

Bulloo Shire Council
Subordinate Local Law No. 1.16 (Depasturage of
Animals on a Town Reserve) 2019



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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.16 (Depasturage of Animals on a Town Reserve) 2019*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2019* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2019* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

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- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.



Schedule 1 Depasturage of animals on a town reserve

Section 5

1. Prescribed activity

Depasturage of animals on a town reserve.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) Full details of—

- (a) the number and type of stock to be depastured on the town reserve; and
- (b) the age, breed and sex of the stock to be depastured on the town reserve; and
- (c) the address of the owner of the stock to be depastured; and
- (d) the number of stock (including progeny) of the applicant which are already depastured on the town reserve; and
- (e) details of any other residents of the household that hold a current approval to depasture stock on the town reserve, together with particulars of the approval; and
- (f) the period during which the animals are to be depastured on the town reserve; and
- (g) the details of the approved tag for each animal to be depastured on the town reserve; and
- (h) the person who will be responsible, on a day to day basis, for the care and control of each animal to be depastured on the town reserve; and
- (i) when the animals depastured on the town reserve are to be removed from the town reserve; and
- (j) how the applicant, or any other person, has identified, or proposes to identify, each animal to be depastured on the town reserve; and
- (k) the place of residence of the applicant and the period during which the applicant has continuously resided at the place of residence; and
- (l) the description (including each brand, ear mark, ear tag number, approved tag, and an NLIS tag from the property of origin) of each animal to be depastured on the town reserve; and
- (m) the waybill and a copy of the receipt or bill of sale for each animal.

(2) The proposed term of the approval.

(3) The materials, equipment and vehicles (if any) to be used in the undertaking of the

prescribed activity.

4. Additional criteria for the granting of an approval

- (1) The undertaking of the prescribed activity must not—
 - (a) result in—
 - (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) obstruction of vehicular or pedestrian traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
 - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.
- (2) Only an applicant who has resided at a place of residence in the local government area of the local government for a period of 3 continuous months may be granted an approval to depasture an animal on a town reserve.
- (3) An approval to depasture an animal on the Hungerford town reserve, the Noccundra town reserve or the Thargomindah town reserve must not be granted to a person—
 - (a) who is residing at a place of residence in circumstances where another person who ordinarily resides at the residence already holds an approval to depasture animals on the town reserve; or
 - (b) who has a legal or equitable interest in land if the safe carrying capacity of the land is 20 or more cattle; or
 - (c) for the Hungerford town reserve – unless the person resides at a place of residence which is situated within the Small Town Zone identified on the Planning Scheme Zoning Map of the Town of Hungerford in the planning scheme of the local government; or
 - (d) for the Noccundra town reserve – unless the person resides at a place of residence which is situated within the Small Town Zone identified on the Planning Scheme Zoning Map of the Town of Noccundra in the planning scheme of the local government; or
 - (e) for the Thargomindah town reserve – unless the person resides at a place of residence which is situated within the Industrial Zone, Mixed Use Zone or Urban Zone identified on the Planning Scheme Zoning Map of the Town of Thargomindah in the planning scheme of the local government.

- (4) An approval to depasture animals on a town reserve may only authorise the following—
 - (a) the depasturing on the town reserve of horses and cattle;
 - (b) the depasturing of the animals if the animals are the bona fide property of the applicant;
 - (c) the depasturing of cattle if the cattle are clearly branded with a brand registered in the applicant's name, an ear tag with the applicant's name and/or brand clearly visible and an NLIS tag from the property of origin of the cattle;
 - (d) the depasturing of horses if the horses are clearly branded.
- (5) An approval to depasture animals on a town reserve may only authorise the depasturing of horses and cattle per place of residence (household) as resolved by the local government from time to time.
- (6) An approval to depasture animals on a town reserve must not authorise the depasturing on the town reserve of a stallion, rig or stag.

5. Conditions that must be imposed on an approval

The conditions that must be imposed on an approval are—

- (a) the approval holder must pay to the local government the fees prescribed by the local government, including the fees (if any) prescribed in the approval; and
- (b) any unpaid fees at the time of muster may result in the cancellation of the approval and the removal of the animals from the town reserve; and
- (c) the approval holder, or an agent of the approval holder, must participate in each muster, that is, the approval holder or the agent must be present from the start of the muster until the time at which the cattle are returned to the Cattle Paddock; and
- (d) all muster participants must comply with any reasonable direction of the RLO or an authorised person of the local government; and
- (e) should the approval holder not participate in 2 consecutive musters, the approval may be cancelled and the animals removed from the town reserve and impounded.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions that will ordinarily be imposed on an approval are—
 - (a) the approval holder must not depasture 1 or more bulls on a town reserve without the prior approval of each of—
 - (i) the RLO or an authorised person; and
 - (ii) each approval holder who is entitled to depasture stock on the town reserve; and

