

# Local Law No 5 - 2011

## Livestock



The resolution for making this Local Laws was passed  
at a meeting of the Wellington Shire Council held on  
**Tuesday 19 July 2011.**



WELLINGTON  
SHIRE COUNCIL  
*The Heart of Gippsland*

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**WELLINGTON SHIRE COUNCIL  
LIVESTOCK  
LOCAL LAW NO. 5 - 2011**

## **PART 1 - PRELIMINARY**

### **1.1 Title**

This Local Law is the Wellington Shire Council's Livestock Local Law No. 5-2011 and is referred to as this Local Law.

### **1.2 Objectives**

The objectives of this Local Law are to:

- a) Provide for those matters that require a local law under *the Local Government Act 1989* and any other Act;
- b) Regulate the movement and droving of Livestock through and within the Municipal District and the grazing of Livestock within the municipal district;
- c) Minimise any damage to Road pavements, formations, drainage, vegetation and surrounding areas arising from Livestock;
- d) Minimise the spread of Livestock disease and noxious weeds in the municipal district;
- e) Provide for the welfare of Livestock when being driven, grazed or moved;
- f) Alert other Road users to the presence on Roads of Livestock in the Municipal District in the interests of safe use of Roads;
- g) Regulate the adequacy of fencing of Livestock;
- h) Put in place mechanisms for rectifying inadequate fencing;
- i) Fix fees or charges relating to the impounding of Livestock and all other costs incidental thereto and for Road use by Livestock within the municipal district;
- j) Provide for the administration and exercise of Council powers and functions;
- k) Provide for the peace, order and good government of the Municipal District of the Wellington Shire; and
- l) Repeal any redundant local laws.

### **1.3 The Power to Make this Local Law**

This Local Law is made under the provisions of Section 111(1) of the *Local Government Act 1989* and Section 87(4) of the *Road Safety Act 1986*. This Local Law was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.

### **1.4 Operational date of this Local Law**

This Local Law comes into operation on the day following publication in the Victorian Government Gazette at which time Livestock Local Law No 5 - 2005 adopted by Council on 21 December 2004 will be revoked and cease to operate.

## 1.5 Date this Local Law ceases operation

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

## 1.6 Scope of this Local Law

This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a clause or schedule applies to specific area or areas. Its provisions apply to the extent that they are not inconsistent with any Act, Regulation or Planning Scheme applicable to the Council or to its Municipal District.

## 1.7 How to Read this Local Law

### 1) Division of Parts

This Local Law is divided into Parts. Each Part is divided into separate clauses. Some of the clauses may be divided into sub-clauses which may, in turn, be divided into paragraphs.

Standards and Schedules form a part of this Local Law.

References to a particular provision of this Local Law or one of its Standards or Schedules may appear abbreviated, for example:

- S1 means Standard 1 of this Local Law
- 7.3 means clause 7.3 of this Local Law
- SCH1 means Schedule 1 of this Local Law

### 2) Standards and Local Law Provisions and their relationships

Parts 1 to 5 of this Local Law set out the legal obligations, enforcement and penalties.

Part 6 of this Local Law sets out:

- the criteria to which persons exercising discretions under this Local Law must have regard; and
- standards which are applicable to Parts 1 – 5

## 1.8 Definitions

Expressions used in this Local Law have the same meaning as in the *Local Government Act 1989* as defined in section 3 of that Act including Chief Executive Officer, Municipal District and senior officer except where otherwise defined.

- 1) In this Local Law, and any other incorporated documents, unless the context otherwise requires:

WORDS	MEANING
Act	means the <i>Local Government Act 1989</i> unless the context in which it is used indicates otherwise.
Applicant	means the person who applies for a permit under this local law.
Authorised Officer	means an authorised officer appointed under section 224 of the Act.
Cattle	means any bull, cow, ox, steer, heifer, calf or buffalo.

<b>WORDS</b>	<b>MEANING</b>
Chief Executive Officer	means the member of council staff appointed to be its principal executive.
Conservation Value – Low, Medium, High	has the meaning ascribed to them in the Wellington Shire Council Roadside Vegetation Management Plan as adopted by resolution of the Council from time to time.
Council	means the Wellington Shire Council
Council Land	means all land either vested in the Council or in respect of which the council has the care and management. Includes land which is delegated to Council by other authorities for management purposes.
Daylight hours	means the hours between sunrise and sunset.
Declared Road	means a Road for which the Roads Corporation is the Road authority under the <i>Road Management Act 2004</i> .
Disease	means any contagious or infectious disease or any condition to which Livestock is subject, or an exotic disease as declared by the Governor in Council for the purposes of the <i>Livestock Diseases Control Act 1994</i> .
Drover	means the person responsible for the droving of Livestock and includes the owner of those Livestock or an employee or contractor of that person engaged for the purposes of supervising the droving of those Livestock or taking them from or to a market.
Droving of Livestock	means a person or persons droving livestock, from one location to another for the purpose of changing their grazing area or moving livestock from their grazing areas to a location for purposes of sale or from a sale location to a grazing area but does not include movement of livestock. It includes mere droving of livestock in or through a municipal district for the purpose of or including supplementing their feeding or taking them from or to a market.
Effective Control	means control by person or persons alone or using dogs, devices, fences or other equipment so as to ensure that Livestock are not trespassing or endangering persons or objects.
Exemption	means an exemption issued by or under the authority of Council under this local law.
Grazing of Livestock	means causing livestock to enter and remain on a Road or Roads within the municipal district for purposes of grazing rather than for purposes of droving or movement of livestock. It relates to grazing a particular or designated area and not to indiscriminate droving for purposes of or including supplementing feeding.
High Country	means Crown land in the northern region of Wellington Shire on which livestock are seasonally grazed in accordance with a lease or licence.
Large Cattle	means cattle over 9 months of age.
Livestock	has the meaning ascribed to it by part 1 (3) of the <i>Impounding of Livestock Act 1994</i> . "Livestock" means an animal (including a bird) of any species used in connection with primary production or kept for recreational purposes, other than a dog or cat.
Low Country	means the land owned or occupied by the owner or person in charge of the livestock grazed seasonally on the High Country, to which the livestock are returned for winter grazing.

