

# Parklands Albury Wodonga Ltd

## 3.6 Grazing Policy and Procedures

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Ratified By:	Board
Standards/Legislation and Regulations :	Corporations Act 2001 Crown Land (Reserves) Act 1978 Fences Act 1968 Australian Standard AS 4269-1995 – Complaints Handling. Public Records Act 1973 AA1000 Stakeholder Engagement Standard (AA1000SES) AA1000APS Principle of Inclusivity ISO 26000. Victorian Investment Framework “Vegetation Work Standards” DELWP 2011
Other Documents and Forms	License Renewal Letter License Schedule Template License Conditions (Crown Land (Reserves) Act 1978 Section 17B) Record of Licensee Communications
Reference	Department of Sustainability & Environment <i>Committee of Management Responsibilities and Good Practice Guidelines</i> (2012) <i>Ian Lunt Can Livestock Grazing Improve Biodiversity?</i> (2012) <i>Parks Victoria River Red Gums Park Grazing Phase Out 2009/10 to 2013/14 Implementation Guidelines for Operational Staff</i> (2009) Karla Billington, Dan Deere, Una Ryan, Annette Davison, Daryl Stevens <i>Public health issues associated with stock accessing waterways upstream of drinking water off-takes</i> (2011)
Other Related Policies and Procedures	Complaints Policy and Procedures Inclusion Policy Finance Policy and Procedures Property Management / Physical Resources Policy Protection of Property Policy Stakeholder Relationships Policy Visitor Risk Management Policy

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### 3.6.1 Benefits versus adverse impacts of grazing:

Grazing by livestock (mainly sheep and cattle) has degraded many natural ecosystems in Australia. It is therefore the policy of Parklands Albury Wodonga Ltd to work towards phasing out the grazing of Victorian Crown land, where Parklands Albury Wodonga Ltd is the appointed Committee of Management.

There are numerous technical discussion papers reviewing the beneficial and detrimental impacts of grazing. As this is a “balancing act”, the following basic principles need to be considered during the process of assessing site suitability and negotiating grazing license terms and conditions.

Grazing is supported to achieve ecological outcomes, and not as a compromise between production and conservation goals.

Three principles apply;

1. Commercial grazing is not appropriate on public lands except where it is shown by science that some grazing is needed to achieve ecological objectives.
2. Where settlement or ownership patterns obstruct the reintroduction of native grazers on public lands, grazing operators should manage livestock towards the goal of maximum restoration of native plant and animal communities, water quality and other environmental goals. Meat or fibre production should not be a primary goal of such grazing. Operators should be required to demonstrate improved ecologically sustainable biodiversity outcomes.
3. Parklands recognize that restrictions on grazing on **Crown Land** may have negative impacts on the cultural and economic stability of some communities. We are committed to developing partnerships with community members to identify and implement strategies to protect both communities and the ecological integrity of public lands, without sacrificing either.

## 3.6.2 Crown Land (Reserves) Act 1978

### BACKGROUND:

*As at June 2013, Parklands Albury Wodonga Ltd is the formally appointed Committee of Management for 2,300 hectares of Victorian Crown land.*

*This Committee of Management gains its powers under the Crown Land (Reserves) Act 1978. Below are relevant sections of the Department of Sustainability & Environment's "Committee of Management Responsibilities and Good Practice Guidelines" (2012) that need to be taken into account in the development of grazing policy and procedures.*

### ***Legislative obligations***

#### **3.6.2.1 Biodiversity strategy**

Biodiversity or biological diversity is the variety of all living life forms that includes plants, animals and micro-organisms, the genes they all contain and the ecosystems of which they form a part. *Victoria's Biodiversity Strategy* (1997) is a whole of government strategy that fulfils commitments in the National Strategy for the Conservation of Biological Diversity and requirements under Victoria's *Flora and Fauna Guarantee Act 1988*.

