



# BOULIA SHIRE COUNCIL

## Town Common Policy

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| <b>Related documents:</b>      | n/a  |
| <b>Responsible Section:</b>    | Executive  |
| <b>Responsible Officer:</b>    | Director of Works and Operations   |
| <b>Legislation:</b>            | Local Government Act 2009  |

## **POLICY:**

The Council has responsibility for care control and management of the area of land surrounding the Townships of Boulia and Urandangi for the purposes of a Town Common, Council Controlled land (except for leased areas) and reserves. The purpose of this policy is to establish guidelines for the grazing of animals on the Town Common and Stock Route reserves, Council Controlled land (except for leased areas). The application for grazing animals on the Town Common and reserves is to be made on the Council's form '**Application to Depasture Stock on the Town Common – Council controlled land (except for leased areas).**'

The common may, subject to this policy, be used for the grazing of stock including registered and branded (cattle/horses), ear tagged (cattle/camels) and ear marked (cattle/camels) and the young progeny thereof. Feral animals and declared pests are excluded and will, wherever practical, be humanely destroyed or removed.

*\*Refer to 'Stock Type and numbers – page 4 for further information'*

### **Boulia Town Common:**

The Boulia Town Common is currently described as Lot 33 on CP 903938 and Lot 100, 106-108 on SP255329 Reserve 14 and comprises of an area of approximately 2,130ha surrounding the township of Boulia. Included in the area under control is the Stock Route which traverses the Common (Attachment 1 – map).

### **Urandangi Town Common:**

The Urandangi Town Common is currently described as Lot 8 SP 135892 and comprises an area of approximately 3,910ha surrounding the township of Urandangi.

Most of the area comprised in the Urandangi Town Common is currently leased and so the policy, where relevant, only applies to those areas not under lease.

## **ENTITLEMENT**

### **RESIDENT RATEPAYER:**

**Resident ratepayers** living in Boulia who do not own or have access to grazing land in excess of 15 hectares are permitted to agist up to a maximum of **30 stock** on the Town Common, subject to this policy and guidelines. This offer only applies to the principal place of residence and does not include other properties owned by applicant.

*\*\*Also refer to Increased Allocations above 30 head – page 3.*

\*\* Children/trustees/guardianship – The maximum holding for any one family group will be as such for an individual resident ratepayer. If different brands are held for each child/trustee/guardianship, then this information is to be provided to Council.

le; Resident Ratepayer household = entitlement 30, split may be parent 10, child 1 (10), child 2 (10) etc

### **RESIDENTS OF BOULIA:**

Persons who **are residents** of Boulia and have resided in the town for a period of at least 6 months and who do not own or have access to grazing land in excess of 15 hectares are permitted to agist up to a maximum of **2 stock** (per household) on the Town Common, subject to this policy and guidelines including RBE registration.

Preference will be given to those who do not have access to 15 hectares if there is available capacity on the Town Common before other applicants.

### **INCREASED ALLOCATIONS ABOVE 30 HEAD:**

Upon application to Council individual resident ratepayers (one per household) may apply for an increased holding under the following conditions:

- That the **total holding for the common** does not exceed 170 based on Dept. of Primary Industries carrying capacity for the common.
- That the applicant can only use **unallocated holdings** while there are no other requests to agist stock on the common.
- Should a request be received by Council for another valid applicant then the 'extra' stock must be removed within a reasonable time but no longer than one month.
- That the agistment fees are paid and kept up to date for the total number of stock held by the applicant or the stock are to be removed.

### **OUTSTANDING DEBTS:**

Eligible applicants must not have any overdue debts to Boulia Shire Council at the time of application for a permit to agist stock on the Town Common. In this case the application will be refused until such debts are paid in full. Any change of eligibility status must be notified to the Director of Works and Operations WITHIN 7 DAYS.

## **BREACH OF POLICY:**

Any applicant who Council determines has breached the policy conditions concerning the Town Common and Council Controlled land (except for leased areas) may be banned from use of the common for up to five years.

## **MANAGEMENT OF THE TOWN COMMON / RESERVES**

Council Controlled land (except for leased areas)

Council has overall responsibility for management of the Town Common/Reserves, Council Controlled land (except for leased areas) and has delegated that responsibility to the Chief Executive Officer who by authority can delegate to other staff.