<b>WORDS</b>	<b>MEANING</b>
Movement of Livestock	means: (i) individual or regular movement of Livestock; (ii) as part of normal farm management operations of one farming enterprise but not for purposes of grazing; (iii) from one property within the Municipal District to another property within the Municipal District or from or to one property in the Municipal District to or from a property within an adjacent municipal district; (iv) at the rate of not less than one kilometre per hour in the direction of movement between the two properties; (v) where the properties concerned are occupied by the one farming enterprise; and (vi) the movement is completed on the day of commencement.
Municipal District	means the Municipal District of the Council.
One Farming Enterprise	means a business of farming Livestock run by one or more persons as one business.
Permit	means a permit in writing issued by or under the authority of council under this local law.
Permit Holder	is the person to whom a permit has been issued under this local law.
Utility Provider	A body responsible for developing, maintaining, providing or regulating a service to the public including water, sewerage, electricity, gas, transportation, infrastructure or telecommunications.
Road Rules	means the <i>Road Safety Road Rules 2009</i> .
Road	Has the same meaning as the <i>Local Government Act 1989</i> and <i>Road Management Act 2004</i> and includes: (a) a street; or (b) a footpath; or (c) nature strip; or (d) a public Road under the <i>Road Management Act 2004</i> ; or (e) a right of way; or (f) a bicycle path; or (g) a carriageway; or (h) any land reserved or proclaimed as a street or Road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i> ; or (i) any culvert or curbing.
Schedule	means a schedule to this local law.
Senior Officer	has the meaning ascribed to it in section 3 of the Act.
Service Authority	includes the Council, Victoria Police, State Emergency Service or any government, semi government or non profit agency involved in remedying a problem associated with livestock on a Road.
Stock Crossing	means a location on a Road used regularly for the purpose of livestock crossing that Road and to which the requirements of the Road Rules, and any guidelines or standards or the like referred to in them, apply.



## **PART 2 - ADMINISTRATION OF THIS LOCAL LAW**

### **2.1 Exercise of Discretions**

- 1) In exercising any discretion contained in this Local Law the Council must have regard to:
  - a) the objectives of this Local Law;
  - b) the standards contained in this Local Law; and
  - c) any Guidelines prepared by the Council from time to time.
- 2) The Council may from time to time prepare Guidelines for use by the Council, Council officers and other persons for the purposes of this Local Law.
  - a) Guidelines prepared by the Council must not be inconsistent with the objectives of this Local Law or with the standards contained in this Local Law.
  - b) In preparing Guidelines the Council must have regard to the objectives of this Local Law and the standards contained in this Local Law.
  - c) The guidelines may be amended by the Council from time to time in accordance with Section 112(2) of the Act.

### **2.2 Register of Determinations**

- 1) Any determination made or Guidelines prepared by the Council for the purposes of this Local Law must be maintained by the Council in a register kept for that purpose.
- 2) The register kept for the purposes of this clause must be made available for inspection at the office of the Council during normal office hours.

### **2.3 Notice to Comply**

Council or an Authorised Officer may by serving a Notice to Comply direct any owner, occupier or other relevant person to remedy any situation which constitutes a breach of this Local Law.

### **2.4 Time to Comply**

A Notice to Comply must state the time and date by which the situation must be remedied.

### **2.5 Reasonable Time to Comply**

The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account if applicable:-

- 1) the amount of work involved;
- 2) the degree of difficulty;
- 3) the availability of necessary materials or other necessary items;
- 4) climatic conditions;
- 5) the degree of risk or potential risk; or
- 6) any other relevant matter.

### **2.6 Failure to Adhere to a Notice to Comply**

Any person who fails to remedy a situation in accordance with a Notice to Comply served under this Local Law is guilty of an offence and liable to the amount of the penalty specified by this Local Law.

## 2.7 Power of Authorised Officers to Act in Urgent Circumstances

If an Authorised Officer is of the opinion that:

- a) a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued and:
  - any person; or
  - any animal; or
  - any property; or
  - the environment of the Municipal District is in danger of substantial detriment due to the breach; and
- b) that danger may be exacerbated by the length of time it may take to serve and ensure compliance with a Notice to Comply, an Authorised Officer may take such action as he or she considers necessary to abate or minimise the danger without serving a Notice to Comply provided a subsequent notice in writing is given, if practicable;
- c) the subsequent notice must include:
  - the reasons for taking the action; and
  - the action taken to the person in breach of the provision of this Local Law in respect of which the action was taken.

## 2.8 Power of Authorised Officers to Impound

- 1) An Authorised Officer may seize and impound any thing which has been or is being used or possessed, or which has been left, in contravention of this Local Law.
- 2) Where a thing has been impounded under this Local Law, Council or an Authorised Officer must, if it is practicable to do so, serve a written notice of the impounding personally or by mail on the owner of the impounded item or object.
- 3) An impounded thing must be returned to:
  - a) its owner; or
  - b) a person acting on behalf of its owner who provides evidence to the satisfaction of an Authorised Officer of his or her authority from the owner: –
    - upon
      - i. evidence to the satisfaction of the Authorised Officer being provided of the owner's right to the thing; and
      - ii. payment of any fee determined by Council or an Authorised Officer from time to time. Council may refuse to release the impounded thing or object until the appropriate fee or charge for its release has been paid to Council.
- 4) Clauses 2 and 3 does not apply to the impounding of alcohol under this Local Law or other items where the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner.
- 5) If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 28 days of the notice of impounding being served or, if no notice of impounding has been served on the basis that it is impracticable, of the act of impounding, Council may, at its discretion,

- i. sell;
- ii. dispose;
- iii. give away; or
- iv. destroy,

the impounded thing.

- 6) Any proceeds from the disposal of impounded items under this Part must be paid to the owner except for the reasonable costs incurred by the Council in the administration of this Part.
- 7) In the event that the owner cannot be identified or located within one year any proceeds from the disposal of impounded items under this part must be paid into the Council's General Account.

## **2.9 Power of Authorised officer to impound Livestock**

- 1) An Authorised Officer may impound Livestock which is on a road other than in accordance with this local law.
- 2) Any Livestock impounded by an Authorised Officer must be dealt with in accordance with the *Impounding of Livestock Act 1994*.

## **2.10 Review Rights**

- 1) If any person is aggrieved by the level of fairness of any action taken by Council or an Authorised Officer under this Local Law, he or she may request Council's Chief Executive Officer to review the fairness or reasonableness of the action taken.
- 2) Where Council's Chief Executive Officer reviews the fairness or reasonableness of any action taken by Council or an Authorised Officer, the result of that review must be communicated to the person who made the request in accordance with clause 2.9 (1).

