



NSW Travelling Stock Reserves Review

Public consultation paper

A collaborative project between:
Local Land Services
Department of Industry — Lands



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Executive summary

Travelling Stock Reserves (TSRs) are parcels of Crown land that were reserved for the movement of stock over 150 years ago. TSRs are an important and iconic part of the NSW landscape.

However, the use of TSRs have changed over time – once used solely to move livestock from farms to markets or railheads, now they have multiple uses, such as grazing in times of drought, recreation and conservation. TSRs also hold significance to many Aboriginal communities.

The government is committed to maintaining a viable, well maintained and connected TSR network for the future. However, there is currently no comprehensive evidence base about which TSRs are used and how they are valued at a local level. This review will help build that evidence base by seeking advice and local knowledge from the communities involved.

This consultation paper is divided into two parts, and seeks your feedback on:

1. the uses and community values surrounding TSR's in each region
2. the criteria used to assess individual proposals to access TSR's for other uses.

Your views will help to ensure the TSR network is maintained and managed effectively in accordance with the needs of all stakeholders associated with TSRs in NSW.

In parallel to this paper, a targeted pilot assessment of TSRs will be conducted in three local government areas – Tamworth, Tweed and Federation. The information collected will help inform how TSRs are currently used, how they may be used by communities in the future and how they are valued throughout the state.

This process will involve a further level of assessment and direct public consultation with local stakeholders.

No decisions about the future ownership or management of TSRs will be made during this review process.



1. About TSRs

TSRs are parcels of Crown land reserved under the *Crown Lands Act 1989* for use by travelling stock. TSRs have been an integral part of rural life in Australia for more than 150 years and were originally set aside to move livestock from farms to markets or railheads.

Today, there are more than 6,500 TSRs on Crown land throughout NSW, covering an area of approximately two million hectares.

The government is committed to maintaining a viable, well maintained and connected TSR network for the future. This review will help build the evidence base about which TSRs are used at a local level, how they are used, and what values they are important for. This information will feed into decisions under other government reforms, including the Crown land negotiation program.

This review is not about a sell off of TSRs. No decisions about the future ownership or management of TSRs will be made during this review process.

What are TSR used for?

TSRs are an important asset and a significant part of our communities.

In addition to being used by travelling stock, TSRs have a range of economic, cultural, recreational and environmental uses and values. Many TSRs are used for multiple purposes concurrently.

- **Economic** —TSRs support a range of industries, including the farming and apiary industries. TSRs are also used for environmental and cultural tourism.
- **Cultural** — TSRs hold values for both Aboriginal and European cultural heritage - many routes are believed to have followed pathways used traditionally by Aboriginal people for travel and trade. TSRs provide benefits to Aboriginal people as the TSR network enables them to maintain connections to Country and maintain traditional practices, access and manage cultural sites and to pass on knowledge to future generations.
- **Aboriginal rights and interests** — Aboriginal people may have rights under the *Native Title Act 1993* (Cth), or a right to claim (or undetermined claims) in TSRs under the *Aboriginal Land Rights Act 1983* (ALRA). There are approximately 8,700 undetermined Aboriginal land claims under the ALRA affecting TSRs.
- **Recreational** — TSRs are used for a range of approved recreational activities, including camping, horse riding and provide access for fishing and walking trails.
- **Environmental** — TSRs contain significant environmental values including important remnants of native vegetation in highly cleared landscapes, endangered ecological communities and habitat for threatened species, such as koalas. The long, linear nature of the TSR network ensures that these species can move through and disperse across the landscape

How are TSR owned or managed?

TSRs are parcels of Crown land reserved under the *Crown Lands Act 1989* for use by travelling stock. TSRs are managed:

- directly by Local Land Services pursuant to the Local Land Services Act 2013
- by the NSW Department of Industry — Lands on behalf of the Crown as owner
- indirectly by a board or a local council appointed under s.93 or s.95 of the *Crown Lands Act 1989* as trust manager.

NSW Department of Industry — Lands manages about 73 per cent of all TSR land either directly or indirectly (via tenures granted under Crown lands legislation). This makes up about 1,400,000 hectares out of a total of 1,900,000 hectares.

Local Land Services is responsible for the care, control and management of the remaining 27 per cent of TSR land across the state, or about 500,000 hectares of TSR land. Local Land Services control is mostly concentrated in the Central and Eastern Division where 89 per cent of all TSR land is under Local Land Services' management.

