



Policy

Public Gates and Cattle Grids on Council Roads

2021

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Further Document Information and Relationships

Related Legislation	Roads Act 1993 Roads Regulation 2018
Related Policies	
Related Standards, Procedures, Statements, documents	Council's Road Register DM795077

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



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1. Objectives

- 1.1. To reduce the risk presented by Public Gates and Cattle Grids to road users, Council and landowners.
- 1.2. To support procedures for application for permits, the issuing of permits, inspection, evaluation and maintenance of Public Gates and Cattle Grids.

2. Statement

- 2.1. Council aims to provide a managed approach to the provision of Public Gates and Cattle Grids.
- 2.2. The policy, together with the procedures, provides the guidelines for managing Public Gates and Cattle 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 Cattle 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. Appendix 1 shows the layout of public gate and cattle grid in a bypass combination. Such combinations are not common in Byron Shire and consequently the term will not be used in this policy.
- 4.2. Public Gates and Cattle Grids exist on Council's road network and present a risk to road users, property owners and Byron 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 Cattle 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 Cattle Grids.
- 4.5. This Policy applies to all roads maintained by Council within its local government area. (Refer to Council's Road Register DM795077). 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 Cattle 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. (DM795077)



6. Procedures for the approval, inspection and maintenance of public gates and cattle grids

- 6.1. The aim of this Policy is to provide for and encourage proper management of Public Gates and Cattle 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 Cattle Grids as identified in the Public Gate and Cattle 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 Cattle Grids.
 - (b) Identify standards for the construction of Public Gates and Cattle Grids.
 - (c) Define maintenance responsibilities for Public Gate and Cattle Grids permit holders.
 - (d) Define registration and recording procedures for Public Gates and Cattle Grids.

7. Approval and permit procedures

7.1. Permit Application for existing Public Gates and Cattle Grids

- (a) Owners of any existing Public Gates and Cattle 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 standard to enable Council to issue a permit if otherwise appropriate. 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 and Cattle 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 Cattle Grids

- (a) Council will consider applications for a Public Gate Permit only when the following four conditions all apply:



- i) Where no viable alternative such as fencing, exists;
 - ii) The application does not relate to an excluded road as defined in Table 1 below;
 - iii) Road safety concerns indicate placement of such structures would not create an unacceptable hazard; and
 - iv) The road intersects a boundary fence.
- (b) Following is a table containing Council’s public gate and cattle grid requirements and exclusions.

Table 1 – Public Gate and Cattle Grid Requirements / Exclusions

Road Classification	Public Gate and Cattle Grid Type Required
State Highway or Regional Road	Not Permitted
Arterial & Sub- arterial	Not Permitted
Collector	Not Permitted
Major Local more than 200 vehicles per day	Not Permitted
Minor Local more than 20 vehicles per day less than 20 vehicles per day	Single Cattle Grid and Gate in a bypass combination (See Standard Drawing in Appendix 3) Public Gate or Cattle Grid as required by the land owner

7.3. Application Assessment Criteria

- (a) Assessment of applications will be undertaken to ensure compliance with the requirements for public gates and cattle 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 gates must be white with standard signage and reflectors on each side. Gates and cattle grids must be in good condition. Road approaches for a minimum distance of 20m on both side of the gate and or cattle 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 permits have a maximum permit period of one year. A permit must be renewed annually.

8. Construction standards

- 8.1. 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 cattle 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

- (a) The owner is responsible to maintain the structure and signage of the Public Gate/ Cattle Grid to ensure performance in compliance with the Construction Standard. All maintenance work is to be carried out in accordance with NSW Occupational 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 minimum distance of 20m either side of the structure 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.
- (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 structure 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.



10. Inspections

10.1. Proactive Inspections

- (a) The owner is responsible for carrying out regular inspections to ensure the facilities comply with specified standards.
- (b) Subject to availability of resources, Council staff will inspect Public Gates and Cattle 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

- (a) 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

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

- (a) Upon Application
 - i) Lodgement of application form/s (ensuring all information is completed as required).
 - ii) Lodgement of associated plans as required by the application form.
 - iii) Payment of fees.
- (b) Initial Inspection
 - i) The location proposed for the public gate/grid is inspected by a Council officer.
 - ii) The officer prepares a report which may include any photos or drawings made during inspection and supporting information in relation to site suitability (eg site distance measurements, road width etc).
 - iii) If site found to be unsuitable, a letter is sent to the applicant advising of their unsuccessful application. Letter is accompanied by a partial refund of fees – applicant is refunded the cost of a second inspection.
- (c) Community Consultation
 - i) The proposed public gate/grid is advertised in the local newspaper as required by the legislation.
 - ii) Submissions may be received by Council in response to the advertisement.



- iii) Council provides a written or verbal response to the submissions as appropriate.
- iv) Council reviews submissions and determines the application.
- (d) Conditional Approval
 - i) Legislation dictates that conditional approval may only be granted 28 days or more after community consultation has concluded.
 - ii) Council writes to the applicant advising conditions of approval.
- (e) Construction Approval
 - i) All documentation submitted by applicant as stipulated in the conditions. As a minimum this must include:
 - A. Design and layout of proposed structure
 - B. Construction contractors insurance details
 - C. Traffic Management Plan
 - D. Certificate of Currency of Public Liability Insurance for the proposed structure with a minimum cover of \$20,000,000.
 - E. Construction / maintenance bond lodged
 - ii) 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.
- (f) As Constructed Inspection/s
 - i) Once the public gate/ grid is constructed the applicant advises Council and a Council officer inspects.
 - ii) If construction is found to be below standard or not to specifications, the Council officer liaises with the applicant and provides;
 - A. Detailed list of defects identified during inspection
 - B. Written or verbal notification to applicant or construction contractor
 - C. Follow-up inspection details
- (g) Final Permit
 - i) Council writes to the applicant providing a Public Gate Permit Number
 - ii) Construction bond is transferred to maintenance bond
 - iii) Council's Register of Public Gates is updated with the following minimum information;



- A. Permit Number
- B. Applicants Name
- C. Date of Application
- D. Date of Advertisement
- E. Date of Determination
- F. Construction requirements
- G. Location of Public Gate
- H. Road name and chainage from start datum or cross road
- I. Legal description of properties adjoining structure (Lot/Section/DP)
- J. Legal description of responsible land parcel (lot/Section/DP)

12. Fees and charges

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

13. Byron Shire Council Public Gate Register

13.1. Register of Public Gates (example)

Public Gate Permit Number:	355
Applicants Name:	A.R. GATEOWNER
Date of Application:	6-11-2002
Date of Advertisement:	10-1-2003
Date of Determination:	10-2-2003
Construction and cattle grid requirements:	Public Gate and Cattle Grid
Location of Public Gate:	Grid Rd 1234m from Bypass Rd Boundary of Lot 2 DP 123456 and Lot 5 DP 654321
Responsible land parcel:	Lot 2 DP 123456

14. Appendices

- 14.1. Standard Drawing of a Public Gate and Cattle Grid in Bypass Combination



14.1 Appendix 1 – Standard Drawing of a Public Gate and Cattle Grid in Bypass Combination

Notes

1. Public Gate to be registered and kept painted white by land owner.
2. All signs at land owners cost.
3. Guide posts with reflectors either side (4)
4. Cattle 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.