## **2.11 Name and addresses**

A person is guilty of an offence if:

- a) an Authorised Officer finds the person is committing or has committed an offence under this Local Law; and
- b) the person fails to give his or her correct name and correct address to the Authorised Officer upon request.

## **2.12 Enforcement**

- a) Where any provision in this Local Law requires that something must not be done under any circumstances, any person who does that act is guilty of an offence.
- b) Where any provision in this Local Law requires that something must not be done between specified hours of the day or night during specified months of the year, on days meeting a recognized category\* or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, in or at the location or a specified part is guilty of an offence.

\*E.g. extreme fire danger days.

- c) Where any provision in this Local Law requires that a person must have a permit for any particular activity, that person is guilty of an offence if that person engages in that activity without a current Permit issued by the Council (unless the Council in its discretion has waived the requirement for a Permit).
- d) Where any Permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of the Permit is guilty of an offence.
- e) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

### 2.13 Penalties

Except where otherwise indicated the penalty for breach of any provision of this Local Law is 20 Penalty Units.

Schedule 6 of this Local Law sets out penalties for infringement notices which may be issued in respect of offences against this Local Law where the Council or its Authorised Officers determine to issue an infringement notice.

### 2.14 Infringements

- 1) An Authorised Officer may serve an infringement notice under this Local Law on any person whom the officer believes has committed an offence referred to in this Local Law in accordance with Section 12 of the *Infringements Act 2006*.
- 2) The infringement notice must be in the form required in Section 13 of the *Infringements Act 2006*.
- 3) If the infringement notice is not withdrawn and the person pays to the Council the amount required by the infringement notice within the period of 28 days or such further period as the Council or an Authorised Officer may allow, no further action will be taken against that person for the alleged offence.
- 4) Any person issued with an infringement notice may apply for internal review to the Chief Executive Officer, officer in charge of Local Laws administration or any other person authorised by the Council to receive such representations in accordance with Section 22 of the *Infringements Act 2006*.
- 5) An application or internal review received by the Council in accordance with sub-clause (4) within 28 days of the issue of the infringement notice must be considered in accordance with Section 24 of the *Infringements Act 2006*.
- 6) The Council or the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises may make a decision on the application for internal review in accordance with Section 25 of the *Infringements Act 2006*.
- 7) Subject to sub-clause (12) the decision of the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises on any representations received will be final.
- 8) Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the infringement notice.

- 9) If the penalty referred to in an infringement notice has been paid within the required period of its issue and no application for internal review has been received by the Council or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.
- 10) A withdrawal of an infringement notice must be served in accordance with Section 234 of the Act.
- 11) In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the Authorised Officer may permit, the Council or the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- 12) Any person served with an infringement notice under this Local Law is entitled to disregard the notice and defend the prosecution in Court.

### **2.15 Council to carry out work at cost**

- 1) Where Council requires a person to carry out work under this Local Law and that person fails to carry out that work:
  - a) the Council may cause any other person to carry out the work; or
  - b) the Council may carry out the work.
- 2) If a person carries out the work on behalf of the Council, that person may recover the cost of carrying out such work from the person who failed to do it.
- 3) If the Council carries out the work the Council may recover the cost of carrying out the work from the person who failed to do it.

## **PART 3 - PERMITS**

### **3.1 Application for a Permit**

- 1) The form of an application for a Permit under this Local Law will be in the form of Schedule 3 except where this Local Law specifies otherwise, and be accompanied by the appropriate fee.
- 2) The Council may require a person making an application for a Permit to give public notice which will entitle any person to make a submission and be heard in accordance with Section 223 of the Act.

### **3.2 Considering Applications**

In considering an application for a Permit, Council or an Authorised Officer may consider any:

- a) relevant standard, policy or guideline adopted by Council relating to the subject matter of the application for the Permit. Policy or Guidelines may be updated from time to time;
- b) submission that may be received in respect of the application;
- c) impacts, if any, on other persons or places within the municipality;

- d) comments that may be made in respect of the application by any public body, community organisation or other person; and
- e) other relevant matter.

### **3.3 Indemnity**

Council may request that an Indemnity Form indemnifying Council from any loss or damages may be completed. If an applicant is a company, the Indemnity must be guaranteed by an individual who is a director of that company.

### **3.4 Insurance**

Council may request that prior to a Permit being granted the applicant must provide a copy of a public liability insurance policy with a cover of no less than \$10 million per claim. The policy must be maintained for the duration of the Permit. Council must be named as an "interested party" and the policy is required to contain a "cross liability" clause between Council and the applicant.

### **3.5 Privacy Agreement**

Personal information that is requested on an application form is collected for the purpose of processing an application for a Permit.

The personal information will be used solely by Council for that primary purpose or directly related purposes. The Council may disclose some of this information to relevant organisations or people (including property owners) if the nature of the activity for which the Permit has been applied requires consent by parties other than Council or has the potential to affect neighbourhood amenity.

If sufficient information is not collected on the application, Council may not be able to effectively process the application and in most cases will refer the application back to the applicant for further details.

The applicant understands that the personal information provided is for the purpose of applying for a Permit and that they may apply to Council for access to or amendment of the information.

### **3.6 Permit may be Conditional**

A Permit under this Local Law may be issued subject to the Council determining the conditions on which it is prepared to issue the Permit including conditions relating to:

- a) the payment of a fee or charge;
- b) a standard to be applied;
- c) a time limit to be applied which may specify the times, duration, commencement or completion date;
- d) that the Permit is subject to the happening of an event;
- e) the rectification, remedying or restoration of a situation or circumstance;
- f) where the applicant is not the owner of the subject property, the consent of the owner;

- g) the granting of some other permit which may be required by the Council whether under this Local Law or otherwise; or
- h) any other condition as is required to give effect to the objectives of this Local Law.

### **3.7 Health or fitness of Livestock**

- 1) Where an Authorised Officer considers that doubt arises as to the health and/or fitness of Livestock to be driven, grazed or moved within the Municipal District without potential adverse health effect to other Livestock in the municipal district, he or she may require the owner, drover or person in charge of the Livestock being or proposed to be driven, grazed or moved to have the Livestock examined by a suitable veterinary practitioner appointed by the Council for the purpose at the cost of the owner, drover or person in charge of that Livestock.
- 2) In the event that the veterinary practitioner confirms that the Livestock are unhealthy or unfit to be driven, grazed or moved in the municipal district, the Authorised Officer may refuse to allow such driving, grazing or movement.

