

# Information - Applications for use of public road - Work Sites Events and Public Gates/Grids

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## Information - Applications for use of public road for Work sites and Special Events.

This document contains information relating to applications for the use of a public road for the following,

- Work Sites - affecting pedestrian and or vehicular traffic, Hoardings, Painting, Skip Bins.
- Use of CBD/Industrial Parking Spaces for Work Sites and Special Events
- Special events requiring temporary road closures or affecting pedestrian and or vehicular traffic.
- Installation of Rural Cattle Gates/Grids
- Removal of roadside vegetation.

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PORT MACQUARIE  
HASTINGS

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## Application Form Description

1. Use of application forms noted in this document, are to request Council for a determination (approval) to perform work or hold an event that is going to occupy the road reserve on a public road. This includes footpath (pedestrian access).
2. These forms are not an approval document.

If you require assistance in completing these forms please contact the following Council representative;  
 Transport and Stormwater Network, Attention: Transport Engineer on Ph 02 6581 8111,  
[council@pmhc.nsw.gov.au](mailto:council@pmhc.nsw.gov.au)

## Definitions

### Special Events

Special Events fall under the regulations outlined in the "Guide to Traffic and Transport Management for Special Events"(GTTM) issued by the Roads and Maritime Services - RMS (formerly known as the RTA). Refer link in table below.

A special event (in traffic management terms) is any planned activity that is;

- wholly or partly conducted on a road,
- requires multiple agency involvement,
- or partly conducted on a road,
- requires multiple agency involvement requires special traffic management arrangements and may involve large numbers of participants and/or spectators.
- Examples are marathons, fun runs, cycling events, parades, marches and street market day.
- The definition also applies to events conducted in their own venue (such as sports, cultural and recreational events) if the event requires special traffic management arrangement and multiple agency support.

If an event using a public road also requires the use of Council owned on Parks, Reserves, Beaches then you must also complete the Recreation & Buildings **Application to stage an event** (refer table below).

### Notifying NSW Police

Events require applicants to submit the [NSW Police Form 1 - Notice of Intention to Hold a Public Assembly](#) (Summary Offences Act 19BS) Form1 to NSW Police as a part of this application. A copy of the completed Form 1 is to be submitted to Council with each application, or prior to any fees being paid.

Council's Traffic and Transport section as part of an event application process, will forward to NSW Police a copy of the applicant's APPLICATION FOR USE OF PUBLIC ROAD as submitted to Council.



## Works within a Road Reserve (Section 138 Exempt Developments only)

This application only relates to the use of a public road associated with exempt developments.

*(Exempt development in NSW is development that is exempt from Council control and does not require the submission of a Development Application (DA) or of an application for a Complying Development Certificate)*

### ROADS ACT 1993 - SECT 138

Section 138 of the Roads Act 1993, prohibits any person from carrying out work in, on or over a public road (including footpaths) without the consent of the appropriate road authority.

The Local Government Act 1993 places on Council the responsibility for the care and control of public road reserves.

The OH&S Regulation 2001 places the responsibility on Council as the Controller of the premises to ensure safety of all road users.

### Approval Requirements

It is essential to obtain approval from the relevant Roads Authority (i.e. the Local Council, or, in the case of the State Roads, both Council and the RTA), before carrying out any work on Council / State Road reserves. Where legislative exemptions apply, the Roads Authority still requires notification of the works.

Application / Permit for works within a road reserve shall be made to Council using; Use of Public Road - Work Sites - Events - Application Form

### Works and Structures

- 1 A person must not:
  - (a) Erect a structure or carry out a work in, on or over a public road, or
  - (b) Dig up or disturb the surface of a public road, or
  - (c) Remove or interfere with a structure, work or tree on a public road, or
  - (d) Pump water into a public road from any land adjoining the road, or
  - (e) Connect a road (whether public or private) to a classified road, Otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

2. A consent may not be given with respect to a classified road except with the concurrence of the RMS (formerly RTA).
3. If the applicant is a public authority, the roads authority and, in the case of a classified road, the RMS must consult with the applicant before deciding whether or not to grant consent or concurrence.
4. This section applies to a roads authority and to any employee or a roads authority in the same way as it applies to any other person.
5. This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the Pipelines Act 1967 or under any other provision of an Act that expressly excludes the operation of this section.

