

# Council Policy



## 2.43 Roadside Agistment Policy

*A printed copy of this policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register in the policy section of Council's intranet or by contacting Council's Coordinator Local Laws and Policy Development for a hard copy of the latest version. **A hard copy of this electronic document is uncontrolled.***

*Where there is a delegation identified in this policy, the reader will need to confirm if an alternative delegation exists in any Register of Delegation. If there is a perceived conflict between the delegation/s identified in this policy and of those contained in a Register of Delegation, then the delegation/s in the Register takes precedence. The Chief Executive Officer will, if necessary, be the sole arbiter in resolving any issues of conflict.*

## 1. Purpose

This policy supplements legislative provisions already contained within the (Queensland *Stock Route Management Act 2002*) by providing further detail, assessment criteria and standard conditions that assessment officers must apply to all requests for roadside grazing within the Toowoomba Regional Council area of authority.

## 2. Scope and Applications

This policy applies to all situations whereby a request to graze livestock on a road reserve (other than intermittent grazing whilst 'travelling' stock from one point to another under a stock route travel permit) has been received by Council. The assessment criteria will form a decision tool for Council to decide upon the application and provides a set of standard conditions that must be applied to all approvals.

This policy does not apply to any request for a 'stock route travel permit' whereby a person is travelling stock from point A to point B for animal husbandry or property management purposes. The Queensland *Stock Route Management Act 2002* forms the basis for all 'stock route travel permit' applications.

## 3. Content

- 3.1 When a permit is required?
- 3.2 Eligibility to apply for a permit
- 3.3 Minimum road requirements for eligibility
- 3.4 Standard Conditions of approval
- 3.5 Requirement to maintain fodder for travelling stock and environmental sustainability
- 3.6 Application Process
- 3.7 Fees/Revenue Administration
- 3.8 Straying Stock
- 3.9 Grounds for Refusal
- 3.10 Permit Cancellation

### 3.1 When a permit is required

A stock route agistment permit is required to agist (or depasture) stock on a stock route, reserve for travelling stock, or a road under local government control.

### 3.2 Eligibility to Apply for a Permit

A person can only apply for an agistment permit if they –

- are a landowner whose land is adversely affected by drought, fire or flood. The property must be officially 'declared' as being affected either on a state wide basis, local government area basis or individual property basis; **or**
- hold a 'stock route travel permit' and wish to temporarily cease travelling to –
  - brand, crutch, dip, drench, jet, shear or truck the stock under their control; or
  - spell the stock under their control to comply with an obligation imposed by animal welfare legislation; **or**
- are responding to a notice published by local government inviting application for agistment of stock on a stock route, road or reserve for travelling stock.

Agistment applications will only be considered where the agistment is unlikely to interfere with the movement of travelling stock and in areas where there is ample grass cover for short term grazing that will not impact on the environmental sustainability of the road corridor.