### **3.8 Additional information**

The Council or an Authorised Officer may require an applicant to provide additional information before determining an application for a Permit. If sufficient information is not collected on the application, Council may not be able to effectively process the application and in most cases will refer the application back to the applicant for further details. The Council may require additional information for the purpose of administering and enforcing provisions of this Local Law.

### **3.9 Duration of permits**

Except where expressly stated in this Local Law or in the Permit, the Permit will operate from the date it is issued and will expire one year after the date of issue.

### **3.10 Utility Provider**

- a) A Utility Provider or a person employed by or acting on behalf of a Utility Provider is not required to obtain a Permit under this Local Law in respect of work which is for the ordinary purposes or course of business of the Utility Provider.
- b) A person who would, but for clause 3.9(1), be required to obtain a Permit in respect of any activity must notify the Council in writing of the activity prior to its commencement.

### **3.11 Cancellation of Permits**

- 1) A permit may be cancelled or modified by the Council at any time, if a hazard or a danger to the public exists; or if any of the conditions under which the permit was issued have not been complied with providing:
  - a) a Notice to Comply has been served upon the permit holder;
  - b) there has been a failure to comply with the Notice to Comply;
- 2) Where the permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified by the permit holder of the Notice to Comply without delay.

### **3.12 Correction of Permits**

- 1) Council or an Authorised Officer may correct a Permit issued if the Permit contains:
  - a) a clerical mistake or an error arising from any accident, slip or omission; or
  - b) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, item or object or property referred to in the Permit.
- 2) Council or the Authorised Officer must note the correction in the register of permits.

### 3.13 Exemptions from Permits

- 1) An Authorised Officer may, with the agreement of the Chief Executive Officer, grant an exemption from any requirement to obtain a permit.

The exemption may be granted subject to conditions

A person must comply with the conditions of an exemption.

An exemption may be withdrawn or corrected as if it were a permit.

Where compliance with any condition of a permit or an exemption or other condition arising under this Local Law is impracticable in a particular circumstance, an Authorised Officer may exempt a person from compliance with that condition or vary the condition in a way which is capable of compliance.

- 2) Notwithstanding any other considerations, the Council may exempt a person from the requirement to have a permit in respect of:
  - a) Livestock being driven on a once yearly basis from a "high country" location back to their "low country" grazing property while passing through the municipal district;
  - b) Livestock being driven on a once yearly basis from a "low country" grazing property to their "high country" location while passing through the municipal district;
  - c) grazing of Livestock if it is part of a municipal fire prevention program;
  - d) any applicant where it is satisfied that past performance by the applicant is such that the council can be confident that no supervision will be required and that full compliance with all conditions of exemption can be expected; or
  - e) any applicant where, having regard to all the circumstances of the proposal under consideration, the council considers it is appropriate to do so.
- 3) The Council may, in addition to any other conditions, render any exemption under sub-clause 2(a) or (b) subject to seven (7) days notice, appropriate supervision, warning signs, overnight camping requirements and other conditions as appear reasonable to the council in the circumstances.

### 3.14 Application Offence

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a Permit or exemption is guilty of an offence.



## **PART 4 - FEES, CHARGES AND COST**

### **4.1 Setting Fees and Charges**

The Council may from time to time by resolution determine the fees and charges to apply under this Local Law which may include an administrative or processing fee or charge, and the Council must give public notice of its resolution to set or alter the fees and charges.

### **4.2 Differential or Structured Fees and Charges**

In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

### **4.3 Waiver or Alteration to Fees and Charges**

The Council may waive, reduce or alter any fee or charge with or without conditions

### **4.4 Fees and Charges Relating to Impounded or Impounding Livestock**

- 1) The charges to be paid under section 16(2)(b) of the *Impounding of Livestock Act 1994* and any other fees relevant thereto are those determined by Council from time to time.
- 2) In determining fees and charges relevant to the impounding of Livestock or impounded Livestock, the council must have regard to the costs incurred in:
  - a) the process of impounding;
  - b) the housing and feeding of impounded Livestock;
  - c) arranging any veterinary care or treatment;
  - d) advertising;
  - e) investigating ownership;
  - f) calling and letting tenders;
  - g) auctioning;
  - h) reimbursing owners or occupiers of land trespassed by the impounded Livestock;
  - i) destruction and/or disposal;
  - j) record keeping; and
  - k) any other action necessary or convenient to be done in connection with the functions;

but these considerations do not prevent the Council from determining unit fees or charges payable in respect of each or any element of the impounding, housing, feeding, releasing, selling, treating, destroying, disposal and recording process or of any combination or combinations of them.

#### 4.5 Fees and Charges Relating to Livestock Movement

- 1) In determining fees and charges relevant to the droving or grazing and regular movement of livestock along any Road in the municipal district, the Council may do all or any of the following:
  - (a) fix daily fees and/or per capita charges;
  - (b) fix fees and/or per capita charges according to the duration for which any permit is to operate;
  - (c) fix different fees and/or per capita charges for differing types of livestock;
  - (d) fix different fees and/or per capita charges for droving of livestock and for grazing of livestock or regular livestock movement;
  - (e) fix fees and/or per capita charges on an annual basis or pro rata those fees according to the period of the year yet to elapse when the permit is granted; and
  - (f) fix any bond or guarantee amount to be paid or provided as an alternative to or an addition to an indemnity against damage or actions.
- 2) Prior to introducing any new fees or charges for grazing or regular movement of livestock the Council must invite and consider submissions in accordance with Section 223 of the *Local Government Act 1989*.

#### 4.6 Bonds

- 1) In the case of a permit for droving of Livestock, the applicant must lodge with the Council a bond of \$1,000 in cash or by bank cheque.
- 2) The Council must refund a bond, on application:
  - a) within seven days after refusing to issue a permit; or
  - b) if a permit is issued, after the departure from the Municipal District of the Livestock if the applicant has, in the opinion of an Authorised Officer, complied with the conditions of the permit.
- 3) The Council may retain all or part of a bond, to the extent of:
  - a) the cost to the Council of repairing any damage to Roads or other property which, in the opinion of an Authorised Officer, has occurred as a result of the droving of the Livestock; and
  - b) the amount of unpaid daily fees due in relation to the Livestock the subject of the permit application or permit.
- 4) A deduction under sub-clause (2) may be made at any time before the bond or any remaining part of it is refunded.

- 5) If a deduction is made from a bond before the Livestock have left the Municipal District, the permit holder must, within 48 hours, make further payment to maintain the amount of the bond at \$1,000.
- 6) In the event of any unpaid fees and the cost to Council of repairing any damage exceeding the amount of the bond, the applicant must pay the outstanding amount to the Council and the Council may serve a notice to comply on the applicant.