### Maintenance of works and structures

- 1 A person who has a right to the control, use or benefit of a structure or work in, on or over a public road:
  - (a) Must maintain the structure or work in a satisfactory state of repair, and



(b) In the case of a structure (such as a grating or inspection cover) located on the surface of the road, must ensure that the structure is kept flush with the surrounding road surface and that the structure and surrounding road surface are so maintained as to facilitate the smooth passage of traffic along the road, and the person is, by this section, empowered to do so accordingly

Maximum penalty: 30 penalty units.

2 Subsection (1) applies to all structures and works in, on or over a public road, including structures and works for which there is no consent in force under this Division.

3 Subsection (1) does not apply to a person whose right to the control, use or benefit of a structure or work consists merely of a right of passage that the person has as a member of the public or a right of access that the person has as the owner of adjoining land.

4 If:

(a) A roads authority has granted a consent under this Division to the doing of anything, and

(b) That thing has been or is being done otherwise than in accordance with the consent,

The roads authority may direct the holder of the consent to take specified action to remedy any damage arising from the doing of that thing otherwise than in accordance with the consent.

## Relevant web links

### Government Requirements

Council's are required by law to review this application within the guidelines contained in the following acts;

| Name  | Link  |
|---|---|
| Local Government Act 1993   | <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>  |
| Roads Act 1993  | <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/">www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/</a>  |
| NSW Police Form 1 - Notice of Intention to Hold a Public Assembly (Summary Offences Act 1988) | <a href="http://www.police.nsw.gov.au/_data/assets/pdf_file/0007/275560/Notice_of_Intention_to_Hold_a_Public_Assembly.pdf">http://www.police.nsw.gov.au/_data/assets/pdf_file/0007/275560/Notice_of_Intention_to_Hold_a_Public_Assembly.pdf</a>   |
| Summary Offences Act 1988 No 25 - NSW Legislation   | <a href="http://www.google.com.au/url?url=http://www.legislation.nsw.gov.au/inforce/pdf/1988-25.pdf%3Fid%3D327d371e-2d78-64f4-9b81-c11cd35210e0&amp;rct=j&amp;frm=1&amp;q=&amp;esrc=s&amp;sa=U&amp;ved=0CB4QFjACahUKEwiQmaXM2YHJAhVGMKYKHTHHALA&amp;usq=AFQjCNHVZ_DSPu5QCbhtjwE1vQqjTuowKg">http://www.google.com.au/url?url=http://www.legislation.nsw.gov.au/inforce/pdf/1988-25.pdf%3Fid%3D327d371e-2d78-64f4-9b81-c11cd35210e0&amp;rct=j&amp;frm=1&amp;q=&amp;esrc=s&amp;sa=U&amp;ved=0CB4QFjACahUKEwiQmaXM2YHJAhVGMKYKHTHHALA&amp;usq=AFQjCNHVZ_DSPu5QCbhtjwE1vQqjTuowKg</a> |
| NSW EPA Protection of the Environment Operations (Noise Control) Regulation 2008              | <a href="#">POEO (Noise Control) Regulation 2008</a>  |
| Threatened Species Conservation Act 1995  | <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/nva2003194/">www.austlii.edu.au/au/legis/nsw/consol_act/nva2003194/</a>  |
| Native Vegetation Act 2003  | <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/tsca1995323/">www.austlii.edu.au/au/legis/nsw/consol_act/tsca1995323/</a>  |

### Australian Standards and Guides

| Name   | Link  |
|--|---|
| AS 1742.3-2009, Traffic control for works on roads                                 | <a href="#">AS 1742.3-2009 Manual of uniform traffic control devices - SAI Global</a>   |
| RMS Traffic Control at Work Sites Issue 1, Version 4, 2010                         | <a href="#">Traffic control at work sites - Version 4 - Roads and Maritime Services</a> |
| "Guide to Traffic and Transport Management for Special Events"(GTTM) issued by RMS | <a href="#">Special Events Guide - Roads and Maritime Services - NSW</a>                |



| Name                   | Link  |
|------------------------|---|
| PMHC Standard Drawings | <a href="http://www.pmhc.nsw.gov.au/files/assets/public/development-and-environment/auspec/standard-drawings/asd200-pdfs.zip">http://www.pmhc.nsw.gov.au/files/assets/public/development-and-environment/auspec/standard-drawings/asd200-pdfs.zip</a> |

