

# Application for Gate or Cattle Stop across a Road

Section 344 Local Government Act 1974



## About this form

Written permission is required to erect a swing gate or a cattle stop across any public road.  
Please read the requirements over the page.

## Applicant's details

Name in full:     
First name Second name Last name

Address:     
House No. Street Suburb

Town Postcode Country

Telephone:  Mobile:  Fax:

Email:

## Location and request details

Permission is requested to erect:

- a swing gate across a public road  
 a cattle stop on a public road

On (name of road):

Location on road:   
(describe exact location, such as 1k from junction with .....)

Reason for request:

Specific requests:

I confirm that I have advertised in the Gisborne Herald that I have applied to Council for permission.

Please attach copies of the newspaper advertisement. The notices must be placed in the Herald twice, 1 week apart.

Signature:  Date:

## Newspaper advertising

### Suggested wording for newspaper advertisement

I (name)..... have applied to the Gisborne District Council for permission to erect a swing gate / cattle stop across ..... Road, approximately ..... metres/kilometres from its junction with ..... Road. Any objections must be lodged within 14 days to the Group Manager of Engineering and Works, Gisborne District Council, PO Box 747, Gisborne 4010 or email [service@gdc.govt.nz](mailto:service@gdc.govt.nz).

1. This order may be cited as the Gates and Cattle Stops Order 1955.
2. For the purposes of [subsection (7) of section 314 of the Local Government Act 1974], the specifications for gates and cattle stops across public roads shall be those prescribed in the Schedule hereto.

**SCHEDULE**

1. In these specifications  
 "Cattle stop" means a device set in the formed position of a public road consisting primarily of a number of rails or bars fitted horizontally over a pit in such a manner as to allow wheeled traffic to pass but as to form a barrier for livestock.  
 "Gate" means a swing gate constructed in conjunction with a cattle stop to provide access for livestock.
2. Cattle stops and gates shall be constructed of reasonably permanent material having regard to the circumstances applicable and shall be designed in accordance with sound engineering principles.
3. Every cattle stop shall be capable of supporting with the wheels in any possible position not less than one and a quarter times the maximum axle weight specified by [the Heavy Motor Vehicle Regulations 1974] for the class of road on which the cattle stop is to be constructed:  
 Provided that if the road is classified lower than class 3 the road shall be deemed to be class 3.  
 Provided further that the aforesaid axle weight shall be considered as being distributed over not more than two transverse rails or bars.
4. The maximum width of any cattle stop which is available for traffic shall be 10ft. but either the cattle stop or the gate alongside shall accord a width available for traffic of at least 12ft.
5. The minimum length of the pit if any cattle stop measured along the centre line of the road shall be 7ft.
6. The depth from the top of the rails or bars of any cattle stop to the bottom of the pit shall be not less than 1.1ft 6in.
7. The rails or bars of every cattle stop shall be securely fastened to prevent movement under traffic, and shall be at right angles to the general direction of travel or traffic.
8. Openings adjacent to the running surface between rectangular bars or railway rails of any cattle stop shall be not less than 4½in. nor more than 6in. Spacing of pipes or chamfered rails of any cattle stop shall be not less than 6in. nor more than 7in. centre to centre.
9. The thickness of any earth retaining wall around the pit of any cattle stop and of any wall supporting rails or bars of any cattle stop shall not be less than 6in.
10. Cattle stops shall have side fences effective to prevent the passage of livestock extending their full length.
11. A cattle stop shall be located so that it is clearly visible for a distance of at least 5 chains on both approaches.
12. The top of the part of any cattle stop carrying traffic shall be so built that it forms a continuation of the surface of the adjacent road.
13. At least one gate not less than 10ft. wide of adequate design and construction with adequate hinges and fastenings shall be constructed in conjunction with every cattle stop. No gate shall have timber members of less than the following widths and thicknesses:

**SPECIFICATIONS**

	<b>New Zealand Timber</b>	<b>Australian Hardwood</b>
Rails	4ins x 1½in.	3½in. x 1in.
Stiles	4in. x 1in. double	3in. x 1in. double
Diagonals	4in. x 1in. double	3in. x 1in. double

14. All members of gates shall be securely bolted together with metal bolts of not less than ½ in. diameter.

**[344 Gates and cattle stops across roads]**

- (1) The Council may, in writing, permit the erection of a swing gate or a cattle stop or both across any road, where:
  - (a) In the Council's opinion it is not practicable or reasonable to fence the road; or
  - (b) By agreement the road has been taken or may be constructed through private lands and the owner or occupier requests that a gate or a cattle stop or both be erected on the outer boundary at the cost (including maintenance) of one or both parties as may be agreed.
- (2) Where a gate is erected across a road under subsection (1) of this section, a board with the words "Public Road" legibly painted thereon in letters of not less than 75 millimetres in height shall be fixed upon each side of the gate and at all times maintained thereon by the person authorized to erect the gate, or at whose cost it has been agreed that the gate shall be erected and maintained.
- (3) Where a gate or cattle stop across any road is considered redundant or an inconvenience, either by the Council or by a petition supported by 20 or more residents of the district, the Council may serve notice upon the person authorized to erect the gate or cattle stop of the Council's intention to remove it.
- (4) Within 14 days after the service on any person of a notice pursuant to subsection (3) of this section, he may object in writing to the Council, against its intention to remove the gate or cattle stop.
- (5) Not later than 14 days after receiving any such objection, the Council shall consider it, and, after hearing any submissions made by the objector or on his behalf the Council may dismiss the objection or decide not to proceed to remove the gate or cattle stop or make such modifications to its proposal as it thinks fit.
- (6) The erection across any road of any gate or cattle stop shall not be commenced unless and until plans of the gate or cattle stop have been submitted to and approved by the Council. The Council may make such alterations in or additions to any plans submitted to it as it thinks fit, and may require the erection of such protective or warning devices as it considers necessary; and the gate or cattle stop shall be erected in accordance with the plans and requirements and in such position as the Council directs.
- [(7) The Minister of Transport may from time to time, by notice in the Gazette, prescribe specifications for gates and cattle stops.]
- (8) The person by whom any swing gate or cattle stop has been erected pursuant to a permit granted under this section, and his successors in title, shall maintain the swing gate or cattle stop to the satisfaction of the Council.
- (9) Without limiting the power to make bylaws conferred on the Council by [(section 684 of the Local Government Act 1974)], the Council may from time to time make bylaws regulating the use of swing gates and cattle stops erected pursuant to this section, prohibiting the causing of damage to such swing gates and cattle stops, and prohibiting the leaving open of such swing gates.
- (10) Neither the [(Crown nor 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 or cattle stop across any road erected under a permit granted pursuant to this section.
- (11) The power conferred by this section to erect and maintain any swing gate or cattle stop on any road shall be deemed to include power to fence the road up to that gate or cattle stop and to maintain that fence, and every reference in this section to a swing gate or cattle stop shall be deemed to include a reference to such a fence.
- (12) This section shall apply with respect to every gate or cattle stop and fence lawfully erected across any road at the commencement of this Part of this Act pursuant to a permit granted under section 141 or section 142 or section 144 of the Public Works Act 1928 or section 11 of the Public Works Amendment Act 1935, as if it had been erected pursuant to a permit granted under this section.
- (13) The Gates and Cattle Stops Order 1955 (SR 1955/67) shall continue in force and have effect after the commencement of this Part of this Act as if it were a notice issued under subsection (7) of this section.