## **PART 5 - LIVESTOCK ON ROADS**

### **5.1 Fencing of land containing Livestock**

- 1) An owner or occupier of land on which Livestock are kept must ensure that the fencing of that land is adequate to prevent the escape of that Livestock.
- 2) Where in the opinion of Council, there is a failure to comply with sub-clause (1), the Council may serve a Notice to Comply on the owner or occupier of the land requiring that owner or occupier to install, repair, replace or modify fencing, gates or grids.
- 3) In determining whether there is a failure to comply for purposes of sub-clause (1), the Council must have regard to any Council guidelines and industry standards and guidelines which may be updated from time to time.

### **5.2 Offence concerning Livestock on Roads**

- 1) A person who owns or is in charge of Livestock must not cause or allow the Livestock to be on a Road unless in accordance with a Permit for:
  - a) Droving of Livestock:
    - i. through the Municipal District; or
    - ii. from outside the Municipal District towards a point of destination in the Municipal District; or
    - iii. from a location within the Municipal District to a point of destination outside the Municipal District; or
  - b) Grazing of Livestock;
  - c) Livestock Movement where the Livestock are being moved from one property to another property across or along a Road whether directly or indirectly in order to travel from one part of a property to another part of a property.

### **5.3 Permit required for Droving of Livestock**

- 1) The owner or occupier of a property in the Municipal District must not allow the droving of any Livestock along any Road (whether or not the same Road) without a Permit.
- 2) In determining whether to grant a Permit pursuant to sub-clause (1), the Council must have regard to the standards of this Local Law and any guidelines determined by Council from time to time.
- 3) Upon the issue of a Permit under this clause, the Council must notify the Department of Agriculture of the Permit and of the Livestock to be driven.
- 4) A droving Permit granted pursuant to sub-clause (1) expires at the expiry of the period for which it was given.

#### **5.4 Grazing of Livestock**

- 1) An owner or person having charge of Livestock must not allow or cause any Livestock to graze on any Road in the Municipal District without obtaining a Permit.
- 2) In determining whether to grant a Permit, the Council must have regard to the standards of this Local Law and any guidelines determined by Council from time to time.

#### **5.5 Livestock Movement**

- 1) An owner or person having charge of Livestock must not allow or cause the movement of Livestock on any Road in the Municipal District without obtaining a Permit.
- 2) In the event of Livestock being moved at a rate of less than one kilometre per hour, a grazing Permit must be obtained.

#### **5.6 Non- application of Clauses**

- 1) The provisions of clauses 5.2 & 5.3 & 5.5 do not apply to Livestock being transported by vehicle or other means in circumstances where there is no contact between the Livestock and the Road reserve.
- 2) The provisions of clauses 5.2 & 5.3 & 5.5 does not apply to a horse being ridden or driven or led by some attachment when the horse is being ridden driven or led by its owner or by a person authorised to do so by its owner.

#### **5.7 Right of way**

- 1) Travelling Livestock (being Livestock being driven in accordance with a valid Livestock droving Permit) have right of way over other stock on a Road.
- 2) If a person responsible for Livestock on a Road is notified of the approach of travelling Livestock, the person must move the Livestock for which he or she is responsible to an adjoining location or keep them separate from the travelling Livestock by means suitable for the purpose.

#### **5.8 Warning Signs**

- 1) A person involved in Droving of Livestock, Grazing of Livestock or Movement of Livestock in the Municipal District must ensure that adequate warning of the presence of Livestock on the Road is given to other Road users or potential Road users.
- 2) Apart from any other warnings considered appropriate by the person involved in such activities under sub-clause (1), such a person must display signs conforming with guidelines prepared by the Roads Corporation and referred to in the Road Rules.
- 3) A person involved in Droving of Livestock or Grazing of Livestock must ensure that any signs referred to in sub-clause (2) are removed from the Road at the time of completing such Droving of Livestock or Grazing of Livestock or otherwise deactivated as set out in the guidelines referred to in the Road Rules.
- 4) A person involved in Movement of Livestock across a Road must comply with the crossing guidelines prepared by the Roads Corporation.

- 5) In addition to any other Permit or Livestock movement conditions relating to warning signs to other Road users, lighting requirements and the location, size, contents and colour of such devices, the person in charge of Livestock on Roads must comply with:
  - a) any Australian Standards for such purposes;
  - b) any other signage for Road safety including those relating to topography, conditions, Livestock type and numbers; and
  - c) any other requirements of the Roads Corporation communicated to the Council in respect of Declared Roads.

### **5.9 Authorised relocation of Livestock other than in daylight hours**

Livestock must not be driven or moved on Roads other than in daylight hours, unless:

- a) relocation of Livestock by an Authorised Officer;
- b) relocation of Livestock in an emergency or to avoid or minimise danger; or
- c) as provided in any Permit.

## PART 6 - STANDARDS

### S1 DROVING OF LIVESTOCK

- 1) In determining whether to grant a Permit for the Droving of Livestock pursuant to clause 5.3, the Council must take into account:
  - a) whether an indemnity and evidence of public liability insurance has been provided to the Council; and
  - b) any Council guidelines and;
  - c) Council Roadside Vegetation Management Plan and Grazing and Stock Movement Policy as amended from time to time; and
  - d) any other matter relevant to the circumstances of the application.
- 2) The Council must not issue a Permit for the Droving of Livestock if:
  - a) there are more than:
    - i. 3,000 sheep, ewes, wethers and rams; or
    - ii. 500 large cattle; or
    - iii. 200 of any other Livestock; or
  - b) it is not satisfied that the Livestock are able to travel:
    - i. eight kilometres each day (being Livestock referred to in paragraph (a)(i) or (iii)) in one direction; or
    - ii. ten kilometres each day (being Livestock referred to in paragraph (a)(ii)) in one direction-  
towards their destination; or
  - c) the Roads proposed to be travelled:
    - i. are or will be in use for the purpose of the droving of other Livestock at the time proposed;
    - ii. are carrying such an extent of traffic or in such a condition or being used for such other purposes at the time proposed for the droving that the droving is impracticable; or
    - iii. contain areas of medium or high conservation significance and the applicant cannot or is not prepared to give an undertaking to take all reasonable measures proposed to ensure that such areas are protected; or
  - d) the owner or drover or person in charge of the Livestock does not provide evidence, to the satisfaction of Council, of an ability to adequately water and feed the Livestock and to safely contain them overnight; or
  - e) the owner or drover does not supply a declaration of his/her knowledge of the health and fitness of the Livestock in a form acceptable to the Council; or
  - f) a person proposing to introduce cattle into Victoria has not first obtained permission in writing from an Inspector of Livestock under the *Livestock Disease Control Act 1994*, provided certification regarding the Livestock to the Inspector nearest the first point of entry and ensured that the Livestock are ear tagged with approved ear tags prior to entry or otherwise complied with the

