



10. PROPERTY MANAGEMENT

Policy 10.7

PUBLIC GATES AND GRIDS ON LOCAL ROADS

Version 4

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OBJECTIVES

The objectives of this policy are to:

1. Provide a policy for landholders concerning the construction and maintenance of public gates and grids on public roads.
2. Provide the basis for guidelines for landholders to make applications to Council for a permit to erect a public gate or grids.
3. Maintain a systematic and standardised approach to approval, inspection, evaluation, maintenance and repair of all public gates and grids.
4. Delegate authority under the Roads Act 1993 for the authorised person to act on behalf of Council to administer Section 128 to 137 of the Roads Act 1993 in accordance with this Policy.
5. Ensure that the location of Gates & Grids provides a safe road for use by road users.

POLICY

Lithgow City Council is the Roads Authority under the Roads Act 1993 for most of the public roads contained within the Local Government area. As such Council may issue (or revoke) permits for public gates and bypass structures (such as grids) which cross a public road.

Council's public road network consists of two lane two way and one lane two way roads that can either consist of gravel or sealed pavements. The classification of these roads will inevitably vary with time pending future development and subsequent demands on the road network. With this in mind Council requires the flexibility to determine whether grids are suitable given safety considerations based on traffic volumes, road alignment, and other public gates and factors, such as public comment.

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.

1. EXISTING PUBLIC GATES & BYPASS STRUCTURES

All public gates and associated bypass structures (grids) are presumed to have been erected in accordance with a permit issued under Part 9 Division 2 of the Roads Act 1993. Any previous policies or conditions for maintenance previously in place are superseded by the requirements and responsibilities as outlined below.

Requirement	Responsibility
a. That public gates, grids (including 20m of approaches either side of a grid) and associated fencing remain the property of the landholder and are maintained in a safe and serviceable condition. Landholders shall ensure that public access is maintained following the installation of gates or grids and for this purpose public gates shall not be locked.	Landholder(s)
b. That public gates and grids are inspected on a quarterly basis and records in relation to the inspection are kept for a period of one year from the date of inspection.	Landholder(s)
c. That all defects identified are repaired by suitably qualified /experienced tradesperson(s) after consultation with Council to determine traffic control requirements from the point of time of defect identification to completion of necessary repairs.	Landholder(s)
d. That public gates and grids are covered under the public liability insurance of the landholder for any alleged/proven damage (including personal injuries) caused by the ramp structure to a motor vehicle or persons travelling that public roadway, upon which the gates and ramp is placed. \$10 million for gates and \$20 million for grids.	Landholder(s)
e. Council may revoke a public gate and/or grid permit if; <ul style="list-style-type: none"> i. The public gate and/or grid is not maintained in a serviceable condition; ii. The public gate and/or grid no longer serves its original function; iii. The public gate and/or grid presents a safety issue to road users; iv. Or for other non specific reasons that may occur from time to time. 	Council

If a permit is revoked and the owner fails to remove the grid or gate within the time limits specified in the Roads Act 1993, the Council may remove the grid or gate and recover the cost from the landholder.

2. APPLYING FOR PUBLIC GATE & BYPASS STRUCTURE PERMITS

There are a number of reasons why public gates and/or associated bypass structures may be approved by Council. Alterations to property boundaries and adjustments to internal fencing are just a few of the reasons why this may occur. However, in the first instance the applicant must show that fencing the road is not a viable alternative to the provision of a gate or grid. Secondly, gates are not to be installed on roads with a traffic volume greater than 10 vehicles per day, unless they are located adjacent to a grid.

When a landholder requests a permit to install a new public gate and/or grid the authorised person will review the request under the delegated authority of the Council subject to the conditions outlined below. Council is under no obligation to approve a public gate and/or grid. The Roads Act 1993 and the Roads Regulation 2000 describes the procedure for requesting a permit for a public gate or bypass.