## Council Documents and Forms

| Name   | Link  |
|--|---|
| Use of Public Road - Work Sites - Events - Application Form                        | TBA using (Trim D2015/162302)                 |
| Application for Public Gate Permit Under Section 128 - Roads Act 1933 - No 33      | TBA using (Trim D2015/046818)                 |
| Application to hold an event on Parks, Reserves, Beaches requiring, road closures. | <a href="#">Application to stage an event</a> |
| PMHC Cattle Grids on roads in rural areas Policy.                                  | TBA using (Trim D2015/051221)                 |
| Standard Drawing- ASD 206 - PMHC STANDARD DRAWING 3.7m WIDE CATTLE GRID            | PMHC Standard Drawings link above             |

## Typical Conditions that Council's Traffic Management may impose

### Events within a Public Road

- 1) If required the applicant must submit a 'Traffic Management Plan' to the Council. This may also include a Traffic Control Plan (TCP). The TCP must conform to Australian Standard AS 1742.3 2009 and RTA's "Traffic Control at Work Sites Issue 1 Version 4 2010". Should an appropriately authorised TCP not be submitted to Council then the work or event will automatically NOT BE APPROVED and must not proceed. The TCP must:
  - Be designed and authorised by a current RTA accredited person either with "Design & Inspect TCPs" (Orange Ticket) or "Select/Modify TCPs" (Red Ticket). The TCP must contain full information of the signing person including: full name, which ticket/certificate the person is holding certificate number and expiry date.
  - State that a current RTA accredited "Apply CTPs" (Yellow or Grey Ticket) persons will install the TCP.
  - State that only current RTA accredited "Traffic Controllers" (Blue Ticket) persons will operate Stop/Slow bats if required. This will include marshalls working on the road.
  - The Traffic Management Plan will need to be submitted to Council at least 12 weeks before the works/event date to allow review by the Local Traffic Committee and or Council approval
- 2) Should you require assistance in creating a TCP, traffic consultants that can prepare TCPs are listed in the Yellow Pages under 'Traffic Control Equipment and/or Services and Transportation Consultants'.
- 3) The applicant is responsible for organising and funding all aspects of the requirements in the Traffic Management Plan and Traffic Control Plan/s.
- 4) Any damage caused to public infrastructure (roads, footpaths, water mains and services, sewer mains and connections, storm water, power and telephone services etc) during the activity shall be repaired to the satisfaction of the Asset Engineering Inspector.



- 5) *Council must be notified in writing, prior to commencement of the activity, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths. Absence of notification signified that no damage exists, and the applicant is, therefore, liable for the cost of reinstatement of any damage found at the completion of the works.*
- 6) *The applicant to issue proof to Council that NSW Police Form 1 - Notice of Intention to Hold a Public Assembly (Summary Offences Act 19BS) Form has been submitted to NSW Police.*
- 7) *Noise is to be controlled as required by the "Protection Of The Environment Operations (Noise Control) Regulation 2008".*

## Event Waste Management

### Details of Event waste management

Litter bins located on our reserves are for the use of the general public and not for the use of organised events.

The applicant is to provide waste receptacles at the site for the duration of the event. Depending upon the type and size of your event, you may be required to submit a detailed waste management plan.

The applicant is responsible for the final clean up of the site and immediate surrounds, including removing any material that may have originated from the site during the event.

You may organise your waste services through one of Council's preferred providers listed below:

Ezy Shred/Ezy Way 1300 305 776  
 J R Richards Waste Services 6580 3300  
 Port Macquarie-Hastings Council 0407 417 414  
 Remondis Pty Ltd 6585 0899

## Worksites and Road Openings

- 1) *Any damage caused to public infrastructure (roads, footpaths, water mains and services, sewer mains and connections, storm water, power and telephone services etc) during the activity shall be repaired to the satisfaction of the Asset Planning Engineering Inspector.*
- 2) *Council must be notified in writing, prior to commencement of the activity, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths. Absence of notification signified that no damage exists, and the applicant is, therefore, liable for the cost of reinstatement of any damage found at the completion of the works.*
- 3) *Comply with all conditions and requirements of Work Cover NSW and satisfy all obligations under the Work Health & Safety Act 2011 and the Work Health & Safety Regulation 2011 for all aspects of the activity.*
- 4) *Locate all relevant services prior to starting the activity, by*
  - a. *Emailing Council requesting a Land Access and Activity Comments document be issued for the work area (As Council is not part of Dial Before You Dig process Council will supply details of Council's Assets within the work area.*
  - b. *Request a Dial Before You Dig search for all assets other than Council within the work area.*
- 5) *Employ adequate site, traffic and pedestrian control/protection measures at all stages of the activity in accordance with relevant standards and RMS requirements.*
- 6) *Comply with all environmental and other legislation, Council policies and any other Regulation applicable to the activity.*



- 7) Restore the areas affected by the activity to pre-activity condition or better than pre-activity condition if required to satisfy the relevant Australian Standards for each type of infrastructure involved.
- 8) Comply with all requirements and conditions contained within the references and conditions as set out within the request for consent to carry out the activity.

