Introduction

This procedure has been developed to specify the process and conditions that must be followed before any roadside grazing by livestock is undertaken. It is important for Council to be indemnified against public liability claims and to reduce any potential risk to the travelling public.

Section 101(3) of the *Rural Lands Protection Act*, requires that:

“A stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of... the local authority in which the road is vested”

Council’s Public Liability insurers have advised that the insurance cover does not extend to the liability of farmers and graziers utilising roadside reserves for stock agistment. Council needs a code of practice to define the conditions that need to be imposed when approving stock agistment on a public road.

Definitions

“Public road” shall mean any road for which Council is the Road Authority, excluding State Roads.

Conditions to be imposed by Council:

The following conditions are to be included in the permits issued by the South Coast Lands Protection Board, in addition to the standard conditions required by the Board for grazing on Council Roads:

1. Prescribed standard stock warning signs must be erected by the permit holder on the roadside, advising road users of the presence of stock on the roads and must be covered or removed when stock is yarded. Signs must be erected in accordance with the Regulations under the Rural Lands Protection Act. The signs must comply with Roads and Maritime Services standards with respect to size, condition and appearance.
2. Signs should be attached with suitable brackets to the top half of Council’s guide posts or a steel post.
3. Signage must be erected at least 200m from the closest stock.
4. The permit holder shall be responsible for any damage caused to property, including roadside furniture and any personal injuries sustained by persons occasioned by the travelling or grazing of loose stock on the prescribed route along Council roads.
5. The permit holder or someone delegated by the permit holder must be in attendance at all times with the stock and must be wearing a high visibility vest, or equivalent.
6. The permit holder shall hold a public liability policy of insurance, with a limit of indemnity of not less than $10 million. The insurance policy is to be endorsed to note the interest of Bega Valley Shire Council.
7. Stock is only permitted to graze during daylight hours.
8. Stock should not be allowed to spread more than 1km along the road.
9. Stock must be kept off the road pavement or shoulders except for the purposes of movement of stock from one side of the road to the other.
10. Council has the right to refuse permission if road conditions may be compromised due to grazing. For example, Council may have completed, or is about to commence road works which could suffer damage under stock or the road in question may have a high conservation value.
Procedure for imposing conditions

1. Applications for permission to graze roadsides are to be made to Council.
2. The delegated Council officer(s) are to sight the original or certificate of currency of the Public Risk Policy insurance held by the applicant. If the policy meets Council’s requirements, it is to be stamped with the Council stamp and initialled by the approving officer. (Attached Flow Chart)
3. The Application and copy of the Stamped Certificate of Currency is to be handed to the applicant detailing the conditions that Council has imposed.
4. The applicant should then present the stamped insurance policy and the Council signed Application Form to the Rural Lands Protection Board, who will issue a roadside temporary grazing permit detailing the conditions imposed by Council and the Board.

Locations where approval may be given to graze stock

As the grazing of stock in a road reserve can create a hazard for road users, it is necessary to limit such activity to the lesser used rural roads. As a general guide, approval will not be given unless the average annual traffic volume is less than 500 vehicles per day.

*Code Authority*
Rural Lands Protection Act – section 101(3)

**Relevant section or minute in its entirety**
Code endorsed by Council on 29 April 2003 Minute No 146
Code endorsed by Risk Management Committee on 25 March 2004

**Significance of code**
Code has low importance and should be reviewed every four years.

**Reviewed and Updated**
This is a code of practice and therefore may be varied by staff to suit changing circumstances.

**Consultation process**
This code will be submitted to the South Coast Rural Lands Protection Board.

**Implementation process and implementation coordinator**
The Administrative Officer (Works) is to coordinate the implementation by advising the South Coast Rural Lands Protection Board and Council staff.

**Staff training/education**
The code will be circulated to relevant administrative and field staff.

*Code person*
Works Manager
**Stock grazing on Council road reserve**

1. Applicant Applies for Stock Grazing Application Form
2. Application Form sent to Applicant
3. Applicant returns Form to Works Division Administration Section
4. Form checked for compliance
5. Compliance YES
   - Sign Form
   - Stamp Certificate of Currency
   - Send Applicant signed Form & Stamp Certificate of Currency
   - RLPB advises Permit Number
   - Record Information on Form
   - File
   - Process Complete

6. Compliance NO
   - Return Form to Applicant requesting further information
Application to graze stock on public roads

Applicant’s details

Applicant’s Name/s .....................................................................................................................................................
Postal Address ............................................................................................................................................................ Post code
Telephone Number (Daytime ) ........................................ ( Facsimile / Other )..........................................................
Applicant’s Signature/s ................................................................. Date ...........................................................................

Proposed Road and Stock Information

Approval will not be given unless the average annual traffic volume is less than 500 vehicles per day

Road Name ....................................... Section (indicate by attaching map) ...........................................................
Locality/Town .............................. Type of Stock ................................. Number of Stock ...........................

In order for Council to support your application to the Rural Land Protection Board for a permit to graze stock on Council’s roads, the following conditions are to be included in permits issued by the Rural Lands Protection Board in addition to the standard conditions required by the Board. The applicant must comply with and provide the following information to Council:

1. As Council’s Public Liability Cover does not extend to include liability incurred through roadside grazing, you as the stock owner, must arrange for your own public liability insurance to be extended to cover this liability. This cover must be for at least $10m and include Eurobodalla Shire Council as an “interested party”. The applicant must submit a Certificate of Currency for their Public Liability Insurance prior to Council signing this Application Form.

2. All conditions under the Rural Land Protection Act and Stock Diseases Act must be complied with.

3. Stock is only permitted to graze during daylight hours.

4. Stock must be personally supervised at all times.

5. The supervisor/s must be wearing a high visibility vest, or equivalent at all times.

6. The owner of the stock shall be responsible for any damage caused to property, including roadside furniture and any personal injuries sustained by persons occasioned by the travelling or grazing of loose stock on the prescribed route along Council roads.

7. All consideration must be given to the travelling public, in that:

   (a) Prescribed standard warning signs must be erected by the permittee on the roadside, advising road users of the presence of stock on the roads and must be covered or removed when stock is yarded. Signs must be erected in accordance with the Regulations under the Rural Lands Protection Act. The signs must comply with RTA standards with respect to size, condition and appearance

   Conditions continued on back of form
(b) Signage must be erected at least 200m from the closest stock.
(c) Signs should be erected in a sensible location. Signs should not be placed just over a crest, obscured by vegetation or other signage.
(d) Signs should preferably be attached with suitable brackets to the top half of Council’s guide posts or a steel post.
(e) Stock must be kept off the road pavement or shoulders except for the purposes of movement of stock from one side of the road to the other.
(f) Stock should not be allowed to spread more than 1km along the road.

Office Use only

Copy of Certificate of Currency Supplied YES ☐ NO ☐
Certificate of Currency for $10m or over YES ☐ NO ☐
Certificate of Currency for Public Liability YES ☐ NO ☐
ESC Noted as Interested Party YES ☐ NO ☐

RURAL LAND PROTECTION BOARD - Please advise Council’s Works Administrative Officer on 44741293 the following information:

Rural Land Protection Board Permit Number ______________________
Duration of Permit: ____________________________
Any Special Conditions Imposed: ____________________________

This application is issued subject to a permit being secured from your local Rural Lands Protection Board. The application must be supported by the relevant documents and signed by council’s works administrative officer.

Return completed form to:
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Council Officer ____________________________ Date: _______________
(Print Name)