

Kyogle Council

Public Gates and Bypasses (Cattle Grid) Management Plan



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Document Review History

Edition & Revision Number	Date	Description
Edition 1/Revision 0	November 15, 2004	Original draft for public display
Edition 1/Revision 1	February 21, 2005	Revision following public submissions. Council Resolution Number 210205 ITEM (28) allows for amendments from time to time
Edition 1/Revision 2	July 8, 2005	Revision of road carriageway maintenance lengths to one meter either side of structures, Council Resolution Number 200605 ITEM (27)

1 PURPOSE

Council's document titled **Public Gate and Bypass (Cattle Grid) Management Plan** aims to reduce the exposure of the landowner and Council to the possibility of a claim through the management of the risks associated with Public Gates and Bypasses. This shall be achieved by developing and maintaining a systematic approach to approval, inspection, evaluation, maintenance and repair of all Public Gates and Bypasses as identified in the Public Gate and Bypass Register.

2 OBJECTIVES

This management plan aims to:

- Document a transparent system for the approval and licensing of Public Gates and Bypasses.
- [Establish](#) standards for the construction of Public Gates and Bypasses.
- Define maintenance responsibilities for Public Gate and Bypass permit holders.
- Define registration and recording procedures for Public Gates and Bypasses.
- Provide a legal framework through which the Public Gate and Bypasses (Cattle Grid) Policy can be enforced.
- Ensure that the location of Public Gates and Bypasses does not materially affect the enjoyment of persons or parties wishing to use the Kyogle Council Road Network.

Within the available resources of council's to:

- Provide safe roads for use by road users;
- Provide a system of proactive maintenance;
- Identify areas that require maintenance;

To assist in meeting the Strategic Governance targets outlined in Council's Management Plan;

- To identify and address the needs for the improvement of the Rural Local Road Network and to improve the level of service to the general public and residents of the Council area
- Promote road safety
- To control private structures on roads and road openings and to ensure all works are carried out to adopted standards

3 SCOPE

This document covers all matters relating to the administration and management of Public Gates and Bypasses (Cattle Grids) on the Kyogle Council Road Network.

4 DISCUSSION

Council is given the ability to issue Public Gate Permits under the Roads Act 1993 and the Roads ~~(General)~~ Regulation [20002008](#). A Public Gate Permit can only be granted where the following conditions are met;

1. The road must be unfenced
2. The road must pass through a parcel of land owned by the applicant
3. The Public Gate must be placed at a point where the road intersects a boundary fence

In addition to these legislative requirements Council requires the following conditions to be met before an application for a Public Gate Permit can be considered;

1. The road must not be classified as a State Road or Regional Road
2. The road must not be classified as a Local Arterial Road under Council's Road Classification System

~~2.3.~~ [The road must not be a sealed road or have a 7 day average daily traffic count in excess of 100.](#)

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All costs associated with the construction and maintenance of a Public Gates and Bypasses is the responsibility of the owner of the land parcel the Public Gate Permit has been granted to. The responsibility for the Public Gate Permit is also transferred with the sale of the land.

This management plan requires an annual compliance check by the Public Gate Permit holder to ensure the structure is being maintained to a satisfactory standard, and that the appropriate Public Liability Insurance is held by the Public Gate Permit holder.

~~At time of publication~~ Council ~~do not may~~ charge an annual fee for Public Gate Permits or the maintenance of the Public Gates and Bypass structures to offset the cost of maintaining a register and auditing for compliance. ~~Council reserves the right to impose such a charge.~~

Council reserves the right, following a period of notice commensurate with the level of risk, to undertake maintenance or removal of Public Gates and Bypasses where they are deemed to pose a hazard to the road users. Any works undertaken by Council shall be at the permit holders cost. Council as the Road Authority reserve the right to revoke a Public Gate Permit at any time.

5 APPLICATION FOR PUBLIC GATE PERMIT

5.1 Submitting an Application

To apply for a Public Gate Permit the owner of the land through which the public road passes must complete a Public Gate Permit Application form and pay the applicable application fee, advertising fee, and construction bond as set down annually in Council's Management Plan.

For further explanation of the procedure to be followed refer to Appendix A – Flowchart for New Applications for a Public Gate Permit and Appendix B –Public Gate Permit Application Form.

5.2 Consultation

Prior to the granting of a permit public submissions from users or prospective users of the road are required.

Submissions will be taken into consideration prior to the granting of a permit by the Executive Manager Infrastructure Works.

5.25.3 Application Refused

If an application is unable to be considered due to reasons outlined in Section 64, the application fee will not be refunded, but the applicable advertising fee and construction bond will be refunded and the applicant advised in writing that the application has been rejected.

5.35.4 Unregistered (Illegal) Public Gates and Bypasses

Owners of existing unregistered Public Gates and Bypasses will be required to lodge a Public Gate 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.

The condition of the structure must comply with the standards set out in this document to enable a permit to be issued. In cases where the current condition of the structure does not comply with the appropriate standards Council will advise the owner of the 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,
- Replacement of the structure to current standards.

