

*This fact sheet provides detail relating to Council's licensing arrangements for privately owned assets such as stock grids, fences etc. located on public road reserves and a change of management arrangement relating to existing stock grids.*

### **What are Cattle Gates and Grids?**

This is a type of obstacle used to prevent livestock, such as sheep, cattle or horses from passing along a road or railway which penetrates the fencing surrounding an enclosed piece of land or border. It consists of a depression in the road covered by a transverse grid of bars or tubes, normally made of metal and firmly fixed to the ground on either side of the depression, so that the gaps between them are wide enough for animals' feet not to enter, but sufficiently narrow not to impede a wheeled vehicle or human foot. This provides an effective barrier to animals without impeding vehicles.



### **Why are Cattle Gates and Grids controlled by Council?**

As the road is a Council asset and gates and grids are erected within this area, Council can apply conditions relating to the stock grids' construction and maintenance standards. Additionally, Council also requires stock grid owners to have appropriate levels of public liability insurance.

Council is responsible for the control, care, and management of all public roads within the local government area, including all rural roads and this includes the overseeing of gate/grid installation and maintenance to Council standards to ensure safety of the general public using the road.

Once approval for the installation of a gate and/or grid on Council's rural road network has been granted, the grid owner is responsible for the installation and ongoing maintenance.

### **What are the Laws that allow Council to preside over Cattle Gates and Grids?**

Privately owned stock grids located on Council roads are considered a prescribed activity and to remain in-situ, require approval under Local Law No.1 (Administration) 2019 (Subordinate Local law No.1).

### **Criteria considered for the granting of approval**

The criteria considered for approval of a prescribed activity include:

- (a) the works or interference with the road will
  - (i) reduce the capacity of the road to provide vehicular thoroughfare, and where relevant, pedestrian thoroughfare.
  - (ii) constitute a nuisance.
  - (iii) constitute a danger to any person or property.
  - (iv) obstruct access from a footpath to kerbside parking.
  - (v) have an adverse effect on the amenity of the area.
  - (vi) have an adverse effect on the existing services located in, on or over a road.

- (b) the agents or employees of the applicant who will be carrying out the works have received appropriate training in safety procedures; and
- (c) in the case of an approval for a gate or grid, the applicant has taken out a standard public liability insurance policy.

### Conditions that will ordinarily be imposed on approvals

For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must:

- (a) ensure that the number for the gate or grid as per the approval is prominently displayed on the gate or grid.
- (b) the grid complies with the conditions stated in the applicable Local Laws.
- (c) maintain the gate or grid in good order to ensure its safe use.
- (d) public liability insurance is maintained.

### Conditions that will ordinarily be imposed on approvals (Contd)

- (e) reimburse Council for all costs incurred should Council deem it necessary to carry out urgent maintenance for safety purposes to either the gate or grid or the road approaches up to 5 metres from the gate or grid.
- (f) indemnify Council against any claim for damages.
- (g) remove and destroy all declared noxious weeds and plants growing in the road reserve enclosed by a grid and up to 5 metres either side of the grid.
- (h) notify Council in writing that the grid is no longer required.
- (i) in the case of gates and grids located on public maintained roads — apply for a renewal of the approval not less than 30 days prior to the expiry date listed on the existing approval; and
- (j) remove a structure erected or installed under the approval at the end of a stated period.

### Change of management arrangements – Existing Gates and Grids

Based on recent professional advice, Council has resolved at its May 2024 meeting to:

- a) Cease the current practice of issuing Supplementary Rates Notices to owners of existing stock grids with immediate effect.
- b) Adopt new process comprising a Stock Grid Registration and Licence process (single owner) by registering stock grids as privately owned assets on Council Road Reserves, and
- c) Implement annual fees for registered stock grids with a conditional Owners License commencing 1 July 2025.

### Implementing the Change

To facilitate the transition to the new management arrangements, Council is providing grid owners 12 months to prepare and apply for registration i.e. by **1 July 2025**.

Council is asking owners of licensed stock grids to consider the following options:

- i. Apply for registration under the new management arrangement for existing stock grids (with one owner only as the sole point of contact), or
- ii. Confirm that their grid is no longer required and approve its removal by Council from the Road Reserve.

### Next Steps

Grid owners wanting to retain their stock grids will have 12 months to apply to register their grids.

Grid owners that decide their grid is no longer required can advise Council at any time. Council will schedule its removal as part of its ongoing road maintenance program.

Grid owners will not be required to undertake any works from a compliance perspective, however owners of grids assessed by Council as being in very poor condition will be required to upgrade their grid.

Grids deemed unsafe or are unlicensed, that is not having a registered owner or no longer required, will be scheduled for removal at Council's expense. Council will also undertake reinstatement works to the road as part of the grid removal program.

If you have any questions, please contact Council's Customer Service Centre, Ph 1300 794 929

## Frequently Asked Questions – Change of Management Arrangements

### What are the Fees and Charges for new Gates or Grids

The 2024-25 fees for new grids are:

1. Application for a new Grid/Gate licence within the road reserve - \$717.00.
2. Annual Licence Fee - \$210.00.

### How do I apply for permission to install a Gate or Grid?

The application form is available on Council's website: [www.frasercoast.qld.gov.au](http://www.frasercoast.qld.gov.au), or by contacting Council's Customer Service Centre, Ph 1300 794 929.

Once the form has been lodged and payment has been received, our investigation staff will inspect the site and talk to you about the materials to be used.

### If I am the owner of a grid with others on a share-ownership basis, can this continue under the new management arrangements?

The new management arrangements will require a single owner to be the registered owner and the point of contact. Owners in a shared arrangement will need to determine who will be the registered owner going forward. This will simplify condition compliance, such as the holder of public liability insurance policy, responsibility for maintenance, etc.

### Will I be charged for applying for registration of the existing grid?

No fees will be charged for existing licensed grids in 2024-25.

Council has decided to waive the Application for Registration fees for existing grids and Licence fees for the 2024/25 financial year. Licence Fees will apply from 1 July 2025 (*the current licence fee is \$210.00. This fee is reviewed annually as part of Council's budget deliberations*).

### Will I be required to undertake any works as part of the new management arrangements?

Council's Technical Officers have undertaken a condition assessment of all grids located on Council roads. Each grid has been allocated a Condition Rating on a scale of 1 to 5 (1 = Very Good/Full Compliance, and 5 = Very Poor/Dangerous-unsafe).

Grids falling in the 1 to 3 Condition Rating range are satisfactory and Condition Rating 4 grids have been assessed as having very limited compliance but are not unsafe. Owners with grids rated 4 are required to undertake upgrading works. A permit will be required from Council to undertake any works on the road.

### If I no longer require the grid for stock control purposes, what should I do?

If grids are no longer required, owners are requested to notify Council in writing so that arrangements can be made to schedule its removal.

Should the owner of these grids require the materials from the grid to be salvaged, Council will dismantle the grid and place the materials on the owner's adjacent property. If the materials are not required, Council will demolish the grid, dispose of the materials appropriately and reinstate the road.

### Will I be given any notice of grid removals in my area?

Grids scheduled for removal from the public road network will fall into the following categories:

- a) Assessed as unsafe by Council and not required by the owner
- b) Unlicensed grids not required by "new" owners in the area, or
- c) Licenced grids where owners have notified Council in writing that the grid is "not required".

Timing of the removal will be subject to Council's capacity to fund the works and will be coordinated within Council's rural road maintenance program.

Council will place signs at each grid listed for removal no later than one (1) month prior to the scheduled works.