

A decorative banner at the top of the page features a green background with stylized grass and leaves on the left, and a blue background with a map of the Mackay region and yellow lines on the right.

Conditions for the Approval,  
Installation and Maintenance  
of Stock Control Structures  
in Public Roads  
(PUBLIC GATES, GRIDS AND RAMPS)

Version 3 | July 2011



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## INTRODUCTION

This policy statement defines the approval process and the requirements for the installation and maintenance of Stock Control Structures namely Gates, Stock Grids, Ramps and Stock Races within Public Roads within the Mackay Regional Council Local Government Area.

The requirements of this policy relate specifically to conditions for Local Roads under Local Law No. 1 (Administration) and Subordinate Local Law No. 1.15 (Gates and Grids).

## APPLICATION OF THE POLICY

This policy applies to all public roads within the Mackay Regional council local government area where the stock control structures exist or are intended to be built.

Applications for new stock control structures will be determined by the Chief Executive Officer in accordance with the elements of this policy. The applicant may have the matter referred to Council for consideration should the application be refused by the Chief Executive Officer under delegated authority.

## DEFINITIONS

In regard to the requirements of this policy the following definitions shall be deemed to apply:-

1. **“Public Gates”** **Gates** positioned at any location within any unfenced road reserve.
2. **“Motor Bypass”** **Grids** or **Ramps** within the road reserve positioned as a continuation of the carriageway within an unfenced road reserve.
3. **“Road Reserve”** The area of land between adjacent private property boundaries.
4. **“Works and Structures”** Stock Races positioned within the road reserve.

Note: A gate build as part of a Grid or Ramp is not a Public Gate for the purpose of this policy.

## PURPOSE

This policy has been compiled to inform residents of Council’s approval processes, and the installation and maintenance requirements for stock control structures in public roads. In addition, the policy will enable Council to:

- Fulfil its statutory obligations in this regard;
- Regulate the installation and maintenance of stock control structures;
- Ensure that stock control structures are installed and maintained to standards which minimise safety risk to public road users.

Council has an objective of deleting all stock control structures, wherever reasonably possible, from all public roads within the Shire and to encourage the installation of stock fencing along the boundaries of all roads.

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## FEES

The application form for the approval to install a Stock Control Structure must be accompanied by the appropriate fee as shown in Council's listing of Fees and Charges within its Management Plan.

## NEW STOCK CONTROL STRUCTURES

The approval Authority for stock control structures in local roads is the Council. Applications must be forwarded to Council on the "Application Form - Erection of Stock Control Structure". See Attachment 1.

Following submission of the application Council shall advertise in the local print media, as per Attachment 2, to determine if any local objections exist to such a structure.

Grids may be approved subject to their characteristics and design meeting the standards attached to this policy and the safety of road users being maintained at all times.

Grids must be located on the prolongation of the external property boundaries. Approval will not be issued for other locations including boundaries which are created by the sublease of existing properties.

If new grids and stock races are approved, the applicant must enter into a **legal agreement** with Council to undertake the maintenance and repair of these items at no cost to Council. The legal agreement must be executed prior to the start of construction of the grid or stock race. The form of the legal agreement is attached to this policy, as Attachment 3.

## EXISTING STOCK CONTROL STRUCTURES

### Maintenance

The property owner is responsible for the maintenance of all Stock Control Structures. If maintenance is not carried out regularly and effectively, Council may perform the maintenance and recoup these costs from the landowner(s).

Where Council considers that an increased volume of traffic, safety issues or other considerations require changes to existing structures, the Council may direct that the structure be relocated, widened or replaced by a widened or replaced by a wider structure of improved standard.

## RECONSTRUCTION OF ROADS

If reconstruction of a Local Road is required in the vicinity of a grid or stock race, Council may approach landowners to discuss the removal of the grid. Council may consider providing assistance to property owners to install stock fencing along road boundaries if none exists. The removal or adjustment of the grid or stock race shall be carried out by Council with the installation cost being borne by Council.

