

| ID003                | STOCK GRIDS POLICY                                                                                                                                                                                                                                         |                   |                      |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------|
| POLICY OWNER:        | Council                                                                                                                                                                                                                                                    |                   |                      |
| DEPARTMENT:          | Infrastructure Services                                                                                                                                                                                                                                    |                   |                      |
| CREATION DATE:       | 22 November 2022                                                                                                                                                                                                                                           | REVIEW SCHEDULE:  | Annually - December  |
| RELATED PROCEDURES:  |                                                                                                                                                                                                                                                            |                   |                      |
| RELATED FORMS:       |                                                                                                                                                                                                                                                            |                   |                      |
| RELATED DELEGATIONS: | 1.2.10 Gates Across Public Thoroughfares                                                                                                                                                                                                                   |                   |                      |
| RELATED POLICIES:    | ID002 Rural Roads Maintenance Policy – Under development                                                                                                                                                                                                   |                   |                      |
| LEGISLATION:         | Local Government Act 1995<br>Local Government Act (Functions and General) Regulations 1996<br>Local Government (Uniform Local Provisions) Regulations 1996<br>Section 55(2) of the Land Administration Act 1997<br>15 and 26(5) of the Main Roads Act 1930 |                   |                      |
| DOCUMENT CONTROL     |                                                                                                                                                                                                                                                            |                   |                      |
| DATE REVIEWED:       | REVIEWED BY:                                                                                                                                                                                                                                               | CHANGES (IF ANY): | ENDORSED BY COUNCIL: |
| 22/11/2022           | D. Nielsen                                                                                                                                                                                                                                                 | New policy.       | FC16/11/22           |
| 13/12/2022           | Council                                                                                                                                                                                                                                                    | Nil               | FC 4/12/22           |
| 28/05/2024           | Council                                                                                                                                                                                                                                                    | Nil               | OCM 12/05/24         |

### ID003 Stock grids policy.

#### OBJECTIVE

To provide guidelines ensuring uniform standards are applied to installation, replacement, maintenance, and removal of stock grids on Shire Maintained Roads.

To reduce risks associated with stock grids to road users, the Shire, and landowners.

#### SCOPE

This Policy applies to Stock Grids on Shire Maintained Roads listed in *ID002 Rural Roads Maintenance Policy*.

#### DEFINITIONS

The following definitions apply to this policy –

**Boundary Grid** means a Stock Grid located on a Shire Maintained Road at the common boundary of two adjoining pastoral properties.

**CEO** means the Shire of Carnarvon Chief Executive Officer.

**Commencement Date** means the original commencement date of this policy being 1 January 2023.

**Council** means the collective Council members and President for the Shire of Carnarvon.

**Existing stock grid** means a stock grid in place on a Shire Maintained Road at the Commencement Date.



**Internal Grid** means a stock grid located on a Shire Maintained Road that is not a Boundary Grid.

**Redundant Stock Grid** means a stock grid installed on a Shire Maintained Road at the Commencement Date which does not provide stock proof fencing to both sides of the stock grid to form a viable stock proof paddock.

**Replacement Stock Grid** means a stock grid installed on a Shire road after the Commencement Date which replaces an Existing Stock Grid.

**Stock Grid** means a structure designed to enable motor traffic to pass along a road and prevent the straying of all types of livestock.

**Stock Gate** means a gate structure designed to be always unlocked to enable motor traffic to pass along a road and prevent the straying of all types of livestock.

**Shire Maintained Road** means a road listed in Shire Policy *ID002 Rural Roads Maintenance Policy*.

**Shire** means Shire of Carnarvon.

**Viable Stock Grid** means a stock grid installed on a Shire Maintained Road with stock proof fencing to both sides of the stock grid to form a viable stock proof paddock associated with the Stock Grid.

## POLICY STATEMENTS

### Principles

The Shire is the responsible authority vested with the care, control, and management of roads (except State Roads) in its district under the *Land Administration Act 1997* and the *Main Roads Act 1930*.

Under the *Local Government (Uniform Local Provisions) Regulations 1996*, the Shire may grant permission to a person to install a gate or other device (such as a stock grid) that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.