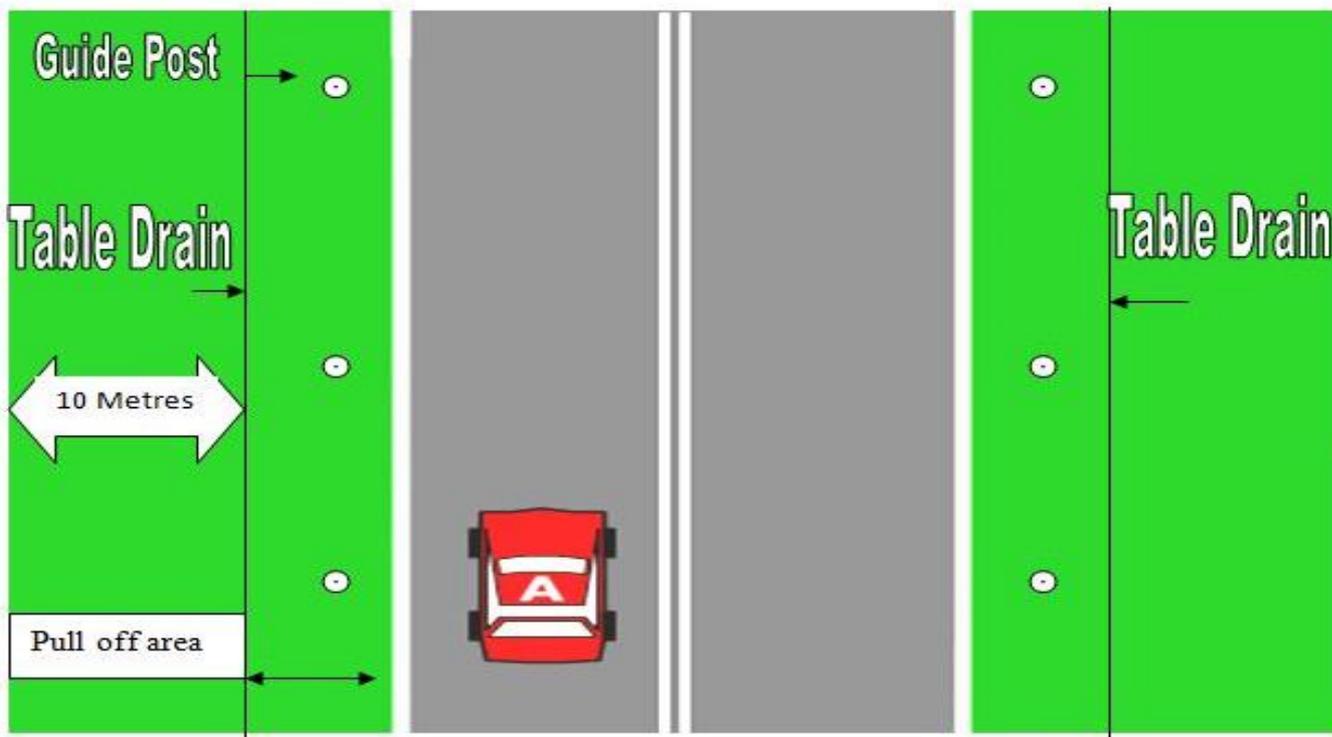
An application may be lodged irrespective of whether the applicant resides or holds land within the Toowoomba Regional Council area, however when assessing applications Council require stock to be removed from the permit area during night periods and therefore the applicant must demonstrate that they can do this (thus in most situations agistment will need to be within close proximity to the owner’s property or an area of private agistment).

### 3.3 Minimum Road Requirements for Eligibility

In order to ensure maximum safety to both livestock and motorists, Council has developed a minimum road specification that must be met prior to approving an application for roadside agistment. Whilst there is a small degree of discretion by the officer assessing the application to cater for ‘unique’ situations, all applications must *generally comply* with one of the following diagrams.

***In absolute terms no grazing will be permitted within the immediate vicinity of built up areas i.e. no grazing will be permitted within the 40-80km (inclusive) speed zones, no horses will be approved for agistment, and no entire male cattle will be permitted within the approved area of agistment i.e. the ‘permit area’.***

Dual Carriage way



In the above diagram a minimum of 10m is required between the adjoining landholder’s fence and the extremity of the table drain. In addition to this 10m zone there must be suitable space for a ‘safe pull off area’, whereby both the passenger and driver can open their doors without coming into contact with either the electric fence or traffic (10m agistment zone + approximately 6m safety area = 16m minimum road reserve width on the applicable road verge).

Officers assessing applications in the above scenario would have little to no discretion in reducing the dimensions, given the high volumes of traffic likely to be experienced in these areas.

### Other Roads

The applicant must be able to demonstrate that there is a suitable 'safe pull over area' for traffic, (Transport Infrastructure Act, 1994) whereby a vehicle can pull over to the side of the road and both the driver and passenger can exit the car without coming into contact with an electric fence or oncoming traffic.

Officers assessing applications in these scenarios have discretion in evaluating the dimensions of the agistment zone depending on the volume of stock to be grazed. The 'safe pull over area' may be reduced slightly depending upon traffic volumes and other factors e.g. reduce the 'safe pull off area' from 6m to 4m minimum, keeping in mind that cars passing each other (in opposite directions) will need to use the area between guide posts and bitumen in some situations where a narrow road exists.

