



# LITHGOW CITY COUNCIL

## 10. PROPERTY MANAGEMENT

Policy 10.8

PUBLIC GATES AND GRIDS ON LOCAL ROADS

Version 2

# 10. PROPERTY MANAGEMENT

## 10.8 PUBLIC GATES AND GRIDS ON LOCAL ROADS

**OBJECTIVES:** The objectives of this policy are to:

1. Provide a policy for landholders about 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. 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.

**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.

### 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 Any previous policies or conditions for maintenance previously in place are superseded by the requirements and responsibilities as outlined below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 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. Those grids are inspected at least once every two years by Council.   | Council        |

| Requirement  | Responsibility |
|--|----------------|
| d. 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)  |
| e. 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.  | Landholder(s)  |
| f. Council may revoke a public gate and/or grid permit if; <ul style="list-style-type: none"> <li>i. The public gate and/or grid is not maintained in a serviceable condition;</li> <li>ii. The public gate and/or grid no longer serves its original function;</li> <li>iii. The public gate and/or grid presents a safety issue to road users;</li> <li>iv. Or for other non specific reasons that may occur from time to time.</li> </ul> | 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. 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. 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.

In addition to the procedures required under the Roads Act 1993 the Council shall also create a guideline to assist members of the public in relation to the following:

- The form of application to use when requesting a grid or gate permit;
- The supporting information which should be included in the application;
- The ongoing responsibilities for maintenance of public gates and grids following installation.

## 3. DELEGATION TO GENERAL MANAGER

The implementation of this Policy is bound by the requirements of Division 2, Part 9 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. This delegation includes the creation and timely amendment of a guideline to assist the public in requesting a permit for a public gate and/or bypass structures and the ongoing maintenance of those structures.

|                                  |                            |                           |         |                        |          |
|----------------------------------|----------------------------|---------------------------|---------|------------------------|----------|
| <b>Maintained by Department:</b> | Operations                 | <b>Approved by:</b>       | Council |                        |          |
| <b>Reference:</b>                | Dataworks: Policy Register | <b>Council Policy No:</b> | 10.8    | <b>Effective Date:</b> | 11/5/09  |
| <b>Min No:</b>                   | V1 - 06-349<br>V2 – 09-189 | <b>Version No:</b>        | 2       | <b>Review Date:</b>    | Apr 2009 |
| <b>Attachments:</b>              |                            |                           |         |                        |          |