

ETHERIDGE SHIRE COUNCIL

Town Common Policy

July 2022

ETHERIDGE SHIRE COUNCIL

TOWN COMMON POLICY

1. Background

Etheridge Shire Council is the Trustee of reserves held for public purposes, including its townships' town commons: -

1. Georgetown Town Common (remnant parcels)
2. Forsayth Town Common
3. Einasleigh Town Common
4. Mt Surprise Town Common (remnant parcels)
5. Durham Town Common
6. Cumberland
7. Big Reef
8. Charleston

Of the Town Commons, only Einasleigh and Forsayth Commons remain under Council's direct control. The other Commons have varying areas under tenure, granted by the Department of Resources.

2. Purpose and Scope

The purpose of this Policy is to provide a uniform approach to managing the Shire's Town Commons, for the enjoyed use of the public.

The Policy also serves to regulate agistment on those Town Commons open for depasturage.

3. Definitions

Agistment: A written approval from Council granting a stock owner grazing use of a town common.

Cumberland Town Common: described as Lot / Plan. 24/GB100

Cumberland Water Reserve: described as Lot / Plan. 21C153517

Einasleigh Town Common: described as Lot / Plan. 21/CD4, 38/GB22, 40/GB97 PIC No. QIER0120

Etheridge Stock Routes – PIC No. QDER8000

Etheridge Shire Council: Registered Biosecurity Entity (RBE) for Georgetown Rodeo Grounds and Common, Etheridge Stock Routes, Einasleigh Common. ID details: RBE155209

Forsayth Town Common: described as Lot / Plan. 34/AP11612, 5/AP11612, 2/SP287759, 1/AP21262, 3/AP22305, 4/AP11612, 12/GB98, 1/AP22305, 10/AP22315, 149AP11612, 14/SP323729 - (South of **Georgetown to Forsayth Road** at Queenslander Creek)

Area for Charleston Dam Water Reserve: described as Lot/Plan. 14/SP323729, 15/SP287759

Georgetown Town Common: described as Lot / Plan. 54SP217473, 9/SP266610, 8/SP266610, 6/SP206970, 1/SP288858, 8/GB86, 12/GB89, 98/SP206971, 994/SP258857 PIC No. QBER0128

Durham Township Town Common/Reserve: described as Lot / Plan. 19/SP296232, 21/SP296232

Household: The person's principle place of residence, and includes all family members living therein.

Livestock: a general description of animals depastured under an Agistment Approval. The term includes: cattle, horses, goats, sheep, donkeys / mules, llamas, alpacas, buffalo ... etc. The term is interchangeable with **Stock**.

Mt Surprise Town Common: described as Lot / Plan. 38/SP252513, 1/SP252513, 6/SP252513, 7/SP252513, 8/SP252513, 40/SP252513, 352/OL454, 39/SP252513, 2SP252513, 3SP252513, 4SP252513, 5/SP252513, 11SP252513, 10/SP252513, 14SP129833,

NVD: National Vendor Declaration Form

Rig(s): A male horse carrying either one or two testicles concealed in its abdomen, making it visually appear to be a gelding, while behaving like a stallion.

RLO: Council's Rural Lands Officer

Stock: refer **Livestock**

Unhandled: A horse that cannot be caught, led or tied up.

4. Policy Statement

It is Council's Policy to: -

- Retain the Cumberland, Einasleigh, Forsayth and Mount Surprise Town Commons, unfettered of tenure conferred to third parties by the Department of Resources, for the continued use and enjoyment of Shire residents;
- Acquire adjoining land to reinstate a useable town common for Georgetown, as opportunity presents;
- Council will maintain fence and water infrastructure where constructed on the commons. Further development of grazing infrastructure (such as fencing and water points) will be undertaken as funds permit and will be guided by the Town Common Management Plan (to be developed).
- Limit (only in exceptional circumstances and at Council's discretion, by resolution), fragmentation of Town Commons by conferring sole occupancy or tenancy of paddocks or land parcels to any one party.
- Allow eligible Shire residents the opportunity to agist livestock on Town Commons, subject to a valid approval issued by Council. To be clear, no animal shall be depastured on a town common without a current approval issued by Council.
- Agistment shall be permitted on the Forsayth and Einasleigh Town Commons in accordance with: -

Stock Capacity: Each Town Common has been assessed to determine its maximum stocking capacity (below). Depending upon seasonal conditions and fodder load, Council using its absolute discretion may: -

1. Reduce the stocking capacity and direct agistees to remove livestock & cattle in line with prevailing conditions.
2. Close Town Commons (or parts thereof) for rehabilitation.

