



COBAR SHIRE COUNCIL

DRAFT STOCK CONTROL DEVICE POLICY

PURPOSE

The purpose of this policy is primarily to safely manage stock control devices on public roads.

POLICY SCOPE

This policy applies to the management of stock control devices on public roads (Council and Regional roads).

This policy does not apply to stock control devices on private property, where the stock control device is not on a road under the control of Council.

DEFINITIONS

Council: means Cobar Shire Council.

Councillor: means a person elected to the governing body of Cobar Shire Council as per section 222 of the Local Government Act 1993.

Council Officer: means staff of Cobar Shire Council or contractor or consultant engaged by Council officers to aid in the development of this policy.

The Landowner: means any person in lawful possession of land, including occupants.

Stock grid: means a steel grid and associated support structures, barriers, warning signs and fencing that are installed at strategic locations to restrict the movement of stock. Stock grates and bypasses have the same meaning as a stock grid. An existing stock grid is a stock grid that is in place as of the date of the adoption of this policy.

Boundary stock grid: a grid that is located on a Council managed road at the property boundary between two adjacent properties.

BACKGROUND

Stock grids are structures constructed on a road for the primary purposes of controlling livestock movements and to manage the safe passage for all road users along Council and regional roads. Stock grids primarily benefit adjoining landowners as they enable their livestock to travel across and along the road reserve unrestricted within the bounds of the stock grids.

A stock grid is a structure across a road and therefore are under the regulatory control of the Council. All stock grids are required to be constructed and maintained to a standard acceptable to Council and the relevant standards.

Ownership and maintenance responsibility of these structures and all associated items, including signs, fencing, audible warning devices etc. shall be vested in the landowner or their successor in title, as per the Roads Act 1993 Part 9 Division 3. Should no owner for a structure be identified, Council may remove the structure.

This policy aims to promote a positive working partnership with local landowners for the repair, and/or removal of existing stock grids and their replacement with more sustainable alternatives.

Applications for the installation of new stock control devices at new locations on Council managed road reserves require Council approval and are considered by Council each on its own merit.

The installation of new stock grids will not be considered unless all other approved options are not considered appropriate for the specific stock, location and conditions.

MAINTENANCE, REPAIRS AND REPLACEMENT

In accordance with the requirements of the Roads Act 1993 Part 9 Division 3, the owner of a stock grid or their successor in title is responsible for the satisfactory condition of the stock grid structure. This includes the associated fencing, signage and the gates located within the road reserve.

However, due to the risk and legislative requirements associated with working on public roads, Council will assist with the maintenance of the stock grid and associated infrastructure in partnership with the landowner to which the assets serve.

Where an existing stock grid is, in the opinion of Council's engineer, in such a state of disrepair as to constitute a danger to road users, Council will consult with landholder to arrange for the repair, removal or replacement of the grid. This includes assisting landowners with the removal of existing stock grids and replacement with property boundary fencing or fencing, stock race and dingo siren combinations, to control the movement of livestock within the road reserves without causing adverse effects on road access and safety. Consultation with the relevant landowner(s) will determine which option will be implemented in accordance with this policy.

The installation of new stock grids will not be considered unless all other approved options are not considered appropriate for the specific location.

The maintenance responsibilities for new and replaced grids, will be detailed in a Memorandum of Understanding (MOU) to which both Council and landowner will agree. The landowner or their successor will be liable for the costs of the maintenance conducted by Council on their behalf.

Council shall be responsible for:

- Maintaining the approaches to the grid. .
- Maintaining stock grids, stock races and associated infrastructure on behalf of the landowner to which it serves and recover costs from the landowner for such work performed.
- Specifying the safe standard of stock control devices and their associated infrastructure, carrying out routine inspections of the stock control devices and their associated infrastructure, keeping a register of stock control devices (including a defect register) and undertaking repairs or replacement in consultation with the landowner.
- If requested by a landholder to remove a stock grid, or as determined by Council that the grid should be removed due to their unsafe condition, Council shall confirm whether the landowner wishes to:
 - Install a new stock race and their associated infrastructure; or
 - Install new property boundary fencing, or
 - Not replace with any stock control device.

Once written confirmation has been received from the landowner, Council may assist with:

- the purchase and installation of the new stock race and associated infrastructure
- the purchase and installation of boundary fencing

- removal of the existing stock grid
- If Council deems that the only appropriate option is to install a new stock grid, Council will arrange for the purchase and installation of the new stock grid and associated infrastructure, with the cost to be recovered from the landholder.
- Develop, manage, and retain all MOUs.

Landowner shall be responsible for:

- The costs associated with the maintenance of stock control devices and associated infrastructure located within the road reserve, for work performed by Council on these structures.
- Entering into a MOU with Council regarding maintenance responsibilities and liability of cost obligations of these assets.
- Immediately notifying Council of any defects associated with stock control devices on public roads.

RECONSTRUCTION OF ROADS

If reconstruction of a road is required in the vicinity of a stock grid, Council will consider whether the existing grid meets the design standards of the new road formation. If the existing stock grid does not meet the new road design standard, Council will confirm whether a stock control device is still required by confirming this with the relevant landowner. If it is still required, Council will arrange for the adjustment or replacement of either a stock grid or stock race, with costs being borne by Council.