*Livestock Disease Control Act 1994.*

- 3) Unless otherwise stated the following conditions apply to all Livestock Permits granted:

A person who is in charge of Livestock which are being driven on a Road must ensure that:

- a) the Livestock are supervised and under effective control at all times by a person who is competent in the management of such Livestock;
- b) Livestock camped overnight are enclosed by a substantial and secure barrier (or otherwise isolated so as to prevent escape or danger to other Road users)
- c) proper disposal takes place of any carcass of any Livestock, under that person's charge, which die on the Road;
- d) the Livestock are only driven during daylight hours;
- e) the Livestock are not driven on Roads which the Council or an Authorised Officer has notified the person must not be used for the Droving of Livestock;
- f) an Inspector of Livestock of Agriculture Victoria administering the *Livestock Disease Control Act 1994* is notified if the person in charge of such Livestock becomes aware or suspects that Livestock (or any of them) have a disease or has died of a disease listed as a notifiable disease under that Act;
- g) he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*;
- h) in respect of any declared Roads, the permission of the Roads Corporation has been obtained.

- 4) The Council may impose any additional conditions as it considers appropriate including requirements that:

- a) Livestock not be camped in an area which is a declared or designated area of medium or high Conservation Value;
- b) appropriate reflective signs or flashing lights be erected in front of, and at the rear of, any Livestock camped overnight on a Road;
- c) the number of Livestock which may be driven in the Municipal District at any one time not exceed the number specified in respect of the Permit;
- d) the Livestock travel not less than the distances specified by an Authorised Officer (which distances may allow for a rest day in appropriate circumstances);
- e) signs conforming with the guidelines prepared by the Roads Corporation and referred to in the Road Rules are in place; and
- f) Livestock are only to be driven on any Road during daylight hours.

- 5) The route to be travelled must be specifically determined by Council having regard to the route requested by the applicant.

- 6) The route to be travelled must be specifically determined by Council having regard to the practicality of that route or alternative routes given:
- i. the respective volume of traffic regularly using Roads in the vicinity;
  - ii. the proposed commencing and finishing locations;
  - iii. the sensitivity of vegetation on that route;
  - iv. the duration and/or frequency of Livestock droving proposed;
  - v. the number of Livestock involved in the droving or each Livestock droving;
  - vi. any Permits already granted for Livestock droving, grazing or movement on or adjacent to the proposed area;
  - vii. the condition of the Road and prevailing weather conditions at the time of the proposed Droving of Livestock or throughout the proposed Livestock droving;
  - viii. the availability of alternative routes;
  - ix. the distance to be covered each day;
  - x. the health and condition of the Livestock;
  - xi. the nature of any weeds or growth along any proposed route and the potential for Livestock to spread noxious or environmental weeds;
  - xii. the potential for safely accommodating any Livestock overnight;
  - xiii. the capacity to adequately warn other Road users of the presence of Livestock on the Road;
  - xiv. procedures for varying any route in situations of hardship;
  - xv. the availability of water and feed;
  - xvi. the outcome of any consultation with the Department of Sustainability and Environment regarding biodiversity conservation;
  - xvii. the views of the Roads Corporation concerning any droving on declared Roads; and
  - xviii. any other matters considered relevant by the Council.

## **S2 GRAZING OF LIVESTOCK**

- 1) In determining whether to grant a Permit for the Droving of Livestock, the Council must take into account:
- a) whether an indemnity and evidence of public liability insurance has been provided to the Council; and
  - b) any Council guidelines and
  - c) Council Roadside Vegetation Management Plan and Grazing and Stock Movement Policy as amended from time to time; and
  - d) any other matter relevant to the circumstances of the application.
- 2) The Council must not issue a Permit for the grazing of a Road by Livestock unless:
- a) the Road or Roads or part of them proposed to be grazed can be grazed without threat to areas of medium and high conservation significance;
  - b) the Applicant for the Permit provides evidence to the satisfaction of Council:
    - that the Livestock will be adequately supervised and effectively controlled;
    - there will be compliance with all conditions of a Permit;
    - where required, of the health and fitness of the Livestock;
    - of an ability to adequately feed and water the Livestock on the Roads proposed;



- c) the Road or Roads or part of them are at the time proposed suitable for grazing by Livestock which can be undertaken without damage to surface, plants or adjacent structures;
  - d) in respect of any declared Roads, the permission of the roads corporation has been obtained; and
  - e) in respect of any Roadside not adjacent to the property owned or occupied by the Applicant, the Applicant has first obtained, in writing, the approval of the adjacent property owner/occupier.
- 3) Unless otherwise stated the following conditions apply to all Permits granted:  
A person who is in charge of Livestock which are being grazed on a Road must ensure that:
- a) the Livestock are supervised and under effective control at all times by a person who is competent in the management of Livestock;
  - b) the carcass of any Livestock under that person's charge which dies on a Road is properly disposed of;
  - c) Livestock are grazed only during daylight hours;
  - d) signs conforming with guidelines prepared by the Roads Corporation and referred to in the Road Rules are in place;
  - e) appropriate precautions are taken to ensure that no damage occurs to Road surfaces, furniture, drains, culverts, bridges and private entrance ways or to trees and shrubs growing within the Road reserve and that erosion is not caused by excessive grazing;
  - f) in the event that Livestock are causing damage including where overgrazing occurs, they are removed from the Road reserve;
  - g) the Livestock are enclosed by an appropriate form of fencing or other control or removed from the Road before daylight hours finish unless an Authorised Officer agrees to some other level of supervision or overnight arrangement;
  - h) an Inspector of Livestock of Agriculture Victoria administering the *Livestock Disease Control Act 1994* is notified if the person in charge of such Livestock becomes aware or suspects that Livestock (or any of them) have a disease or has died of a disease listed as a notifiable disease under that Act; and
  - i) he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*.