5.3.15.4.1 Request for Submissions

~~When an unregistered Public Gate or Bypass is brought to Council's attention a standard letter is to be sent to all surrounding land owners requesting submissions concerning the removal of the~~

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~~specified structure within a period of 30 days. The letter may also indicate the results of the field inspection which initiated the letter. In conjunction with the issuing of the letter to the responsible parties a notice will be placed on the specific grids/gates. All responses received will be judged on merit and a decision on the future of the grid will be made by the Director of Technical Services. Where an unregistered Public Gate or Bypass exists the same process will be required as if applying for a new Public Gate and Bypass permit.~~

5.3.25.4.2 Removal of Unregistered Public Gates and Bypasses

~~If no response is received following a request for submissions~~Where deemed necessary after consideration of submissions Council will take action to remove the structure from the road reserve. The adjoining land owners are to be notified a minimum of 30 days prior to the removal of the structure to allow provisions to be made for the containment of stock. The containment of any livestock always remains the responsibility of the land owner, and Council bears no responsibility for damage or injury arising from loose livestock.

The costs of removing the structure and impounding of livestock are able to be recovered by Council from the adjoining land owners. Where the adjoining landowner has fully fenced the road frontage of their property they will not be required to contribute to the costs of removing the structure. Any materials salvaged will remain the property of Council.

6 REVOCATION OF PERMITS

Public Gates and Bypasses permits may be revoked for the following reasons:

6.1 Failure to act on an Order to Repair

Section 9.3 Failure to Maintain provides the required actions. Reasonable opportunity for the permit holder to carry out corrective action is to be provided. Such opportunity shall not exceed 3 months.

Complaint

~~A permit may be revoked following the consideration of written complaints.~~

~~If the complaint is in regard to the condition of gates, grids, etc the provision of Section 9.3 are applied.~~

~~Complaints must not be frivolous and shall be investigated to establish the actual issues and hardships, if any, imposed by the existence of the permitted activity.~~

~~Following investigation an agenda item is to be prepared and submitted to Council for consideration and determination.~~

6.2 No Permit

All existing Public Gates and Bypasses that do not have a current permit shall be ordered in writing to be removed within 12 months of issue of such notice.

If the gate, grid bypass, etc owner, fails to meet the requirements of the Order the structure shall be removed from the road reserve by Council. All costs associated with the removal of structures will be recovered from the owner and all materials salvaged shall remain the property of Council. If the owner is not able to be identified Council shall remove any associated structures.

6.3 Change of Circumstances

Where there is significant development or sustained increase in traffic volumes a review of any permits for Public Gates and Bypasses is to be undertaken by Council. If the impact is considered to be significant the permit owner shall be advised that the infrastructure is to be removed within 12 months of receipt of an Order to do so.

67 SUBDIVISION OF LAND

6.47.1 Assessment of Public Gates and Bypasses

Where a development application for the subdivision of land is received the existence of grids will be considered as part of the planning process. The same requirements listed under Section 6-5 must still be met by the subdivision proposal for any existing Public Gates and Bypasses to remain.

~~Where this is not the case Council will revoke the existing Permits upon finalisation of the Development Application. If the existing Public Gates and Bypasses are not deemed to be appropriate to the proposed development, Council may also require the removal of any existing~~

Kyogle Council Public Gates and Bypasses (Cattle Grids) Management Plan July 8, 2005-DATE Page 5 of 20

Edition 1/Revision 2

Approved by: Kyogle Council by Resolution No: 240205

ITEM(28)NEW Resolution No

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~~Public Gates and Bypasses and fencing of the road reserve, despite compliance with the criteria listed under Section 6. Public Gates and Bypasses will not be permitted within the road reserve directly adjacent to the subdivided area but will be considered at the extremities of subdivisions providing all other conditions under Sections 4 and 5 are met.~~

6.27.2 Transfer of Public Gate Permits

Council will determine the responsible land parcel which will subsequently be responsible for the Public Gate Permit upon finalisation of the Development Application. Existing Public Gates and Bypasses will become the responsibility of the owner of the new parcel of land created by the subdivision process, and the Grid Register will be amended to record the new land parcel responsible.

6.37.3 Additional Public Gates and Bypasses

No new Public Gates and Bypasses shall be allowed in excess of those already in existence. Where possible existing Public Gates and Bypasses shall be made redundant and removed as part of the subdivision development. ~~In general, F~~encing shall be required to be carried out as part of the development application process, rather than the provision of Public Gates and Bypasses.

78 CONSTRUCTION STANDARDS

All work is to be carried out in accordance with Council's Road Reserve Management Plan, NSW Occupational Health & Safety requirements, the Roads Act 1993, Roads ~~(General)~~ Regulation 20002008, industry standards, and applicable Australian Standards. Council will provide guidance if required. The applicant must provide design details for the structure to cater for HS20-T44 loading and have the design certified by a Structural Engineer. A number of companies manufacture prefabricated cattle grid units. Subject to their design specifications being referred to Council, such units will be approved for use. Council may be able to provide details of manufacturers if required.

Appendix D shows the applicable standards for a Public Gate, and Appendix E shows a diagrammatic representation of the construction of a Public Gate and Bypass (Cattle Grid).

7.48.1 Trafficable Width

The trafficable width of any cattle grid bypass shall be the greater of the minimum standard trafficable width for the road class and the existing formation width. Where an existing Public Gate and Bypass has been constructed with a width less than this, the signage provided should include a "NO OVERTAKING OR PASSING" warning sign (R6-1A) on each approach.

7.28.2 Public Gate

The Public Gate shall be made of resilient material of minimum width 3.66 ~~meters~~metres and should be arranged to be free swinging and shall remain unlocked. The gate, any support structures, and fencing within the road reserve shall be painted white.