**Biodiversity 2037** is the latest Victorian Government strategy.

Committees of management need to be aware of the broader context of biodiversity, that is, the land they manage as part of a broader picture. This broader picture may be locally or bio-regionally based. Bioregional refers to the underlying environmental features or patterns of land use.

#### **3.6.2.2 Fencing**

The Crown is exempt from the requirements of the *Fences Act 1968*. That means that neighbours must share fencing costs. Therefore, Parklands is not required to contribute. The reverse also applies: if Parklands wants to erect a fence, it cannot use provisions of the Fences Act to recover costs from its neighbour(s).

It is Parklands policy to seek external funds for fence materials so that neighbouring landholders are not asked to share the costs of environmental restoration.

#### **3.6.2.3 Pest and weed control**

Licensees, as the occupier of the land, have an obligation to control all weeds and pests on its licensed area and ensure that they do not invade neighbouring land.

#### **3.6.2.4 Fire prevention works**

To reduce the risk of bushfire ignition and/or bushfire spread Parklands carry out fire prevention works prior to the summer months. Where fences are in good condition, grazing is one of the most cost-effective methods.

### 3.6.3 Financial Power

Revenue received by a committee must be directed to activities associated with the reserve. Revenue can come from sources such as grants, user fees, rentals, fundraising activities, donations, and so forth.

It is strongly recommended that committees do not carry excessive funds for no foreseeable purpose. Crown land reserves are a public asset and funds should be spent to maintain or enhance them.

#### ***Fees and charges***

The regulations for a reserve determine what fees and charges may be made.

Fees can be either non-discretionary or at the discretion of the committee.

Fees and charges must be used responsibly and:

- be in line with similar rates in the area so that the maximum public benefit is gained for use of a public asset; and
- not use the advantage of lower overheads associated with Crown land to the disadvantage of competing activities on private land.

If normal rates do not seem appropriate, reasonable fees for the purpose will have to be set. Non-profit community groups, for example, may receive a discount rate or waiver of fees. 'Similar rates' is defined as fees and charges that are in line with DELWP fees and charges, or are on a par with the general rates operating in your area at the time.

### 3.6.4 Licensing Power

As part of the Committee of Management appointment, Parklands Albury Wodonga has delegated power to issue grazing licenses on all but the High Country Rail Trail corridor Victorian Crown land under the *Crown Land (Reserves) Act 1978*.

The Board of Parklands Albury Wodonga has delegated the authority to sign these license agreements to Parklands Albury Wodonga staff (the Finance Manager and Executive Officer).

Other license types, such as commercial storage and event licenses can be issued by Parklands Albury Wodonga but are not valid until signed by the Minister or his / her delegate.

**A licence**, grants permission for non-exclusive use of a parcel of land for a defined period. The committee is the licensor and the entity accepting possession is the licensee. A licence may be for part or all of the reserve, and it may be continuous for the period of the tenure or intermittent.

Where it won't interfere with existing licence rights, more than one licence at a time may be granted over the same parcel of land.

Standard Department of Environment, Land, Water & Planning licence documents must be used. The standard documents include a requirement that licensees take out public liability insurance cover that indemnifies the committee from any loss,

damage or injury resulting from their activities. Tenants are not covered by DELWP's public liability insurance.

Parklands need to obtain proof of a licensee's public liability insurance covers and retain those certificates on file. Committees should also audit insurance conditions regularly for licences. Evidence of attempts to secure this information are to be kept on licensee files (the cover letter that accompanies the grazing license paperwork). Parklands applies '*as far as practical*' approach to the aforementioned.

### **Licensing Policy for Crown land in Victoria (2010)**

This DELWP Policy is centred around three broad principles;

#### **Principle 1 – To provide benefits to the public through licensing Crown land is controlled by the state for the benefit of the Victorian community.**

Granting exclusive occupation of Crown land under a lease should not occur, except where it can be justified in terms of benefits to the community.

Decisions to lease or license need to consider social, economic and environmental outcomes that may result from a lease proposal.

#### **Principle 2 – To ensure consistency and transparency in licensing**

Licensing process must be fair, open and impartial, whether the license is allocated through a competitive selection process or through direct negotiations.

