



PUBLIC GATE AND BYPASS POLICY

Adopted by Council on 9 July 2025

(Resolution NO. 2025/421)

Objective

The objective of this Policy is to reduce public liability issues associated with gates and grids and ensure the safety of road users within the Narromine Shire Local Government Area. Specifically, this Policy aims to:

- Establish an approval system;
- Identify standards for construction;
- Define maintenance responsibilities for owners of grids and gates;
- Establish registration requirements; and
- Ensure that the location of gates and grids provides a safe road for use by road users.

For reasons of public safety, road maintenance and risk management, Council's preference is:

- for Gates and Grids not to be installed on public roads; and
- where they are installed to be removed as soon as possible after they are no longer required.

Introduction

Stock grids and gates are structures constructed on a road for the purpose of controlling stock movements and as such are only of benefit to the landowner.

The Roads Act 1993 (NSW) requires any new or existing structures on a public road to have a permit from the Road Authority (as defined by the Roads Act 1993 (NSW)).

Public Gate Permit

Council is given the ability to issue a Public Gate Permit under the Roads Act 1993 and the Roads (General) Regulation 2000. A Public Gate Permit can only be granted where the following conditions are met:

1. The road must be unfenced on at least one side
2. The road must pass through a parcel of land owned by the applicant
3. The Public Gate must be placed at a point where the road intersects a boundary fence.

In addition to these legislative requirements, Council requires the following conditions to be met before an application for a Public Gate Permit can be considered:

1. The road must not be classified as a State Road or Regional Road
2. The road must not be classified as Class 1 Arterial Road, Class 2 Sub Arterial Road or Class 3 Collector/Distributor/School Bus Road under Council's Road Hierarchy System.

The bypass for a public gate shall take the form of a stock grid (hereinafter referred to as *grid*) constructed along the line of the road and the public gate shall be located to the side of the stock grid.

Licence Agreement

The owner/owners of the land adjacent to the grid will be regarded as the owners of the grid. They will be required to enter into an agreement with Council for both the construction and maintenance of the grid in accordance with the specifications, standards and requirements of this document.

All costs associated with the construction and maintenance of a Public Gate and Bypass is the responsibility of the owner of the land parcel to whom the Public Gate Permit has been granted.

The responsibility for the Public Gate and Bypass Permit is also transferred with the sale of the land.

This management plan requires an annual compliance check by the Public Gate and Bypass Permit holder to ensure that the structure is being maintained to a satisfactory standard and that appropriate Public Liability Insurance cover is held by the Public Gate Permit holder.

Issuing of Permits

- Narromine Shire Council, as a roads authority within the Narromine Shire Local Government Area, is authorised to issue permits for gates and grids in accordance with the Roads Act 1993 (NSW) and the Roads Transport (General) Regulation 2021 (NSW).
- Installation of new grids will only be considered where the cost of fencing is substantially more than the cost of installing a new grid. The cost of a grid is calculated regarding the following:
 - The cost to construct the to 'public road standard';
 - The cost to construct an associated bypass track; and
 - The cost to install associated signage.
- Applications for a permit for gates and grids will be considered by Council on their merits, pursuant to the following:
 - The location must meet the safety requirements established by the Council;
 - Gates are not permitted on formed public roads (notwithstanding that a gate shall be installed as an adjunct to any approved grid); and
 - The applicant must show that fencing the road is not a viable alternative to the provision of a gate or grid.

- For a Permit to remain in place for a Structure, the following conditions must be met:
 - Safety is maintained for all road users;
 - No alternative (such as fencing) to the installation of a Structure is viable;
 - The gate is placed at a point where the road intersects a boundary fence;
 - The road where the Structure is (proposed or pre-existing) is not classified as a State or Regional Road;
 - Gates are to only be installed as an adjunct to an approved grid on a formed public road;
 - The owner shall keep the Structure in a reasonable state that is of satisfactory condition to the Council at their own expense; and
 - The owner shall effect repairs to the Structure at their own expense that Council may require.

Submitting an Application

To apply for a Public Gate Permit, the owner of land through which the public road passes must complete a Public Gate Permit Application form (attached) and pay the application fee, advertising fee and construction bond as described in Council's Management Plan.

For further explanation of the procedure to be followed refer to Appendix A – Flowchart for New Applications for a Public Gate Permit and Appendix B –Public Gate Permit Application Form.

Application Refused

If an application refused the application fee will not be refunded and the applicant advised in writing that the application has been rejected.

Unregistered (Illegal) Public Gate and Bypass

Unless the owner of land through which the public road passes is able to produce evidence that a Public Gate and Bypass Permit has been issued for the structure, the structure will be regarded as unregistered (illegal). The owner of the unregistered Public Gate and Bypass will be required to lodge a Public Gate Permit Application with Council.

