

# Draft Council policy

## Shire of Menzies

### Stock grids

#### 1. Scope

This policy applies to stock grids on public roads managed by the Shire.

#### 2. Objectives

- 2.1 To provide guidelines to ensure uniform standards are applied for the installation, maintenance, replacement and removal of stock grids on public roads managed by the Shire.
- 2.2 To reduce the risk presented by stock grids to road users, the Shire and landowners.

#### 3. Definitions

The following definitions apply to this policy -

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

**Council** means the Council of the Shire.

**Existing stock grid** means a stock grid installed on a public road before the commencement of this policy.

**Stock grid** means a structure designed to enable motor traffic to pass across a public road and prevent the passage (or straying) of livestock.

**Public road** means a road for which the Shire is responsible.

**Shire** means Shire of Menzies.

#### 4. Policy statement

The Shire is the responsible authority vested with the care, control and management of roads in its district (except main roads or highways) (under section 55(2) of the *Land Administration Act 1997* and section 15 and 26(5) of the *Main Roads Act 1930*).

Under regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*, the Shire may authorise a person who applies to the Shire for permission to have across a public thoroughfare under the control or management of the Shire, 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.

Under regulation 9(4) of the *Local Government (Uniform Local Provisions) Regulations*, the Shire can impose any conditions it thinks fit on the grant of its permission under regulation 9 (including, but not limited to, conditions on the construction, placement and maintenance of a stock grid across a public thoroughfare).

This policy outlines the criteria for assessing a landowner's application and the appropriateness of granting approval for the installation of a new or replacement stock grid, to ensure that a stock grid does not interfere with the safe movement of motor traffic and the proper maintenance of the public road.

In each case it will be necessary to determine whether approval for the installation of a new or replacement stock grid should be granted and the conditions that will apply for the grant of approval.

## **5. Policy details**

### **5.1 Application for the installation of a new or replacement stock grid**

- 5.1.1 A landowner who seeks the installation of a new or replacement stock grid on a public road is to make an application, in writing, to the CEO.
- 5.1.2 A written application for the installation of a new or replacement stock grid on a public road is to –
- (a) give details of the adjoining land and the landowners;
  - (b) confirm whether the stock grid(s) is a boundary or an internal stock grid; and
  - (c) include a plan showing the proposed location of the stock grid(s) the subject of the application.
- 5.1.3 When an application is received in accordance with this policy, a report is to be prepared by the CEO containing details of the application, an assessment of the request, an estimate of the costs and a recommendation for consideration of the Council. The estimate of costs is to include an estimate of costs to install the new or replacement stock grid(s) and any associated works required (including, the sealing of the road (if required) and the installation of safety signage).

### **5.2 Stock grid criteria**

- 5.2.1 The Shire will consider the following criteria for determining whether to approve an application for the installation of a new or replacement stock grid –
- (a) a functioning stock-proof fence must be in place on both sides of the proposed location for the stock grid;
  - (b) the proposed location for the stock grid must be suitable for the installation of a stock grid;
  - (c) the proposed stock grid must be capable of handling all stock;
  - (d) the road proposed for the location of the stock grid, must be sealed at least 20 metres on both sides of the stock grid to prevent the inadvertent filling up of the stock grid during the process of maintenance grading;
  - (e) the proposed stock grid must be at least 8 metres wide; and
  - (f) the proposed stock grid must be a boundary stock grid, unless the Shire considers that approval of an internal stock grid is suitable.

### **5.3 Council's powers**

- 5.3.1 The Council may refuse, grant or grant subject to conditions, an application for the installation of a new or replacement stock grid.
- 5.3.2 Conditions under clause 5.3.1 must include, but are not limited to the following –
- (a) a condition requiring the landowner to enter into a cost contribution deed with the Shire for the payment of the costs (or contribution towards) the installation, maintenance, replacement and removal of the stock grid(s), in a form and on terms satisfactory to the Shire. Where any stock grid(s) are located on the boundary between two or more properties, the cost of the installation, maintenance, replacement and removal of the stock grid(s), is to be shared equally between the boundary landowners;
  - (b) a condition requiring the landowner to, at their own cost, maintain a functioning stock-proof fence on both sides of the stock grid;

- (c) a condition requiring the landowner to indemnify the Shire against any loss or damage arising from the stock grid(s) being installed on a public road (except to the extent that the loss or damage arises from the failure of the Shire to carry out any statutory duty in relation to the stock grid(s));
- (d) a condition specifying that all property rights in the stock grid(s) must remain with the Shire; and
- (e) a condition specifying that the Shire reserves its right to revoke the approval and remove a stock grid, where a stock grid does not comply with any condition of approval granted under this policy, the landowner fails to make any payment required under a cost contribution deed for the stock grid, or the Shire considers the stock grid to be dangerous or redundant.