### 3.4 Standard Conditions of Approval

Standard conditions will be imposed on all approvals to ensure compliance with legislation, public safety, access for travelling stock, sustainable environmental management, good quality environmental health and protection of public assets/lands.

Standard conditions are listed in Schedule 1.

### 3.5 Requirement to Maintain Fodder for 'Travelling' Stock and Environmental Sustainability.

Agistment applications will only be considered where the agistment is unlikely to interfere with the movement of travelling stock and in areas where there is ample grass cover for short term grazing that will not impact on the environmental sustainability of the road corridor.

The primary function of a stock route is to allow the movement of travelling stock. As such, agistment on stock routes and reserves for travelling stock will only be considered when the pasture available exceeds the needs of travelling stock.

Whilst requests for travelling stock in Toowoomba Regional Council are infrequent, Council in performing its assessment functions will still place an emphasis on ensuring sufficient ground cover is maintained in order to protect the environmental sustainability of road corridors.

### 3.6 Application Process

Applications are assessed under criteria designed to protect over use of resources, to ensure public safety and to limit the introduction and spread of pests and disease.

The applicant must submit a completed application form at least 72 hours (or 3 full business days) before the date the agistment is to commence.

This application form includes the following details, all of which must be provided prior to the application being considered:

- The name and contact details of the applicant and the owner of the stock;
- The number, type and sex of the stock along with brand and earmark information;
- The name and contact details of the person in charge of the stock;
- The property details where the stock are normally depastured;
- The reason for the agistment request;
- The description of the land sought for agistment;

- The length of time agistment is required;
- Details of the stock's exposure to invasive biosecurity matter as prescribed in Schedule 1 Part 3 or Schedule 2 Part 2 of the Biosecurity Act 2014, for example Parthenium, Giant Rats Tail Grass, Chilean Needle Grass and Prickly Acacia, within the preceding 7 days;
- A declaration that the stock are free of any Animal disease, parasite or virus as prescribed in Schedule 1 Part 2 or Schedule 2 Part 1 of the Biosecurity Act 2014;
- Details of previous agistment permits;
- Details and proof of public liability insurance;
- Arrangements for water supplies for livestock.

Once the above details have been forwarded to Council an assessment officer will be assigned to determine the merits of the request and decide upon the application.

In assessing such application the assessment officer will take into account the following issues in addition to the road suitability criteria outlined previously and the information supplied during the application process.

#### Conflicting needs for use of Road Reserves

The assessment officer will ensure that road works or any other priority need of Council to access the subject road reserve is identified. Council reserves the right to refuse agistment applications where road works or other priority road corridor activities have been scheduled prior to receipt of the application.

#### Extensions to permit period

If a current stock route agistment permit is held and a renewal is desired, a request must be lodged with Council *before the current permit expires*.

If a landholder has held a stock route agistment permit (maximum 28 days) and one extension (further 28 days) they must wait three (3) months from the permit expiry date before applying for a new permit to agist stock on the same land.

#### Invasive Biosecurity Matter (invasive plants) Inspections and Declarations

Applicants will be required to demonstrate that animals being agisted have not been in contact with invasive biosecurity matter as prescribed in Schedule 1 Part 3 or Schedule 2 Part 2 of the Biosecurity Act 2014 during the preceding 7 day period, and that animals are free, internally and externally of all reproductive material from any invasive biosecurity matter. Where there is doubt as to whether animals are carrying invasive biosecurity matter seeds or any other reproductive material from invasive biosecurity matter Council may refuse the application.

The assessment officer will undertake a site inspection of the subject permit area to determine whether invasive biosecurity matter or is present. Where invasive biosecurity matter, is observed to be growing within the permit area, Council may either:

- (a) Refuse the application for agistment until such time as the invasive biosecurity matter and its associated reproductive material no longer imposes a risk; or
- (b) Approve the application for agistment subject to the applicant being advised of the presence of the pest and both parties agreeing to quarantine procedures prior to releasing stock back into areas that are not infested.