The Shire can impose any conditions it thinks fit on the grant of its permission.

To minimise potential hazards to motorists, Council's preference is for no grids or gates to be installed on Shire Maintained Roads.

Council acknowledges however that the fencing of roads adjoining rural properties to control stock is not always practical.

Installation of grids and gates in appropriate locations may be considered and permitted by Council.

Council will only support maintenance and replacement of Viable Stock Grids.

Council will actively seek removal of Redundant Stock Grids from all Shire Maintained Roads.

This policy outlines criteria and processes associated with:

1. Stock grid Standards;
2. Assessing and granting approval for installation of new stock grids;



3. Replacement of Viable Stock Grids;
4. Maintenance of Viable Stock Grids;
5. Removal of Redundant Stock Grids; and
6. Installation of a gate in lieu of a stock grids.

## 1. Stock Grid Construction Standards

All stock grids constructed on Shire Maintained Roads after the Commencement Date shall:

- be installed in accordance with or equivalent to the Main Roads WA standards including provision of hazard and warning signage.
- be a minimum of 8 metres in width unless specifically approved otherwise in writing due to:
  - Very low traffic volumes and applicable on the Shire Maintained Road where the proposed Stock Grid is located – if necessary, traffic counts shall be conducted;
  - If the Stock Grid location is on a Shire maintained Road that terminates at a Station Homestead;
- be capable of handling all stock types;
- have a vehicle capacity rating of not less than 25 Tonnes per axle;
- be Viable Stock Grids.
- Work to install, remove or maintain Stock Grids shall only be carried out by the Shire or its delegated Contractors.

## 2. Installation of a New Stock Grid

Where a new Stock Grid is requested, the cost of supply, delivery and installation of the Stock Grid shall be shared between the Shire and all affected Landowners in accordance with Table 1.

| Stock Grid Location | Shire Contribution | Landowner 1 Contribution | Landowner 2 Contribution |
|---------------------|--------------------|--------------------------|--------------------------|
| Internal Grid       | 50%                | 50%                      |                          |
| Boundary Grid       | 33.3%              | 33.3%                    | 33.3%                    |

**Table 1: Stock Grid Cost Contribution**

Landowners seeking installation of a new Stock Grid on a Shire Maintained Road shall make application to the CEO. Applications shall:

- a) Be in writing;
- b) Identify the adjoining land and the landowners;
- c) Identify if the stock grid is a Boundary Grid;
- d) Include a plan showing the proposed Stock Grid location;
- e) Include any request for Stock Grid width reduction
- f) Detail consultation with affected neighbours
- g) Confirm acknowledgement of the required cost contribution



- h) Confirm if a Stock Gate would be accepted by the Landowner(s) as an alternative to a Stock Grid;
- i) Confirm acknowledgement that the landowners shall at their own cost, always maintain a functioning stock proof-fence on both sides of the stock grid.

The CEO shall consider the following criteria when determining whether to refuse, approve, or approve subject to conditions, an application for the installation of a new stock grid:

- A functioning stock-proof fence must be in place on both sides of the proposed Stock Grid location prior to any approval being issued;
- The proposed location must be suitable for installation of a Stock Grid in relation to road geometry and geographic features.

The CEO shall approve applications for the installation of a new Stock Grid where applications meet (or may be conditioned to meet) the application and assessment criteria.

New Stock Grid applications which are determined by the CEO that do not meet (or may not be conditioned to meet) the application and assessment criteria shall be referred to Council for decision. The CEO shall prepare a report for council detailing the application and the reasons why the application does not meet the application and assessment criteria under this policy.

### 3. Stock Grid Replacements

Where a stock grid meets the requirements of being a viable Stock Grid, ie. it has viable stock fencing, but is -

- no longer fit for purpose; or
- beyond reasonable economic repair; or
- in a condition that may be a hazard

it may be replaced or removed by the Shire.

The CEO will provide landowners with property abutting the Stock Grid with written notice of the Shire's intention to replace an existing Viable Stock Grid.