The applicant will be required to identify whether the condition of the structure complies this policy and to advise Council of the current Public Liability Insurance details for the structure to enable a permit to be issued.

In the case where the current condition of the structure does not comply with the appropriate standards Council will advise the owner of the appropriate measures to be taken. These may include:

- Elimination of the Public Gate and Bypass by fencing the road reserve
- Upgrading the structure to current standards
- Replacement of the structure to current standards.

Request for Submissions

When an unregistered Public Gate or Bypass is brought to Council's attention, a standard letter is to be sent to all surrounding land owners, requesting submissions concerning the removal of the specified structure, within a period of 30 days. The letter may also indicate the results of the field inspection which initiated the letter. In conjunction with the issuing of the letter to the responsible parties, a notice will be placed on the specific grid/gate. All responses received will be judged on merit and a decision on the future of the grid will be made by the Director of Engineering Services.

Removal of Public Gate and Bypass

If no response is received following a request for submissions Council will take action to remove any structure from the road reserve. The adjoining land owners are to be notified a minimum of 30 days prior to the removal of the structure to allow provisions to be made for the containment of stock. The containment of any livestock always remains the responsibility of the land owner and Council bears no responsibility for damage, injury or loss arising from loose livestock.

The cost of removing the structure and impounding of any livestock are able to be recovered by Council from the adjoining land owners. Where an adjoining landowner has fully fenced the road frontage of their property they will not be required to contribute to the cost of removing the structure. Any materials salvaged will become the property of Council.

Development Of Land

Assessment of Public Gates and Bypasses

Where a Development Application for land is received, the future of any existing grids pertinent to that land will be considered as part of the planning process.

Where the structure does not comply, Council will revoke the existing Public Gate Permit as part of the approval conditions of the Development Application and the applicant shall be responsible for the removal of the grid and stock gate in accordance with this policy. If any existing Public Gate and Bypass is not deemed to be appropriate to the proposed development or is unregistered, Council may require the removal of any existing Public Gate and Bypass and the fencing of the road reserve, despite compliance with the criteria listed in other parts of this document.

Transfer of Public Gate Permits

Council will determine the land parcel to which the Public Gate Permit is pertinent in the Development Application approval. Existing Public Gates and Bypasses will become the responsibility of the owner of the new parcel of land created by the subdivision process and the Public Gate and Bypass Register will be amended to record the new land parcel responsible.

Additional Public Gates and Bypasses

No new Public Gates and Bypasses shall be allowed in excess of those already in existence. Where possible existing Public Gates and Bypasses shall be made redundant and removed as part of the development. In general, fencing shall be required to be carried out as part of the development application process, rather than the provision of a Public Gate and Bypass.

Construction Standards

- Council staff are to act in the best interest of the road user when determining requirements in relation to a Structure.
- Council will not consider permitting new public gates unless at the boundary of a property where there are no other landowners beyond that point. All other gates must be removed.
- Minimum acceptable standard for gates on public roads:
 - The minimum width of a gate shall be 7.3 metres;
 - Adequate sight distance must be available along each direction of approach;
 - Gate must not be locked at any time;
 - Gates must be aluminium or painted white;
 - Gates must be affixed with reflectors upon each side (displaying red reflectors on the left hand side and white reflectors on the right hand side for approaching traffic); and
 - A notice must be attached to both sides of the gate, bearing the words "PUBLIC GATE" in letters at least 75 millimetres high.
- Minimum acceptable standard for grids on public roads:
 - Grids must be at least 3.85 metres wide;
 - Grids must have a minimum carrying capacity of 42 tonnes;
 - Grids must be installed by way of a pit dug into the road and covered with an open grille so as to enable road users to travel over it;
 - Grids must be affixed with markers (sign D4-3A) on both sides of the grid and on both approaches;
 - Advanced warning signs must be erected on both approaches, 100 metres in advance of the grid bearing the word "GRID" (sign W5-16B); and
 - The road must be constructed and gravelled at least 6 metres wide for a distance of at least 20 metres on both approaches to the grid.

Maintenance

- Council requires the Owner to keep the Structure in a reasonable state so as to no impede the movement of any road user.
- The Owner shall indemnify Council against all claims and demands in relation to the Structure.
- If an inspection by Council identifies that works are required to the Structure, Council will notify the owner in writing.
- The Owner has 30 days from notification from Council that the Structure requires works to rectify the issues identified by Council.
- The Owner may seek an extension to the 30 days from Council upon agreement of Council.
- If issues are not rectified at the conclusion of the 30 days (or other period as approved) Council may perform works necessary to rectified the issue or remove the Structure and recover all associated costs from the Owner.