Town Common Stock Capacities

Einasleigh: 479 head (cattle adult equivalents) (standard cattle units?)

Forsyth:

Mt Surprise:

Individual Agistment Stock Limitation: Each agistment applicant is limited to agisting 40 head (cattle adult equivalents)

Eligibility to agist: Only permanent, adult residents of the respective town that do not own, lease or agist upon a rural property in Queensland shall be eligible to agist on a town common. Only one applicant per household is allowed.

Application Process:

Intending Applicants are to submit an Agistment Application Form and supporting information to Council, including but not limited to: -

- Brand
- Biosecurity Entity Registration Number;
- Proof of Ownership.

Council's Rural Land Officer is delegated authority to approve / refuse applications.

No animals may be placed on a town common without a valid approval, or payment of the associated fee(s).

Upon grant of an approval, the applicant is to pay the applicable agistment fees. Fees are to be paid monthly, in advance. Any fees that remain unpaid for 60 days or longer shall result in the automatic cancellation of approval.

Any approval to agist cattle on the Common is given in the expectation that a workable and cooperative relationship will be maintained by all parties. Failure to pursue that relationship may result in the cancellation of approval.

Conditions of Agistment:

Mandatory Conditions:

1. Stock owners must observe all relevant legislative requirements at all times. This includes remaining a registered Biosecurity Entity for the duration of the period of agistment.
2. No person shall pasture or cause, permit or allow to be pastured any entire horse or rig or bull on any part of the common without the express permission of Council.
3. Bull calves are to be castrated at their first muster or removed from the Common.
4. Male foals are to be gelded as soon as medically possible or removed from the Common.
5. Stock owners are to advise the RLO in writing, at least seven (7) days in advance, of movements or variations to their stock numbers unless urgent circumstances can be proven. A copy of the way bill (NVD) must be shown to the RLO so that the proper adjustments to common records can be made.
6. Failure to give notice of stock removal will result in agistment being charged up to the date that advice of livestock removal is given, or until the approved agistment period expires.
7. Cattle entering the common are expected to be obedient to normal livestock handling management.

8. Any stock deemed to be a danger, nuisance or wild, causing management difficulties during a muster and/or in the yards will be identified and must be removed from the common at the direction of Council's RLO.
9. All cattle must be correctly NLIS identified before entering the Common and a list of the NLIS tag numbers must be provided to council with the application to agist.
10. It is the responsibility of the owner to ensure that all NLIS transfers on and off the Common are accurately recorded, with transfer data provided to the Rural Lands Officer for transmission to the NLIS Registry.
11. All horses agisted on the common must have permanent and readable identification markings.
12. No unhandled horses over the age of six (6) months are permitted on the Commons.
13. Stock agisted on a town common remain the responsibility of the registered owner. Council assumes no responsibility or liability for the condition or welfare of stock agisted on the common.
14. Animals with treatable veterinary issues must be treated as soon as is practical.
15. Emergency veterinary and health matters will be administered at the discretion of the RLO at the owner's expense. Non urgent matters will be reported to the owners for treatment.
16. Owners observing any problems with agisted stock are to take appropriate action immediately (if required) and inform the RLO of the incident.
17. Cattle agisted on a common are to have their horns tipped.
18. Stock owners agisting on the common are to not interfere with fencing, gates and water supply infrastructure without obtaining prior authorization from the RLO.
19. All gates are to be kept closed and locked at all times with a daisy chain lock setup with each agistees having their own lock and key. This is to prevent individuals from accessing the common without authorization.
20. Livestock agisted on the common are not to be allowed to access the unfenced portions of the common unless authorised by the RLO.
21. Straying stock are a normal occurrence between cattle properties. Owners are responsible to recover their stock. Continually offending animals are to be identified and managed accordingly. Cattle continually (i.e. more than twice) straying off the common must be removed.
22. Stock owners are to assist with Town Common Musters, either in person or by arranging a labourer. All who participate in the muster, do so at their own risk.
23. Owners are responsible for supplying supplements to their stock.
24. Stock owners are to comply with any direction given by Council's Rural Lands Officer and or Chief Executive Officer, for instance to reduce stock numbers in times of poor feed load or drought.
25. Only Council will be owners of any breeding Bulls on the Commons.
 - The number of entire male cattle on the common at any one time is to be determined by the RLO in consultation with town common users.
 - The RLO is to ensure any and all bulls are to be removed or sold from the common where they have been residing after three years of breeding.
 - Bulls shall be stud stock of a naturally quiet nature.
26. Killing of stock on the Common for own consumption is not allowed. A certified butcher must be involved in the process and stock owners are to advise the RLO in writing, at least seven (7) days in advance.
27. Stock owners agisting on the common are to ensure that all of their stock have a coloured numbered management tag bearing their name, contact number and a management number for the livestock unit