If the stock grid is considered in a safe and serviceable condition and, will meet the new road design standard, the stock grid may remain in place. If the grid is not required, Council will arrange for its removal at its cost.

REPLACEMENT OPTIONS

Stock Race and Associated Infrastructure

Where the landowner opts to remove an existing stock grid from a road and replace it with a new stock race and associated infrastructure, Council may assist with the purchase and installation. Council will determine the standard of stock race to be installed in consultation with the landowner.

Council will remove the existing stock grid free of charge and undertake all works to repair the road pavement.

Fencing out Roads

Where the landowner opts to fence out the road reserve and remove an existing stock grid on a road, Council may assist with the purchase and installation of the fencing. Council will determine the standard of fencing to be installed in consultation with the landowner.

In this instance Council will remove the existing stock grid free of charge and undertake all works to repair the road pavement.

STANDARDS

All works to construct and maintain a stock control devices must comply with the requirements of the Cobar Shire Council Specification for construction of stock grids across public roads under Council control. The type of stock control device or property boundary fencing to be installed will be determined by Council in consultation with the landowner.

INSPECTIONS

All stock control devices will be recorded in Council's system, Council shall inspect all stock control devices (excluding boundary fencing) as part of routine road inspections. Routine inspections will cover the structural integrity, fencing, cleanliness of the grid (how full of dirt and debris it is), audible devices and signage.

Requests for inspections that are not part of routine inspections shall be at the discretion of the Director of Engineering Services.

FINANCIAL ASSISTANCE

Council may allocate funding each year specifically for stock grids under this policy, the allocation of funding will be considered as part of Councils annual budget process..

NON-PAYMENT OF FEES AND CHARGES

Should the landholder not pay costs associated with repairs or installation within the payment terms stipulated by Council, Council may remove the stock control device.

RELEVANT LEGISLATION

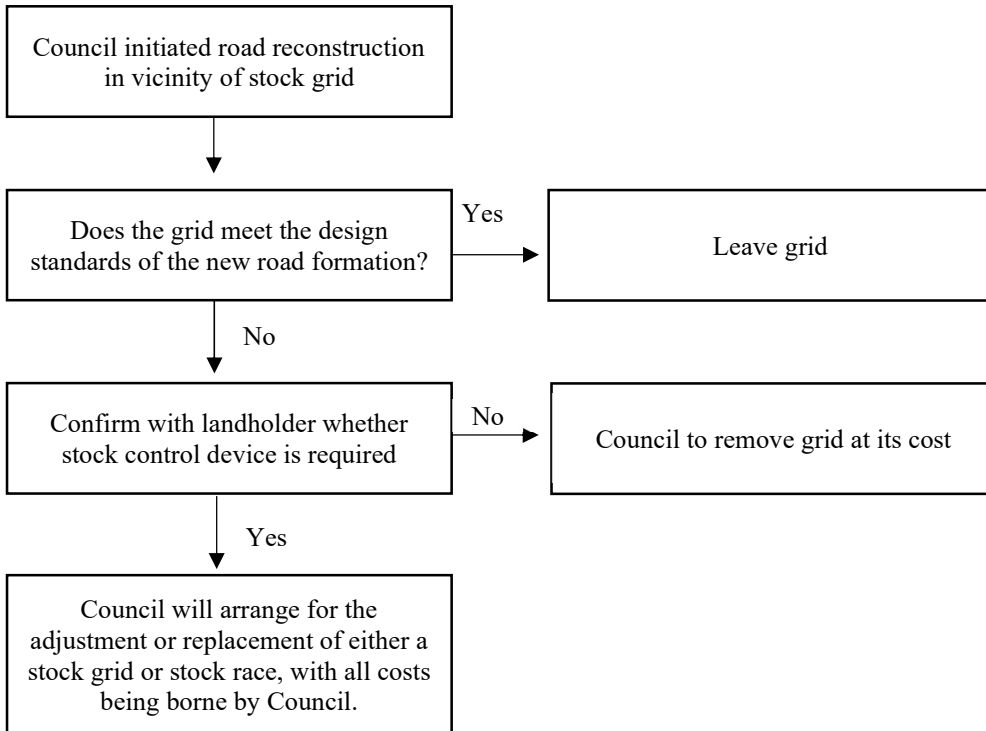
- Local Government Act 1993
- Roads Act 1993
- Relevant Australian Standards (e.g., AS1742.2 for road signage)