Where invasive biosecurity matter is present the assessment officer may either:

- (a) Refuse the application for agistment until such time as the invasive biosecurity matter and its associated reproductive material is removed or eradicated; or

- (b) Approve the application for agistment and advise the applicant that the weed exists, if the weed is growing only on the road reserve and has not already infested surrounding properties.

### Animal Diseases, Parasites and Viruses

Applicants must declare that scheduled stock are free of all animal diseases, parasites or viruses as prescribed in Schedule 1 Part 2 or Schedule 2 Part 1 of the Biosecurity Act 2014. Where there is doubt as to the health of the scheduled livestock, Council may refuse the application for agistment until such time as the animals have been deemed free of notifiable and prescribed diseases by a registered vet.

### **3.7 Fees/Revenue Administration**

An application fee is payable on submission of an application to Council.

- This fee is prescribed in Council's adopted Schedule of Fees and Charges.
- Application fees are non-refundable.
- Multiple applications over the same area of land will not be accepted.

***(NOTE: Council Decision - 18 March 2014) Environment and Community Committee – 12 March 2014 - Item 2***

*That Council resolve, that where a general drought declaration or individual property drought declaration is in force or where a landowner is adversely affected by flood or fire, the application fee for a roadside agistment permit be waived).*

In addition to the application fee the applicant is required to pay permit fees 'per head' for agistment.

- These fees are listed within Council's Schedule of Fees and Charges on an annual basis and must be paid at the time of application.
- Should a permit be refused any permit fees paid upfront will be refunded.
- Permit fees collected are to be shared between Council and the State in accordance with the adopted revenue sharing arrangement in place at the time of collection of the fee.

### **3.8 Straying Stock**

For the purposes of this policy all stock found wandering on public lands outside of either the owner/occupiers boundary or outside of a permitted agistment area will be deemed to be straying stock. Council will respond to all reports of straying stock and may issue infringement notices as per Council's Local Law provisions.

Complaints of straying will result in review of permit conditions and may result in cancellation of the agistment permit.

### **3.9 Grounds for Refusal**

Grounds for refusal of a permit include:

- (a) unsuitable road reserve dimensions; or
- (b) unsuitable speed zone of between 40km/h and 80km/h (inclusive); or
- (c) the road reserve is scheduled for maintenance activities and Council requires unrestricted access; or
- (d) a lack of pasture or water available for stock; or
- (e) the possibility of introducing or spreading invasive biosecurity matter or an animal disease, parasite or virus; or
- (f) the stock is likely to have an adverse effect on road safety; or

- (g) the applicant has held an agistment permit for the land in the last 3 months; or
- (h) insufficient pasture to supply any potential travelling stock; or
- (i) pasture levels are critical for ensuring the environmental sustainability of the road reserve; or
- (j) the application is for horses or entire male cattle.

### 3.10 Permit Cancellation

A current permit may be cancelled if –

- The original information supplied by the applicant is found to be false or misleading; or
- The applicant has failed to comply with a condition of the permit; or
- The relevant land can no longer provide enough pasture or water for stock, without impacting on the environmental sustainability of the road reserve; or
- Emergent works required to ensure road safety.

If a permit is cancelled any permit fee paid must be refunded less the amount that would have been payable for the term of the permit before it was cancelled.

## 4. Relevant laws

*Stock Route Management Act 2002*

*Biosecurity Act 2014*

## 5. Related policies/documents

Nil

## 6. Related forms

[Application for a Stock Route Grazing \(Agistment\) Permit](#)



stock-route-travel-p  
ermit-application - c

## 7. Definitions

Term	Definition
Animal Disease, Parasite or Virus	Means any animal disease, parasite or virus as prescribed in Schedule 1 Part 2 or Schedule 2 Part 1 of the Biosecurity Act 2014
Carriage-way	means the constructed road surface, including gravel roads, primarily used for the movement of motor vehicles
Invasive Biosecurity Matter	means <u>matter</u> as prescribed in Schedule 1 Part 3 or Schedule 2 Part 2 of the Biosecurity Act 2014, and includes reproductive material
Permit	means a permit issued under the Queensland <i>Stock Route Management Act 2002</i>

