



## LOCAL LAW POLICY

### LLP11 DROVING OF LIVESTOCK

#### INTRODUCTION

The Local Law No. 1 of 2018 Community Amenity was adopted by the Council of the Rural City of Wangaratta on 17 July 2018.

This policy sets out the conditions to be considered to permit droving of livestock while protecting the values of roadsides and Council land.

#### CONTEXT

Many road reserves have natural vegetation which may be damaged by inappropriate use. Use can be permitted taking into account site values and condition.

#### SCOPE

All droving on Council road reserves or other Council reserves. VicRoads reserves are not included.

#### PURPOSE

This policy will regulate activity on roadsides to control the risk of droving to vegetation. In some circumstances the activity may not be permitted.

#### LOCAL LAW

Local Law No.1 of 2018 Community Amenity (Part D).

##### ***17. Droving of Livestock***

A person must not, without a permit, undertake Droving of Livestock on Council Land or a Road.

A person who fails to obtain a permit is guilty of an offence against Local Law No.1 of 2018 Community Amenity.

### **Penalty: 2 Penalty Units**

A person must comply with:

- (a) any conditions of a permit; and
- (b) any additional requirements or limitations that this Local Law applies to the use or activity.

### **Penalty: 2 Penalty Units**

The Council may grant exemptions from any other requirements or limitations that this Local Law applies to the use or activity.

In deciding whether to grant a permit the Council may take into consideration any of the criteria listed in Part K of the Local Law No.1 of 2018 Community Amenity or criteria listed in this Policy.

### ***Droving of Livestock Application***

An application for a permit for the droving of livestock must be made at least 7 working days before it is proposed to drive livestock through the municipal district.

In addition to the requirement to obtain a permit for the droving of livestock, Council roads may only be used for the droving if the requirements in the Council's Community Amenity Local Law No. 1 - Local Laws Policies are observed.

## **POLICY**

### **DEFINITIONS**

**Movement of Stock:** Movement of stock (during daylight hours and not less than one km per hr) between adjoining or adjacent paddocks or properties as part of normal farming practices. (See Local Law Policy 30 for conditions relating to Movement of Stock.)

**Droving of Stock:** means a person or persons driving of livestock in or through the municipal district or from one location to another for the purpose of changing their grazing area or for the purposes of sale or relocation after sale but does not include movement of livestock.

**Grazing of Stock:** means using a road within a particular or designated area in the municipal district for grazing including supplementary feeding rather than for droving or movement of livestock.

Further definitions pertaining to this policy can be found in the Definitions section, Local Law No.1 of 2018 Community Amenity Part A.

## **LOCAL LAW POLICY**

This policy details conditions relating to the droving of stock.

### **Application for permit and bonds**

1. A person making an application for a droving permit must pay fees in accordance with fees and charges as established in the Council's Fees and Charges Register.
2. A bond paid under Clause 1 must be refunded to the person who made the application:
  - a) if the permit application is refused, within seven (7) days of the refusal being notified to the applicant; or
  - b) if the permit is granted, after the livestock have left the municipal district and provided the applicant has complied with the conditions of the permit.
3. The Council may retain all or part of the bond to the extent of the cost of repairing any damage to roads or other property which in the opinion of the authorised officer has been caused by or occurred as a result of the driving of livestock.
4. The Council may retain such part of the bond that represents the amount of unpaid daily fees due at the date the livestock leave the municipal district.
5. The Council may deduct any monies from the bond for a breach of any of the permit conditions.
6. If a deduction for a breach of any of the permit conditions is made before the livestock leave the municipal district, the permit holder must maintain the bond at the amount determined by the Council or at the amount of \$1,000 by paying to the Council any amounts deducted within 48 hours of being advised of their deduction.

### **Permit conditions**

1. An authorised officer may issue a permit to drive livestock through the municipal district if:
  - a) an application and the fees required under clause 1 have been paid; and
  - b) he or she is satisfied that the livestock are fit to travel a distance of 10 kilometres per day towards their destination.
2. In determining to grant a permit the authorised officer must take into account:
  - a) the duration of the permit required having regard to the nature of the activity being undertaken; and
  - b) the route to be travelled, which must be determined by the authorised officer having regard to:

