

POLICY REGISTER

STOCK CONTROL ON COUNCIL ROAD RESERVES

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DOCUMENT CONTROL

Issue	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox 10th August 2020	First Edition	Council Minute No. 193.6.99 (24th June 1999)
2.0	Sylvester Otieno 3 rd March 2025	Second Edition – combining three policies; Stock Control on Council Controlled Dedicated Roads, Issue of Temporary Permits on Council Controlled Dedicated Public Roads Where Traveling Stock Routes Do Not Exist, and Driving of Loose Animals on Council Roads	

1. OBJECTIVE

To provide guidance to the owners /controllers of stock on Council's requirement for the control of stock on Council Roads and to provide minimum requirements for the control of stock as are considered necessary to ensure the safety of the travelling public and to protect Council's road assets.

2. DEFINITIONS

- i. **"Road"** - includes all sealed or unsealed roads within the Warren Shire Area that are dedicated public roads in accordance with the Roads Act 1993 (as amended) and under the control of Council, including fenced and unfenced roads and fenced travelling stock routes.
- ii. **"Stock"** - includes sheep, cattle, horses, camels, goats and pigs.
- iii. **"Travelling Stock"** - stock being driven.
- iv. **"Camped Stock"** - stock being agisted on stock routes and private property including all stock not being driven.

3. POLICY STATEMENT

- i. This policy takes its statutory authority from the Roads Act 1993 and Roads Regulation 2000 (as amended). This Policy supersedes all other policies within Council regarding stock control on Council Roads.
- ii. This Policy does not alter any provision of the Rural Lands Protection Act, 1998 (as amended).
- iii. This Policy does not alter any provision of the Rural Lands Protection Regulation, 2010 (as amended).
- iv. This Policy does not alter any provision of the Impounding Act, 1993 (as amended).
- v. Council reserves the right to vary any requirement of this Policy, if in its opinion, special circumstances occur, or additional requirements are necessary.

4. TRAVELING STOCK ROUTES

Grazing permits for Council Road reserves located within traveling stock routes are issued by the NSW Local Lands Services, who provide the minimum conditions outlined in this Policy.

All camped stock or travelling stock within the Warren Shire area on roads must comply with the following:

4.1. Fenced Roads Including Travelling Stock Routes

- i. No stock are to be permitted on the surface or shoulders of any road other than for the purposes of movement from one side of the road to the other and then only when under control to reduce damage to roads.
- ii. Stock are to be turned off roads where-ever possible to improve safety.
- iii. Stock are to be penned at night.

- iv. Stock are to be attended at all times by a responsible person except in those circumstances set out in Clause 138 of the Rural Lands Protection Act 1998 (as amended) and the Rural Lands Protection Regulation 2010 (as amended).
- v. During periods of wet weather stock are to be kept off the surface or shoulders of roads to reduce damage.
- vi. Stock warning signs are to be displayed in accordance with Clauses 18-24 of the Rural Lands Protection Regulation 2010 (as amended).
- vii. Stock are to be maintained within signs.
- viii. In all other respects the persons in charge of stock must comply with the provisions of the Rural Lands Protection Act 1998 (as amended) and the Rural Lands Protection Regulation 2010 (as amended).

4.2. Unfenced Roads Including Travelling Stock Routes

- i. Property owners must erect permanent stock warning signs at the property boundaries with separate signs delineating distances of unfenced roads.
- ii. Additional stock warning signs are required for travelling stock camped near roads.
- iii. Stock are to be turned off roads wherever possible to improve safety.
- iv. During periods of wet weather stock are to be kept off the surface or shoulders of roads to reduce damage.
- v. In all other respects the persons in charge of stock must comply with the provisions of the Rural Lands Protection Act 1998 (as amended) and the Rural Lands Protection Regulation 2010 (as amended).

4.3. Sign Requirements for Stock on Roads

Council shall require the persons in charge of travelling stock to comply with the requirements for display of stock warning signs as set out in clauses 18-24 of the Rural Lands Protection Regulation 2010 (as amended).

