



## **Travelling Stock**

### **1. Intent of Policy**

There are a number of situations where stock is permitted on Council controlled (i.e. public) roads. Some of these situations require permits while others do not. In most cases there are obligations imposed on the owner of the stock when the stock are actually on the road.

Council is the responsible road authority for public roads, including the road reserve from boundary fence to boundary fence. The Rural lands Protection Board also has a responsibility, providing permits for travelling stock and roadside grazing. Both these authorities therefore have responsibility for management of stock on Council roads.

The intention of the policy is to provide detail to Council staff and the public about

- Circumstances where stock are permitted on Council roads;
- Circumstances where permits are required;
- Obligations of Council for stock on roads; and
- Obligations of landholders for stock on roads.

### **2. Scope of Policy**

This policy covers the five different ways in which stock may exist on a road. They are:

1. Travelling stock,
2. Grazing stock on stock routes,
3. Roadside grazing,
4. Moving of stock from property to property, and
5. Straying stock.

*Relevant Statutory Requirements specific to this policy:*

*Roads Act 1993*

*Rural Lands Protection Act 1998 and*

*Rural Lands Protection (General) Regulation 2001*

*Impounding Act, 1993*

### **3. Guidelines**

#### **1. Travelling Stock**

Travelling stock is described as a mob of sheep, cattle or other animals that is travelling along an approved route at a rate of approximately 10km per day. Travelling stock is governed by the Rural Lands Protection Boards who issue permits for this activity along designated routes (refer Rural Lands Protection Act – Clause 96).

It is possible for a person travelling stock to deviate from the traditional stock routes and be authorised to travel along Council's public road network. However, if this is to occur the stock must be off the roadway by sunset (refer Rural lands Protection (General) Regulation 2001 – Clause 22)

A person travelling stock needs no approval from Council to travel a stock route or public roads. All approvals and permits are provided by the Rural Lands Protection Board.

#### **2. Grazing Stock on Stock Routes**

This form of grazing occurs when a person with a mob of stock is given a permit to linger in one area for an extended time. A permit issued by the Rural Lands Protection Board, allows the person responsible for the mob to use the stock reserve as a base for a prescribed period of time. In this period the stock will graze on the surrounding stock routes, returning to the same stock reserve at night.

#### **3. Roadside Grazing**

Roadside grazing is the practice where owners take their stock from their property onto the roadway to graze the grass on the roadway generally adjoining their property. A permit for this activity is issued by the Rural Lands Protection Board. However, in this instance approval is required by Council (for public roads) prior to a permit being issued (refer Rural Lands Protection Act, 1998- Part 8, Clause 101). Council will issue a temporary permit and allow stock (cattle and sheep) to graze on Council road reserves subject to the following conditions:

- A permit to graze stock on the road reserve is obtained from Rural Lands Protection Board.
- The road is properly signposted with standard stock warning signs not less than 200 metres between the sign and the place where a vehicle being driven towards the stock would first encounter the stock, in both directions.
- Stockperson(s) to be in attendance in accordance with legal requirements
- Stock is to be kept off the road at all times unless the stock are purposely being transferred from one side of the road to the other as a herd by the stockperson(s)
- All stock shall be removed from the road reserve or securely penned between sunset and sunrise.

- The permit holder must arrange a public risk insurance policy to the value of \$20 million indemnifying Council. The policy must be sighted by the Council.
- Stock are subject to impounding if the applicant fails to adhere to any conditions.

The Rural Lands Protection Board should notify Council of the issue of any permits.

The Director of Engineering will be responsible for issuing temporary grazing permits.

#### **4. Moving stock from property to property**

Property movements cover the situation where a property owner owns property on both sides of the road or owns another property along the road with some distance between them. On fenced road reserves because of the nature of the situation the stock is in fact, “travelling”, and therefore fall under the criteria of travelling stock. Under this interpretation of the Act, the owners concerned require a permit from the Rural Lands Protection Board (Annual Travelling Movement Permit) and do not require Council’s permission.

The requirements of “travelling stock” apply in this area. These requirements do not apply to unfenced public roadways (refer below).

#### **5. Straying stock**

Straying stock are defined as those stock that have escaped from their normal enclosure (either from private property or from a stock reserve) and are moving along a roadway in an uncontrolled manner. Straying stock are an issue for Council where they cause a nuisance to the travelling public. Straying stock apply to fenced roads only.

Council will comply with the requirements of the Impounding Act to manage straying stock. Where straying stock are found as an immediate response Council will endeavour to:

- ensure that stock are not causing an immediate road safety hazard in consultation with the NSW Police where necessary,
- restrain stock temporarily within existing fences,
- contact the owner of stock to take action/s to ensure that stock do not stray without Council approval.

Where Council cannot contact the owner of the stock the relevant provisions of the Impounding Act will be implemented. The Director of Development will be responsible for this implementation.

An issue closely associated with straying stock is that of stock on unfenced public roadways.

#### **Unfenced Public Roadways**

Unfenced public roadways are treated as a “Temporary Stock Zone” (defined below). As such, stock on unfenced roadways does not constitute straying stock (if a temporary stock zone has been defined). If required, Council will encourage applicable landholders to define temporary stock zones. However, it is noted that this is outside Council’s area of authority and is not enforced by the Rural Lands Protection Board. The establishment of Temporary Stock Zones is at the discretion and instigation of individual stock owners.

## Stock Zones

The Rural Lands Protection (General) Regulation 2001 – Part 4 – Travelling Stock Reserves and Public Roads defines two types of stock zones, Permanent and Temporary.

A **Permanent Stock Zone** is the whole or part of a public road set aside as a permanent stock zone by a Council. Council will only consider application for Permanent Stock Zones in exceptional circumstances. Roads concerned will need to meet the following criteria:

- Roadway is unfenced
- Stock to be continuously grazing or crossing the road
- Road to be classified as Distributor or above

Council will assess each application on its merits in determining whether to approve a request for a Permanent Stock Zone. The Director of Engineering will be responsible for determining such applications.

A **Temporary Stock Zone** is where a person who owns or has charge of stock that are grazing or walking on a public road may set aside the whole or part of that public road as a temporary stock zone. An occupier of land through which an unfenced public road passes must set aside that part of the road passing through the land as a temporary stock zone if the land is normally grazed by stock. This is able to be done without Council authority or consent.

In the Council area stock zones are normally of the temporary type.

Some interesting issues associated with Temporary Stock Zones are:

- A temporary stock zone is to be designated by a temporary stock zone sign exhibited at the entry point of the zone to which it relates (Rural Lands Protection (General) Regulation 2001 - Clause 15(6)).
- The owner or person in charge of stock that are on a public road must ensure, as far as practicable, that the stock do not pose a hazard to any person, animal or vehicle on the road (Rural Lands Protection (General) Regulation 2001 – Clause 17(1)).
- The driver of a mechanically powered vehicle must give way to stock and to all other animals and any vehicle accompanying stock in a stock zone (Rural Lands Protection (General) Regulation 2001 - Clause 17(2)).
- 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 sign in accordance with this part (Rural Lands Protection (General) Regulation 2001 - Clause 18(1)).
- A person must not, without lawful authority, remove, interfere with, damage, deface or affix advertising material or any other thing to any stock zone sign (Rural Lands Protection (General) Regulation 2001 - Clause 19).

One fact to note is that the Rural Lands Protection Act clearly states that all stock are the responsibility of the owner of the stock or the property from which they came.

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