Reserve trusts and local councils manage about 0.014 per cent of TSR land or 280 hectares.

Approximately 1.5 million hectares, or 75 per cent of the TSR network in NSW is in the Western Division. TSRs in the Western Division differ from those in the Central and Eastern Divisions in the way they are managed and how they are used.

TSRs in the Western Division are generally covered by Western Lands Leases under the *Western Lands Act 1901*. As a result, the care, control and management of TSRs in the Western Division are managed by the lease holders, and not by Local Land Services or any other manager.

The exception to this is stock watering points on TSRs in the Western Division. Stock watering points are maintained by Local Land Services and are excluded from Western Lands Leases. Approximately 0.05 per cent or 82,000 hectares of TSR land in the Western Division is allocated for stock watering points.



Why are we conducting this review?

TSRs were set aside for the purposes of travelling stock more than 150 years ago. While some TSRs are still important for moving stock, many TSRs are no longer used for their original purpose. There are a number of reasons for this including historical reasons, improvements in technology and farming practices, or changes in towns as populations have grown.

As a result, some TSRs may not effectively contribute to the social, economic and cultural fabric of the community in their current form. We also do not have a consistent, comprehensive evidence base about which TSRs are used, what they are used for, what their values are and the management arrangements that produce the best outcomes.

In 2012 and 2013, the NSW Government conducted the first major review of Crown land in more than 25 years – the Crown Lands Management Review. The review recognised that many TSRs are no longer used for the original purpose and recommended a statewide review of TSRs to build an evidence base on which TSRs are used, and how.

To address this, the Government committed to undertaking a statewide review of TSRs. This review is being conducted by Local Land Services and NSW Department of Industry. The NSW Traveling Stock Reserves State Planning Framework 2016-21 provides the overarching principles for Local Land Services' management of TSRs. This framework will guide the development of regional TSR management plans based on allocating primary land use classifications and management principles.

As part of this review of Crown land, TSRs will be examined in consultation with stakeholders and users of TSRs. This will help the NSW Government understand how TSRs can best be owned and managed so they continue to meet the needs of the public, local communities, Aboriginal communities and the State. This will ensure we have a viable, well managed TSR network for the future.

This review process will ensure the Government is well informed about TSRs before any decisions are made about their future ownership and management. This review is not about a sell off of TSRs.

No decisions about the future ownership or management of TSRs will be made during this review process.



2. About this TSR review

A strong evidence base is needed to inform and sustain the TSR network in NSW into the future. This review seeks evidence from the public on the uses and values of TSR through:

Evidence collation

The first stage will involve collecting evidence from the public on the uses and values of TSR through:

- publishing and receiving submissions through this review paper
- conducting a pilot assessment of TSRs in three local government areas – Tamworth, Tweed and Federation. The pilot will involve an on the ground assessment of the uses and values of individual parcels of TSRs in conjunction with targeted local stakeholders.

A separate Local Land Services project will assess the conservation values of all TSR in NSW via a \$4.75 million Environmental Trust Grant.

The assessment will focus on identifying 'High Conservation Value' TSRs. The information collected through this assessment will be considered in the TSR review.

About this review paper

This paper seeks your input on the specific TSRs you may use for travelling stock, as well as TSRs that are used or valued for other purposes. In both cases we want to know why you think those TSRs are important and whether you think those TSRs are needed for the purposes of travelling stock or other values into the future.

This consultation process is the first phase of collecting evidence on each specific TSR.

This review paper also seeks your feedback on criteria used to assess the impacts of proposals to access TSRs on the travelling stock network.

No decisions about the future ownership and management of TSRs will be made during this review process.

3. Your input on local TSR

The purpose of this review paper is to seek your input on the TSRs that you are familiar with, and what purpose or values they are important for.

