

OPERATION OF GATES ACROSS ROADS

1. Introduction

- 1.1 The purpose of this policy is to regulate the erection and operation of gates across public roads.
- 1.2 This Policy does not apply to State Highways.
- 1.3 This Policy shall apply to all new and existing gates across public roads from the date of its adoption by Council

2. Law

- 2.1 The law pertaining to gates across public roads is contained in Section 344 of the Local Government Act 1974 and which should read in conjunction with this Policy.

3. Council Approval

3.1 Persons wishing to erect and operate a gate across a road shall apply to the Council in writing for permission to do so. Approval may be provided when:

- 1 All road safety issues can be mitigated,
- 2 No undue public inconvenience is caused
- 3 There are no other reasonable alternatives.

Approval will generally be considered only for remote, unsealed, low traffic volume roads. Appropriate conditions will be applied to each approval.

3.2 Where the gate is on a boundary between neighbouring properties, the applicant shall obtain the written consent of the neighbouring property owner. If the proposed gate is likely to have an effect on the wider community the Council may advertise the application (at the applicants cost) and consider submissions received.

3.3 The approval will be granted in the name of the applicant ("the owner"), and the successors in title, who shall be personally responsible for ensuring all conditions of the approval are complied with.

3.4 Approval shall be in the form of a letter of approval from the Council. The approval may be amended or revoked by the Council at any time. If revoked the gate will be immediately removed by the Council without compensation to the owner.

3.5 Council approval must be granted before any physical works commence.

3.6 Neither the Crown, the Minister of Transport nor the Council shall be liable for damages in respect of any accident arising out of the existence of a gate across any road erected under a permit granted pursuant to this section. (refer to Section 344 of the Local Government Act 1974)

3.7 Any costs incurred by the Council arising from this Policy shall be recoverable from the owner by the Council as a debt.

4. Vehicle Sight Distance

4.1 Gates shall be erected at a location where the following sight distance can be achieved in both approach directions:

Unsealed Roads (environmental speed approx. 80 kph)	170 m
Sealed Roads	250 m

5. Structures

5.1 The gate and associated fencing shall be erected and maintained by the owner in a workmanlike manner using durable materials. The gate owner shall carry out any maintenance or improvement works requested by the Council. If not carried out in a timely manner the Council may carry out the work at the owner's expense.

5.2 Gate posts and associated fencing shall be positioned not less than 3m outside the edge of the carriageway. A lesser setback distance may be permitted when the following conditions exist:

Remoteness of location (i.e. no-exit road, low traffic volumes).

Low environmental speed of road.

Roadside drainage facilities will not be affected.

Use by over width vehicles is unlikely.

Good vehicle approach visibility

5.3 The passage of over-width vehicles shall be accommodated by the gate owner and may, in the worst

instance, necessitate the temporary dismantling of a portion of the gate and associated fencing at the gate owner's expense.

6. Signage and Delineation

6.1 The gate shall have PUBLIC ROAD signs attached facing both vehicle approach directions. The sign lettering shall be not less than 75mm high.

6.2 The gate shall be made highly visible by the following means, as appropriate:

Being painted white

Having white painted sight boards attached

6.3 Gate pre-warning signs may be required.

6.4 Depending on the gate post setback distance approved, the following additional requirements may apply:

Posts nearest the road edge shall be painted white.

Posts nearest the road edge shall have Bridge End Markers attached.

6.5 No temporary or permanent structures shall impede the visibility of road signs.

7. Operation of a Gate

7.1 These requirements apply to gates that are normally open and also those that are normally closed.

7.2 The gate shall never be padlocked and the public shall have freely available access at all times. The gate shall be maintained to swing open and closed without undue effort.

7.3 The gate shall be left open when not required for stock control purposes. It is recommended that gates are padlocked in the open position to prevent unauthorised closure.

7.4 When the gate cannot be opened due to stock movement operations, no motorist shall be delayed for more than 5 minutes. Motorists arriving at the gate shall be immediately informed of the stock movement operations being carried out and duration of the delay. The stock movement operations shall only be carried out during the hours of daylight and when there is good visibility. Additional temporary pre-warning signs may also be required.