

COUNCIL POLICY



Public Gates & Vehicle Bypass

Commencement Date	27 April 2020
Council Department	Infrastructure & Operations
Contact Officer	Director–Infrastructure & Operations
Revision Required	Every 4 Years

Policy Review

This policy shall be reviewed at four (4) yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

Revision History

Version	Council Meeting Date	Resolution No.	Responsible Officer
1	22 March 2010 (Previously 2.16 – Motor By-Pass Grids)	69/2010	Director – Infrastructure & Operations
2	27 April 2020 (Previously Public Gates & Motor Bypass)	89/2020	Director – Infrastructure & Operations

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I. Preliminary

I.1 About this Document

I.1.1 Purpose

Cowra Shire Council's adopted vision is to be:

“A leading, innovative and creative community, proud of our place in history, offering opportunity with the best of country living.”

To support this vision, Council has adopted various local policies, in accordance with the *Local Government Act 1993* and the *Roads Act 1993*, that are relevant to the maintenance of public roads.

The purpose of this document is to present Council document relating to Public Gates and Bypasses.

I.1.2 Title

This document is Cowra Shire Council Public Gates and Vehicle Bypass.

I.1.3 Outline

A Bypass is commonly known as a cattle grid or stock crossing. The term Bypass is used in the *Roads Act* and *Roads General Regulation*.

Bypasses and Public Gates exist on Council's road network and present a risk to road users, Council and property owners.

The erection and maintenance of public gates and bypasses are subject to the provisions of the *Roads Act 1993* and *Roads Regulation 2008*.

This document sets out Council's standard requirements for public gates and motor vehicle bypasses (grids or ramps) on dedicated roads.

I.1.4 Objectives

The objectives of this document are:

- To reduce the risk presented by Public Gates and Bypasses to road users, Council and landowners;
- To define procedures for the issuing of permits, inspection, evaluation and maintenance of Public Gates and Bypasses.

I.1.5 Statutory Context

The Public Gates and Bypasses is a local document. It is a publicly available management document under the *Government Information (Public Access) Act 2009 (NSW)*.

I.1.6 Consistency

All Council's Management Documents are required to comply with the requirements of relevant Acts and Regulations and also to be consistent with the principles of ecologically sustainable development.

Where this is inconsistent with the *Roads Act 1993* or the Regulations, then to the extent to which it is inconsistent, it is void.

In addition, a local Management Document cannot be more onerous than the *Roads Act 1993* or the Regulations.

I.1.7 Review of this document

This document will be reviewed as required as part of the Corporate Plan to ensure that it is up to date with current legislation and community expectations.

I.2 The Legislative Framework

Cowra Shire Council maintains roads appropriate to the current and future needs of local communities in accordance with the relevant Acts, Regulations and standards. Some of the relevant Acts, Regulations and standards are outlined below.

I.2.1 Roads Act 1993

The *Roads Act 1993* outlines Council's power to do a range of functions relating to roads. Sections 128 -137 outline requirements relating to Public Gates.

I.2.2 Roads Regulation 2008

The *Roads Regulation 2008*, made under the *Roads Act 1993*, further outlines and defines Council's powers regarding the control and maintenance of public roads, in particular sections 73-76.

I.2.3 Cowra Shire Council Roads Asset Management Plan

Cowra Shire Council has adopted a Roads Asset Management Plan (RAMP) which covers the development, management and operation of Council's transport network. The information collected under the Public Gates and Vehicle Bypass will form part of the RAMP.

I.2.4 Cowra Shire Council Public Gates and Bypass Standard Specifications

The Cowra Shire Council Public Gates and Bypass Standard Specifications is a separate document that sets out the engineering requirements for the construction of such structure.

I.3 Delineation of Responsibilities

I.3.1 Council

Cowra Shire 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.

1.3.2 Permit Holder

The permit holder is responsible for installing and maintaining any Public Gate or Bypass.

2. Policy

Approval from Council is required to erect a public gate and/or a ~~motor~~ bypass on a rural road. (Roads Act s128)

In accordance with the Roads Act s128.1, a gate can only be erected where the public road intersects a boundary fence and only if the public road reserve through the land is unfenced.

No new public gates will be permitted except as part of a gate/grid combination.

Applications must be accompanied by the appropriate fee to cover administration and advertising costs as documented in the Revenue Policy of the Management Plan. An application to install a gate/grid combination must be in writing and must specify the applicant's details and the location of the proposed gate/grid combination. Where the applicant owns land on one side only of the road across which the proposed gate/grid combination is to be erected, the application must be accompanied by the written consent of the land owner on the other side of the road.

Before determining an application to install a gate/grid combination, Council will advertise the proposal in the local newspaper, allow at least 28 days for written submissions, and have due regard to any written submissions before resolving whether to issue the permit.

All applications and permits are to comply with the requirements of the Roads Act 1993 and Roads Regulation 2008.

All structures are to be constructed to Council's specifications.

The permit holder, otherwise the occupier, is responsible for signposting and maintenance of the public gate and motor bypass. (Roads Act s129). The permit holder must make arrangement to have the gate opened when requested by Council road maintenance staff; and kept open for the period defined by Council road maintenance staff.

Permits for public gates and ~~motor~~ bypasses may be revoked by Council at any time and the occupier must remove the gate within one month of notice (Roads Act s130)

2.1 Permit Application for a new Public Gate and Motor Bypass

Council will only consider applications for a Public Gate Permit where:-

- No viable alternative, such as fencing the public road reserve exists;
- Is not an excluded road as defined in Table I below;
- Road safety assessment indicate placement of such structures would not create an unacceptable hazard;
- The road intersects a boundary fence.

In accordance with the Roads Act s133, Council will require a bypass to be constructed in conjunction with the gate. Table I below details Council's requirements.

Table I: Gates and Bypass Requirements / Exclusions

Road Classification		Bypass Type Required
State Highway or Regional Road		Not Permitted
Arterial & Sub- arterial		Not Permitted
Collector		Not Permitted
Major Local:	AA DT > 200)	6m Cattle Grid and Gate
Minor Local:	(AA DT > 20)	3.6m Cattle Grid and Gate
	(AA DT < 20)	3.6m Cattle Grid and Gate

2.2 Permit Application for an existing Public Gate and Motor Bypass

Council will periodically audit existing public gates and ~~motor~~ bypasses for compliance with the Act, Regulation and this policy. Should a gate or grid not comply the occupier will be advised to apply for a permit.

The condition of the structure must comply with the standard to enable a permit to be issued. In cases where the current condition of the structure does not comply with the standard, and presents a significant Public Liability risk to the owner, Council will negotiate with the owner to identify appropriate measures to be taken. These may include:

- Elimination of the Public Gate and Bypass by fencing the road reserve;
- Upgrading the structure to current standards;
- Replacing the structure to current standards.