Such notice shall:

- a) invite landowners to make an application for retention and replacement of the Stock Grid with a new grid constructed to the standards under this policy; and
- b) invite landowners to approve removal of the Stock Grid if it is no longer required for stock control.

In all cases, written notices shall be followed up with alternate contact methods such as phone, text etc. to ensure landowners are aware of the written notice.



Where a landowner requests retention of an existing stock grid the full cost of replacement is to be met by the Shire.

Where landowners approve the removal of the Stock Grid, removal costs shall be met by the Shire.

**4. Maintenance of Viable Stock Grids**

Viable Stock grids will be maintained by the Shire to the Shire’s standards and requirements. The cost of maintenance of Viable Stock Grids shall be borne by the Shire.

As a minimum, the Shire shall carry out an annual inspection by a competent person of all Stock Grids on Shire Maintained Roads. A visual and written condition assessment of each Stock Grid shall be made at each inspection and recorded in a register of Stock Grids.

Where maintenance works is required, work orders shall be issued on a risk based priority.

Where maintenance is required because of negligence of any other party, the Shire may seek recovery of those maintenance costs from the negligent party.

**5. Removal of Redundant Stock Grids**

Redundant Stock Grids may be identified by the Shire for removal at any time.

The CEO will provide landowners with property abutting the grid with written notice of the Shire’s intention to remove a Redundant Stock Grid. Such notice shall invite landowners to make an application for retention of the Stock Grid. In all cases, written notices shall be followed up with alternate contact methods such as phone, text etc. to ensure landowners are aware of the written notice.

If a landowner does not make application to replace or retain a Redundant Stock Grid within 60 days of receiving notice, the Shire may remove the stock grid and reinstate the Shire Maintained Road at its cost.

If a landowner makes a written application for retention of a Redundant Stock Grid within 60 days of receiving notice, that application shall detail their reasons for retention of the Redundant Stock Grid.

A report shall be prepared by the CEO containing details of any matter relevant to the request and shall be provided to Council for consideration of the request to retain the Redundant Stock Grid. In considering a landowner’s submission, Council shall consider as a minimum the following, when determining whether to retain or remove a Redundant Stock Grid:

- a) whether the Stock Grid satisfies the construction standards outlined in this policy;
- b) the estimated period of time before a functioning stock-proof fence is in place on both sides of the stock grid;



- c) whether the Stock Grid is a Boundary Grid or internal stock grid;
- d) the current condition of the Redundant Stock Grid and cost of any repairs required; and
- e) the estimated removal and reinstatement cost.

In order to ensure applications to retain redundant grids are well-considered and justified, applications that are not approved by Council will require that the cost of Redundant Stock Grid removal be met by the landowner.

#### **6. Installation of Stock Proof Gates in Lieu of Stock Grids.**

In some circumstances, installation of a Stock Proof Gate in lieu of a new Stock Grid or Replacement Stock Grid may be considered.

In considering such requests the CEO shall consider the following:

- a) Traffic volumes applicable on the Shire Maintained Road where the proposed Stock Gate is located – if necessary, traffic counts shall be conducted;
- b) If the gate location is on a “through” Shire Maintained Road or a Shire maintained Road that terminates at a Station Homestead;
- c) Comments from adjoining or neighbouring landowners.

Landowners shall be responsible for full cost of installation and maintenance of any approved Stock Gate.

The Shire will accept no responsibility for straying stock associated with Stock Gates being left open other than where that is due to the actions or inactions of its employees or contractors.

#### **7. Emergency Arrangements**

In the event of a Stock Grid being an immediate safety hazard, the CEO or their delegate may undertake any action necessary to ensure the safety of road users and stock.

Where such emergency action is likely to result in the straying of livestock the action shall be communicated to the affected Landowner as soon as practical.

#### **8. Stock Grid Contributions**

Stock Grid contributions shall become due and payable from the date of commissioning/recommissioning of the stock grid.

The CEO may enter negotiated terms with the Landowner for payment of Stock Grid contributions.



## EXPLANATORY NOTES

Requests for replacement or installation of Stock Grids will not exceed budgetary limits determined by Council each financial year in the roads maintenance and construction budgets and all Stock Grid installation, replacement and removal works will be prioritised by risk.