### S3 LIVESTOCK MOVEMENT

- 1) In determining whether to grant a permit for the droving of Livestock, the Council must take into account :
  - a) whether an indemnity and evidence of public liability insurance has been provided to the Council; and
  - b) Any Council guidelines; and
  - c) Council Roadside Vegetation Management Plan and Grazing and Stock Movement Policy as amended from time to time and;
  - d) Any other matter relevant to the circumstances of the application.
- 2) The council must not issue a permit for movement of Livestock unless:
  - a) in respect of any movement or part of any movement before daylight hours commence or after daylight hours end, suitable warning lights conforming with guidelines prepared by the Roads Corporation and referred to in the Regulations are in place;
  - b) the length of direct travel is minimised so far as is practicable to the satisfaction of an Authorised Officer of council;
  - c) areas of medium or high conservation significance are avoided or protected as far as practicable;
  - d) the location of any road crossing is chosen having regard to the safety of all road users;
  - e) the location of any road crossing is chosen having regard to the safety of all road users;
  - f) any other stock crossing requirements of the Roads Corporation or the council are met;
  - g) there is compliance with any appropriate Code of Practice; and
- 3) A person who is in charge of Livestock being moved across or along a road must ensure that:
  - a) the Livestock are supervised and under effective control by a person who is competent in the management of Livestock;
  - b) except where paragraph (e) applies, signs conforming with guidelines prepared by the Roads Corporation and referred to in the Regulations are in place and removed or deactivated following completion of the movement;
  - c) subject to sub-clause (2) the Livestock are not moved other than during daylight hours;
  - d) the Livestock are moved promptly, to prevent unnecessary grazing of roads;
  - e) For permanent stock crossings on any declared road or any other road specifically determined by Council, there is compliance with guidelines prepared by the Roads Corporation and referred to in the Regulations relating to signage and lighting;

- f) if, due to the nature of the terrain, volume of traffic or visibility, drivers' vision may be restricted, additional warning is given to other road users;
- g) where Livestock are to be moved across or along and across any road in fog or other than in daylight hours, there is compliance with whichever of the Livestock crossing guidelines prepared by the Roads Corporation and referred to in the Regulations as is appropriate to the circumstance of the crossing;
- h) any unreasonable amount of Livestock deposits on any road pavement are removed as soon as practicable; and
- i) the Livestock are healthy and free of disease.



**SCHEDULE 1 – NOTICE TO COMPLY**

To: \_\_\_\_\_ *[\*INSERT COMPANY NAME IF APPLICABLE]*

Address: \_\_\_\_\_

Address to which this Notice to Comply applies  
(if different from above): \_\_\_\_\_

You/the company (delete as applicable) have breached provision(s)\_\_\_\_\_ of Local Law Environment No.5 -2011 as follows:

\_\_\_\_\_  
\_\_\_\_\_

To remedy the breach you must carry out the following action or work, within \_\_\_\_\_ days from the date of this notice being \_\_\_\_\_am/pm on \_\_\_\_\_(Date).

The following work is required:

\_\_\_\_\_  
\_\_\_\_\_

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of the penalty of \$\_\_\_\_\_ (penalty)

A further penalty of one (1) Penalty Unit for each date during which the contravention continues applies; and upon conviction for a second or subsequent offence, double the penalty stated under the provision of Penalty Units.

If you fail to comply with this Notice to Comply within the specified time the Council or the Authorised Officer may proceed to carry out the action or work. You will be liable for any cost incurred by the Council in carrying out such action or work

Name of Authorised Officer: \_\_\_\_\_

Signature of Authorised Officer: \_\_\_\_\_

Date: \_\_\_\_\_

You may contact the Authorised Officer on 1300 366 244 during offices hours for further information about this Notice to Comply.

In person: Wellington Shire Council  
70 Foster Street, Sale

Post: PO Box 506 Sale Vic 3860

Email: [Enquiries@wellington.vic.gov.au](mailto:Enquiries@wellington.vic.gov.au)

Website: [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)



**SCHEDULE 2 – NOTICE OF IMPOUNDING**

To: \_\_\_\_\_ [*INSERT COMPANY NAME IF APPLICABLE*]

Address: \_\_\_\_\_

The following item(s) has/have been impounded in accordance with Local Law no 5, 2011, Livestock.  
(Describe items impounded)

- 
- 
- 
- 

You may arrange to collect the items by contacting the Wellington Shire Council on 1300 366 244 during office hours.

The following fees and charges are payable prior to collecting the items:

_____	_____
_____	_____
_____	_____
TOTAL	\$ =====

If you fail to collect the item(s) and pay the required fees and charges by \_\_\_\_\_ the Authorised Officer will proceed to dispose of the item(s) in accordance with the law.

Name of Authorised Officer: \_\_\_\_\_

Signature of Authorised Officer: \_\_\_\_\_

Date: \_\_\_\_\_

You may contact the Authorised Officer on 1300 366 244 during offices hours for further information about this Notice of Impounding.

In person: Wellington Shire Council  
70 Foster Street, Sale

Post: PO Box 506 Sale Vic 3860

Email: [Enquiries@wellington.vic.gov.au](mailto:Enquiries@wellington.vic.gov.au)

Website: [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)



### SCHEDULE 3 – APPLICATION FOR A PERMIT

Please carefully read both sides of this application before completing it.  
Please indicate the type of permit you need (see list overleaf).

#### Application for Droving of Livestock / Livestock Movement

Name of Applicant: \_\_\_\_\_ [*\*INSERT COMPANY NAME IF APPLICABLE*]

Address of Applicant: \_\_\_\_\_

Telephone No: \_\_\_\_\_ Email Address: \_\_\_\_\_

Permit Type Required: **Droving of Livestock / Livestock Movement (circle required permit)**

I wish to be able to use the following roads: \_\_\_\_\_

Type and number of Livestock: \_\_\_\_\_

Description and identification (brands, NLIS etc): \_\_\_\_\_

Name & address of owner of Livestock: \_\_\_\_\_

Name & phone number of person in charge of Livestock: \_\_\_\_\_

Proposed point of commencement: \_\_\_\_\_

Point of destination: \_\_\_\_\_

Date of commencement and date of completion (droving only): \_\_\_\_\_

I warrant that the above information is true and correct. I agree to abide by all conditions specified in the permit and Local Law and any other relevant guidelines.