The day to day control of the Town Commons, Council Controlled land (except for leased areas) and identified reserves will fall under the jurisdiction of the Rural Lands Protection Officer who reports to the Director of Works and Operations.

## **GUIDELINES FOR TOWN COMMON**

### **BIOSECURITY ENTITY REGISTRATION (valid 3 years)**

**Biosecurity entity registration** and the **property identification code** (PIC) system work together to improve biosecurity, allowing us to trace the movements of an identified animal and quickly contact the person responsible for it. A PIC relates to the land where animals are kept (refer to RLPO).

The registered biosecurity entity is the person, people or organisation responsible for the day-to-day keeping and care of the animals.

You will need to register and provided confirmation to Council if you are planning to run stock on the common if you have :

- 1 or more
  - cattle, sheep, buffalo
  - alpacas, llamas, or other animals from the Camelidae family
  - horses, ponies, donkeys, mules, or other animals from the Equidae family

### **IDENTIFICATION OF STOCK:**

- All stock irrespective of age shall have a Special Boulia Shire Tag affixed to the ear (same side as the brand). Tags are to be supplied by Boulia Shire Council at the owner's expense.

- the applicant must have Registered Biosecurity Entity documents - this applies to horses and cattle.
- Horses and Cattle must be clearly branded with a registered brand in the applicant's name be ear marked, have an ear tag, NLIS tag and owners tag. (copies of all to be provided for Council records).
- Camels and other animals as permitted must be clearly branded and/or have distinguishing ear tags and ear marks.

#### **STOCK TYPE AND NUMBERS:**

- **NO ENTIRE ANIMALS WILL BE ALLOWED.**
- **Male Camels and Donkeys should be de-sexed if on the Town Common,** Council Controlled land (except for leased areas)
- **Stallions are not permitted on the Town Common,** Council Controlled land (except for leased areas)
- The first 2 head of stock agisted on any Town Common, Council controlled land (except for leased areas) are free as long as they are registered and branded (cattle /horses), ear tagged (cattle/camels) and ear marked (cattle/camels) and the young progeny thereof.
- The maximum number of stock to be permitted by each applicant, subject to entitlement as detailed above, shall be 30, being made up of a mixture of cows/horses/camels etc totalling no more than 30 head with a **maximum allowed on the Town Common,** Council Controlled land (except for leased areas) **to consist of 170.**
- If Council determines that any of the above mentioned lands are suffering from overgrazing, drought or any condition prejudicial to the continued wellbeing of the stock depastured thereon, it may reduce the stocking rate of each individual common user.
- The Director of Works and Operations shall issue destocking notices, if required to all permit holders to reduce numbers to a level determined acceptable by the Council.
- Poddy/Camel calves and foals irrespective of age shall be taken into account for permit and depasturage fee purposes in the same manner as adult Cattle and Horses.

- Camels are an asset to Bouliia Shire due to their attraction for tourists especially during Camel Races. However, during such musters proper identification & fees must be paid on domesticated animals to avoid impounding and/or culling.
- Stock shall become eligible for a permit after reaching the age of six (6) months (at the following muster). The Rural Lands Protection Officer (RLPO) or their representative appointed by the Chief Executive Officer will be the sole judge in this instance & their determination shall be final.

### **MOVING CATTLE ONTO THE TOWN COMMON**

#### **Stock owners are not permitted to agist cattle without a permit from Council**

- Agistment of cattle **must have the consent** of the Rural Lands Protection Officer prior to the application to the Director of Works and Operations.
- A permit is issued by the Director of Works and Operations.
- A copy of the National Vendor Declaration (NVD) is to be provided to Council for their records.
- NLIS transfer documentation is to be provided to Council for their records
  - Cattle must be read into the Racecourse Reserve prior to moving onto the Town Common.