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## **DIMENSIONS AND LAYOUT OF NEW GRIDS**

### **Grids**

New grids shall have a minimum clear width of 6.0 metres on unsealed roads and 8.0metres on sealed roads between side fences to reflect the minimum desirable width of the formation of the Council roads. Length of grids is to suit the requirements of the applicant.

The applicant will also be responsible for the costs of providing and installing the required warning signs and grid width signage.

Grids shall be constructed generally in accordance with Queensland Department of Main Roads Standard Drawing MR 1351, 1352, 1353, 1354, 1355, 1448 or 1449 although alternative grid construction options may be submitted for approval provided the structure meets the minimum requirements of AS 4100 "Steel Structures Code" and the "Austroads" Bridge Design Code. A certificate to this effect, issued by a Certified Structural Engineer, must be submitted with the application for approval of non-standard grids.

Two 'grid' signs to Queensland Department of Main Roads specifications W5-16A shall be installed. The signs shall be located adjacent to the approach lane at a distance of between 180 and 250 metres from the grid subject to visibility requirements.

Posts and chevron markers shall be installed at each corner of the grid structure, and connected to the longitudinal boundary fencing with 'ringlock' steel mesh or approved equivalent. The bypass gate shall be installed to suit drainage and shoulder formation requirements.

All grids shall be installed with a 5 metre length ,measured along the centreline of the approach and departure roadway, of bitumen seal applied to an adequate pavement on both the approach and departure sides of the grid. Initial construction costs and ongoing maintenance costs of this seal will be the property owners responsibility. Prior to the seal being undertaken Council's representative shall approve both the pavement underlying the seal and the seal design. Nominally the bitumen seal shall be a C170 cutback bitumen spray seal with double aggregate applied of 14 mm and 10 mm nominal dimensions

## **MAINTENANCE REQUIREMENTS FOR GRIDS ON COUNCIL ROADS**

Council will inspect the structures periodically to identify the effectiveness of the maintenance works being carried. Where the maintenance is ineffective, Council may direct that additional maintenance shall be carried out and if not carried out effectively within (2) weeks of Council's advice, Council may carry out such work and charge the landowner or occupant. Details of inspection procedures are contained in Attachment 4.

### **Grids**

Maintenance works shall include the following items:

1. Ensuring that all warning signs and components of the grid are in a sound condition and the replacement of all defective parts is carried out quickly. This includes upgrading of existing signage to current MUTCD standards.
2. Removing all silt, debris and rubbish from the drain under the grid and keep the outflow drains clear.
3. Maintaining the height of grass and vegetation in the area of the grid to a maximum of 200mm.
4. Repainting fence posts in white on a regular basis.

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5. Repairing potholes in gravel pavements for a distance of 5 metres either side of the grid for currently unsealed approach and departure legs or maintenance of the spray seal for new installations.
  6. For all situations where the assessed risk associated with a hazard existing at a structure is greater than minor, Council shall notify the Owner and require the repair to be undertaken within the following timelines:
    - (1) Minor and below hazards – Fourteen (14) days
    - (2) Above Minor Hazards – Seven (7) days during which time a suitable sidetrack shall be operable and maintained. This sidetrack shall be established under the control of a Licensed Traffic Controller following the submission of an application for a '*Permit to Work in the Road Reserve*'.

## **RESPONSIBILITY FOR LIABILITY**

This approval for the erection of a Stock Control Structure is not transferable. In the event of a change of ownership of the land to which the stock control structure related the owner shall advise the Council in writing as to:-

- i) The date on which their interest in the Stock Control Structure will cease; and
- ii) The name and address of the new owner of the relevant land.

In the absence of such advice and the subsequent cancellation of approval the previous owner shall remain liable for the responsibilities for the structure.

The Approved Person shall indemnify the Council against any claim, action, demand or process for any damage whatsoever including personal and/or property damage and legal costs which arise during the erection of the gate or grid and associated markers and warning signs, and shall keep indemnified the Council against any claim, action or process for any damage whatsoever including personal and/or property damages and legal costs which arose from the existence of the grid and any associated markers and warning signs by their omission or location in relation to the grid.

