

APPLICATION FOR CATTLE AGISTMENT PERMIT TOWN COMMON AREAS

IMPORTANT NOTICE

Goondiwindi Regional Council is collecting this information in order to comply with its responsibilities and obligations as a Local Government. The information will only be used by Council Officers or Agencies which may have a legitimate need for the information to process applications or the like. Your information will not be given to any other person or Agency until you have given us permission or we are required to by law.

Land Protection (Pest and Stock Route Management) Act 2002 (Section 119)

New Permit

Renewal of Existing Permit

Replacement Permit

_____ (permit no.)

_____ (previous permit no.)

Note: If this permit replaces or amends in any way a permit that has been issued previously, this permit cancels the previous permit.

AGISTMENT AREA

This permit authorises the stock scheduled below to be agisted on:

Area Permitted For Agistment:					
Start Date:		Finish Date:		Total No. of Days:	

STOCK SCHEDULE

No. of Stock	Breed	Sex	Age	Brand	Ear Tag No.

OWNERS DETAILS

Surname:		First Name:	
Postal Address:			
Suburb:		Postcode:	
Phone:		Email Address:	

DROVERS DETAILS (person in charge of the stock during agistment)

Surname:		First Name:	
Postal Address:			
Suburb:		Postcode:	
Phone:		Email Address:	

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PUBLIC LIABILITY INSURANCE DETAILS

Please provide a copy of your public Liability Insurance for Council's records

Insurance Company:		Insured Amount:	
Policy Number:		Expiry Date:	

TERMS AND CONDITIONS

This permit is subject to the standard conditions set out on page 3 of this permit.

The following amendments to the standard conditions apply:

- a) The common is used a recreational reserve and used by the public. Council holds no responsibility for the damage or loss of stock or private property being used for the stock from the public.
- b) If or When the common is at risk of flooding during a major rain event, the owner of the stock must make arrangement to remove the stock.
- c) The gates to the common can be locked by Council after rain. This can restrict access to inspect the stock. Access can be gained by contacting Council.
- d) The maximum number of stock depastured on the Reserve by one person or family shall not exceed three (3) without approval from Council.
- e) An entire bull over the age of six (6) months shall not be depastured on the Reserve or Town Common area.
- f) It is the permit holders responsibility to ensure that permits remain current; if the permit lapses Council may refuse to renew the permit.
- g) All animals depastured on a Town Common MUST be registered with Council prior to agisting on the Reserve, and the owner of the stock MUST be able to provide a copy of the permit if requested by Council.
- h) No person, other than a bona fide resident of the adjacent Township and over the age of seventeen (17) shall be permitted to depasture stock on the Reserve or Town Common.
- i) Council will not be held liable for any injuries inflicted on the stock depastured on the Town Common and it is the owner's responsibility to check the wellbeing of their stock.
- j) Council will not be responsible to ensure that the stock have at least one (1) or more watering points within the common. If there is no water supply, it is the owner's responsibility to cart water to their stock.
- k) Council may impound any stock on the Reserve or Town Common area if the owner breaches any of the above conditions. The owner of any stock impounded will be required to pay the reasonable charges of the Council for such impounding of the stock and the breach must be remedied before any stock is released.
- l) A permit can be cancelled at any time; should the land become degraded or any conditions of the permit not be met.

APPLICANT SIGNATURE

I hereby acknowledge that upon applying for this permit, I have read and understood the Terms & Conditions of this permit and the conditions that form part of this permit.

Customer Signature:		Date:	
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STANDARD CONDITIONS

Refer to page 2 for the other conditions that apply to this permit.