7.38.3 Cattle Grid Side Track

The cattle grid side track which services the Public Gate is to be constructed to a standard such that it is negotiable by normal two wheel drive vehicles in all weather.

7.48.4 Signage

Signage is to be erected as per AS 1742.2 Manual of uniform traffic control devices – Traffic control devices for general use. This requires a "GATE" (W5-14) or "GRID" (W5-16) warning sign on either side of the Public Gate between 50m to 200m from the structure. A "Public Gate" sign is also to be displayed on the gate clearly showing the Permit Number. A set of G9-206(L) and G9-206(R) chevrons are also required on either side of the structure. Where the trafficable width is less than the width of the road approaches signage provided must include a "NO OVERTAKING OR PASSING" warning sign (R6-1A) on each approach.

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[Cattle ahead signs are also to be installed to the satisfaction of the Executive Manager Infrastructure Works.](#)

89 MAINTENANCE STANDARDS

8.19.1 Structural Components

The Public Gate Permit holder is responsible to maintain the structure and signage of the Public Gate and Bypass to ensure compliance with the Construction Standards set out in Section 9. All maintenance work is to be carried out in accordance with the Kyogle Council Road Reserve Policy, NSW Occupational Health & Safety requirements, the Roads Act 1993, Roads (General) Regulation 2000 and applicable Australian Standards.

8.29.2 Road Carriageway

The Public Gate Permit holder is responsible for maintenance of the road carriageway for a distance of one (1) ~~meter~~ metre either side of the structure. The permit holder may not carry out maintenance works on a carriageway unless previously approved by Council. Maintenance of sealed road pavements shall be carried out by Council only. Council may carry out maintenance of the carriageway within this distance from the structure at the owner's expense.

8.39.3 Failure to Maintain

Failure to ensure that maintenance on grids is carried out may result in Council revoking the Public Gate Permit and removing the structure from the road reserve. Council will order the Public Gate Permit holder to conduct repair works prior to taking any such action. If the Public Gate Permit holder fails to meet the requirements of an Order, then the Permit will be revoked and the structure removed from the road reserve. All costs associated with the removal of structures will be recovered from the Permit Holder and all materials salvaged shall remain the property of Council.

8.49.4 Public Gates and Bypasses in a Dangerous Condition

Where a Public Gate or Bypass is deemed to be in a dangerous condition and the Public Gate Permit holder can not be quickly contacted, the grid will be temporarily repaired by Council at the Public Gate Permit holder cost. This will include any steps the Director of Technical Services deems as necessary to make the structure safe for traffic, and may include temporary filling of the cattle grid with compacted gravel or complete removal of the grid. The Public Gate Permit holder will be held solely responsible for any damage or injury caused by the structure.

8.59.5 Penalty for Non-Compliance

If any person fails to carry out their obligations under this policy following the serving of the various notices and requests from Council officers, the statutory procedures for compliance and the levying of penalties as contained in the Roads Act 1993 will be applied.

910 INSPECTION

9.110.1 Proactive Inspections

The owner is responsible for carrying out regular inspections to ensure the facilities comply with specified standards.

Council staff will inspect Public Gates and Bypasses as part of scheduled Road Network inspections. Any identified condition defects will be advised to the owner for attention.

9.210.2 Reactive Inspections

Council staff will respond to Customer Action Requests and any defects observed during the course of such inspections will be advised to the owner for attention.

1011 ANNUAL COMPLIANCE REVIEW

Compliance of the structures with the construction and maintenance standards will be reviewed annually. ~~Council will advise the~~ [The responsible owner shall conduct an annual review using the](#)

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~~owner when the review is due in writing including providing a~~ Public Gate and Bypass Inspection Report as per APPENDIX F [and submit this report to Council](#).

The owner is required to carry out a condition inspection of the structure and submit a Certificate of Currency of Public Liability Insurance for the structure and return the forms to Council within 14 days.

Council will conduct a quality audit check of the information submitted and inspections of structures at random to check accuracy of condition inspections. If the structure is found not to comply with requirements, or the Public liability Insurance is invalid or inadequate, Council may revoke the Public Gate Permit or take action ~~as per~~ [in accordance with](#) Section 406.

44.12 PUBLIC GATES RECORDS

The following list provides a guide to Council staff and Public Gate Permit applicants to the documents and information to be tracked and recorded in relation to the issuing of Public Gate Permits.

44.412.1 Upon Application:

- Application form/s (ensuring all information is completed as required)
- Associated plans
- Details of fees paid and receipt numbers

44.212.2 Initial Inspection:

- Inspection report
- Photos or drawings made during inspection
- Supporting information in relation to site suitability (eg site distance measurements, road width etc)
- If site found unsuitable, a record of the written reply and refund of application fees should be kept.

44.312.3 Community Consultation:

- Copies of advertisements requesting submissions
- Any submissions received
- Any written or verbal replies to submissions
- Brief report on the review of submissions and bypass determination

44.412.4 Approval of Public Gate Permit:

- Written notification to applicant detailing conditions and bypass requirements

44.512.5 Construction Approval:

- All documentation submitted by contractor. As a minimum this must include;
 - Design and layout of proposed structure
 - Construction contractors insurance details
 - Traffic Management Plan
 - Certificate of Currency of Public Liability Insurance for the proposed structure
- Notification to contractor for approval of design and Traffic Management Plan, and acknowledgment of receipt of insurance details.