5. NON-TRAVELING STOCK ROUTES

- i. All applicants for temporary grazing permits on Council roads where travelling stock routes do not exist shall be directed to the relevant Local Land Services which is the responsible Authority for issuing of temporary grazing permits on Council roads where travelling stock routes do not exist.
- ii. It is then the responsibility of the relevant Local Land Services to write to Council giving full details of any request to issue a temporary grazing permit on a Council Road where a travelling stock route does not exist.
- iii. The request is then considered by a Council Officer under delegated authority taking into consideration the following matters that will determine if the dedicated public road is suitable for the temporary use of stock for grazing:
 - a) Width of road reserve
 - b) Traffic (type and level)
 - c) Type of proposed stock

- d) Number of proposed stock
 - e) Other relevant Council Policies
 - f) Whether the applicant is the owner of the adjacent property.
- iv. Council then advises the NSW Local Lands Services of its decision and any relevant conditions that are deemed necessary if the permit is to be issued. Conditions may not necessarily be limited to the following but need to be considered by the relevant Council Officer:
 - a) Adequate signage
 - g) Adequate electric fencing or other suitable fencing and the need to ensure that the fencing is kept in proper working order
 - h) Non-use of the Council controlled dedicated public road during wet weather
 - i) Maximum number of proposed stocks
 - j) Limits to the length of road to be used
 - k) The keeping of stock off the surface of shoulder of the road except for the purposes of movement of stock from one side of the road to the other and only then when under control
 - l) Movement of stock back to the owner's property at night
 - m) Time limits
 - n) Level of supervision of the stock
 - o) Any other matter that is deemed necessary.
- v. The NSW Local Lands Services considers the application in accordance with Division 5, Rural Lands Protection Act, 1998 (as amended) and either refuses the application or issues a temporary grazing permit with or without conditions.
- vi. The NSW Local Lands Services is responsible for policing of any issued temporary grazing permits and any relevant conditions on Council roads where a travelling stock route does not exist and Council hereby delegates authority to the NSW Local Lands Services to act on Council's behalf for the purpose of controlling stock on land vested in or under the control of Council.
- vii. Council is to advise as soon as practical the NSW Local Lands Services of any concerns in regard to the use under temporary grazing permits of Council roads where a travelling stock route does not exist.

6. GRAZING ALONG FENCED ROADS

- i. Council would grant a permit to owners of fenced property that adjoin Council-owned roads where no permit has been issued as per Sections 4 and 5 of this Policy, subject to conditions for travelling and grazing of stock.
- ii. No livestock to be permitted on the surface or shoulders of the road other than for the purposes of movement from one side of the fenced road to the other and then only when under control.
- iii. Adequate signs having regard to the type of animal grazing be placed on the fenced road at each end of the mob or herd and at appropriate distances and the signs be those prescribed under Clauses 18-24 of the Rural Lands Protection Regulations 2010 (as amended).

- iv. Adequate electric fencing having regard as to the nature of the animals be erected to prevent animals moving onto the fenced road or shoulders or proper supervision of the animals be affected by the owner or person in charge.
- v. The animals should be moved back onto the owner's property at night.
- vi. Grazing is not permitted during periods of wet weather.
- vii. Any electric fence be regularly checked to ensure that it is in proper working order.
- viii. Council's Ranger or staff keep regular check on the situation including the signs, fencing and state of the herbage.

7. Penalties

- i. Council may recover costs incurred in repairing a road from the owner of stock who unreasonably allows the stock to cause damage to a Council Road.
- ii. Council may issue a penalty notice against a person who unreasonably causes damage to a Council Road by driving animals on the Council Road.
- iii. Stock may be impounded by Council in accordance with the Impounding Act 1993 (as amended) where those stock have been abandoned, left unattended or are trespassing.
- iv. Council may issue a penalty notice against a person who leaves an animal or animals unattended in a public place.
- v. Stock may be impounded by an Officer of NSW Local Land Services in accordance with the Rural Lands Protection Act 1998 (as amended) where the stock have been abandoned, left unattended or are trespassing.
- vi. NSW Local Land Services may issue a penalty notice for a range of offences in relation to, inter alia, unattended and abandoned stock, penning stock at night, the display of stock warning signs and the control of stock while on a Council Road or Travelling Stock Reserve.

8. POLICY REVIEW

This Policy should be reviewed every 4 years or within 12 months of a Council election. The policy may be reviewed at any time at Council's discretion (or if legislative changes occur).

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