DEFINITIONS

“roadway” means the constructed road surface, including gravel roads, primarily used for the movement of motor vehicles
 “temporary holding yard” means an electric tape fence installed and operated in accordance with Australian Standard AS/NZS 3014:2003 Electric installations – electric fences (where applicable) and is adequate to ensure stock are contained overnight
 “temporary fence” means an electric tape installed and operated in accordance with Australian Standard AS/NZS 3014:2003 Electric installations – electric fences (where applicable) and is adequate to ensure stock are contained during daylight hours

GENERAL

The person in charge of agisted stock must:

- S1** immediately produce this permit, or a copy of it, to an authorised person for inspection if requested;
- S2** keep the stock under control at all times;
- S3** erect temporary fences/holding yards as required, to ensure that agisted stock are fenced in on all sides;
- S4** ensure that temporary holding yards are erected so that stock are kept as far away as practicable from any public roadway in the vicinity;
- S5** move temporary holding yards to a specified location if directed by a person authorised by the issuing entity;
- S6** 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*;
- S7** ensure that the stock are kept free of any disease that may reasonably be expected to be transmittable to other stock; and
- S8** ensure that any bogged, dying, infected, injured or dead stock are removed from the stock route network in a prompt and reasonable manner.
- S9** 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.
- S10** The permit holder must maintain public liability insurance cover with a reputable insurer for an amount not less than \$10 million, which indemnifies the State of Queensland (acting through the Department of Natural Resources and Mines) and local government.
- S11** 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 the issuing entity granting this permit to the permittee including all such 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 the conditions of this permit.

STOCK ROUTE FACILITIES

The person in charge of agisted stock must not:

- S12** without reasonable excuse, damage or interfere with a water facility;
- S13** allow stock to enter any enclosure constructed for the protection of equipment provided by the local authority; or
- S14** waste water from, or pollute water in, any water facility provided for travelling stock.

OFFICE USE ONLY

Permit Approved

Permit Not Approved

Comment:						
Number of Cattle:		x	Fee per head per week:	\$	=	Total Permit Fee: \$
Receipt Number:			InfoXpert No:			Date:
CSO Name:				CSO Signature:		

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TOWN COMMON AGISTMENT PERMIT REVIEW NOTICE

This permit has been granted with conditions. Under Section 119 (1)(b) of the *Land Protection (Pest and Stock Route Management) Act 2002*, a local government must provide a permit holder with a review notice if conditions are imposed on the permit.

The permit holder must abide by the conditions of their permit. Breaching conditions may result in cancellation of this permit and/or legal action. Cancellation of a permit is effective immediately once the notice is received.

A permit holder may request an amendment to a permit condition, by writing to the local government that issued the permit. The reasons for the proposed amendment must be explained clearly in the request.

REVIEW AND APPEAL RIGHTS

If you are not satisfied with a decision by local government to refuse to grant or renew a permit; impose conditions on a permit; refuse to amend conditions on request; or cancel a permit, you can apply to the Department of Environment and Resource Management (DERM) for a review of local government's decision. An application form for a review of a decision can be obtained from DERM.

Important: A request for a review of a decision does not stay the operation of the decision. The local government's decision will stand until the review has been decided (note: the review may take up to 14 days).

If DERM decides to confirm the decision of the local government, the applicant or permit holder of a stock route agistment permit can apply to the Queensland Civil and Administrative Tribunal (QCAT) to appeal against the confirmation of the decision.

Under Section 297 of the *Land Protection (Pest and Stock Route Management) Act 2002*, an appeal is started by filing a notice of appeal with the QCAT within 28 days of receiving the confirmation of the decision by DERM; giving a copy of the notice to the person who made the decision being appealed; and complying with the rules of QCAT. The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Potential appellants should refer to Chapter 9 of the Act for detailed information regarding the appeals process and requirements.

BASIS FOR CONDITIONS

The conditions set out on this permit are based on the following issues:

<u>Condition no.</u>	<u>Reason condition imposed</u>
S1	Ensure compliance
S2 – S5	Public safety
S6	Sustainable environmental management
S7 – S8	Environmental health
S9	Sustainable environmental management
S10	Protection of public assets/lands
S11	Provide indemnity
S12 – S13	Protection of public assets
S14	Protection of public assets and sustainable environmental management