44.612.6 Construction Inspection/s:

- Inspection report
- Photos or drawings made during inspection
- If construction is found to be below standard or not to specifications;
 - Detailed list of defects identified during inspection
 - Written or verbal notification to applicant or construction contractor
 - Follow-up inspection details

44.712.7 Final Approval:

- Written notification to applicant including Public Gate Permit Number

Kyogle Council Public Gates and Bypasses (Cattle Grids) Management Plan ~~July 8, 2005-DATE~~ Page 8 of 20

Edition 1/Revision 2

Approved by: Kyogle Council by Resolution No: [240205](#)

~~ITEM(28)NEW~~ [Resolution No](#)

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- Authorisation of release of construction bond
- Update Register of Public Gates with the following minimum information;
 - Permit Number
 - Applicants Name
 - Date of Application
 - Date of Advertisement
 - Date of Determination
 - Construction and bypass requirements
 - Location of Public Gate
 - Road name and chainage from start datum or cross road
 - Legal description of properties adjoining structure (Lot/Section/DP)
 - Legal description of responsible land parcel (Lot/Section/DP)

41.912.8 Periodic Inspections:

- Any inspection reports submitted by Permit holder
- Council officer inspection reports
 - Inspection report and photos, drawings etc
 - Written advise to Permit holder of any defects identified
 - Reference to Customer Action Request if applicable

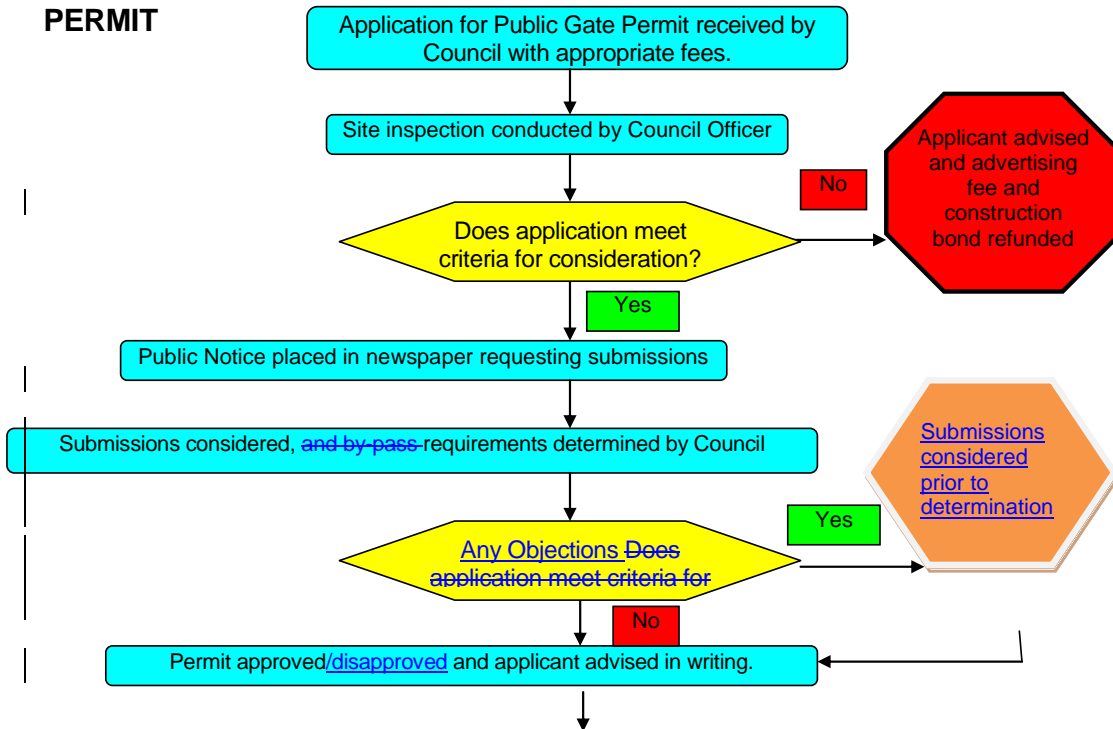
41.912.9 Annual Compliance Review:

- Copy of Public Gate and Bypass Inspection Report form completed by applicant
- Certificate of Currency of Public Liability Insurance for the proposed structure
- Any inspection report completed if a quality audit check is conducted

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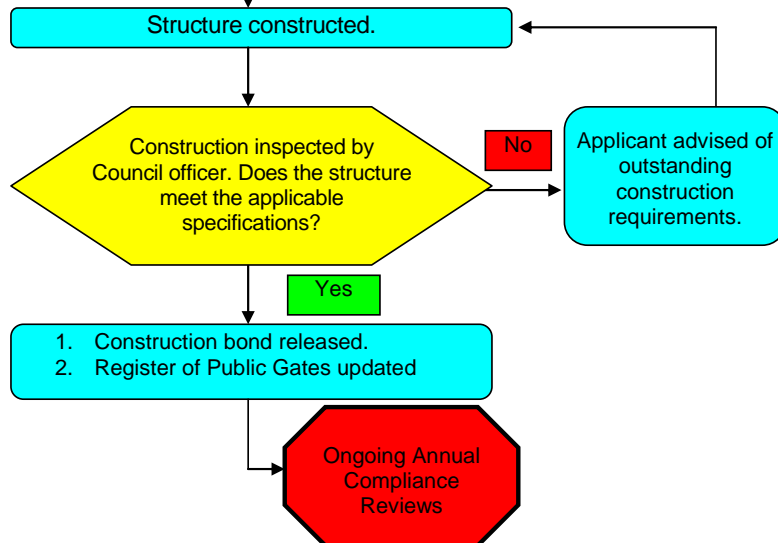
APPENDIX A – FLOWCHART FOR APPLICATIONS FOR A PUBLIC GATE PERMIT