Special Conditions:

Council's RLO, or Council by resolution, may impose special conditions as required.

Town Common Musters

Council shall conduct six-monthly musters of the Commons. Agistees are to assist and cooperate in Town Common Musters. Council reserves the right to muster the common with contractors at the agistees expense.

No unauthorised musters are permitted. Any agistee wishing to conduct their own muster, must give two (2) weeks' notice to Council's RLO and other agistees on that Common.

Council's RLO is in charge of conducting musters. Agistees are to follow the RLO's directions during musters.

Cattle missing NLIS tags, including progeny born between musters must be fitted with an NLIS tag during the muster. The Owner remains responsible for accurately recording and providing NLIS data to the Rural Lands Officer for reporting to the NLIS Registry.

Council may notify the Queensland Stock & Rural Crimes Investigation Squad of Town Common Musters.

Agistment Fees:

Council shall set Agistment Fees each year, by resolution.

Fees shall be paid monthly, in advance.

Fees that remain unpaid for a period longer than 60 days will automatically trigger a cancellation of the owner's approval to agist cattle on the common.

Fees won't be charged upon progeny born between common musters. Progeny shall be counted at 6-monthly musters, with fees becoming payable from the date of muster.

Cancellation of Approval:

To remove doubt, failure to observe any condition of an approval to agist may lead to the cancellation of the approval. Depending upon the severity and frequency of the breach of condition, Council's CEO may cancel an approval by giving the owner a written notice outlining the reasons for the cancellation. At the CEO's discretion, the approval holder may be given an opportunity to respond to a proposal to cancel their approval for breach of conditions.

Upon cancellation of an approval, the owner must immediately remove all stock from the town common. Any stock remaining on the common after a period of seven (7) days from the effective date of cancellation will be deemed strays, and subject to impoundment by Council under its Local Laws.

Unauthorised Depasturage:

Animals found on a common without a valid approval shall be deemed strays, and subject to impoundment under Council's Local.

5. Roles and Responsibilities**Council**

Etheridge Shire Council has legislated power for the good rule and governance of its local government area. Functionally, this grants Council decision making power over the resources under its control, in this instance, the land under Council's trusteeship and public monies for the operation and development of the town commons and the infrastructure built thereon. Council's decision making is to be guided by the local government principles and be in the current and future interests of residents of the local government area.

Chief Executive Officer

The CEO is the administrative head of the Council. Section 13 of the Local Government Act 2009 confers broad powers upon Council's CEO. One of which is to implement Council's goals and priorities, including its Policies.

Without limiting the CEO's statutory powers, the CEO under this Policy is empowered to cancel agistment approvals for breach of conditions of approval.

Rural Lands Officer

Council's Rural Lands Officer shall be responsible for the implementation of this Policy, and management of the agistment on the Towns' Commons.

Through the adoption of this Policy, Council delegates authority to the RLO to determine applications to agist on the town commons and to issue directions to agistees for the best use, enjoyment and preservation of the commons. In doing this, the RLO shall have regard to Council's Corporate Plan, Operational Plan and Town Common Management Plan.

The RLO shall maintain the Register of Agistment Approvals.

Agistees

Agistees are to comply with the conditions of their approval to agist cattle on a town common, and any direction given by the RLO.

Agistees are to respect the rights of others to use the Town Common, especially travelling stock traversing the State Stock Route Network.

Any matters of concern identified by Agistees are to be promptly reported to Council's RLO.