TSRs can be categorised into four broad groups:

- **Category 1** – TSRs that are only used for travelling stock or emergency management and biosecurity purposes. These sites have no other important uses or values. These TSRs would need to remain and be managed for travelling stock purposes.
- **Category 2** – TSRs that are used for travelling stock, emergency management or biosecurity purposes, but are also important and used for a range of other reasons - for example, biodiversity conservation, Aboriginal cultural heritage or recreational purposes. These TSRs will need to remain as TSRs and be managed for their multiple purposes.
- **Category 3** – TSRs that are not used for travelling stock or emergency management, but are important, valued and used for other reasons - for example, biodiversity conservation, Aboriginal cultural heritage or recreational purposes. These TSRs may need to be re-reserved or re-purposed to ensure they are effectively protected and managed for the purposes they are used and valued for.
- **Category 4** – TSRs that are no longer used or valued for any of the above reasons.

Evidence

This TSR review will be supported by robust evidence. Broadly, evidence will be required to determine:

- the use history of the TSR
- the potential future use of the TSR for those or other purposes and the suitability of the land for those purposes (for example, geography, topography, vegetation, cultural purposes)
- the connectivity of the TSR to other TSRs (i.e. does it form part of a route or network)
- if there are current barriers to use, what they are and how these should be addressed
- the values associated with those TSR; for example, Aboriginal culture and heritage values to be assessed in relation to future use.
- those TSRs which may fit into Categories 1, 2, 3 or 4 above.

Connectivity of TSRs - Gunnedah TSRs

Many TSRs make up a connected network and are used for travelling stock. In most places, the public and Crown road network are used to connect otherwise unconnected parcels of TSRs. Maintaining a connected TSR network in NSW is a priority for the government as it ensures connectivity for travelling stock, biodiversity,

Aboriginal cultural heritage and a range of other reasons.

The TSR network around Gunnedah is an example of a network that is regularly used for travelling stock. From January to December 2016, the North West Local Land Services has issued:

- nearly 1,400 cattle grazing permits for approximately 77,000 head of stock
- approximately 185 cattle walking permits for 67,000 head of stock
- approximately 105 sheep grazing permits for 37,000 head of stock
- approximately 5 sheep walking permits for 7,000 head of stock.

The route traverses relatively flat terrain, making it suitable for stock to travel, contains suitable vegetation for grazing and has a number of watering points, providing adequate water supplies for travelling stock.

Category 1 – Which TSR are used for travelling stock purposes, emergency management or biosecurity?

We seek your advice on whether the TSRs in your region are currently used for the purposes of travelling stock or emergency management, and whether they are likely to be used in future for these purposes.

Moving stock was the original reason parcels of Crown land were reserved as TSRs. Where TSRs are still used for travelling stock, access for stock should remain the primary purpose for the reserve.

Stock watering points are also dispersed throughout the network and used to water and camp stock travelling along the route.

In addition to those used for travelling stock, many TSRs have the potential to be used as refuge during a natural disaster, in an emergency or for biosecurity risk management. For example:

- in times of drought, TSRs may be used as an alternative source of fodder for livestock
- during floods, TSRs on higher ground could be used to house stock
- TSRs can be used as an emergency refuge during bushfires, and
- TSRs could potentially be used for a 'stand still' during a biosecurity outbreak.

We will require evidence that supports the current use and evidence that would support an assessment of the future use of the TSR.



Some examples of the type of evidence that could be used for this assessment include:

- permits issued by Local Land Services over each TSR or network
- an assessment of the geography and topography of the land (for example, whether the TSR has vegetation toxic to cattle, or a network runs through a steep, rocky terrain that is unsuitable for travelling stock, or is on higher ground and therefore a potential flood refuge)
- assessment of the local road network to determine whether it effectively connects gaps in the TSR network
- assessment of bushfire trails in local regions.

Discussion points

- Which TSR in your region are currently or likely in the next 10 years to be required for the purposes of:
 - o a travelling stock route?
 - o emergency management refuge (for example, during floods, bushfires, drought)?
 - o for biosecurity purposes?
 - o a stock watering place?
- How often do you they get used for travelling stock or emergency management purposes?
- Are there any TSR that are no longer used for these purposes? If so, which TSR are they? Why are they no longer used for these purposes?



Wallambi TSR

The Wallambi TSR is an enclosed TSR on a regularly used TSR network in the Tamworth Local Government Area.

The TSR contains a stock watering point and is regularly used as a camping and watering point for stock travelling along the route.

Kamilaroi Highway TSRs - Boggabilla

The long TSR along the Kamilaroi Hwy is an example of a TSR with a high conservation value which is also used by stock.

The TSR has protected a significant strand of Inland Grey Box in what is now a heavily cleared agricultural landscape.

