

COUNCIL POLICY

**Policy Name**

Grazing of Stock on Public Roads in Gunnedah Shire

Abstract

To ensure that the grazing of stock on public roads in Gunnedah Shire is regulated so as not to cause unnecessary risk, inconvenience or nuisance to road traffic, adjoining landholders or the public.

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| Dates | Policy or amendment approved | 16 Dec 2020 |
| | Policy or amendment takes effect | 01 Jan 2021 |
| | Policy is due for review (up to 4 years) | 16 Dec 2024 |
| Endorsed by | Council's Executive Management Team at their meeting held on 8 Dec 2020. | |
| Approved by | Gunnedah Shire Council at its Ordinary Meeting held on 16 Dec 2020. Resolution number: 5.12/20 | |
| Policy Custodian | Manager Governance and Legal | |
| Relevant to | All persons applying to LLS for a Roadside Grazing Stock Permit seeking to graze stock (other than travelling stock) on a public road in the Gunnedah Shire LGA. | |
| Superseded Policies | Policy – Grazing of Stock on Public Roads in Gunnedah Shire adopted at Council's Ordinary Meeting held 16 Oct 2002 Minute No 95.1. | |
| Related documents | FORM – Roadside Grazing Form | |
| Related legislation | Local Land Services Act 2013 | |
| File number | | |

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1. Purpose

To advise applicants applying to Local Land Services (LLS) for a Roadside Grazing Stock Permit seeking to graze stock (other than travelling stock) on a public road in the Gunnedah Shire LGA, of Council's requirements to consent to LLS granting said Roadside Grazing Stock Permit.

2. Scope

2.1 This Policy applies to all applicants applying to LLS for a Roadside Grazing Stock Permit seeking to graze stock (other than travelling stock) on a public road in the Gunnedah Shire LGA.

2.2 All other Stock Permits available from the LLS are not included in this Policy as they are not the responsibility of GSC and are administered solely by LLS.

3. Definitions

Local Authority – means Gunnedah Shire Council.

LGA – refers to the Gunnedah Shire Local Government Area.

LLS Act – Local Land Services Act 2013.

Roadside Grazing Stock Permit – this type of Permit is used for a short period of time over a specific section of road in times of drought or for hazard reduction. It is also normally issued to the landholder adjoining the areas there are no watering facilities and so stock are moved back to the property at night.

Stock – means cattle, horses, sheep, goats, camels, alpacas, llamas, pigs, deer, ostriches, emus or, in relation to any specified provisions of the LLS Act, any other kinds of animal declared by the regulations to be stock for the purposes of that provision or those provisions.

Travelling Stock – means stock that are being moved by being walked, and includes travelling stock that are grazing.

4. Policy Principles

4.1 This Policy establishes the requirements to minimise the risk arising from the grazing of stock on public roads.

4.2 It aims to provide consistency and fairness in the manner in which Council deals with farmers and graziers and the travelling public.

5. Policy Statement

5.1 There are four (4) classes of Stock Permits available under the LLS Act, with LLS being the issuing authority for each. In relation to Roadside Grazing Stock Permits, s78 of the Act reads:

A stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of:

- a) In the case of a public road that is not a Crown road – the local authority in which the road is vested, or
 - b) In the case of a Crown road – the Minister administering the Crown Land Management Act 2016.
- 5.2 As such, persons seeking a Roadside Grazing Stock Permit through the LLS for grazing on a public road in the Gunnedah LGA are also required to lodge a Council Application Form for Roadside Grazing Stock Permit.
- 5.3 A minimum of two (2) weeks lead time should be allowed for Council approval and LLS administration.
- 5.4 Council will consent to the LLS issuing a Roadside Grazing Stock Permit to an applicant, subject to terms detailed on the Council Application Form and to the following terms and conditions being met:
- a) The applicant is a resident or ratepayer of Gunnedah Shire;
 - b) The owner of the stock holds a current public liability insurance cover which indemnifies Council against any claims, which may be made against it as a result of the stock being grazed on the public road. Such public liability insurance cover shall indemnify Council up to an amount of twenty million dollars (\$20,000,000.00);
 - c) Any condition/requirement imposed by the LLS.
- 5.5 The LLS will be advised of Council’s consent or otherwise, in writing.
- 5.6 Council reserves the right to revoke its approval at any time and for any reason.

6. Accountability, roles and responsibility

6.1 Policy Custodian – Manager Governance and Legal

The Policy Custodian is the officer accountable for managing policy compliance and initiating the policy review process. They will also have the responsibility for all aspects of policy implementation, unless appropriately delegated to another officer. These responsibilities include being the primary contact point for advice on the policy or its implementation; establishing and maintaining Council’s records in relation to the policy; proposing amendments; and managing the consultation process when the policy is due for review.

6.2 Responsible Department – Governance

Council’s Governance Department is responsible for reviewing applications submitted to the Council and liaising with LLS.

7. Acknowledgements

- 7.1 Midwestern Regional Council – Grazing of Stock on Roads.
- 7.2 Blayney Shire Council – Grazing Stock on Roads.

8. Version Control and change history

| Date | Version | Approved by & Resolution No. | Amendment |
|-------------|---------|---|-----------|
| 16 Dec 2020 | 1 | Council Meeting 16 Dec 2020 Resolution 5.12/20 | |