6. Related Documents

Local Government Act 2009

Local Government Regulation 2012

Animal Care & Protection Act 2001

Stock Route Management Act 2002

Biosecurity Act 2014

Land Act 1994

Local Law No. 2 – Animal Management

Subordinate Local Law No. 2 – Animal Management

NWROC Regional Biosecurity Plan

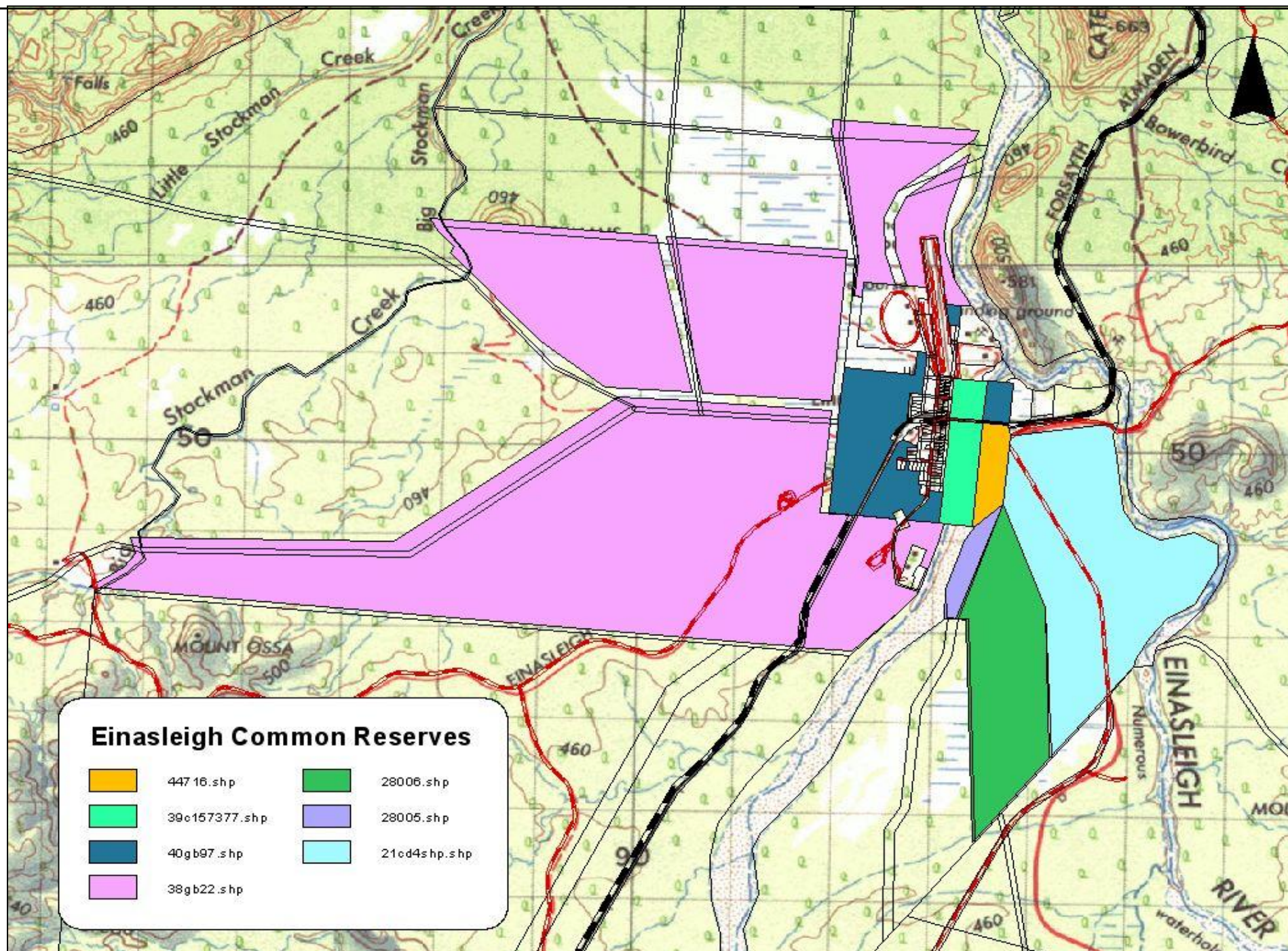
Agistment Application Form

7. Review

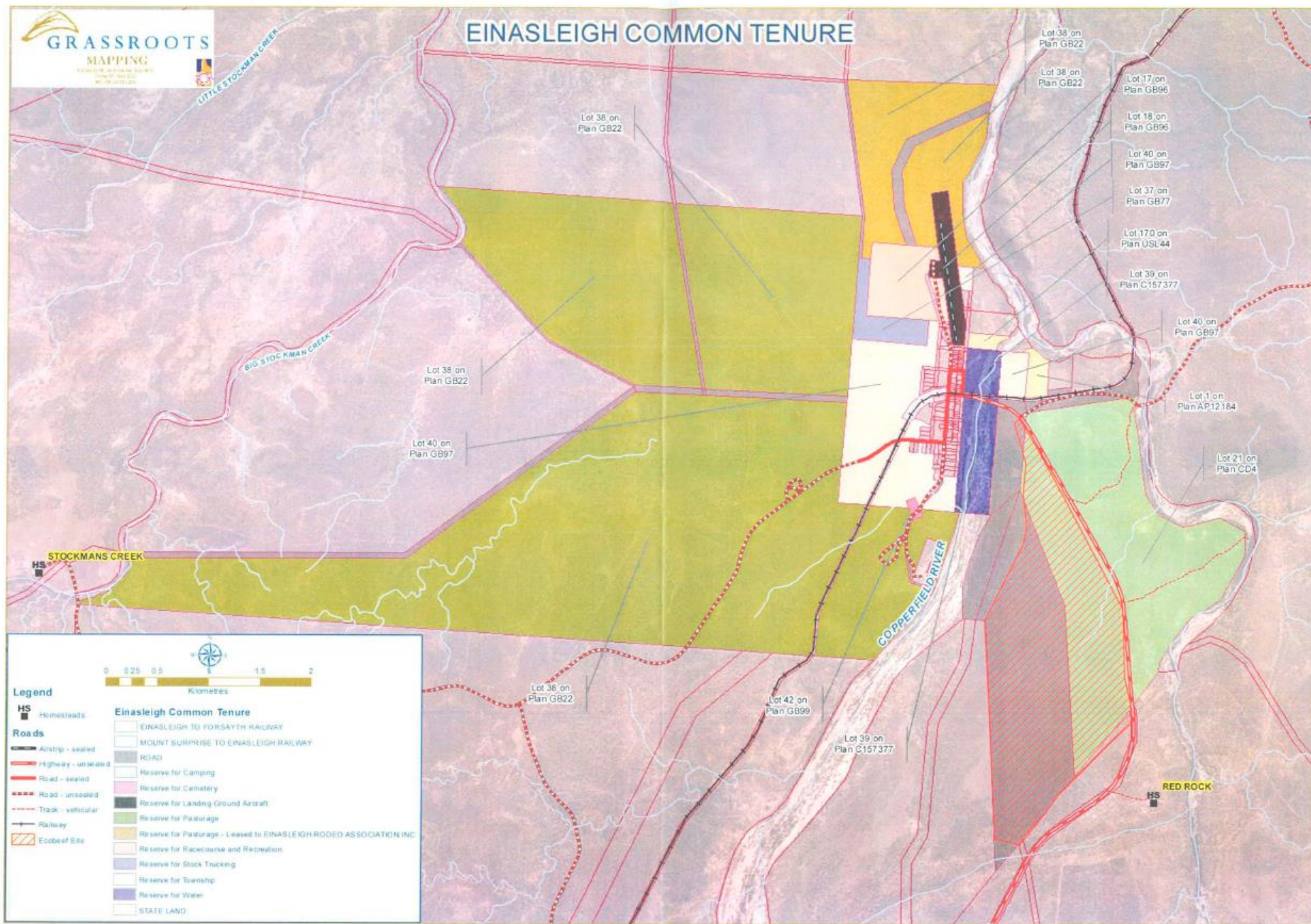
This Policy shall be reviewed every 3 years.

8. Approval Table

Approved by Council	Meeting number and date	
MOVED: Cr. Royes SECONDED: Cr. Hughes	General Meeting- 20 th July 2022	
	Resolution number	
	22.07.06DCS	
Approval by CEO	Ken Timms	
Effective date	Review date	
20.07.2022	20.07.2025	
Policy Author		
Director Corporate Services		
Current incumbent		
Andrew McKenzie		
Implementation Officer		
Rural Lands Officer		
Current incumbent	Contact number	Official file no.
Loukas Elgey	0428 621 272	