Licenses must contain terms and conditions that align with the permitted purpose and conform to government policy and statutory requirements.

#### **Principle 3 – To manage licensed Crown land in an ecologically sustainable manner**

All Victorians depend on the health of the state's natural assets: its water, biodiversity and land. The economic, social and cultural benefits the community derives from the licensing of Crown land depends on the long-term sustainable management of this important natural resource.

Proposals to license Crown land need to demonstrate the application of sustainable management principles.

Additional DELWP conditions include;

- A licence can be issued for up to 10 years.
- A licence for a term greater than three years requires approval by the Minister only, not a delegate, which makes the process longer.
- Developments or improvements undertaken by a tenant may become the property of the committee or may be retained by the tenant, depending on the terms and conditions specified in the license or lease. Committees should advise the tenant of the specific terms and conditions of the license in relation to this.
- The committee must use standard DELWP license documents

## ***Rental rates for leases and licenses***

Commercial use of Crown land attracts full market rates as determined by valuation from a qualified valuer and approved by the Valuer-General Victoria, taking into account in the valuation that grazing is not an exclusive land use.

Community use of Crown land under lease or licence will be discounted or waived.

## ***Third party users of Crown land reserves***

DELWP's public liability insurance policy does not provide cover third party users of Crown land reserves against claims from other users of the reserve. This includes casual hirers and users, long term users and tenants.

Casual hirers/users of Crown land reserves, whose activities are associated with their casual or incidental use of grounds or facilities of a reserve, may cause either personal injury or property damage to a third party arising from the casual user's alleged negligence. A committee of management may require casual users to take out their own public liability insurance to cover any such potential claims. As not all activities conducted on reserves have the potential to cause injury or property damage, committees of management can exercise discretion in requiring the casual user to obtain cover.

## **3.6.5 Grazing Procedures**

*The Organisational Procedures guide the implementation of the above Board Policies, Constitution and Best Practice Guidelines.*

### **3.6.5.1 Maintain respectful working relationships**

Crown land grazing licensees and adjoining landowners are one of Parklands Albury Wodonga's key stakeholder groups. They have the ability to support and enhance both the land management capacity of the organisation as well as our reputation in the wider farming community.

#### **Open and transparent**

- Proactive actions such as seeking licensee input into Strategic Plans and inclusion on newsletter and special event mailing lists.
- When planning restoration projects, provide at least three months written notice of intention to cancel or amend a grazing license.

#### **Responsive**

- Phone calls to report minor issues, such as stock outside their boundaries
- For anything more than a very minor issue, it is recommended to organise an on-site meeting to listen to the Licensee issues in person and communicate the importance of cooperation.
- For projects where there is a project partner / Friends Group, include community members in any delegation, as this tends to establish a degree of landholder accountability to the wider community.
- A follow up letter confirming the outcomes of the discussions to be sent within one week.
- File notes on all contacts in the Licensee Folder

### 3.6.5.2 Priority Areas for Grazing Phase-Out

Within the broad schedule for grazing phase-out, the following priority ranking for the construction of fencing and provision of stock watering points will apply:

1. **High risk areas** – that is, high patronage river frontages and areas.
2. Wetlands and higher quality waterways
3. Extending of existing revegetated corridors
4. Larger blocks are a lower priority, as these may be incorporated into a future open space project, such as summer camping.

### 3.6.5.3 Cow with calves less than 8 months old

To provide safe connection with nature on Crown frontages, there is to be no cows with calves less than 8 months old grazing on Crown land where there is active patronage.

A risk-based approach is to be applied to all grazing license agreements where there is no formal pedestrian access (low risk) or limited pedestrian access (medium risk).

Special conditions are to be listed in the conditions section of the grazing license schedule, addressing what strategies are to be used to manage risk. The license schedule is to be a tool to reduce risk down to low risk, and will vary depending on the specific site, whether the riparian area has been fenced and patronage levels.