The Approved Person shall also take out and maintain at all times insurance of \$20,000,000 (or such other amount as may be determined from time to time) against any claim for personal injury and property damage arising from the installation of the gate or grid. The policy shall be endorsed to the effect that it shall not be cancelled unless fourteen (14) days prior notice of such proposed cancellation is given to the Council. The Approved Person shall provide evidence that such insurance has been effected prior to the gate or grid being constructed.



## ATTACHMENT 1



# APPLICATION TO INSTALL GATE AND ASSOCIATED GRID

a. Road Name:

b. Location: *(reference to property boundary or distance from nearest cross road)*

A plan of the road and locality where the gate/grid is proposed is attached.

c. Property Name and real/leasehold property description of property benefiting:

d. Name of registered proprietor ("the approved person")

e. Type of grid proposed if not standard main road grid type:

f. Property Description Where Work is to be Carried Out: Type  Size

Structural Engineers Certification Attached: YES  NO

I hereby apply to install a gate and associated grid at the above location. I further acknowledge receipt of a copy of the Conditions for approval, installation and maintenance of stock control structures in public roads. I agree to be bound by such conditions and hereby grant to Council the required Indemnity.

Signed: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
(SIGNATURE OF APPROVED PERSON OR AGENT EXPRESSLY AUTHORISED IN WRITING)

**PRIVACY DISCLAIMER:**  
Mackay Regional Council is collecting your personal information in order to process your application. This information will only be disclosed to any other third party with your written authorisation or as we are required to by law.

**Office Use Only:**

Receipt : _____	Lat: _____
Date: _____	Long: _____
Assessment: _____	

Installation Satisfactory: _____ <i>Maintenance Manager</i> _____ <i>Date</i>	Evidence of insurance sighted and rates log entered: _____ <i>Rates Clerk</i> _____ <i>Date</i>
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## ATTACHMENT 2



**APPLICATION FOR LICENSE  
TO ERECT FENCE, GATE AND  
GRID ACROSS ROAD**

(SAMPLE ADVERTISEMENT FOR INSERTION IN NEWSPAPER)

**APPLICATION FOR LICENSE TO ERECT  
FENCE, GATE AND GRID ACROSS ROAD**

In accordance with Chapter 3 Part 3 Section 60 of the Local Government Act, notice is hereby given of intention to apply for a license to erect a fence, gate and grid across (LOCATION) between (LOT NUMBERS).

The application may be inspected at the offices of the Mackay Regional Council and objections to the granting of the license may be lodged with the Chief Executive Officer on or before (INSERT DATE \*must be two (2) weeks from date of advertisement).

Any such objection shall be in writing, shall be addressed to the Chief Executive Officer and shall set out the grounds of objection and the facts and circumstances relied on by the objector in support of those grounds.

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(APPLICANT)



## ATTACHMENT 3



**LEASE AGREEMENT  
FOR THE INSTALLATION OF STOCK CONTROL  
STRUCTURES IN PUBLIC ROADS**

**OWNERSHIP : FREEHOLD**

**AGREEMENT** mad this..... (date)

**BETWEEN**..... (name)

of .....(address)

in the State of Queensland (Hereinafter called 'the Owner' which expression shall include his heir, executors, administrators and assigns) of the one part and Mackay Regional Council (Hereinafter called 'the Council', which expression shall include assigned successors) of the other part

**WHEREAS** the owner is in ownership of the property known as..... (name)

at..... (address)

in the State of Queensland through which passes an unfenced public road being.....(name of road)

and **WHEREAS** the owner has requested permission to construct .....(description of items)

as hereinafter provided on.....(road name)

at ..... (location of items)

**WITNESS** that in consideration of the Council granting permission for the erection of such .....(description of items)

as aforesaid **IT IS HEREBY AGREED** by and between the parties hereto as follows:

1. The Owner shall at his own cost construct ..... (description of Items) in accordance with plans supplied or approved by Council.
2. The Owner shall be responsible for maintenance of the structures, signs and their replacement when it is considered necessary by the Council.
3. The Owner shall maintain at his own cost the said ..... (description of items) to the satisfaction of the Council and shall repair the same when requested by written notice from the Council.
4. The Owner shall save harmless and indemnify and keep indemnified the Council and Government of Queensland from against all claims and demands howsoever and whensoever arising through any act of omission on the part of the occupant in and about the construction, reconstruction, repairs or failure to repair the said ..... (description of Items)

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whether arising out of any direction of the Council.

