

## STOCK GRID & GATE

### APPROVALS

<b>POLICY NUMBER</b>	EI-POL-101	<b>DOC.ID</b>	4624431
<b>CATEGORY</b>	Community		
<b>POLICY OWNER</b>	Manager Infrastructure Planning and Technical Services		
<b>APPROVAL DATE</b>	28 July 2021	<b>RESOLUTION NUMBER</b>	7388

## OBJECTIVE

To provide detailed information called upon by *Subordinate Local Law 1.16 (Gates and Grids) 2011* to regulate grids and gates across public roads to ensure they are safe and serviceable condition, to minimise as far as possible the danger grids and gates pose to the travelling public.

## SCOPE

This policy sets out directions for installation and maintenance of stock grids and gates across Council roads complying to CMDG and TMR standards and procedures.

## DEFINITIONS

TERM / ACRONYM	MEANING
Council	Isaac Regional Council / IRC.
CMDG	Capricorn Municipal Development Guidelines.
Grid	A structure designed to allow the movement of pedestrian or vehicular traffic along a road but to prevent the passage of livestock: <ul style="list-style-type: none"><li>– Internal Grid: located within one (1) property.</li><li>– Boundary Grid: shared ownership with neighbouring property/s.</li></ul>
Non-Compliant	Not complying with the conditions set in this policy. Defect Notice will be issued to Relevant Person(s).
MUTCD	Manual of Uniform Traffic Control Devices.
Relevant Person	The person (or entity) who would normally be considered to be the property owner accepting responsibility for the grid or gate. Note: Grids that are shared by more than one property will need to identify a Primary Owner (or entity) to be the Relevant Person.
Road	Roads governed and managed by IRC as set out under Section 59 of the <i>Local Government Act 2009</i>
DTMR	Department of Transport and Main Roads.

## POLICY STATEMENT

This policy provides guidelines for the installation of stock grids and gates consistently to achieve a uniform standards and safe vehicle access on roads. This sets the legal framework for Council to control the existence of gates and grids upon public roads under its control.

## POLICY PROVISIONS

### RESPONSIBILITY

A Relevant Person is the person (or entity) responsible for the grid and associated infrastructure. Under Local Law, a responsible person for a grid and associated infrastructure installed across a road means:

- The person who installed the grid; and
- The person for whose use or benefits the grid were installed; and

The Relevant Person has a duty of care to regularly monitor the condition of the grid, gates and adjacent roadway five (5) metres on either approach, and to initiate action with respect to maintaining the infrastructure in a safe operating condition for the travelling public.

If Council is unable to identify a Relevant Person as defined above, and unable to take enforcement action, Council may remove the grid and associated infrastructure at Council's costs.

### APPLICATION PROCESS

To apply to install, replace or repair a grid on a road, a Relevant Person must submit the following:

- a completed and signed Application to Install/Replace/Repair Grid on Council Road;
- The prescribed application fee (applicable to new grid applications).

Council will not approve a new gate (only) within a fence line across a public road reserve. Council requires that grids are used, and these shall also have a gate installed adjacent the grid within the road reserve. Special circumstances may be applied for if this situation does not deem suitable.

Following submission of the application, Council shall undertake public consultation, to determine if any local objections exist to such a structure.

### STANDARD CONDITIONS FOR APPROVAL

Once the application is approved, Council will issue a Grid Licence Certificate to undertake installation works and continual maintenance and repair of these items at no cost to Council. Council will apply the following conditions:

- a. Grids and associated infrastructure shall only be constructed on a public road at the location authorised by Council.
- b. All installation and maintenance work must be carried out by appropriately qualified and experienced entities to the satisfaction of Council. Failure to do so will result in the issue of a Defect Notice.
- c. The technical specifications of grids and associated infrastructure shall be referred in Appendix 1 – Guidelines: Stock Grids and Gates Technical Specification. Grids may be approved subject to their characteristics and design meeting the standards attached to this policy and the safety of road users.