PRE CONSTRUCTION REQUIREMENTS

The contractor who wishes to construct the structure must make application to Council for permission to conduct works. This is to be done in accordance with Council's Road Reserve Policy. In general as a minimum the following will be required;

1. Submission of structure design and layout.
2. Submission of construction contractors insurance details and OH&S and Environmental management systems
3. Submission and approval of Traffic Management Plan
4. Submission of land owners Certificate of Currency of Public Liability Insurance for the proposed structure



APPENDIX B - PUBLIC GATE PERMIT APPLICATION FORM

All Communications to be addressed to:
The General Manager
Kyogle Council
PO Box 11
Kyogle NSW 2474

Administrative Office:
Stratheden Street
Kyogle NSW 2474
Telephone: 66 320 221
Facsimile: 66 322 632

APPLICATION FOR PERMIT
TO ERECT OR ALTER A PUBLIC GATE OR BYPASS (CATTLE GRID)

Sections 128 & 133 Roads Act 1993

To: Director Technical Services
PO Box 11
KYOGLA NSW 2474

As an occupier of land through which an unfenced public road passes, I hereby apply for permission to erect a Public Gate/Grid across;

.....at a distance of.....km from
(Road Name)

.....
(Nearest cross road)
On the boundary of Lot.....Section.....DP.....

and Lot.....Section.....DP.....Parish.....

Location of Public Gate/Grid:

At the site of the proposed Public Gate/Grid wooden pegs or stakes are to be placed either side of the road and marked "Public Gate". The application is to be accompanied by 2 copies of the following;

- (a) **Plan of Site:** The site plan is to be drawn to scale and show locations of the proposed Public Gate, Grid, road reserve, boundary fences, connecting fences, distance along road from property boundaries, road drainage, natural features (eg steep slopes, bogs, trees) and any obstacles which could affect use of the proposed Public Gate.
- (b) **Locality Plan:** The site of the proposed grid and gate is to be clearly marked on a photocopy of a Parish map or 1:25,000 topographical map.
- (c) **Attachments to Application to Erect a Public Gate/Grid:** This attachment is to be signed by all adjoining land owners showing their consent to the application.

Name:.....

Signature of Applicant:.....

Date: Address.....

Note: If this application is approved the Gate is to be constructed to Council specifications and if Council deems that a by-pass is required then the by-pass is to be constructed as per Council's Public Gates and Bypasses Policy.

FEES:

- Application/inspection for installation/registration of 1 gate only:(\$ +\$ GST) \$
- Application/inspection for installation or registration of additional gate when installing 2 or more gates on one property; (\$ +\$ GST) \$
- Advertisement in the Richmond River Express Examiner estimated at (\$ +\$ GST)\$
- Construction bond (\$ GST exclusive) to be refunded upon satisfactory completion of construction

OFFICE USE ONLY

Public Gates/Grids: Job No: 10303001
 Advertisement : Job No: 10303001
 Construction Bond:
 Assessed Fee:
 Date Received:
 Receipt No:

I understand that the application and approval (if granted) will be subject to the conditions set out below.

- ❖ Provision of adequate description and sketch for consideration of this application.
- ❖ [Stock are not to be permitted to congregate on or near the road at night or during periods of low visibility](#)
- ❖ [The permit may be revoked for reasons outlined in the Management Plan under Section 6 Revocation of Permits. No compensation shall be payable to the permit holder by Council under these circumstances.](#)
- ❖ The applicant indemnifies Council against any Claims made against Council ~~or other parties and~~ which arises ~~directly~~ from ~~the any~~ acts or omissions of the applicant, its employees, agents, contractors, and/ or invitees on Council's property [including any claims arising from stock on or about the road.](#)
"Claims" means all claims, demands, proceedings, litigation, or other action a party is entitled to bring in relation to all losses (including profits & consequential losses), damages, costs, expenses, fees and charges of any nature whatsoever suffered or incurred by that party.
- ❖ Payment of a fee as listed in Council's Management Plan.
- ❖ Following approval;
 - Provide engineering plans for approval
 - Provide a Certificate of Currency, from an authorised Insurer; Confirming Public Liability Insurance in the sum of \$10 million noting cover for the public gate and motor bypass subject of this application and noting Council's interests
- ❖ During construction the applicant will;
 - Accept responsibility and indemnify Council, as per 2. above, for damage to power lines, water mains, telephone/ communication lines, road surfaces or other services,
 - Undertake all work in compliance with [Occupational Workplace Health & Safety legislation and Roads Act in force in NSW at the time](#) and Australian Standards for signage [in force in NSW at the time](#).
- ❖ Following construction the applicant agree to;
 - Insurance
 - Maintain insurance [in favour of Kyogle Council which indemnifies Council](#) as described above.
 - Provide Council with a Certificate of Currency following each renewal period, or annually.
 - Maintenance
 - maintain the public gate and motor bypass in line the approved plans and standards.
 - maintain signage in line with Australian Standards
 - undertake maintenance, or other work, on the public gate and motor bypass as directed by Council.
 - The applicant agrees to pay Council for any work done on the public gate and motor bypass as a result of the applicant's failure to maintain or undertake work as required/ directed.

