1) INTRODUCTION

a) 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.

b) The Rural Lands Protection Act, section 101(3) 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.

2) DEFINITIONS

“Public road” means any road for which Council is the Road Authority as prescribed by the Roads Act 1993.

3) CONDITIONS TO BE IMPOSED BY COUNCIL

a) The following conditions are to be included in the permits issued by the Mid Coast Livestock Health and Pest Authority in addition to the standard conditions required by the Authority for grazing on Council Roads:

i) Prescribed standard stock 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.

ii) Signs should preferably be attached with suitable brackets to the top half of Council’s guide posts or a steel post.

iii) Signage must be erected at least 200m from the closest stock.

iv) Signs must be erected in a location where they are clearly visible to all road users. Signs should not be placed just over a crest, obscured by vegetation or other signage.

v) The permittee 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.

vi) The permittee or someone delegated by the permittee must be in attendance at all times with the stock and must be wearing a high visibility vest, or equivalent.

vii) The permittee shall hold a public liability policy of insurance, with a limit of indemnity of not less than $20 million. The policy to be endorsed to note the interest of Kempsey Shire Council.

viii) Stock is only permitted to graze during daylight hours.

ix) Stock should not be allowed to spread more than 1km along the road.

x) Stock must be kept off the road pavement or shoulders except for the purpose of movement of stock from one side of the road to the other.

xi) Council has the right to refuse permission if it feels that 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.

4) PROCEDURE FOR OBTAINING A GRAZING PERMIT

i) Applications for permission to graze roadsides are to be made to Council’s Engineering Administration section. (Attached Application Form)

ii) The delegated officer(s) in that section 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)

iii) The Application and copy of the Stamped Certificate of Currency is to be handed to the applicant detailing the conditions that Council has imposed.

iv) The Applicant should then present the stamped insurance policy and the Council signed Application Form to the Livestock Health and Pest Authority, who will issue a roadside temporary grazing permit detailing the conditions imposed by Council and the Authority.

5) LOCATIONS WHERE APPROVAL MAY BE GIVEN TO GRAZE STOCK

As the grazing 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.

VARIATION

Council reserves the right to renew, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.
STOCK GRAZING ON COUNCIL’S 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 and Stamp Certificate of Currency
   - LH & PA advises Permit Number
   - Record Information on Form
   - File
   - Process Complete
5. Compliance NO
   - Return Form to Applicant requesting further information
APPLICATION TO GRAZE STOCK ON PUBLIC ROADS

**Applicant’s details**

Applicants 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 Livestock Health and Pest Authority for a permit to graze stock on Council’s roads, the following conditions are to be included in permits issued by the Authority in addition to the standard conditions required by the Authority. 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 $20m and include Kempsey 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 stock 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.
   b) Signage must be erected at least 200m from the closest stock.
   c) Signs must be erected in a location where they are clearly visible to all road users. 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.

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<td>Certificate of Currency for Public Liability</td>
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Livestock Health and Pest Authority – Please advise Council’s Works Administrative Officer on 6566 3200 the following information:

Livestock Health and Pest Authority Permit Number _______________________________

Duration of Permit: __________________________________________________________

Any Special Conditions imposed: ______________________________________________

This application is issued subject to a permit being secured from your local Livestock Health and Pest Authority. The application must be supported by the relevant documents and signed by council’s works administrative officer.

Return completed form to:

Kempsey Shire Council
PO Box 3078
WEST KEMPSEY NSW 2440

Council Officer _______________________________ Date: ____________________
(Print Name)