- i. the route requested by the applicant;
- ii. the practicality of the route or alternative routes;
- iii. traffic usage;
- iv. the proposed commencing and finishing locations;
- v. the duration and/or frequency of the livestock movement proposed;
- vi. the number of livestock involved in the proposed droving;
- vii. any permits already granted for livestock droving or grazing on or adjacent to the proposed area;
- viii. the condition of the road and prevailing weather conditions at the time of the proposed droving or throughout the proposed livestock droving;
- ix. the availability of alternative routes;
- x. the distance to be covered each day;
- xi. the health and condition of the livestock;
- xii. the nature of any weeds or growth along any proposed route and the potential for livestock to spread noxious or environmental weeds;
- xiii. the potential for safely accommodating the livestock overnight;
- xiv. the capacity to adequately warn other road users of the presence of livestock on the road;
- xv. procedures for varying the route in situations of hardship;
- xvi. the availability of water;
- xvii. the ability of the livestock to be driven at the rate of at least one (1) kilometre an hour where the route to be travelled is already subject to a grazing permit;
- xviii. the sensitivity of damage to vegetation on that route (droving on High Conservation Value roadsides will only be permitted if biodiversity values are not adversely affected);
- xix. the outcome of any consultation with the Department of Environment and Primary Industries regarding native vegetation;
- xx. relevant recommendations or guidelines of Council's Roadside Conservation Management Plan;
- xxi. relevant recommendations or guidelines of the Municipal Fire Prevention Strategy;
- xxii. any other matters considered relevant by the Council.

3. A permit issued for the droving of livestock under this Local Law must contain conditions that require:

- a) livestock camped overnight be enclosed by a substantial and secure barrier;
- b) the carcasses of any livestock that die while in the municipal district be promptly and adequately disposed of;
- c) livestock only be driven between the hours of sunrise and sunset;
- d) livestock not be camped on an area which is a declared or designated as a high conservation value road reserve or other area designated as prohibited for the camping of livestock in Council's Roadside Conservation Management Plan.
- e) a person competent in the handling of livestock be present at all times;

- f) signs conforming with the requirements of the Roads Corporation are in place;
  - g) an inspector of livestock of the Government agency administering the Livestock Disease Control Act 1994 is notified if the person in charge of the livestock becomes aware or suspects that the livestock or any of them have disease or dies of a disease that is a notifiable disease under that Act;
  - h) the number of livestock to be driven in the municipal district at any one time does not exceed the number specified in the permit;
  - i) require the permit holder to obtain public liability insurance on such terms and for such amounts as the permit requires.
4. A permit issued for the droving of livestock may include conditions that:
- a) require reflective signs to be erected in the front and the rear of any livestock camped overnight on any lane or thoroughfare;
  - b) limit the number or type of livestock which may be driven by the permit holder through the municipal district at any one time;
  - c) require the livestock to travel not less than the distance specified by an authorised officer per day;
  - d) the permit expires after two (2) months unless an extension of time is applied for and any additional fees are paid;
  - e) the origin of the stock be considered in terms of the potential to spread weeds and appropriate restrictions may be applied;
  - f) allow an exemption to the requirement to drive livestock a minimum distance through the municipal district in the form of one (1) rest day per week.
5. A permit must not allow the driving of more than 4,000 sheep, ewes, wethers and rams in total or more than 500 cattle (excluding calves under the age of three months) in total or more than 200 of any other livestock in total at any one time by the permit holder.
6. A permit issued under the Local Law expires as soon as the droving which it permits has been completed.

## RESPONSIBILITIES

Preparation of application Permit	Applicant
Approval of Permit	Community Compliance Unit
Issue of Permit	Community Compliance Unit
Enforcement	Community Compliance Unit
Decision - Appeals	Review Panel
Maintaining documentation	Community Compliance Unit

## MANAGEMENT FRAMEWORK

Appeal of a refusal to grant a Local Laws Permit must be made in writing. Appeals will be considered by Council's Review Panel. This Panel meets monthly and comprises three

members of Council's Senior Management Team, including the Director Development Services or the Manager Building, Planning & Compliance.

## **REPORTING**

As required, the Review Panel may submit a report on the effectiveness of a particular Local Law and associated Local Law Policy. An annual report will be submitted to the Audit Advisory Committee detailing demand for Local Laws Permits and implementation of the Local Law Policy.

## **OTHER INTEGRATION ARRANGEMENTS**

Officers will liaise with the Roads Corporation, as appropriate.

## **REFERENCES**

Roadside Conservation Management Plan 2014 (Rural City of Wangaratta)

## **REVIEW**

Any change or update which materially impacts and alters this policy must be by CEO approval following review by the Audit Advisory Committee. Otherwise, this policy will be reviewed annually by the Audit Advisory Committee at a basic level and once every three years at a detailed level. The annual review must be included in the Committee's calendar in conjunction with a scheduled Committee meeting. Following the detailed review, recommendations will be made to the CEO.