If the Applicant fails to pay Fees and charges on the due date, the Applicant agrees to pay all legal costs and collection charges incurred in the recovery of the debt. If the Applicant fails to pay Fees and charges on the due date Council may also charge the Applicant a commercial rate of interest on any amount owing.

I have read and understand the conditions set out above and wish to proceed with my application under those conditions.

.....
Signature of Applicant

.....
Date

APPENDIX C – RELEVANT LEGISLATION

Extracts from the Roads Act 1993 and Roads ~~General~~ Regulation 20002008

Roads Act 1993

Division 2 Public gates

128 Roads authority may grant permit

- (1) A roads authority may permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence.
- (2) A permit may not be granted with respect to a classified road except with the concurrence of the RTA.
- (3) A roads authority must cause notice of the granting of the permit to be published in a local newspaper.
- (4) The occupier for the time being of the land to which a permit relates is taken to be the holder of the permit.

129 Erection and maintenance of public gates

- (1) The holder of a public gate permit may, at any time after one month from the publication of the notice of the granting of the permit, erect a gate in accordance with the permit.
- (2) The holder of a public gate permit must ensure that:
 - (a) a notice is attached to both sides of the gate bearing the words "PUBLIC GATE" in letters at least 75 millimetres high, and
 - (b) both the gate and the notice are maintained in good condition.

Maximum penalty: 10 penalty units.

130 Revocation of permit

- (1) The roads authority may at any time revoke a public gate permit.
- (2) The occupier of the land the subject of a public gate permit that has been revoked must remove the gate within one month after notice of the revocation is served.

Maximum penalty: 10 penalty units.

131 Effect of permit

While a public gate permit is in force, the public gate to which it relates is taken not to constitute a public nuisance and does not give rise to an offence against this or any other Act.

132 Offences with respect to public gates

- (1) A person must not cause any damage to a public gate or to any notice attached to the gate in accordance with this Division.

Maximum penalty: 10 penalty units.

- (2) A person who opens a public gate must cause it to be closed again immediately after it has been used.

Maximum penalty: 10 penalty units.

- (3) A person who fails to cause a public gate to be closed is liable for any loss or damage suffered by the occupier of the land adjoining the public road on which the gate is situated as a result of the gate having been left open.

133 Construction of by-pass around road gate

- (1) An occupier of land adjoining an unfenced public road across which a public gate is situated at the point where the road intersects a boundary fence:

- (a) must not, unless the appropriate roads authority so permits, and
- (b) must, if the appropriate roads authority so requires, construct a by-pass for vehicles at the intersection of the road with the boundary fence.

Maximum penalty: 10 penalty units.

- (2) The roads authority may not permit or require the construction of a by-pass:
 - (a) if the by-pass is to be used in connection with a public gate across a main road, except with the concurrence of the RTA, and
 - (b) if the public gate is part of a rabbit proof, dog proof or marsupial proof fence, except with the concurrence of the local rural lands protection board.
- (3) A by-pass is to consist of:

- (a) a ramp to allow vehicles to be driven over the top of the boundary fence, or
 - (b) a cattle grid or sheep grid located beside the gate, and must be constructed in accordance with such specifications as may be approved by the roads authority.
 - (4) If the appropriate roads authority so requires, the person permitted or required to construct a by-pass:
 - (a) must construct the by-pass along the line of the road, and
 - (b) must re-locate the gate beside the by-pass.
- Maximum penalty: 10 penalty units.
- (5) The occupier for the time being of land to which a permit relates is taken to be the holder of the permit.

134 Notice board to be erected at by-pass

- (1) The occupier of land on which a by-pass is constructed must ensure that:
 - (a) a notice, in the form required by the appropriate roads authority, is exhibited on a conspicuous notice board near each end of the by-pass, and
 - (b) both the by-pass and the notice are maintained in good condition.
- Maximum penalty: 10 penalty units.
- (2) A notice may prohibit vehicles exceeding a specified laden weight from being driven over the by-pass.
 - (3) If the appropriate roads authority requires a person to construct a by-pass, that authority may contribute to the cost of construction and erection of the notices.

135 Closing of by-pass

- (1) A by-pass may be closed and the notices relating to the by-pass may be removed:
 - (a) if the public gate in connection with which the by-pass was constructed is removed, or
 - (b) if the fence of which the by-pass forms part is made rabbit proof, dog proof or marsupial proof.
- (2) A person who closes a by-pass:
 - (a) must give notice of the closure to the appropriate roads authority before or immediately after the closure, and
 - (b) must take such steps as the appropriate roads authority directs to ensure the safety of persons using the road.

136 Revocation of by-pass permit

- (1) The roads authority may revoke a permit given with respect to a by-pass by means of a notice served on the holder of the permit.
- (2) The occupier of the land the subject of the permit must, within the time specified in the notice:
 - (a) remove the by-pass and its notices, and
 - (b) take such steps as are specified in the notice to ensure the safety of persons using the road.