- d. The Relevant Person shall maintain the grid, associated infrastructure and the road to a satisfactory condition (including the destruction of all noxious weeds) for a distance of five (5) metres on either side of the grid so that public traffic may not be impeded or obstructed.
- e. The Relevant Person shall secure with a reputable insurer, a Public Liability insurance policy to the value of \$20,000,000 for the term of the approval for the grid and associated infrastructure, indemnifying Council from any liability associated. A copy of the insurance policy is to be provided to Council (and accepted as satisfactory) before any work on a road commences.
- f. Such insurance shall be maintained current for the duration of the existence of the infrastructure;
- g. Council accepts no responsibility or liability for any damage caused to a grid and associated infrastructure by entities other than Council.
- h. Council will not accept liability for any loss of, or provide compensation to, any entity when Council removes a grid in accordance with this policy.
- i. The liability for livestock will remain the responsibility of the property owner and the approval by Council for the installation and/or maintenance of a grid on a road does not constitute acceptance by Council of any liability for loss or damage arising from stock on a road.
- j. Council may, in accordance with the grounds set out in *Local Law No. 1 (Administration) 2011 Clause 17*, amend, suspend or cancel an approval. In such cases any application fees paid will not be refunded.

## REPAIR, REPLACEMENT OR UPGRADE OF GRIDS AND GATES

Maintenance of a grid, gate and any signage/reflectors attached is the responsibility of the Relevant Person. Following the initial installation, Council will maintain associated advanced warning signage not fixed to the grid.

Due diligence must be exercised proactively in identifying maintenance required to ensure safety of the travelling public, and in initiating remedial action when required.

Council will notify the Relevant Person with a Defect Notice and it will be their responsibility to rectify the defects, which is satisfactory to Council and to full specification level within a period stated in the notice. A full inspection will be carried out by Council once the defect has been rectified.

If the works are not carried out within the time stated in the Defect Notice or the cases when Council is unable to contact the Relevant Person within a reasonable period, then Council may undertake the works to rectify the defects on the grid and associated infrastructure and invoice the Relevant Person.

## RECONSTRUCTION OF ROADWORK BY COUNCIL

In the event of Council performing new roadworks at the grid location, it is Council policy that the grid be upgraded to meet standards and specifications.

The responsibility in such a case is as follows:

Relevant Person:

- Completing Application to Install/Replace/Repair Grid on Council Road.
- Purchase or construction of grid to specification.
- Purchase or construction of abutments to specification.
- Purchase signage as per specification.
- Transport of grid, abutments and signage to site.
- Where applicable supply of materials and installation of any gates and fencing required.
- On-going maintenance of the grid.

Council:

- Where applicable remove existing grid and abutments.
- Construct temporary side track with appropriate construction-works signage for the duration of the works.
- Installation of the new grids, abutment and signage.
- Complete associated roadwork.

## NON-COMPLIANT GRID

Where Council considers that a grid is non-compliant, Council will commence action under its *Local Law No. 1 (Administration) 2011* by way of issue of a Defect Notice to the Relevant Person.

Existing grids that Council considers to be at the end of their life are to be:

- Replaced with precast units as per this policy at the Relevant Person's cost, or
- Removal of the grid and associated infrastructure and road reinstated to Council standards.

## FENCING OUT ROADS

Council encourages landowner/landholder(s) to fence out roads to eliminate the need for grids wherever possible/practicable.

## PRO FORMA OF COUNCIL PUBLIC NOTICE

### APPLICATION FOR PERMISSION TO INSTALL LICENSED STOCK GRID

Notice is hereby given that it is the intention of (Full Name/s) to apply to the Isaac Regional Council for permission to install licensed stock grid with associated fencing and gates across the road known as (Description and Location).

The application may be inspected at the Isaac Regional Council Administration Office, and objections may be lodged in writing, setting out the grounds for such objections, with the Chief Executive Officer on or before (Date)\*.

## LEGISLATIONS AND RELATED GUIDELINES

- *Local Government Act 2009 (LGA)*
- *Transport Operations (Road Use Management—Road Rules) Regulation 2009*
- Capricorn Municipal Development Guidelines
- Local Law 1.16 (Gates & Grids)

## REFERENCES

ID	NAME
IPTS-FRM-179	Application to Install/Replace/Repair Grid on Council Road
EI-GDS-172	Guideline: Stock Grids and Gates Technical Specifications
EI-FRM-178	Certificate of Practical Completion of Grid