gate or associated motor bypass to comply with any or all of the following:

- The Roads Act or the Roads Regulation;
- This Policy;
- The terms of the permit.

If the holder fails to comply with the direction within the reasonable time stipulated then Council may take such action as is necessary to give effect to its direction and the costs incurred in doing so shall be recovered as a debt from the person to whom the direction was given.

Responsibilities

Councillors

Councillors will review and adopt the policy.



Senior Management Group

The Senior Management Group will support this policy and ensure their relevant areas are implementing it consistently.

All Directors

All Directors will ensure their relevant areas are implementing it consistently.

All Managers

All Managers will support this policy and ensure it is implemented when applicable to their area and works undertaken.

All Coordinators and Supervisors

All Coordinators and Supervisors will support this policy and ensure it is implemented when applicable to their area and works undertaken.

All Staff

The relevant officers will have reasonability to ensure the policy is implemented and all procedures are adhered to.

References and Related Legislation

- The Roads Act 1993 ('Roads Act')
- The Roads Regulation 2008 ('Roads Regulation')
- This policy was adopted by Council at its meeting on 28 June 2021, and replaces the policy of the same name dated 25 September 2017.

Version History

Version No.	Date	Reason for Review
1	<date>	
2	<date>	
3	<e.g. DRAFT>	