5. The Council may at any time by written notice require the Owner to remove within six (6) months from the date of such notice the said structures and thereupon all such structures shall be removed from the said road/roads by the Occupant within the time so stated and no compensation or expense whatsoever shall be payable by the Council in respect of any matters relating to or arising from such removal, restoration of the area or notice.
6. If the Owner shall refuse or neglect to comply with any notice order or direction given by the Council pursuant to this Agreement it shall be lawful for the Council without further notice to cause such notice order or direction to be given effect to and all costs, charges and expenses incurred by the Council shall be recoverable from the Owner as a debt and the Owner hereby expressly agrees to indemnify the Council from in respect of all actions claims damages and demands arising out of any work undertaken pursuant to this agreement.
7. Nothing herein shall effect any obligation imposed by the Local Government Act and the Transport Infrastructure Act, and the owner shall be bound by the provisions thereof.

In **WITNESS** whereof the parties hereto have set their hands on the day, year first herein before written.

SIGNED by the said )  
  )  
  )  
  )  
  )  
  )\_\_\_\_\_

in the presence of )  
  )  
  )  
  )  
  )  
  )\_\_\_\_\_



**LEASE AGREEMENT  
FOR THE INSTALLATION OF STOCK CONTROL  
STRUCTURES IN PUBLIC ROADS**

**OWNERSHIP : LEASED HOLDING**

**AGREEMENT** made this ..... (date)

**BETWEEN** ..... (name)

of ..... (address)

in the State of Queensland (Hereinafter called 'the Occupant' which expression shall include his heir, executors, administrators and assigns) of the one part and Mackay Regional Council (Hereinafter called 'the Council', which expression shall include assigned successors) of the other part

**WHEREAS** the occupant is in occupation of the property known

as..... (name)

at..... (address)

in the State of Queensland through which passes an unfenced public road

being.....(name of road)

and **WHEREAS** the Occupant has requested permission to construct

..... (description of items)

as hereinafter provided on .....(road name)

at ..... (location of grid)

**WITNESS** that in consideration of the Council granting permission for the erection of such

..... (description of items)

as aforesaid **IT IS HEREBY AGREED** by and between the parties hereto as follows:

1. The Occupant shall at his own cost construct  
..... (description of items)  
in accordance with plans supplied or approved by Council.
2. The Occupant shall be responsible for maintenance of the structures, signs and their replacement when it is considered necessary by the Council.
3. The Occupant shall maintain at his own cost the said  
..... (description of Items)  
to the satisfaction of the Council and shall repair the same when requested by written notice from the Council.
4. The Occupant shall save harmless and indemnify and keep indemnified the Council and Government of Queensland from against all claims and demands howsoever and whensoever arising through any act or omission on the part of the occupant in and





## ATTACHMENT 4



## STOCK CONTROL STRUCTURES Inspection Checklist

Road: \_\_\_\_\_ Location/Chainage: \_\_\_\_\_

Licence: \_\_\_\_\_ Licence No.: \_\_\_\_\_

### Condition Assessment

Abutments	Type	Condition				
Piers		1	2	3	4	5
Bearers						
Rails						
Welds/Fixtures						
Warning signs						
Width Markers						
Adjacent Fence/Gate						
Ride-ability						
Alignment with Road						
Effect on Drainage						
<b>Overall Comments and Recommendations</b>						

### Ratings Matrix

Rating	Condition	Description
1	Full Compliance	Meets all requirements
2	Substantial Compliance	Meets most engineering standards and is visibly sound in all areas
3	Limited Compliance	Does not meet any engineering standards but is visibly sound in all areas
4	Very Limited Compliance	Does not meet any engineering standards and is not visibly acceptable but is not dangerous or unsafe
5	Dangerous/Unsafe	Is dangerous and unsafe and requires immediate action



# STOCK CONTROL STRUCTURES

## Hazard Inspection Checklist

Road Name:.....	Road No: .....	Licence No: .....
Inspected By: .....	Chainage: .....	
Signature: .....	Structure Owner:.....	
Date of Inspection: ...../...../.....	Time: ..... am/pm	GPS Location.....