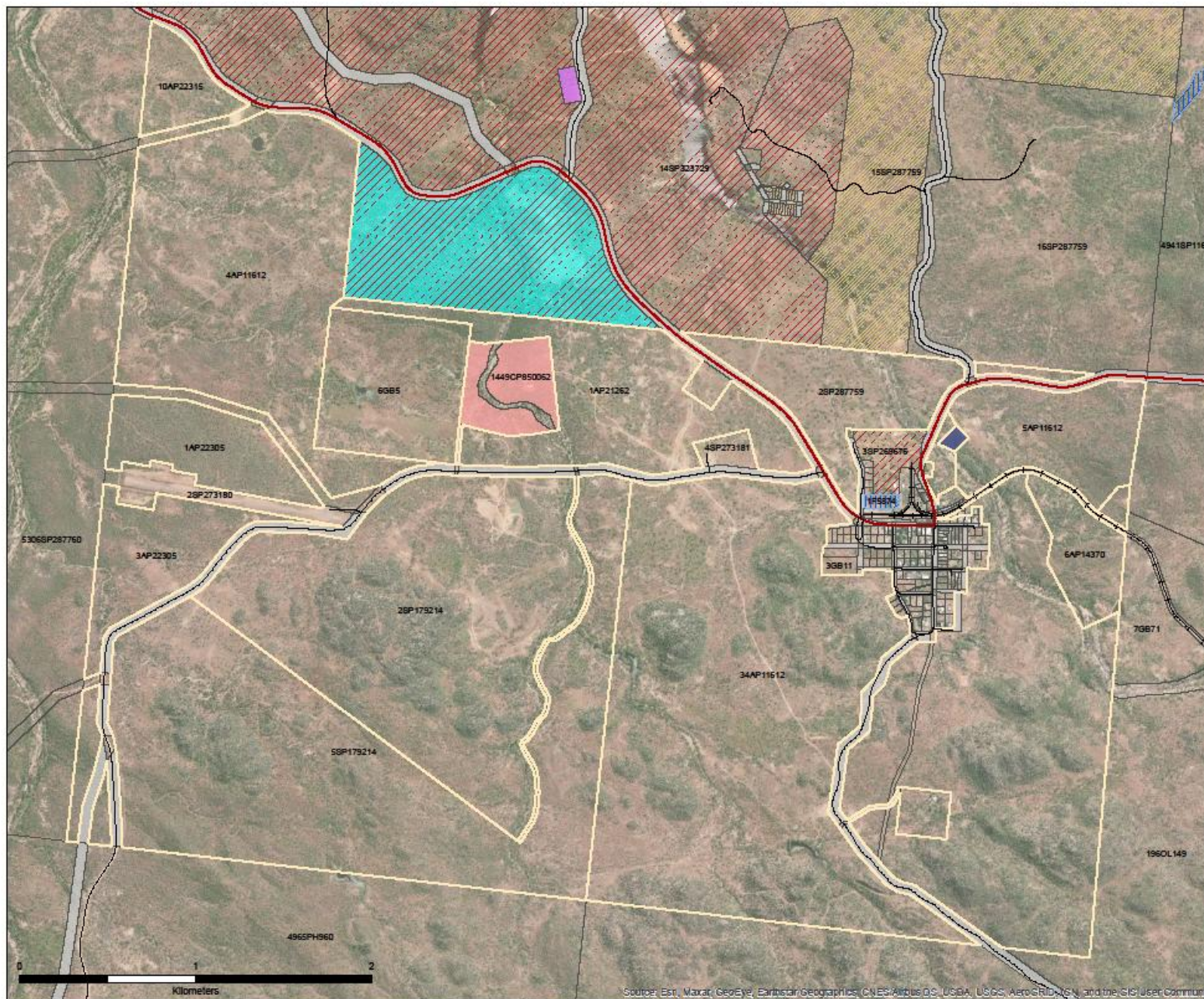


EINASLEIGH COMMON TENURE



Legend

- | | |
|---|---|
| HS Homesteads | Einasleigh Common Tenure |
| Roads | <ul style="list-style-type: none"> — EINASLEIGH TO FORSAYTH RAILWAY — MOUNT SURPRISE TO EINASLEIGH RAILWAY — ROAD — Reserve for Camping — Reserve for Cemetery — Reserve for Landing Ground Aircraft — Reserve for Pasturage — Reserve for Pasturage - Leased to EINASLEIGH RODEO ASSOCIATION INC — Reserve for Racecourse and Recreation — Reserve for Stock Trucking — Reserve for Township — Reserve for Water — STATE LAND |
| <ul style="list-style-type: none"> — Airstrip - sealed — Highway - unsealed — Road - sealed — Road - unsealed — Track - vehicular — Railway — Ecobest Site | |