### **NON-COUNCIL MUSTERS - MUSTERING TO BRAND**

#### **Stock owners are not permitted to carry out mustering without a permit from Council**

- The muster **must have the consent** of the Rural Lands Protection Officer prior to the application to the Director of Works and Operations.
- Non-Council musters must be advised to Council RLPO and yards must be nominated with approval given by the yard owner to Council **BEFORE** the muster is held. Eg; for branding purposes etc – **not for the removal of cattle.**
- All calves, at the time of their branding, must then have NLIS tags and be read at that time.

### **NON-COUNCIL MUSTERS – MOVING CATTLE OFF PERMANENTLY**

#### **Stock owners are not permitted to carry out mustering without a permit from Council**

- The muster **must have the consent** of the Rural Lands Protection Officer prior to the application to the Director of Works and Operations.
- A permit is issued by the Director of Works and Operations.
- Non-Council musters for the removal of cattle permanently from the Town Common must be advised to Council RLPO **BEFORE** the muster is held and the **only yards to be used are the Racecourse Reserve** and this must be pre-booked with 10 working days notice.

- Adjacent landholders will be advised of the date of the muster and should have a representative present at the time of muster
- A copy of the National Vendor Deck (NVD) is to be provided to Council for their records.
- NLIS transfer documentation is to be provided to Council for their records.

**ANNUAL COMPLIANCE MUSTERS:**

- Annual Compliance Musters will be carried out by the Rural Lands Protection Officer (RLPO), other staff and an authorised contractor between **August and September.**
- The specific yards to be used will be nominated and arranged with all stock holders.
- Adjacent landholders will be advised of the date of the muster and should have a representative present at the time of muster.
- Council will publish a Notice of an Intention to Muster on the Town Common, Council Controlled land (except for leased areas) using email blast, Facebook and other forms of technology available.
- When Council carries out the muster (not including a Council sponsored Compliance Muster), the cost will be charged to each owner on a per head basis at the date of each muster.
- Town Common, Council Controlled land (except for leased areas) users, if able to assist the RLPO with the muster, will be credited with hours worked to assist with the muster at the Council's day labour rate which is to be deducted from their share of the muster cost (this is not to be a cash amount).
- It is an express condition of the permit that all stock being mustered must be mustered to the designated or other Council approved yards (Queen Vera, Paton or Racecourse Reserve yards).
- Horses and camels shall be part of an annual muster and fees also need to be paid.
- A Muster is required to keep wild animals in check and unregistered animals may be culled.

## **ROLE OF RLPO:**

The Rural Lands Protection Officer will:

- Assess the condition of the Town Common, Council Controlled land (except for leased areas) and the appropriate stocking rate, subject to a **limit of 170 head** based on Dept. of Primary Industries carrying capacity for the common.
- Review the policy and guidelines and make recommendations to the Director of Works and Operations who will advise Council concerning changes or additions.
- Undertake a tally count at least twice annually which can be completed using current technology eg; drones/ GPS cameras etc.
- Undertake a stock muster if stock exceed the quota or conditions require a change to the number of stock on the commons/reserves, Council Controlled land (except for leased areas) or as determined by the Director of Works and Operations.
- The Rural Lands Protection Officer shall report to the Director of Works and Operations full details of:
  - stock numbers and movements within the Town Common, Council Controlled land (except for leased areas),
  - details of stock owners exceeding the stocking rate in force at that time and
  - those in financial arrears at the conclusion of the tally/muster.
- The RLPO will have authority to impound Stock. Stock may be sold to recover arrears with Council, with arrears to be deducted from the sale.

## **HEALTH OF STOCK:**

- To minimise injury all horned cattle should be dehorned as young as possible and prior to weaning preferably under six (6) months of age. Older animals must be tipped (Ends of Horns removed without cutting into sensitive horn) without anaesthetic in order to reduce their potential to cause injury. It is the owner's responsibility to dehorn their own stock. Any cattle coming onto the common must also be dehorned as per policy.
- Diseased, maimed, aged or poor stock will not be permitted on the reserves and must be removed by the owner. Failure to remove those stock by the owner will



result in the Council removing the stock and the cost charged to the owner. The welfare of the stock is the responsibility of the owner.