### Notifications required.

- 1) The applicant must notify Police of works if they effect traffic movement, at least one week prior to the works/event including public a notice as noted below.
- 2) The applicant must have public liability cover to the value of \$20 million.
- 3) Any use of private land shall have the owner's approval.
- 4) The applicant should distribute a news release to local media announcing the works, event or activity and advising affected residents as nominated by the Council's Transport and Stormwater Network section. The applicant shall provide Police with a copy of the release and date of issue. The news release should include dates, times and roads that will be affected.
- 5) The applicant shall be responsible for informing all emergency services regarding the proposed works, event or activity.

| Emergency and Transport Contacts   |                  |                                  |  |
|------------------------------------|------------------|----------------------------------|--|
| Organisation                       | Contact Name     | Contact number                   | Address:                                       |
| <b>Emergency Contacts</b>          |                  |                                  |  |
| Wauchope Fire Station              |                  | 02 6585 2161                     | Cnr Young & Campbell Street, Wauchope NSW 2446 |
| Port Macquarie Fire Station - 24/7 |                  | 02 6581 0520                     | 5 Central Rd, Port Macquarie NSW 2444          |
| NSW Police - Port Macquarie        | Sgt Paul Dillely | (02) 6583 0171<br>(02) 6583 0199 | 2 Hay Street<br>PORT MACQUARIE 2444            |
| SES                                | Kevin Sherwood   | (02) 6581 0150                   |  |
| <b>Transport Contacts</b>          |                  |                                  |  |
| Port Taxis                         | Steve Read       | (02) 65810081                    | 5 Uralla Rd, Port Macquarie NSW 2444           |
| Busways Group Pty Ltd              | Malcolm Britt    | (02) 4368 2277                   | 37 College Rd Kincumber NSW 2251               |
| Collins Bus Service                | Chris Collins    | (02) 6581 2153                   | 17 Chestnut Rd, Port Macquarie NSW 2444        |
| Cavanaghs Portbus                  | Graheme Kirkman  | (02) 6583 8774                   | 53 Hastings River Dr, Port Macquarie NSW 2444  |

- 6) The applicant shall be responsible for informing all affected businesses regarding the proposed works, event or activity as nominated by Council's Transport and Stormwater Network section.
- 7) The applicant shall be responsible for the cost of repairing any damage caused to Council infrastructure as a result of the proposed works/event.
- 8) A clear passageway of four (4) metres wide should be maintained within the road closure for emergency access.

### Use of Personal Information Provided by Council

As a New South Wales Council, Port Macquarie-Hastings Council is required to comply with the Privacy and Personal Information Protection Act 1998 (NSW) (PIIP Act). This includes compliance by Council employees and contractors.



Personal information has been collected by Council and may be disclosed to third parties to whom Council contracts out specialised functions.

Council may as part of the application process, disclose personal information to you as an applicant, third party contractor or adviser under outsourcing or contracting arrangements. Council maintains tight control over the use of information by you as a third party, and prohibits disclosure of the information by you or your company. You are requested to ensure that you and your company comply with the PPIP Act when handling personal information provided by Council. Council is authorising you or your company to use the personal information that we are providing in order to provide the services or to perform the functions required by Council.

If address details are issued to applicants, usually for the notification on a proposed Works or Event. Council will issue a PPIP memo with an acknowledgement request, that you will use the information that we are providing to you only for the services that we have engaged with you, for this mail out activity and in all circumstances your company will comply with the PPIP Act when using this information.

Please Note !the application will not be completed until Council have received the signed acknowledgement to the PPIP memo/letter.