**PURPOSE:**

The purpose of this document is to provide guidelines for the identification of Hazards and Risks in accordance with Council Risk Management Policy.

**DEFINITION**

**Hazard:** A hazard is a source of potential harm or a situation with the potential to cause loss.

**Risk:** A change that an event will occur which will result in personal injury or loss to the Council

**RISK ASSESSMENT CALCULATOR**

Risk Process	Likelihood	CONSEQUENCES				
		Insignificant <small>No injury, 0- low \$ loss</small>	Minor <small>First Aid injury, Low medical \$ loss</small>	Moderate <small>Medical Treatment, medium High \$ loss</small>	Major <small>Serious injuries, major \$ loss</small>	Catastrophic <small>Death, major \$ loss</small>
<small>Absolutely Certain to occur at most times</small>	<small>Likely to occur at most times</small>	H	H	E	E	E
<small>Probably occur at some time</small>	<small>Unlikely to occur at some time</small>	L	M	H	E	E
<small>Risks only occur in rare circumstances</small>		L	L	M	H	E

**Code: E - Extreme Risk, H – High Risk, M – Moderate Risk, L – Low Risk**

**INSPECTION PROCEDURES:**

1. Use this checklist to inspect for hazards at Stock Control Structures
2. Persons are to inspect for hazards as per the "Hazard Inspection Matrix".
3. For any 'N' ticked, conduct a risk assessment using the 'Risk Assessment Calculator' and write down the risk level on the checklist. (Any code **E** or **H** risks must be immediately reported to the Manager Maintenance so a formal documented risk assessment may be conducted).
4. Add up all the boxes ticked "NO" and the number of each different risk level and indicate in the table at the end of the checklist.
5. When completed, transfer all hazards that can't be rectified immediately to the 'Rectification Action Plan'.
6. Forward the Checklist and Action Plan to the /structure Owner and the Manager Maintenance for further action (if required) and sign-off.

**Note:** When recommending control/corrective actions, always consider both short term and long-term control options

7. Forward the Checklist and Action Plan to the Manager Maintenance for further action (if required) and sign-off.
8. Always conduct a risk assessment before any controls are implemented and a risk assessment after the controls are implemented too ensure the risk has been reduced.

**NOTE:** All questions should be answered by marking the appropriate column with a (✓).  
(Y) = Yes (N) = No (NA) = Not Applicable



# GATES AND GRIDS HAZARD INSPECTION

No	Items to Check	Y	N	NA	Risk	Comment
<b>1 Visual Inspection</b>						
1	Are Width markers in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2	Are Width Markers straight (not laying over, bent)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3	Is the road in good condition for a distance 5 metres either side of the grid?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
4	Is the Grid perpendicular to the centre line of the road?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5	Is the grid clearly identified with signage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6	Are signs in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7	Is grid well maintained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8	Is grid clearly visible? (day and night)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
9	Is a 6.0 gate adjacent to grid?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
10	Are rails in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
11	Are there any visible cracks or breaks to rails?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
12	Is grid secured to abutments (no broken bolts)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
13	Are fence posts 800mm from the grid edge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
14	Does grid interfere with natural drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
15	Are approach ramps in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
16	Is grid registered?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
17	Are grid dimensions suitable for Road Hierachy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**Collation:**  
*Add up all the boxes ticked "NO" and the number of each different risk level*

"NO"

"E"  "H"  "M"  "L"  Not Assessed

Supervisor

Name:	Signature:	Date:
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Comments

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## Gates and Grids Hazard Inspection

### Manager

Name:	Signature:	Date:
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### Comments

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