Council Managed Road Maintenance

If Council is required to perform maintenance or upgrade of a public road where a Structure is located, the Structure will be upgraded to meet legislated and Council's specifications. The responsibilities in such cases are as follows:

- The Owner will:
 - Reimburse Council for the costs incurred to upgrade the Structure to the relevant standards; and
 - Maintain the Structure once Council has handed the asset back to the Owner.
- Council will:
 - Notify the Owner of their intention to upgrade the public road, including any structures located along it, at least seven (7) days prior to the commencement of works; and
 - Remove any replaced infrastructures (including grids, abutments and signage) and deliver them to a location that is mutually agreed upon to by the Owner.

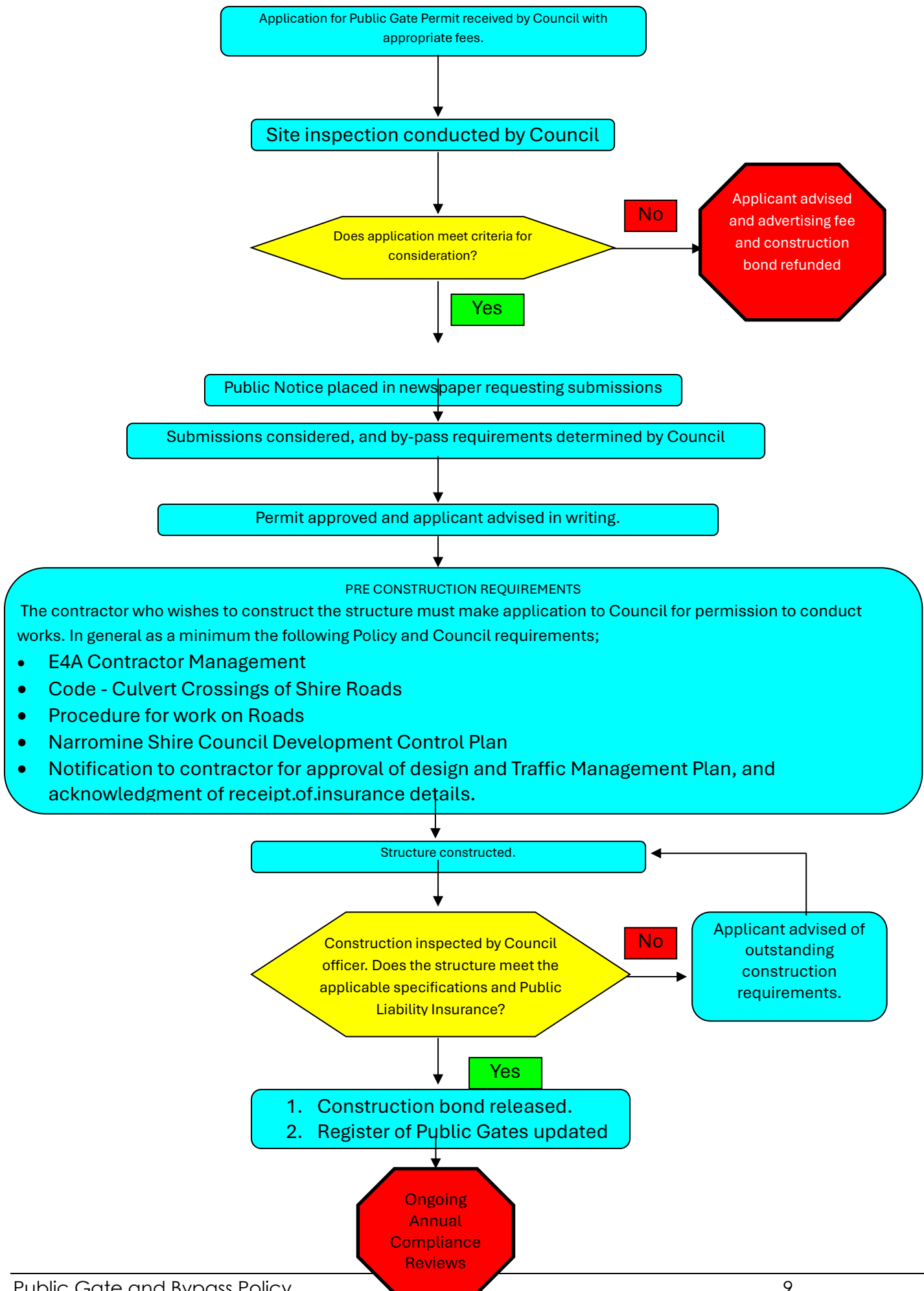
Removal

- Unauthorised structures on public roads are considered obstructions and are therefore illegal and require removal.
- Where possible, Council shall encourage the removal of structures from public roads.
- If Council determines that the Structure is in such a state of disrepair as to constitute a danger to traffic, it is to be removed or repaired immediately.
- All of Council's costs associated with the maintenance or removal of structures will be recovered from the Owner and all materials salvaged shall remain the property of Council.

Insurance

Each structure must have \$20 million public liability insurance both during construction and after approval.

