



POLICY

ROADS – Stock Grazing & Movement on Council Roads

Date adopted by Council	14 December 2020
Minute number	H.12.5
Endorsed by	Senior Management Group
CM Ref	CD-193/20
Due for review	September 2023
Related documents	INT-6976/11 Roadside Grazing Approval Application
Responsible officer	Manager Works Delivery
Department/Section	Infrastructure Services, Works Delivery
Category	Roads
Community Strategic Plan goal	Goal 7 Enhance and improve the road network and bridges to meet the needs of current and future generations and communicate priorities and progress to the Community.
	CS27 Maintain and upgrade the road network and bridges.



Policy Statement

Council may permit stock grazing and movement on Council roads subject to the activity meeting appropriate safety and risk management standards as provided below.

Objective

- To provide guidelines for the movement and grazing of livestock on Council roads that minimise the risks arising from the grazing of stock on public roads and complies with the legislative requirements under the Act.
- To ensure consistency and fairness to those applying for the permit through the implementation of a standardised Council procedure.
- To ensure the Council is indemnified against public liability claims associated with or resulting from the grazing of stock on road reserves.
- To outline the complimentary roles of Council and LLS in granting permits.

Scope

This policy applies to the persons or groups that are applying to graze or movement stock across the Council managed road network.

Definitions

the Council	The Upper Hunter Shire Council shall be referred to as ‘the Council’.
the Applicant	Any person applying for the permit shall be referred to as ‘the Applicant’.
LLS	Local Land Services will be referred to as the ‘LLS’.
Transport for NSW	Transport for NSW.
the Act	The Local Land Services Act 2013 will be referred to as the Act.
the Regulation	The Local Land Services Regulation will be referred to as the Regulation.

Public roads in this policy do not include public roads that are Crown roads.

The following Regional Roads shall be treated as “Local Roads” for the purposes of this Policy. Approvals for stock grazing or movement will be in accordance with *Section 2 – Local Roads*:

MR62	Scone – Merriwa
MR105	Scone – Moonan Flat
MR358	Merriwa – Shire boundary
MR618	Coolah Road from Golden Highway to Shire boundary
MR214	Mudgee Road from Golden Highway to Shire boundary



Policy Details

1. Responsibility

A person who has charge of stock must ensure that the stock do not walk or graze on a public road without lawful excuse. Possession of a stock permit is sufficient lawful excuse.

This issuing of permit for a road is the responsibility of the LLS, however a stock permit for a public road may only be issued with the concurrence of the Council. The Council may approve the permit for a maximum of one month of grazing on Local Roads. The Council has the right to terminate the approval at any time within the permit period. No permits on State Roads shall be approved.

The Council is not liable for any damage to persons or property due to any incident occurring whilst the stock are located within the road reserve. The permit holder will accept all risks associated with the grazing of stock on a public road and repair any damage to roadside furniture and/or adjoining fences.

2. Application Process

The application form must contain a copy of the permit granted by the LLS.

The Council will only approve a permit if the application possesses documentary evidence the applicant has Public Liability Insurance coverage of at least \$20 million for the purpose of grazing stock on public roads and the Council has been endorsed on the policy as an 'Interested Party'.

Approval is subject to the following conditions being met:

- The creation of a temporary stock zone by placement of a temporary stock zone signs positioned more than 200m and less than 5km from where a vehicles will encounter stock on or adjacent to the public road (s52 of the Regulation).
- A person moving or grazing stock on or near any part of a public road that is not a permanent stock zone must display a temporary stock zone sign (s54 of the Regulation).
- To ensure the signage remains an effective tool of notification for motorists the signage must be removed when stock is no longer present on the road (s54 of the Regulation').
- The distance over which stock are being grazed does not exceed 2 kilometres at any one time
- The stock will only be grazed along the road in hours of daylight (s54 of the Regulation)
- There is at least one person supervising the stock at all times
- Any injured stock or carcasses must be removed within 24 hours. No rubbish may be deposited within the road reserve (s66 of the Regulation).
- For medium/high risk sites an adequate Traffic Control Plan is required



Procedures / Practice

General

1. Categories of roads are determined by the Transport for NSW and Council via its road classification (retained in the Road Register).
2. Any changes to road classifications for the purposes of this policy will be undertaken in consultation with the LLS
3. The Council will not unreasonably refuse to grant approval for a permit
4. Any fees charged for the approval will be directly related to the actual cost of processing of an application

Local and Regional Roads

1. Permits for stock grazing or movement on Local Roads are to be referred to Council for approval using the prescribed form 'Roadside Grazing Approval Application'.
2. The owner of the stock is to comply with all regulations in both the Council and LLS roadside grazing permits.

Levels of Risk

Low risk: Generally a low risk site is one where there is adequate sight distance for a vehicle to stop safely. Adequate sight distance is that which exceeds the minimum car stopping site distance as per AUST ROADS Rural Road Design Guide. E.g. for 100km/h this distance is 170 metres. For these sites stock will be permitted to use the road in accordance with the conditions set out in *Procedures/Practice - Local Roads*.

Low risk sites will be required to display a 'Stock Ahead' (T1-19) sign between 200m and 5km of a vehicle encountering stock. The signs should be displayed on each side of the mob. The sign may be displayed on either a moveable stand or a fixed folding type sign.

Medium/High risk sites: Where there is inadequate sight distance or where there are other risk factors involved, the landowner will be permitted to move stock on the road provided that adequate traffic control measures are in place.

A Traffic Control Plan (TCP) is required to be developed for these sites to ensure that appropriate safety measures are taken to protect the interests of the motoring public and the stock owner.

Council should be contacted for advice in regard to these sites.

NB: TCPs are developed in accordance with the RMS's *Traffic Control at Worksites Manual* and AS1742. Typical TCPs will include requirements for warning signage and in some cases the requirement for Traffic Controllers.



5. Permanent Stock Crossing Signs

Where a location is likely to be used for crossing stock on regular occasions, permanent flip down signs may be considered. Installation is subject to approval by the Council's Traffic Committee, and all costs must be borne by the applicant.

6. Grazing on Unfenced Roads

Unfenced property (private or Crown) adjacent to a Local or Regional Road that is used for grazing of stock is considered to be a "Temporary Stock Zone" in accordance with the Clause 16 of the Rural Lands Protection (General) Regulation 2001. Stock Warning Signs shall be placed at appropriate locations at the end of each 'stock zone'.

Stock grazing within a Stock Zone shall be contained within the Stock Zone by way of grids, gates, fencing and or personnel as appropriate.

Responsibilities

Councillors

Councillors will review and adopt the policy.

Senior Management Group

The Senior Management Group will support this policy and ensure their relevant areas are implementing it consistently.

Director

The Director Infrastructure Services will ensure the policy is updated and implemented consistently.

All Managers

All Managers will support this policy and ensure it is implemented when applicable to their area and works undertaken.

Manager

The Manager Works Delivery will review, update and implement the policy. The Manager will also develop and maintain any procedures or processes required to manage the policy.

Staff

The relevant officers will have responsibility to ensure the policy is implemented and all procedures are adhered to.



References and Related Legislation

- Local Land Services Act 2013
- Local Land Services Regulation 2014.
- AS1742 – Manual of Uniform Traffic Control Device – Traffic Control for Works on Roads.
- RMS's Traffic Control at Worksites Manual.
- AUSTRROADS – Rural Road Design - A Guide to the Geometric Design of Rural Roads.

Version History

Version No.	Date	Reason for Review
1		
2		
3		