## Removal of vegetation

- 1) *Council, as the Roads Authority under the Roads Act 1993, provides and maintains roads to support the social and economic well-being of the community. Council has a duty of care to manage the risks within its road reserves that may have an impact on infrastructure, people and/or the property/buildings. Section 88 of the Roads Act 1993 stipulates that:
 
  - a) "A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard."*
- 2) *Vegetation adjacent to public infrastructure such as underground services within private lands may also pose a risk to the infrastructure, requiring removal of the vegetation. For instance, tree roots causing damage to underground services.*
- 3) *Customer requests seeking the removal or management of vegetation on a public road, for safety reasons, to protect infrastructure from damage, to ensure infrastructure is performing its proper function or in regard to removal of vegetation, are required to complete this application and submitted to Council's Transport and Stormwater Network section.*

## Environmental Impact Statement

- 1) *Please note that an Environmental Impact Statement may be required as a part of this application. This will be discussed by Council's Transport Engineer following a review of the application and or site inspection.*
- 2) *If it is deemed a requirement for an Environmental Impact Statement to be created this will require further consultation with other sections of Council responsible for the administration of tree and vegetation management and may lead to further fees and charges in relation to the environmental control of this request.*

## Public Gate Permit

**Installation of a Public Gate (which is to comprise a stock grid & a gate) is for the benefit of an owner or occupant of the land which abuts the road.**

- is required to be installed in accordance with the provisions of the Roads Act 1993, the Roads Regulation 2008, and to Council's design standards.
- Council will receive Public Gate Permit Applications from an owner or occupant (owner's consent is required in writing) of the land through which an unfenced public road passes for erection of a Public Gate across the road at any place at which the road intersects a boundary fence (S128).



- If the subject road is an RMS classified road, Council will be seeking the RMS concurrence to the installation. Please read the relevant parts of the Roads Act 1993 and the Roads Regulation 2008.

### Summary of Public Gate/Cattle Grid application:

1. Complete Council's Public Gate Permit Application.
2. Include with the application the written consent of owners of adjacent property not owned by the applicant.
3. Lodge the Public Gate Permit Application with the Customer Service Centre, PMHC, at one of the offices listed.  
*(Lodging a signed application binds you as a 'debtor' to pay any costs associated with the application, the installation, maintenance and removal of the Public Gates).*
4. Resolve to Council's satisfaction any objection lodged in relation to the proposed installation.
5. Pay all costs relating to the installation of the Public Gates.
6. When required (as detailed within the Roads Act 1993) pay for any necessary physical alterations to existing site conditions

### Other PMHC documents related to Public Gates and Cattle Grids;

- **Policy** - PMHC Cattle Grids on roads in rural areas Policy.
- **Standard Drawing**- ASD 206 - PMHC STANDARD DRAWING 3.7m WIDE CATTLE GRID  
(Refer table above for links to these documents.)

### Indicative Costs

The minimum cost of a 4.2 metre wide 'Public Gate' for a Category 1 road to Council's minimum standard is approximately **\$5,000**. This amount includes the grid, gate, guard-rails and the required signage. However, this amount does not include installation costs, which will vary depending on the site conditions. It also does not include the concrete footings that would be required for some grids.

### An extract from this legislation, is attached for your information.

*A Public Gate comprises both a stock grid and a gate. The stock grid will be located on the centreline of the existing road formation. The gate will be located to one side of the stock grid and be clear of the normal travel path of a vehicle. A number of commercially available stock grids have been approved by Council for use on roads under the care and control of Council. Such stock grids range from 4.0 metres to 8.4 metres in width, the width required being determined by the category of road on which the Public Gate is to be installed.*

*It should also be noted that the acceptance of a Public Gate Permit Application by Council does not constitute any form of contract or guarantee that the Public Gate application and installation will be approved. The application will be subject to assessment by Council's Asset Planning to ensure the site will allow the installation to comply with current road design standards.*

*After receipt of the application, public notification of the application is carried out by placement of a public notice in the local newspaper. Submissions relating to the application will be accepted for a period of 28 days and submissions may be in the form of an objection to the installation of the Public Gate, however the grounds of any such objection must be included in the submission. Any objections received by Council may, depending on the nature of the objection, have to be resolved by the applicant to Council's satisfaction. Assuming such objections are resolved, and following a site inspection by Asset Planning, Council will advise whether your application has been approved. The notification of approval will also details any conditions which apply to the installation. If you wish to continue with the installation subject to the conditions, Council will then require payment of any fees as determined by Council. Council will then advertise the issue of the Public Gate Permit in the local newspaper upon which the installation of the Public Gate may proceed.*

## Roads Act 1993 No 33- Section 128



## 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 RMS.*
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.*

### Roads Regulation 2008- Part 6

#### Part 6 Public Gates

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.*

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.*

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.*

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.*