APPENDIX A – FLOWCHART FOR APPLICATIONS FOR A PUBLIC GATE PERMIT



APPENDIX B - PUBLIC GATE PERMIT APPLICATION FORM

All Communications to be addressed to:

Narromine Shire Council Email: mail@Narromine.nsw.gov.au Narromine NSW 2821	Phone: 6889 9999
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APPLICATION FOR PERMIT

TO ERECT OR ALTER A PUBLIC GATE OR BYPASS (GRID)

Sections 128 & 133 Roads Act 1993

To: Director of Engineering Services

PO Box 115

NARROMINE NSW 2821

As an occupier of land through which an unfenced public road passes, I hereby apply for permission to erect a Public Gate/Grid across;

.....at a distance of.....km from
(Road Name)

.....
(Nearest cross road)

On the boundary of Lot.....Section.....DP.....

and Lot.....Section.....DP.....Parish.....

Location of Public Gate/Grid:

At the site of the proposed Public Gate/Grid wooden pegs or stakes are to be placed either side of the road and marked "Public Gate". The application is to be accompanied by 2 copies of the following;

(a) Plan of Site: The site plan is to be drawn to scale and show locations of the proposed Public Gate, Grid, road reserve, boundary fences, connecting fences, distance along road from property boundaries, road drainage, natural features (eg steep slopes, bogs, trees) and any obstacles which could affect use of the proposed Public Gate.

(b) Locality Plan: The site of the proposed grid and gate is to be clearly marked on a photocopy of a Parish map or 1:25,000 topographical map.

(c) Attachments to Application to Erect a Public Gate/Grid: This attachment is to be signed by all adjoining land owners showing their consent to the application.

Name:.....

Signature of Applicant:.....

Date: Address.....

Note: If this application is approved the Gate is to be constructed to Council specifications and if Council deems that a by-pass is required then the by-pass is to be constructed as per Council's Public Gates and Bypasses Policy.

Fees:

- Application/inspection for installation/registration of 1 gate only:(\$ +\$ GST) \$
- Application/inspection for installation or registration of additional gate when installing 2 or more gates on one property; (\$ +\$ GST) \$
- Advertisement in the local newspaper estimated at (\$ +\$ GST)\$
- Construction bond (\$ GST exclusive) to be refunded upon satisfactory completion of construction

_____Refer to Council's current fees and

Charges)_____

OFFICE USE ONLY

Public Gates/Grids: Job No:

Advertisement : Job No:

Construction Bond:

Assessed Fee:

Date Received:

Receipt No:

I.understand.that.the.application.and.approval.(if.granted).will.be.subject.to.the.conditions.set.out.below;

- ❖ Provision of adequate description and sketch for consideration of this application.
- ❖ The applicant indemnifies Council against any Claims made against Council and which arises directly from the acts or omissions of the applicant, its employees, agents, contractors, and/ or invitees on Council's property.

"Claims" means all claims, demands, proceedings, litigation, or other action a party is entitled to bring in relation to all losses (including profits & consequential losses), damages, costs, expenses, fees and charges of any nature whatsoever suffered or incurred by that party.

- ❖ Payment of a fee as listed in Council's Management Plan.
- ❖ Following approval;
 - Provide engineering plans for approval
 - Provide a Certificate of Currency, from an authorised Insurer; Confirming Public Liability Insurance in the sum of \$20 million noting cover for the public gate and motor bypass subject of this application and noting Council's interests
- ❖ During construction the applicant will;
 - Accept responsibility and indemnify Council, as per 2. above, for damage to power lines, water mains, telephone/ communication lines, road surfaces or other services,
 - Undertake all work in compliance with Occupational Health & Safety legislation and Roads Act in force in NSW at the time and Australian Standards for signage.
 - Provide a Certificate of Currency, from an authorised Insurer; Confirming Public Liability Insurance in the sum of \$20 million noting cover for the public gate and motor bypass subject of this application and noting Council's interests
- ❖ Following construction the applicant agree to;
 - Insurance
 - Maintain insurance as described above.
 - Provide Council with a Certificate of Currency following each renewal period, or annually.
 - Maintenance

- maintain the public gate and motor bypass in line the approved plans and standards.
- maintain signage in line with Australian Standards
- undertake maintenance, or other work, on the public gate and motor bypass as directed by Council.
- The applicant agrees to pay Council for any work done on the public gate and motor bypass as a result of the applicant's failure to maintain or undertake work as required/ directed.

If the Applicant fails to pay Fees and Charges on the due date, the Applicant agrees to pay all legal costs and collection charges incurred in the recovery of the debt. If the Applicant fails to pay Fees and charges on the due date Council may also charge the Applicant a commercial rate of interest on any amount owing.

I have read and understand the conditions set out above and wish to proceed with my application under those conditions.

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Signature of Applicant

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Date