Signature (Applicant): \_\_\_\_\_

Date: \_\_\_\_\_

**OFFICE USE ONLY** Permit Fee: \$ \_\_\_\_\_ Receipt Number: \_\_\_\_\_

**Please return completed application form with payment. By mail to: PO Box 506, Sale Vic 3850**  
**Cheques made payable to: Wellington Shire Council. In person, during office hours: 70 Foster Street Sale or 156 Grant Street Yarram.** For further information contact Wellington Shire Council on:  
**1300 366 244**

Personal information that is requested on an application form is collected for the purpose of processing an application for a Permit. The personal information will be used solely by Council for that primary purpose or directly related purposes. The Council may disclose some of this information to relevant organisations or people (including property owners) if the nature of the activity for which the Permit has been applied requires consent by parties other than Council or has the potential to affect neighbourhood amenity. If sufficient information is not collected on the application, Council may not be able to effectively process the application and in most cases will refer the application back to the applicant for further details. The applicant understands that the personal information provided is for the purpose of applying for a Permit and that they may apply to Council for access to or amendment of the information.



**Please carefully read both sides of this application before completing it.  
Please indicate the type of permit you need (see list overleaf).**

### Application for Grazing

Name of Applicant: : \_\_\_\_\_ *[\*INSERT COMPANY NAME IF APPLICABLE]*

Address of Applicant: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Email Address: \_\_\_\_\_

Permit Type Required: **Grazing**

I wish to be able to graze Livestock on specified roads (with or without electric fence). The relevant details are as follows:

Type and number of Livestock: \_\_\_\_\_

Description and identification (brands, NLIS etc): \_\_\_\_\_

Name & address of owner of Livestock: \_\_\_\_\_

Name & phone number of person in charge of Livestock: \_\_\_\_\_

I warrant that the above information is true and correct. I agree to abide by all conditions specified in the permit and Local Law and any other relevant guidelines.

Signature (Applicant): \_\_\_\_\_

Date: \_\_\_\_\_

**OFFICE USE ONLY** Permit Fee: \$ \_\_\_\_\_

Receipt Number: \_\_\_\_\_

**Please return completed application form with payment. By mail to: PO Box 506, Sale Vic 3850  
Cheques made payable to: Wellington Shire Council. In person, during office hours: 70 Foster Street Sale or 156 Grant Street Yarram. For further information contact Wellington Shire Council on: 1300 366 244**

Personal information that is requested on an application form is collected for the purpose of processing an application for a Permit. The personal information will be used solely by Council for that primary purpose or directly related purposes. The Council may disclose some of this information to relevant organisations or people (including property owners) if the nature of the activity for which the Permit has been applied requires consent by parties other than Council or has the potential to affect neighbourhood amenity. If sufficient information is not collected on the application, Council may not be able to effectively process the application and in most cases will refer the application back to the applicant for further details. The applicant understands that the personal information provided is for the purpose of applying for a Permit and that they may apply to Council for access to or amendment of the information

Local Laws no 5, 2011, Clause Livestock Permit Types	Site plan required	Public liability insurance and indemnity form required	Required to advise adjoining neighbours	Other	
Droving of Livestock	5.3	No	Yes	No	
Grazing of Livestock	5.4	No	Yes	No	
Livestock movement	5.5	No	Yes	No	





**SCHEDULE 4 - FORM OF INDEMNITY**

\_\_\_\_\_  
This deed is made on the                      day of                      20

\_\_\_\_\_  
Between: (the permit holder)

\_\_\_\_\_  
And the Wellington Shire Council ('the Council')

Whereas:

Under the *Local Government Act 1989* ("the Act") and Local Law No 5, 2011 Livestock ("the Local Law"), the Council may permit activities on roads.

The Council has issued a permit to the permit holder for the use or activity the subject of the permit on the condition that the permit holder enter into this deed with the Council.

**Operative Provisions**

1. The permit holder indemnifies and releases the Council, its officers, employees and agents ("those indemnified") from and against all actions, claims, demands, losses, costs and expenses for which those indemnified shall or may become liable in respect of and arising from any loss, damage or injury from any cause whatsoever to property or persons caused or contributed to by the exercise of the rights granted to the permit holder by the permit or any purported right arising as a consequence of the grant of the permit and without limiting the generality of the foregoing including any actions, claims, demands, losses, damages or injury alleged to arise as a consequence of:
  - a) the grant of the permit;
  - b) the permitted conduct activities or actions;
  - c) the placement of any goods or equipment on any road;
  - d) the service of any food or drink to any patron of the permit holder's establishment on a road;
  - e) the failure of the permit holder to observe or perform any of the conditions subject to which the permit was granted.

**EXECUTED** as a Deed

**SIGNED SEALED AND DELIVERED** by .....

.....  
Signature of Applicant

In the presence of:

.....  
Signature of Witness

.....  
Name and address of Witness



## SCHEDULE 5 - PERMIT

Name of Permit Holder:

[\*INSERT COMPANY NAME IF APPLICABLE]

Address of Permit Holder

Address to which this permit applies (if different from above):

Is permitted under Clause \_\_\_\_\_ of Local Law no 5, 2011, Livestock to: (DELETE THE ITEMS WHICH ARE NOT APPLICABLE)

- Grazing of Livestock
- Livestock movement
- Droving of Livestock

In addition to the relevant Standards set out in Livestock Local Law no 5 -2011, the following conditions apply to the granting of this permit:

- 
- 
- 

Where any permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of the permit is guilty of an offence.

The permit will come into effect on:

The permit expires on:

Fee \$

Name of Authorised Officer:

Signature of Authorised Officer:

Date:



### SCHEDULE 6 - PENALTIES FIXED FOR INFRINGEMENT NOTICES

Clause	Offence	Penalty Units
2.6	Failure to adhere to a Notice to Comply	2
2.11	Name and addresses	2
3.1	Failure of obtain a Permit where required by this Local Law.	2
3.6	Failure to comply with the conditions of a Permit	2
3.13	Failure to adhere to conditions of an exemption.	2
3.14	Wilfully make a false representaiton or declaration to obtain a permit	2
5.1	Fencing of land containing Livestock	2
5.2	Livestock on Roads	2
5.3	Droving of Livestock	2
5.4	Grazing of Livestock	2
5.5	Movement of Livestock	2
5.7	Right of way	2
5.8	Warning signs	2
5.9	Relocation of stock other than in daylight hours	2

A further penalty of one (1) Penalty Unit for each date during which the contravention continues applies; and upon conviction for a second or subsequent offence, double the penalty stated under the provision of Penalty Units.

Where no Penalty Unit is specified, two (2) Penalty Units apply.

**Note:** Section 110 of the *Sentencing Act 1991* describes the value of a Penalty Unit.