Term	Definition
Permit Area	means the area of land specifically approved under 'permit' for agistment purposes
Stock route travel permit	<p>means a permit issued under chapter 3, part 5, division 2 of the Queensland <i>Stock Route Management Act 2002</i>. A stock route travel permit is required when a person wishes to walk stock from one point to another point along a road.</p> <p>A stock route travel permit is not required when stock are driven on foot-</p> <ul style="list-style-type: none"> <li>(a) For not more than 1 day; and</li> <li>(b) In clear daylight hours; and</li> <li>(c) For animal husbandry or property management purposes; and</li> <li>(d) Between parcels of land having common ownership or worked as a single unit</li> </ul>
Stock route agistment permit	means a permit issued under chapter 3, part 4, division 1 or division 2 of the Queensland <i>Stock Route Management Act 2002</i> . This enables a person to graze stock on a road reserve for purposes other than simply travelling stock between two points i.e. a 'stock route travel permit' situation.
Stock	means alpacas, asses, buffaloes, camels, cattle, deer, donkeys, goats, horses, llamas, mules, sheep or vicunas.
Stock Proof	for a fence, means a fence of a type, and in a condition, that prevents the movement of stock from 1 side of the fence to the other.
Straying Stock	Under this policy 'straying stock' includes any stock found wandering outside of either the owner/occupiers property boundary or an approved 'permit area' under a roadside agistment approval.
Temporary holding yard	means an electric tape fence installed and operated in accordance with Australian Standard AS/NZS3014:2003 Electric installations – electric fences and is adequate to ensure stock are contained overnight.
Temporary fence	means an electric tape installed and operated in accordance with Australian Standard AS/NZS3014:2003 Electric installations – electric fences and is adequate to ensure stock are contained during daylight hours.
Travelling Stock	means stock being driven by foot, other than on the land where the stock are ordinarily pastured.

## 10. Policy details

<b>Policy Category</b>	Council Policy
<b>Date Reviewed/Approved</b>	20 August 2020
<b>Endorsed by</b>	Chief Executive Officer
<b>Approval Authority</b>	Council
<b>Effective Date</b>	20 August 2020
<b>Policy Version Number</b>	3.00
<b>Policy Owner</b>	Manager, Parks and Recreation Branch
<b>Contact Officer</b>	Principal Officer Conservation and Pest Management
<b>Review Date</b>	August 2023

## 11. Revision history

<b>Policy Version</b>	<b>Approval Date</b>	<b>DM Reference</b>
1.00	18 March 2013	5393826v2
2.00	10 December 2015	6677990v1
3.00	20 August 2020	7433703v2

## **Schedule 1 : Standard Conditions for Inclusion in Roadside Grazing Permits**

### **1.0 Animal Suitability**

The following animals must not be grazed within approved 'permit areas' for roadside agistment purposes:

- (a) horses; or
- (b) entire male cattle.

### **2.0 Road Suitability**

- 2.1 No grazing is to take place within a speed zone of between 40 and 80 km/hr (inclusive); and
- 2.2 A minimum of 10m width must be available for grazing purposes between the adjoining property owner's fence and the extremity of the table drain or as otherwise determined by Council; and
- 2.3 In addition to the 10m grazing zone listed in condition 2.2, a 6m wide pull over area must be available between the permitted grazing area and the road to enable vehicles to safely pull off the road, unless otherwise reduced in width by Council at the time of approval; and
- 2.4 Where the road is a state controlled road the applicant must have an approved Ancillary Works Permit from the Department of Transport and Main Roads to authorise grazing within the road reserve [note: The Department of Transport and Main Roads is likely to require at least 14 working days to consider such application].
- 2.5 All conditions of approval issued by the Department of Transport and Main Roads referred to in condition 2.4 must be adhered to by the permit holder. The applicant must not interpret the conditions of the permit by Council as an approval by the Department of Transport and Main Roads or any other government department or service authority. Likewise, an approval from the Department of Transport and Main Roads or another Government Department shall not be interpreted as an approval from Council.