5.3.3 A landowner who is granted approval under clause 5.3.1 of this policy must comply with each condition of the approval. The Council may revoke an approval, where the landowner fails to comply with any condition of approval.

5.3.4 The Council may at any time revoke or vary an approval, or any condition of approval.

## **5.4 Construction standard**

5.4.1 The Shire will construct all stock grid(s) approved under clause 5.3.1 in accordance with the Main Roads WA standards.

5.4.2 The installation of any stock grid(s) approved under clause 5.3.1 must include the provision of safety signage (width markers and warning signs).

5.4.3 Where a cost contribution deed has been entered into with a landowner, the cost incurred by the Shire in constructing and installing a stock grid(s) on a public road managed by the Shire, will be recovered from the landowner in accordance with the terms of the cost contribution deed. The Shire will invoice the landowner for their share of the costs for the construction and installation of the stock grid(s).

## **5.5 Maintenance of stock grids**

5.5.1 Stock grids on public roads managed by the Shire will be maintained by the Shire to the Shire's standards and requirements.

5.5.2 Where a cost contribution deed has been entered into with a landowner, the cost incurred by the Shire in maintaining a stock grid(s) on a public road managed by the Shire, will be recovered from the landowner in accordance with the terms of the cost contribution deed. The Shire will invoice the landowner for their share of the costs for the maintenance of the stock grid(s).

## **5.6 Removal of existing stock grids**

5.6.1 Except in the case of an emergency (where the CEO is of the opinion that providing notice would be impractical or unreasonable because of the imminent risk of injury to any road user), the CEO will provide the landowner with at least 30 days' written notice of the Shire's intention to remove an existing stock grid(s) and invite the landowner to make an application for the installation of a replacement stock grid(s) under clause 5.1.1 of this policy.

5.6.2 If a landowner does not make an application to replace a stock grid(s) under clause 5.1.1 of this policy within 30 days of receiving notice under clause 5.6.1 of this policy, the Shire will remove the stock grid and reinstate the public road at its cost.

5.6.3 Where a functioning stock proof fence is intact, the CEO is to notify the landowner that the landowner will be responsible to construct a suitable alternative on removal of the stock grid(s) (for example, a four wire star picket and strainer post fence along the road sides for a distance of 50 metres either side of the stock grid location).

## **5.7 Removal of stock grids installed after [insert date]**

- 5.7.1 The Shire may remove any stock grid(s) installed without approval after [insert date].
- 5.7.2 Where a landowner fails to comply with any condition of approval granted under this policy or fails to make any payment required under a cost contribution deed, the Shire may after providing 30 days' written notice to the landowner, revoke any approval granted under this policy and remove the stock grid(s).
- 5.7.3 Where the Shire considers a stock grid(s) to be dangerous, the Shire may after providing 30 days' written notice to the landowner, revoke any approval granted under this policy and remove the stock grid(s).
- 5.7.4 Where the Shire considers a stock grid(s) to be redundant, the CEO will provide the landowner with at least 30 days' written notice of the Shire's intention to remove a stock grid(s) and invite the landowner to make a submission for the retention of the stock grid(s).
- 5.7.5 If no submission is made by the landowner within 30 days of notice being provided under clause 5.7.4, the Shire may revoke any approval granted under this policy and remove the stock grid(s).
- 5.7.6 If a landowner makes a submission for the retention of a stock grid under clause 5.7.4 of this policy, a report is to be prepared by the CEO containing details of the request, an assessment of the request, an estimate of the costs to maintain the stock grid(s) and a recommendation for consideration of the Council.
- 5.7.7 In considering a landowner's submission under clause 5.7.6, the Council will consider the following (in deciding whether to retain or remove a stock grid(s)) –
- (a) whether the stock grid(s) satisfy the construction standards outlined in this policy;
  - (b) whether a functioning stock-proof fence is in place on both sides of the stock grid(s);
  - (c) whether the stock grid(s) is at least 8 metres wide;
  - (d) whether the stock grid(s) is a boundary stock grid or internal stock grid (the retention of boundary grids will be given priority over internal and intermittent grids); and
  - (e) the cost of maintaining the stock grid(s) and whether an application for the installation of a new or replacement stock grid(s) will be required under clause 5.1.1 of this policy.

## 6. Policy administration

Directorate		Officer	Review Cycle	Next Due
[Insert]		[Insert]	[Insert]	[Insert]
Version	Decision Reference	Synopsis		
1.	Policy 7.4.1, 7.4.2	Former policy		
2.	Policy 12.3 – 29 November 2012			
3.	Policy 12.3 – 28 February 2013	Amended policy		
4.	Policy 12.3 – 25 June 2015	Amended policy		
5.	Policy 12.3 – 30 August 2018	Amended policy		
6.	Policy 12.x – [Insert]	New		

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