RELATED DOCUMENTATION

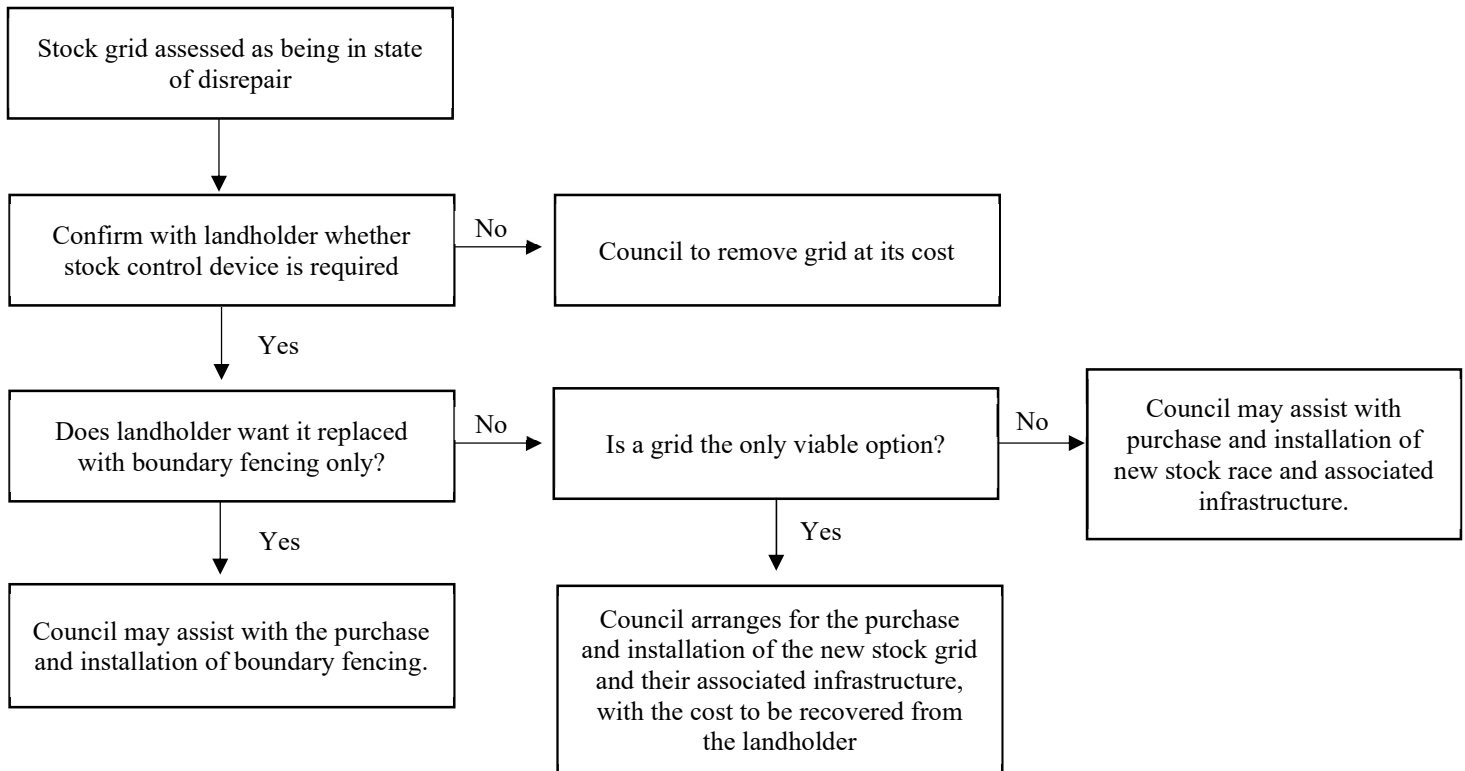
- Cobar Shire Council Specification for Construction of Stock Grids Across Public Roads
- Cobar Shire Council Stock Control Device Register
- Memorandum of Understanding (MOU) detailing the agreement between the landowner and Council for the management of stock control devices

APPENDIX 1: APPLICATION OF POLICY FLOWCHARTS

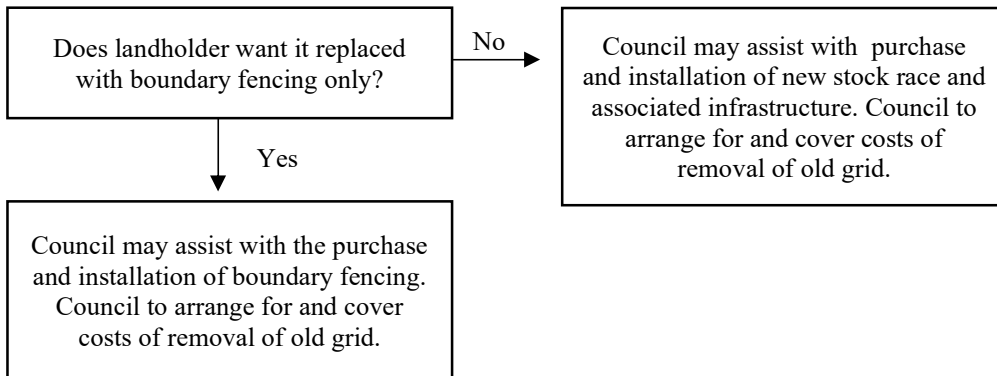
Council Initiated Road Reconstruction



Stock Grid in State of Disrepair



Landholder Requests Removal of Stock Grid



AMENDMENT LIST

No.	Date Adopted	Responsible	Date Commenced