### 3.6.5.4 Water for Stock

Victorian Department of Health funded research has identified public health issues associated with stock accessing waterways upstream of drinking water off-takes;

- Stock access to drinking water sources presents an unacceptable risk to public health
- Juvenile stock contributes most of the risk
- Fencing must be contiguous and extensive to be effective but could be targeted to perennial watercourses and /or juvenile stock
- Risks are elevated in wet weather but such events can be selectively avoided

#### **Off Stream Water Supply is the preferred option;**

- Where Crown land water frontage licences are cancelled, licensees will be able to apply for a licence under section 51 of the Water Act 1989 to obtain a reasonable supply of water for stock without the need to purchase water on the market.
- To the greatest extent possible, water supply infrastructure (pumps, troughs and tanks) must be located on freehold land.
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#### **Stock Watering Points option;**

It is cheaper and more reliable to establish fenced corridors for stock to access the river at “stock watering points” which are safe for stock access / egress and enable stock to be controlled through use of natural barriers to prevent stock accessing others parts of the river frontage. Where there is high patronage, the preferred alternative is off stream watering (water troughs).



### **3.6.5.5 Boundary Fencing**

Efforts and resources should be directed towards establishing fences where no fences currently exist and there is a clear requirement for a boundary fence (i.e. stock exclusion). Realignment of existing “off boundary” fences and fencing of adjoining non-grazed (i.e. cropped) land is not a priority.

Where new fences are required, they will be established according to the principle of Net Gain as outlined in the document, Victoria’s Native Vegetation Management: a Framework for Action. Net gain aims to maximise biodiversity outcomes whereby overall gains in native vegetation are greater than overall losses and where individual losses are avoided, if possible. A three step approach to managing native vegetation loss will apply:

1. Where possible avoid native vegetation loss
2. Minimise removal of native vegetation
3. Identify and implement vegetation offset options where removal of native vegetation is necessary.

New fences should, where possible, follow legal boundaries. In cases where it is more practical to fence “off boundary” (i.e. avoid floodplains and/or removal of native vegetation), management arrangements should be made with adjoining landholders. These may include local management arrangements, covenants or licences.

Fencing should be constructed of materials typical of farms in the region. Barb-wire may be used within the fence except for the top wire which must be plain wire.

### **3.6.5.6 Interim grazing phase out arrangements**

The following interim actions are recommended to facilitate the long-term goal for eventual restoration of public lands;

- Holders of grazing licenses should be allowed to reduce utilization rates or rest or retire lands without losing their license, and without the retired use being reallocated to others.
- Parklands should review the land condition at each renewal interval. If the licensed area has not made steadily improving trend towards improved ecologically sustainable biodiversity outcomes, further on-site discussions with the licensee are encouraged, prior to renewal to improve the outcomes or explore alternative land management arrangements.

### 3.6.5.7 License Renewals

#### Paperwork trail

- Examine licence files to become familiar with past issues and disagreements.
- If there are any outstanding issues, telephone licensee prior to issuing the renewal and organise a time to meet on site.
- Update the grazing license map and licensed area for any new fenced out areas and provide these updated details to the Finance Manager.
- Draft a renewal covering letter for the Finance Manager if there are any new issues to raise outside the usual renewal process.
- Enclose the latest newsletter with the license renewal package.
- File a complete copy of the license information.
- Generate invoices with appropriate fee.
- Follow up on any feedback received following the issuing of invoices and the renewal packages within a fortnight with an on-site-meeting.
- For licences not renewed, an interim arrangement should be negotiated until such time as resources are available for riparian fencing and revegetation.

#### License terms and conditions

- License period no more than 12 months (unless negotiated for up to 3 years)
- Licence fees are payable in advance
- Where license fees exceed a prescribed fee (\$500 pa) facilities be made available to be invoiced at regular periods.

