



LIVERPOOL PLAINS SHIRE COUNCIL GATES AND GRIDS ON PUBLIC ROADS POLICY

Version	Date	Resolution No.	Details
1	13 Oct 2004	9262	New Policy
2	28 Feb 2013	185	Recognition of the provision of the Roads Act 1993
3	April 2017	2421	Inclusion of Application Form and Deed

POLICY OBJECTIVE

The purpose of this policy is to provide guidelines for the consistent and flexible approach to the installation and maintenance of gates and grids for the control of stock on or adjacent to Shire roads, whilst managing road safety for the travelling public and reduce risk to Council.

EFFECTIVE DATE AND POLICY REVIEW

The policy shall be reviewed every four years or earlier if required by legislation, Council resolution or recommendation of the General Manager. If the policy is not reviewed within this timeframe, it remains active until such time as it is reviewed or revoked by Council.

This policy comes into effect on 1 May 2017.

Signed by General Manager:

R S (Ron) van Katywik

Date Approved:

3 April 2017

POLICY

1 GENERAL

Where fencing of the road is not feasible or practical, a stock grid or gate in accordance with this policy and Part 9 Division 2 of the Roads Act 1993 may be installed. However, erection of new grids and gates across public roads for control of stock, security, etc is not permitted unless it is the replacement or upgrade of an existing grid or gate or the grid or gate forms part of an animal proof fence as determined by Land and Property Information NSW.

2 GRIDS AND GATES

A stock grid or gate in accordance Council Standards and the requirements of the Roads Act 1993 may be installed where fencing of the road is not feasible or practical. All stock grids shall be installed with a 6m wide double gate by-pass. Where this is not feasible or practical, the minimum width of the stock grid shall be 3.6m. All grids and gates are to be constructed in compliance with the Roads Act 1993 and Road Regulation 2008.

The application process for the construction of grids or gates on public roads under the Road Regulation 2008 requires that Council must consult with the public relating to the proposed installation using the local newspaper. Any costs associated with public consultation will be borne by the applicant. Council must have due regard to any written submissions on the proposal.

2.1 Ownership

As stock grids and gates are farm management devices, any and all costs (including maintenance) associated with them being on a road shall be borne by the landowner.

2.2 Maintenance

Landowner shall be responsible for the maintenance of stock grids or gates and their approaches. More specifically, landholders are required to clean out the grid pits, repair or replace broken pits, repair or replace broken and corroded rails, repair or replace wings and maintain the road to the acceptable standard to Council for 20m either side of the grid or gate. Grids and gates may be inspected as part of the Shire road inspection regime to ensure that they are being properly maintained so as to minimise Councils liability. Where maintenance is required, it shall be brought to the landholders notice in writing, requiring that the maintenance be undertaken within 60 days of receipt of the notice. If the maintenance is not undertaken within the 60 days, then Council may undertake the maintenance or removal and where possible recover costs from the landowner, including travel time.

As required by the Roads Regulation 2008, gates must be white and the posts on either side fitted with reflectors facing both directions along the road. This includes the side structures for grids.

2.3 Funding

All costs associated with the purchasing, installation, upgrading and maintenance of a grid or gate shall be borne by the landowner(s).

**APPLICATION FOR PERMISSION TO CONSTRUCT A
PUBLIC GATE/GRID ON A COUNCIL ROAD**

The General Manager
Liverpool Plains Shire Council
PO Box 152
QUIRINDI NSW 2343

Dear Sir

Application is made for permission to construct a gate / grid within the boundaries of the road reserve as follows:

Road Name and No

Location of Crossing: (attach plan)

Diameter and material of gate/grid:

In consideration of permission so granted, I/We hereby and on behalf of my/our successors agree:

- 1 To construct the gate or grid in all respects in accordance with the requirements of Council;
- 2 To maintain the gate or grid in good order at all times and to the satisfaction of Council;
- 3 To modify, shift or remove the gate or grid at any time if required to do so by Council.
- 4 To carry out all works connected to the construction and maintenance of the gate or grid at no cost to Council;
- 5 That Council accepts no responsibility for damage to the gate or grid arising out of operations of the Council or by persons or vehicles using the road;
- 6 To indemnify Council and keep indemnified the Council from and against all actions, claims and damages that have arisen or that may arise from the construction, operation and/or maintenance of the gate or grid by completing the DEED attached.

Name:

Signature of the applicant

Address:

Date:

LIVERPOOL PLAINS SHIRE COUNCIL

THIS DEED is made theday of in the year BETWEEN COUNCIL OF THE SHIRE OF LIVERPOOL PLAINS (hereinafter called the Council) of the one part and (hereafter called the Landowner) of the other part WHEREAS the Council has vested interest in it the fee simple of public roads known asRoad AND WHEREAS THE Landowner owns/uses certain land on both sides of the said public road the approximate position of which is shown on a plan hereto annexed (hereinafter referred to as the "said plan") AND WHEREAS the landowner has sort leave of the Council to construct a gate or grid on the said public road at the approximate position shown on the said plan which the Council in the public interest has agreed to grant NOW THE DEED WITNESSETH that in consideration of the premises Council does hereby grant to the landowner the personal right leave and license to construct the said gate or grid and to use and maintain the same for the purposes aforesaid such gate or grid to be constructed at the expense of the landowner in the manner and to the specification determined by the Council and the landowner covenants and agrees with the Council that they will at all times maintain the said gate or grid and keep the same in repair to the reasonable satisfaction of the Council and THIS DEED DOTH WITNESSETH that in consideration of such grant aforesaid landowner DOTH HEREBY INDEMNIFY and hold harmless the Council against all actions suits claims or demands costs and expenses of any kind which may arise whether in negligence or nuisance or otherwise out of the construction of the said gate or grid or the user of part of the said public road and IT IS HEREBY DECLARED that this deed will endure for the benefit of the Council or its successors and shall bind the landowner his executors and administrators.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

SIGNED BY _____
Applicant

the said _____

in the presence of _____
Witness

Signed on behalf of Liverpool Plains Shire Council _____
General Manager