Date: 11/07/2022

Legend

- Main road
- Local road
- Rail network
- Town Common Area
- Stock route
- DCDB
- Road reserve
- Reserve for racecourse and recreation
- To be added to Town Common
- Reserve for camping
- Reserve for cemetery
- Reserve for water
- Private residence

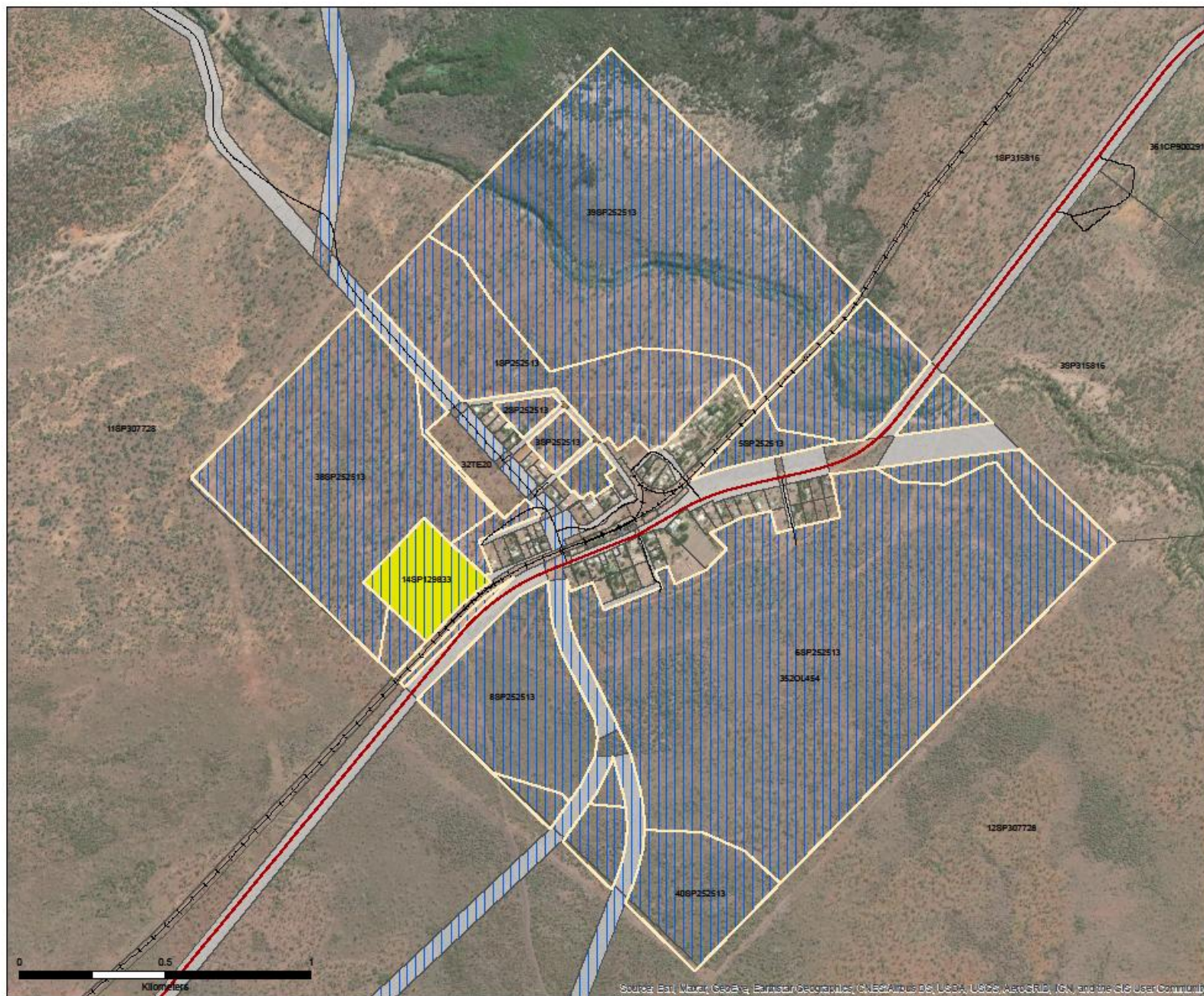


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FORSYTH COMMON TENURE

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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Date: 11/07/2022