#### License rates

- Board to review license rates on a regular basis to ensure grazing rates remain at the lower end of commercial rates at the time. This is particularly important if there is a significant and prolonged drop in commodity prices or an extended drought.
- It is recommended that in Year 1 and Year 2, increase license rates by the Australian Bureau of Statistics March Quarter general Consumer Price Index (CPI) from July each year.
- In Year 3, subject to budget allocation, it is recommended that the services of a professional Property Valuer be sought to advise the appropriate rate for a sample of licensed areas. This advice will guide the rates set for the next twelve months.

#### Non-payment of grazing license fees

1. Site visit and meeting with licensee if more than 90 days in arrears
2. Charge late payment fee of \$22, including GST, if not paid by the due date. Each further month that unpaid, an additional \$22, GST inclusive, late payment fee will be accrued.
3. Follow up letter to confirm site visit meeting outcomes (either agreement or intention to not graze)
4. Explore alternatives, such as license to adjoining landholder or fence Crown boundary and manage for environmental and recreation outcomes.
5. If former licensee continues to graze, follow procedures as per Unauthorised Grazing process.

[www.dpi.vic.gov.au/agriculture/farming-management/business-management/ems-in-victorian-agriculture/environmental-monitoring-tools/sustainable-carrying-capacity](http://www.dpi.vic.gov.au/agriculture/farming-management/business-management/ems-in-victorian-agriculture/environmental-monitoring-tools/sustainable-carrying-capacity)

### 3.6.5.8 Managing unauthorised grazing

The following process is recommended.

1. Site visit and meeting with adjoining landholder.
2. Follow up letter to confirm agreement.
3. Padlock all gates.
4. Seek financial compensation for plants lost / damage caused if fences or padlocks cut and further unauthorised grazing.
5. Site inspection every month to monitor.
6. Follow up site visit and meeting with adjoining landholder after each detected incident.
7. Work with relevant authorities to impound stock after three incidents where there has been written follow up with the unauthorised grazier.

### 3.6.5.9 Managing environmental grazing

Environmental / rotational grazing where appropriate is a valuable tool to control long grass in years when high fuel build up. This will mostly involve periodic grazing of the wider, well fenced creek lines in early spring, to coincide with abundant annual grass growth.

#### Management principles to guide implementation;

- Ensure that retention sites are not continuously stocked
- Ensure that grazing by domestic stock is only undertaken in area where grass growth is suppressing native plant regeneration or causes a potentially serious fire hazard, and to
- Manage stock in a way which prevents any spread of noxious or environmental weeds.

#### Adverse impacts to manage when grazing

- **Bank erosion** along rivers and creeks arising from livestock grazing river bank vegetation, trampling, and tracking
- **Water quality** – limit grazing by juveniles due to their higher impact on water supplies than adult livestock
- **Loss of native flora** species (trees, shrubs, ground covers, aquatic and wetland fringe species) if livestock are not excluded from revegetation sites in early years when plants not yet established or when over grazed.
- **Over grazing** can occur through a practice or a combination of practices such as;
  - inappropriate livestock numbers and types
  - inappropriate timing of grazing.
  - unauthorised grazing of revegetation sites in early years when plants not yet established
- **Managing the public safety risks** of the interface between public access and domestic stock in unfenced locations, such as safe pedestrian access and hazards like old fencing materials and other grazing related hazards.
- **Weed invasions**, particularly as a consequence of over-grazing; grazing at inappropriate times of the year, such as pugging of waterways and wetlands; or movement of stock from other locations.

### 3.6.6 References

*Department of Sustainability & Environment Committee of Management Responsibilities and Good Practice Guidelines (2012)*

*Ian Lunt Can Livestock Grazing Improve Biodiversity? (2012)*

*Parks Victoria River Red Gums Park Grazing Phase Out 2009/10 to 2013/14 Implementation Guidelines for Operational Staff (2009)*

*Karla Billington, Dan Deere, Una Ryan, Annette Davison, Daryl Stevens Public health issues associated with stock accessing waterways upstream of drinking water off-takes (2011)*

*Sierra Club Strategy for Moving Towards Grazing Phase Out (2000).*