#### **FEES AND PERMITS:**

- Concessions per households for Resident Ratepayers and Residents of Boulia are permitted to have 2 head of stock (regardless of type) at no cost to be depastured on the Town Common and Council controlled land (except leased areas). The signing of the agistment agreement is still required and acknowledgement to the conditions of this policy and its associated charges.
- In excess of 2 head of stock, there will be no concessions to fees payable to Council for charges incurred under this policy. The signing of the agistment agreement is an acknowledgement to the conditions of this policy and its associated charges.
- Stock shall not be placed on the above mentioned lands without the permission of the RLPO and Director of Works and Operations and/or before a permit in the prescribed form has been approved.
- Permits authorised by the Director of Works and Operations or the Chief Executive Officer will be the only recognised form of authority to depasture stock on the Town Common, Council Controlled land (except for leased areas).
- All fees are determined at Council's Annual Budget Meeting and must be paid at least 30 days in advance with notices given by Council.
- Failure to observe all conditions contained in the permit shall result in immediate cancellation of any approval previously granted to stock owner and they will be requested to remove the stock. Failure to remove the stock within a prescribed time (no longer than one month) will result in the removal by Council with all costs charged to the owner.
- In case of stock depastured for the first time, fees will apply for the quarter in which a permit has been approved.
- Applications for a permit and fees for depasturage will not be accepted once a Council sponsored muster has commenced and non-acceptance will continue until such time as the muster is finalised.
- All pound fees together with depasturage fees shall be payable in respect of stock seized on the Town Common, Council Controlled land (except for leased areas) for which no permit has been approved.

- i. Owners of uncontrollable stock as determined by the Rural Lands Officer will be required to have their stock removed at the direction of the Director of Works and Operations.

### **FENCING - JOINTLY OWNED LAND - ADJOINING THE TOWN COMMON**

Council will provide an annual budget allocation of **\$5,000 per annum in total** which is to be used only for the renewing of jointly owned land adjoining the Town Common, Council Controlled land (except for leased areas) (identified on the map – addendum).

Any landowners wishing to replace existing fencing may apply to Council and access funds if they are available. Fencing must be replaced within the same location (within reason) and have previously been identified by the RLPO as needed.

Funds will be available at the beginning of each financial year and can be utilised for material purchase only. Land owners must provide labour to access this funding source.

When applying for funding to fix fencing adjoining the Common, Council Controlled land (except for leased areas), applicants must either supply the materials or supply the labour, both items cannot be supplied by Council.

### **FENCING REPAIRS**

All fences which are shared between the Shire and adjoining properties for the Town Common Land, Council Controlled land (except for leased areas) and bi-secting Stock Routes will be inspected by the RLPO on a bi-annual basis at which such time a report will be issued to the Director of Works and Operations on their condition. All properties adjoining the Town Common, Council Controlled land (except for leased areas) and those which bi-sect the Stock Route and have fencing which is in need of repair will be issued with a notice to repair the fence within a reasonable timeframe. This timeframe will be advised in writing and determined by the reason and extent of the damage: ie: neglect/lack of maintenance (for example approx. 3 months), damage by floods etc (for example approx. 6 months).

**If the fencing is not repaired sufficiently to prevent stock wandering onto the Town Common/Stock Route/Reserve, Council Controlled land (except for leased areas) then the Council will repair the fencing and costs associated with the repair will be then charged to the property owner/lessee.**

## **WANDERING STOCK – UNAUTHORISED ACCESS TO TOWN COMMON/STOCK ROUTE**

Council Controlled land (except for leased areas)

All applicants who agist stock on the Town Common, Council Controlled land (except for leased areas) pay a fee to Council. Wandering stock, as a direct result of poor fencing management by adjacent landholders, creates an unfair situation to those who pay for the use of this land and the fodder it produces.

Any unauthorised stock located on the Town Common, Council Controlled land (except for leased areas)/Stock Route reserves described in this document will be impounded and/or identified (using available technology) and the owner will be charged a minimum of **one months agistment fee per head**. An administration charge to cover the cost of dealing with this infringement will be charged at the hourly rate for the RLPO for the time expended to remove/identify the stock.

Secondary infringements by wandering stock will incur **double one months agistment fee per head** and the **charge for Council to repair the fencing** after identification by the RLPO and authorisation by the Director of Works and Operations.

**ADDENDUM** Town Common/Bisected Stock Route Map