Maximum penalty: 10 penalty units.

137 Offences

- (1) A person must not:
 - (a) drive a vehicle over a by-pass in contravention of a notice displayed in connection with the by-pass, or
 - (b) wilfully damage or remove a notice displayed in connection with a by-pass, or
 - (c) wilfully obstruct or damage a by-pass.
- Maximum penalty: 10 penalty units.
- (2) A person who causes damage to a by-pass as a result of driving a vehicle over the by-pass in contravention of such a notice is liable for:
 - (a) the cost of any repairs to the by-pass necessary as a result of the contravention, and
 - (b) any loss or damage suffered by any other person as a result of the damage to the by-pass.

Roads (~~General~~) Regulation 2008

Part 6 Public gates

~~67-73~~ Consent of adjoining landowner to be obtained

An application for a public gate permit that is made by a person who owns land on one side only of the road across which the proposed public gate is to be erected must be accompanied by the written consent of the owner or owners of the land on the other side of the road.

~~68~~74 Notice inviting objections

Before determining an application for a public gate permit, the roads authority:

- (a) must cause notice of the proposal to erect a public gate (including particulars as to the proposed location of the gate) to be published in a local newspaper, and
- (b) must allow sufficient time (being not less than 28 days from the date of publication of the notice) for written submissions on the proposal to be made to the roads authority, and
- (c) must have due regard to any written submissions on the proposal that are made to the roads authority within that time.

~~69~~75 Maintenance of public gates

The holder of a public gate permit must ensure that:

- (a) the gate is white, and
- (b) the posts on either side of the gate are fitted with reflectors facing along the road in each direction.

Maximum penalty: 10 penalty units.

~~70~~76 Road near gate

The holder of a public gate permit must ensure that the road approaches to the gate are maintained in good condition for such distance (not exceeding 20 metres) from each side of the gate, and for such width, as the roads authority may determine when granting the permit.

Maximum penalty: 10 penalty units.

APPENDIX D – PUBLIC GATE CONSTRUCTION SPECIFICATION



W5-14 Warning Sign

NOTES:

1. ALL TIMBER shall be an approved hardwood.
2. FIELD GATE CHS to be grade C350 to AS 1163 and gate hinges to manufacturer's specifications,
3. BOLTS, NUTS AND WASHERS to be hot-dip galvanized to AS 1214.
4. ALL STEELWORK AND FITTINGS to be hot-dip galvanized to AS/NZS 4680.
5. GALVANIZED FENCING WIRE to AS 2423.
6. DIMENSIONS are in millimetres, unless shown otherwise.
7. SIGNAGE is to be erected as per AS 1742.2. This requires a W5-14 warning sign on either side of the Public Gate between 50m to 200m from the structure. A "Public Gate" sign is also to be displayed on the gate clearly showing the Permit Number. A set of G9-206(L) and G9-206(R) chevrons are also required on either side of the structure.

REFERENCED DOCUMENTS:

Australian Standards:

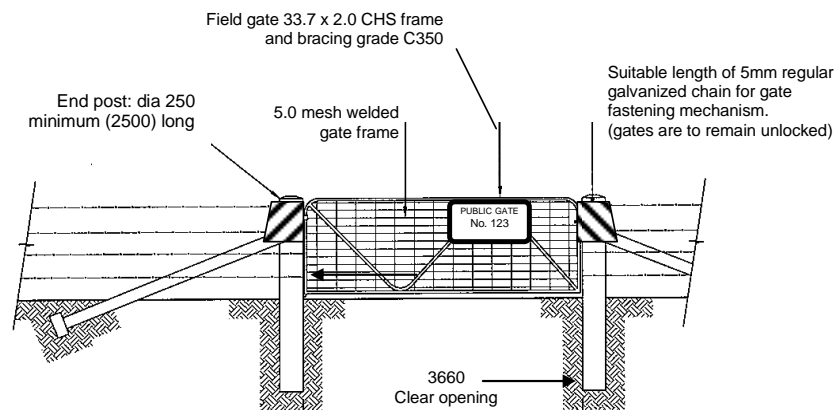
AS 1163 Structural Steel Hollow Sections

AS 1214 Hot-Dip Galvanized Coatings on Threaded Fasteners
(ISO metric coarse thread series)

AS 2423 Galvanized Wire Fencing Products

AS/NZS 4680 Hot-Dip Galvanized (zinc) Coatings on Fabricated Ferrous Articles

AS 1742.2 Manual of uniform traffic control devices – Traffic control devices for general use