3. CONDITIONS FOR APPROVAL OF A GATE /GRID ON A PUBLIC ROAD

1. Safety is maintained for all road users (vehicles and pedestrians), specifically in relation to sight distance, gate / grid width and condition and surface transition;
2. No viable alternative such as fencing exists;
3. The gate is placed at a point where the road intersects a boundary fence;
4. Gates and grids are not placed on any road classified as a State, Regional or Collector road or above and cannot be installed where the road is fully fenced;
5. Gates are not placed on a formed public road or any road where traffic volumes are greater than 10 vehicles per day (not withstanding that a gate shall be installed as an adjunct to any approved grid);
6. Single width grids will only be considered where daily traffic is less than 20 vehicles per day. Where traffic exceeds this volume, a double grid is required;
7. The owner shall at their own expense keep the structure in a state of repair and condition satisfactory to the Council, and shall at the like expense affect such repairs to the structure that Council may require;
8. Council staff are to act in the best interest of the road user when determining requirements in relation to gates and grids;
9. All of Council's costs associated with the maintenance or removal of structures will be recovered from the Owner and all materials salvages shall remain the property of Council;
10. The responsibility for the public gate and / or grid is transferred with the sale of the land;
11. The Owner shall indemnify Council against all claims and demands and provide a Certificate of Currency for Public Liability insurance noting the interest of Lithgow City Council;
12. Encourage the removal of gates and grids from public roads;
13. Unauthorised gates and grids be removed as illegal obstructions;
14. The minimum width of a gate adjoining a grid shall be 7.3 metres where practicable and a gate over a road must be a minimum width of 4.0 metres;
15. Grids and associated side fences and signage must comply with RMS standards and with any special requirements of the Director Infrastructure Services;
16. Construction, maintenance and removal of gates and grids shall be carried out at the applicant's expense;
17. The centreline of the grid or gate must coincide with the centreline of the road and where located on a curve, the crossfall of the grid must match surrounding road levels;
18. All grids must be capable of carrying a W7 or T44 legal axle loading with a factor of safety;
19. Owners of gates and grids be informed of their obligations to maintain them and seal and maintain road approaches (to the satisfaction of Council) for a distance of 20 metres each side of a grid; and
20. A fee may apply for the assessment of an application for a gate or grid. See Council's adopted Fees and Charges for further details.
21. Prior to permission being granted for the erection of a grid and/or gate, Council will advertise in the local newspaper inviting interested persons to lodge objections in writing allowing 28 days for this to occur. Notice shall also be given to the adjacent land owner/s if their consent is not provided with the application. Any objections will be considered on their merits.

4. DELEGATION TO GENERAL MANAGER

The implementation of this Policy is bound by the requirements of Part 9, Division 2 of the Roads Act 1993 and the supporting regulations which provide the Council, as the roads authority, with the power to issue and revoke permits for the installation of public gates and bypass structures across public roads.

For the purpose of exercising this function, Council has delegated the function to the General Manager pursuant to section 377 of the Local Government Act.

Maintained by Department:	Infrastructure Services	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	10.7	Effective Date:	2006
Min No:	V1 - 06-349 V2 – 09-189 V3 - 14-211 V4 -	Version No:	4	Reviewed Date:	Apr 2009 Oct 2013 May 2014 May 2019
Attachments:					

Application for Installation of Grid / Gate on Public Road

Name:	_____
Address / Lot / DP:	_____ _____ _____
Contact Number	_____
Describe proposed location (distance from nearest dross road / direction)	_____ _____ _____
Describe proposal (gate or grid / type / width / construction details)	_____ _____ _____
Estimated Date for Construction	_____
Estimated Traffic Volume per Day	_____
Supporting Information (where applicable)	_____ _____ _____

Agreement:

Please find enclosed the fee applicable for granting of the permit and advertising the proposed grid and/or gate as identified in the Annual Fees & Charges of the Council. I understand that final approval and issue of the permit will not be provided until the application has been assessed and found to be compliant with the conditions contained within Policy 10.7. Further that if approval is not provided, then these fees are not refundable.

Signed & Dated (Applicant)

Checklist:

- Site map
- Photo of location
- Traffic control plan (during construction)
- Risk assessment
- Written consent from affected landowners
- Written consent from any other departments with interests in the road reserve
- Details of Public Liability insurance provided (Certificate of Currency)

Office Use Only

Complies with Policy (Yes / No)

Potential implications (drainage, etc.)

Recommended course of action

Assessment / inspection undertaken by

Signed & Dated (assessor)

Project approved to proceed or reason provided for refusal?

Signed & Dated (Director or General Manager)

NOTES:

Procedure for Gates and Grids Assessment

Road Name: _____

Action	Date	Responsible Person	Comments (Yes / No / Issue)
Initial assessment of viability			
Complies with policy and standards			
Traffic volume (V<10, 10<V<20, V>20)			
Copy of mapping image / Lot & DP details			
Site inspection			
Initial approval to proceed with notification			
Notify owner			
Identify landowners whose land is affected by proposed restriction			
Notification sent to affected landowners			
Advertised in newspaper (28 days)			
Assess objections			
If approved, provide affected owners 14 days' notice			
Construction completion advised			
Final inspection			
If rejected, notify applicant.			