### **3.0 Fencing**

- 3.1 The erection of electric fences (i.e. temporary fencing) must not take place any closer to a carriage-way than the extremity of the table drain unless otherwise approved by Council in writing at the time of issuing the permit; and
- 3.2 The erection of any electric fence (i.e. a temporary fence) must allow for the safe pull over of a motor vehicle and the opening of both the passenger and drivers doors without coming into contact with the fence unless otherwise approved by Council in writing at the time of issuing the permit; and
- 3.3 No steel posts are permitted to be used for containing livestock within the permit area. 'Pig Tailed' pickets are the only approved material for securing the permit area; and
- 3.4 Fencing must not consist of any material other than electric tape supported by pig tailed pickets or as otherwise approved in writing by Council.

### **4.0 Person in charge of agisted stock must**

- 4.1 Immediately produce any stock route agistment permit, or a copy of it, to an authorised person for inspection if requested; and
- 4.2 Keep the stock under control at all times; and
- 4.3 Erect temporary fences/holding yards as required, to ensure that agisted stock are fenced in on all sides; and
- 4.4 Ensure that temporary holding yards are erected so that stock are kept as far away as practicable from any public carriage-way in the vicinity; and
- 4.5 Move temporary holding yards to a specified location if directed by a person authorised by the issuing entity; and
- 4.6 Ensure that the clearing of grass and shrubs required for the erection of temporary holding yards be kept to an absolute minimum for the required works. The clearing of trees is not permitted unless authorised under the *Land Act 1994*; and

- 4.7 Ensure that the stock are kept free of any disease that may reasonably be expected to be transmittable to other stock; and
- 4.8 Ensure that any bogged, dying, infected, injured or dead stock are removed from the stock route network in a prompt and reasonable manner; and
- 4.9 Ensure that pedestrian and vehicular traffic is controlled in accordance with the Queensland Government - Manual of Uniform Traffic Control Devices Part 3 – Works on Roads.

### 5.0 Reinstatement Works

The person in charge of agisted stock is responsible for any restoration of the stock route network required as a result of carrying out works associated with the erection of temporary holding yards.

### 6.0 Public Liability

The permit holder must maintain public liability insurance cover with a registered insurer for an amount not less than \$20 million, which indemnifies the State of Queensland (acting through the Department of Natural Resources and Mines) and local government. A copy of this insurance will need to be provided to Council at the time of application.

### 7.0 Indemnity

The permit holder indemnifies and agrees to keep the State of Queensland, Crown Instrumentalities, local government and other statutory bodies indemnified against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses arising out of or in any way connected to or resulting from a breach of any of the conditions of the permit.

### 8.0 Stock Route Facilities (where applicable):

The person in charge of agisted stock must **not**:

- (a) Without reasonable excuse, damage or interfere with a travelling stock facility; or
- (b) Allow stock to enter any enclosure constructed for the protection of equipment provided by the local authority; or
- (c) Waste water from, or pollute water in, any water facility proved for travelling stock.

### 9.0 Duration of Agistment

9.1 Stock are to be removed from the permit area at all times other than during daylight hours i.e. stock are not permitted within the approved permit area at night.

9.2 A permit remains valid for a maximum of 28 days from the date of issue, at which time if sufficient feed is available the permit holder may seek one extension of a further 28 day maximum approval. Following two consecutive permit periods the holder will not be issued an agistment permit in the previous location for a minimum period of 3 months.

### 10.0 Signage

The permit holder must ensure that approved signs (minimum 600mm x 900mm) are placed and maintained at either end of the permit area and at any road junctions within the permit area to warn motorists that stock are being agisted on the roadside. Signage must be removed during periods when stock are not within the permit area.



### 11.0 Permit Cancellation

Council may cancel a permit under the following circumstances:

- (a) The permit holder is found to have supplied false or misleading information; or
- (b) The permit holder fails to comply with a condition of the permit; or
- (c) The relevant land can no longer provide enough pasture or water for stock; or
- (d) The relevant land is required for infrastructure maintenance or emergency works; or
- (e) The relevant land is required for the purpose of enabling 'travelling stock' to move through the region.