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- (b) the approval holder must not depasture a stallion on a town reserve; and
- (c) the local government may require the surrender of the approval if the approval holder ceases to reside at a place of residence in the local government area of the local government; and
- (d) the approval may—
 - (i) specify the types of animals that may be depastured on a town reserve, for example, the types of animal that may be depastured may be limited to horses and cattle; and
 - (ii) specify the maximum number of animals that may be depastured on a town reserve, for example, a limited number of horses and a limited number of cattle, or a combination of horses and cattle, but limited to a specified number; and
 - (iii) require that all cattle depastured on a town reserve must be identified by the attaching of an ear tag issued by the local government and an approved tag on the off side ear of each animal; and
 - (iv) require that the approval holder deliver to the local government a description (including particulars of brand, ear mark, ear tag number and approved tag) for each animal to be depastured on a town reserve prior to the depasturing of the animal on the town reserve; and
 - (v) require that the approval holder is not permitted to sell any cattle depastured on a town reserve to another person who is also depasturing animals on the town reserve; and
 - (vi) give the RLO or an authorised person the right to remove from a town reserve any animal depastured on the town reserve pursuant to the approval; and
 - (vii) require the approval holder to remove 1 or more animals from the town reserve within a specified period, or in a specified manner, if the RLO or an authorised person is satisfied that—
 - (A) the depasturing of the animal or animals on the town reserve is causing, or is likely to cause, injury to persons or property; or
 - (B) the removal of the animal or animals from the town reserve is necessary to preserve or maintain the carrying capacity of the town reserve; and
 - (viii) give the RLO or an authorised person the right to remove from a town reserve any animal depastured on the town reserve if—
 - (A) the RLO or an authorised person is unable to contact the approval holder and the RLO or an authorised person is satisfied that immediate removal of the animal is necessary for safety reasons; or
 - (B) the removal of the animal or animals from the town reserve is necessary to preserve or maintain the carrying capacity of

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- the town reserve; and
- (ix) prohibit the depasturing on a town reserve of a stallion, rig or stag; and
 - (x) limit the number of animals that may be depastured on a town reserve by reference to the safe carrying capacity of the town reserve; and
 - (xi) specify the number of entire bulls that may be depastured on a town reserve; and
 - (xii) require that—
 - (A) all animals depastured on a town reserve by the approval holder are the bona fide property of the approval holder; and
 - (B) the welfare of any animal depastured on a town reserve is the responsibility of the approval holder who must ensure the provision of adequate feed and water for the animal at all times; and
 - (C) an animal depastured on a town reserve pursuant to the approval wear a specified device to facilitate the location of the animal, for example, a bell; and
- (e) the approval may require the approval holder to consent in writing to the mustering of 1 or more or all of the animals of the approval holder on the town reserve in 1 or more of the following ways—
- (i) in a specified manner;
 - (ii) periodically;
 - (iii) by reference to specified periods;
 - (iv) without notice;
 - (v) when considered necessary by the RLO or an authorised person having regard to prevailing weather and stock conditions; and
- (f) the approval may require that the approval holder must not depasture a bull on a town reserve for more than 3 breeding years; and
- (g) the approval may require that—
- (i) any progeny from stock already depastured on the Thargomindah town reserve may only be depastured on the town reserve subject to the following—
 - (A) a new calf born on the town reserve will not be included in the total number permitted until the next muster following the branding of the new calf;
 - (B) each male calf must be castrated at the time of branding of the calf;
 - (C) each new foal born on the town reserve will not be included in the total number permitted until the animal is 6 months of age;

- (D) each entire male horse must be removed from the town reserve when the horse reaches 9 months of age; and
- (ii) all cattle depastured on the town reserve must have their horns tipped; and
- (iii) any horse removed from the town reserve for more than 1 month must not be depastured on the town reserve otherwise than in accordance with an approval granted after the receipt of a new application; and
- (iv) any animal welfare concerns will be reported to the Department of Agriculture and Fisheries for further investigation.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

household means a group of people, often a family, who live together.

place of residence, of a person, means the premises that the person uses, or intends to use, as the place of residence, or mainly as the place of residence, of the person.

residence means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

RLO means a Rural Lands Officer of the local government.

town reserve has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.16 (Depasturage of Animals on a Town Reserve) 2019* made in accordance with the provisions of the *Local Government Act 2009* by Bulloo Shire Council by resolution dated the 16th day of July 2019.


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Chief Executive Officer