PUBLIC GATE DETAIL

Kyogle Council

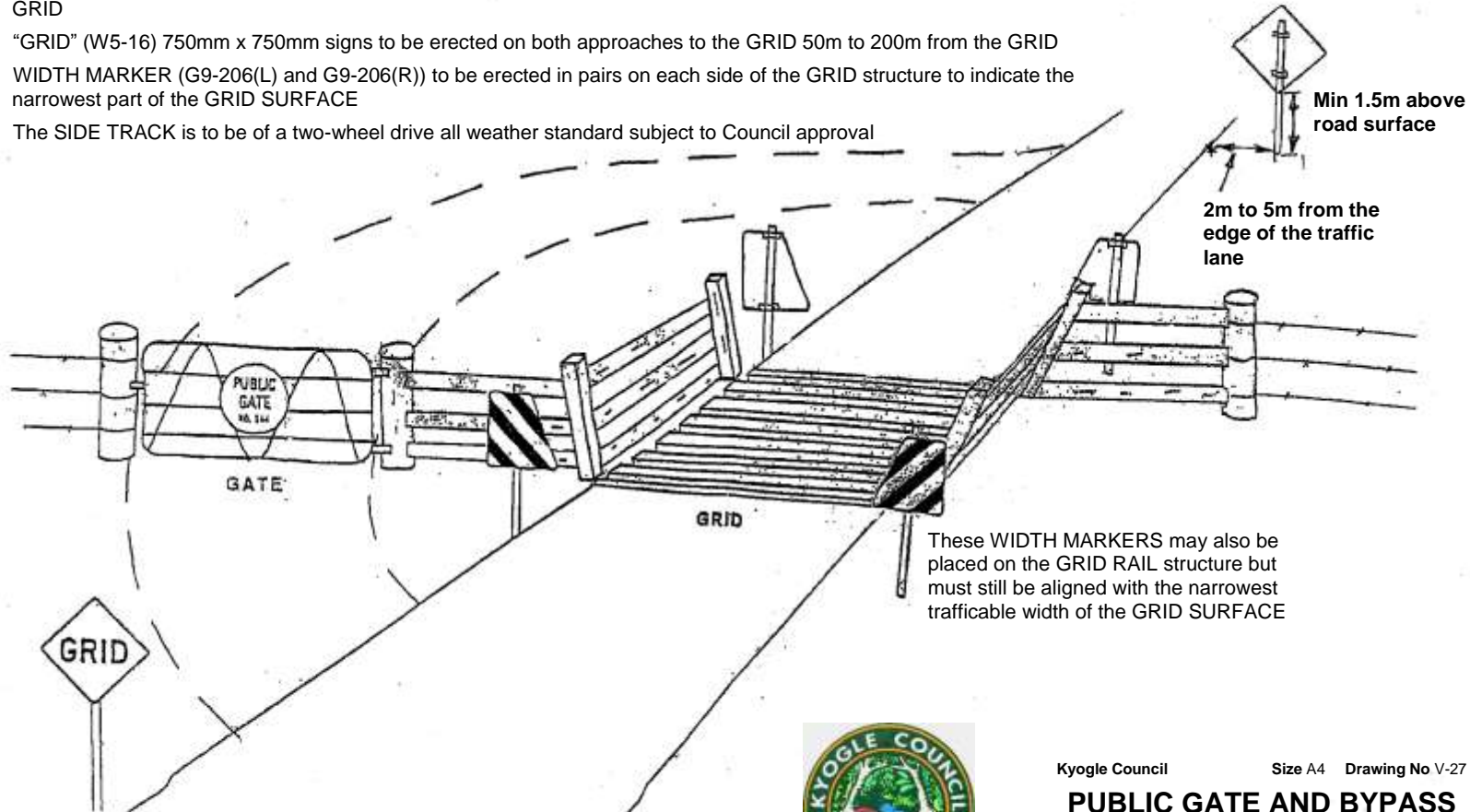
Size A4 Drawing No V-26

PUBLIC GATES CONSTRUCTION SPECIFICATIONS

APPENDIX E – DIAGRAMATIC VIEW OF PUBLIC GATE AND BYPASS (CATTLE GRID)

Notes;

- GRID SURFACE to be at a width specified by Council and a minimum 2.1m long along road
- GRID to have at least 300mm clearance underneath the entire GRID
- Where possible the roadside drainage should be directed under the GRID to aid in self cleaning of GRID
- PUBLIC GATE PERMIT HOLDER is responsible for the maintenance of the road for a specified length either side of the GRID
- "GRID" (W5-16) 750mm x 750mm signs to be erected on both approaches to the GRID 50m to 200m from the GRID
- WIDTH MARKER (G9-206(L) and G9-206(R)) to be erected in pairs on each side of the GRID structure to indicate the narrowest part of the GRID SURFACE
- The SIDE TRACK is to be of a two-wheel drive all weather standard subject to Council approval



Kyogle Council

Size A4 Drawing No V-27

**PUBLIC GATE AND BYPASS
DIAGRAMATIC REPRESENTATION**

APPENDIX F - PUBLIC GATE AND BYPASS INSPECTION REPORT

Inspected by: _____ Inspection Date: ____/____/____

Public Gate Permit No: _____ Road Name: _____

Distance From: _____ is _____ km

Area: _____ Location: _____

GRID FIELD INSPECTION

Grid Description: (materials used, rail spacing etc) _____

Grid Condition:

Is grid level with road surface? _____ **YES / NO**

Are any rails missing? _____ **YES / NO**

Is there excessive build up under grid? _____ **YES / NO**

(List repairs req'd) _____

Guard Rails and Signage:

Are signs on approach in place? _____ **YES / NO**

Is guard rail construction adequate? _____ **YES / NO**

(List repairs req'd) _____

Gate/By-pass Condition:

Is gate construction adequate? _____ **YES / NO**

Are "Public Gate" signs on gate? _____ **YES / NO**

Is by-pass trafficable? _____ **YES / NO**

(List repairs req'd) _____

Road Approach Condition:

**Owner responsible for 1m either side of grid.*

(List repairs req'd) _____

Inspectors Comments:

Rating (1-EXCELLENT to 10-UNSAFE) _____