Legend

- Main road
- Local road
- Rail network
- Town Common Area
- DCDB
- Road reserve
- Stock route
- Reserve for stock trucking

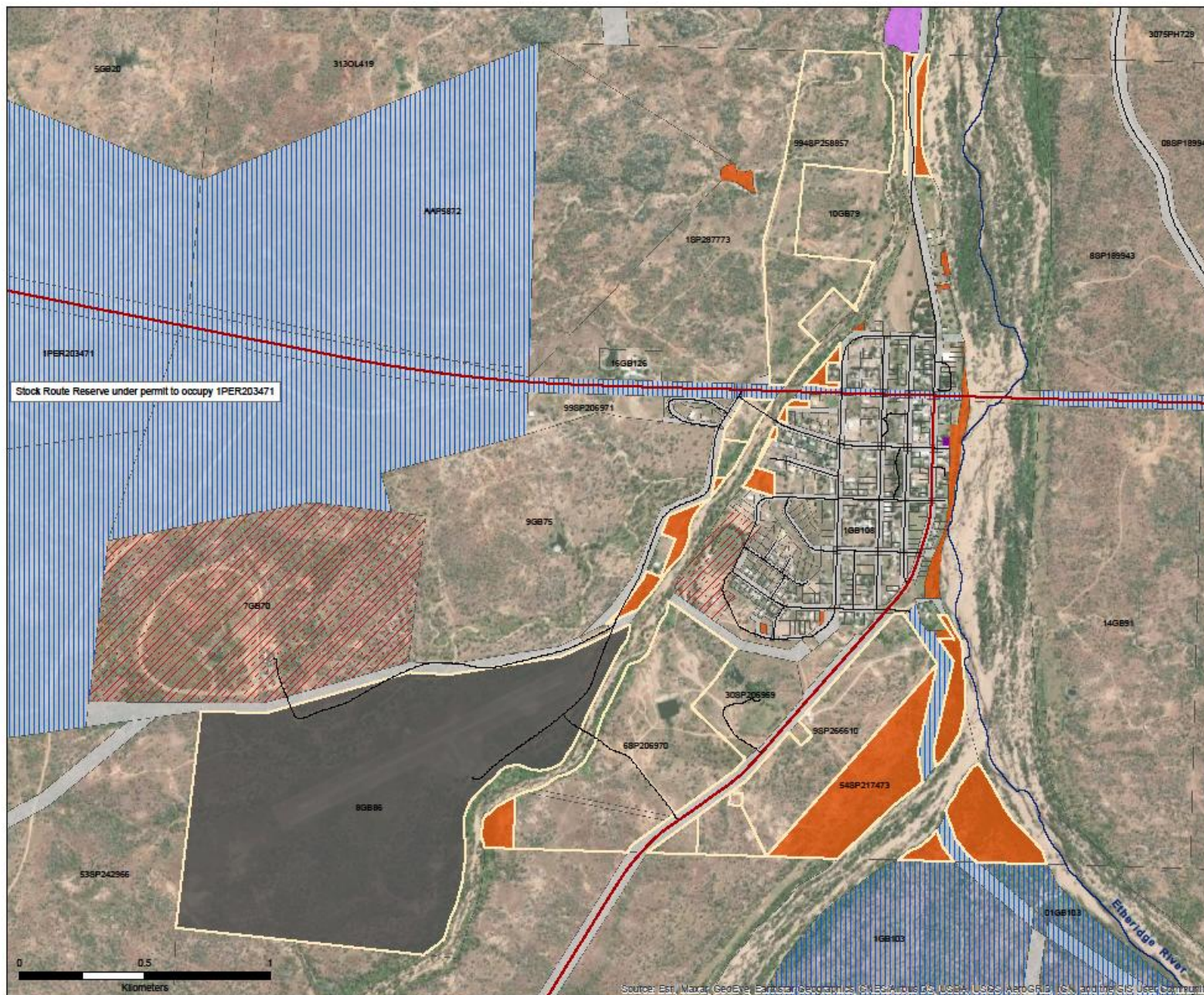


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MT SURPRISE COMMON TENURE

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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Date: 11/07/2022

Legend

- Main road
- Local road
- Watercourse
- DCDB
- State land
- Road reserve
- Stock route
- Town Common Area
- Reserve for cemetery
- Reserve for township
- Reserve for landing ground aircraft
- Reserve for racecourse and recreation



1:14,000 when printed at A3

GEORGETOWN COMMON TENURE

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