Inland Grey Box Woodland has now been listed as an endangered ecological community under NSW legislation. Koalas and a range of other endangered species have also been recorded in this TSR.



Category 2 – Which TSRs are used for travelling stock and other purposes?

We recognise that many TSRs that are still used by travelling stock are also important and used for a range of other reasons.

For example, many TSRs are important for Aboriginal cultural heritage, recreational, biodiversity and environmental conservation values as well as grazing and travelling stock.

We want to know which TSRs in your region are important for multiple reasons.

Discussion points

- Which TSRs in your region are used for travelling stock, emergency management as well as being valued for other purposes?
- What are these other values?
- How do these multiple purposes co-exist (i.e. occur on the same TSR)?
- What evidence is required to determine the uses and values associated with these TSRs?
- Which TSRs are important for environmental and conservation values?
- Which TSR have had environmental works undertaken on them, including works undertaken by community volunteer groups such as Landcare?
- Which TSR are important for Aboriginal cultural heritage values?

Category 3 - which TSRs are not required for travelling stock purposes but are important for other reasons?

There may be TSRs that are not or cannot be used for travelling stock. These may be TSRs that are isolated; are located in an unsuitable landscape; or have vegetation that is toxic to cattle and sheep. For example:

- The TSR network in the Moonbi Ranges of the Tamworth Local Government Area covers steep and rocky terrain, making it unsuitable for travelling stock.
- The Kootingal TSR in the Tamworth Local Government Area contains rock fern — native vegetation which is toxic to cattle, and so cannot be used for travelling or grazing.

While these TSRs may no longer be needed for traveling stock purposes, they may still be important for a range of other reasons such as biodiversity, Aboriginal communities or public recreation.

TSRs that are not required for stock purposes could be re purposed and re reserved to ensure that the land can be more effectively managed for its primary use.

We seek your views on which TSR are not used for travelling stock, but are important for other purposes.

Discussion points

- Are there any TSR in your region that are not used for travelling stock or emergency management but are used for other purposes? If so, what are they used for? And why are they important for this use?
- Should these TSR continue to be reserved as a TSR? Or can they be better managed with alternate reserve purposes?



Kyffins TSR

In addition to being used for travelling stock, Kyffins TSR in the Federation Local Government Area is important for a range of other reasons including:

- recreational – the site is used to provide access to recreational fishing spots, bushwalking and bird watching
- Aboriginal cultural heritage
- native vegetation.

Moonbie Ranges

A long stretch of Crown land is reserved as a TSR across the Moonbie Ranges in the Tamworth Local Government Area.

The landscape in the Moonbie Ranges is unsuitable for travelling stock and as such the TSR is rarely used for the original purpose it was set aside for.

However, the ranges contain corridors of native vegetation. Some TSRs in the Moonbie Ranges are also covered by Aboriginal land claims.



Category 4 – Which TSRs are not used?

There may be some TSRs that are not used or required. We seek your advice on whether there are any TSRs in your local region that are not required for any priority purpose. This would include TSRs that are not required for:

- travelling stock
- emergency management or biosecurity
- Aboriginal cultural heritage, Aboriginal land rights, or interests
- environmental conservation or biodiversity
- recreation.

Discussion points

- Are there any TSRs that are not used or required for any priority purpose? If so, which TSRs are these?

4. Proposals to access TSR land

From time to time, the Government receives applications from individuals and organisations seeking access to a TSR to do something unrelated to travelling stock or its related purpose.

For instance, applications can be sought to:

- compulsory acquire the land
- purchase the TSR
- seek a lease, license or permit over TSR land
- seek an easement over TSR land.

Applications can be for a number of reasons, including:

- To build electricity, water, or sewerage infrastructure. In these cases, the land can be compulsorily acquired, or an easement can be granted over TSR land.
- Providing access to private properties — in some circumstances, TSRs provide the only access to private properties, and so access must be granted to these landholders to allow them to access their properties via a TSR.
- Integrate the TSR into long term agricultural operations.
- For state significant development projects which require access over or utilisation of a TSR to undertake the approved activity. These could be projects to develop new educational facilities or hospitals.

All proposals are assessed in accordance with the requirements of the *Crown Lands Act 1989*, *Western Lands Act 1901* and the *Local Lands Services Act 2013*. Criteria are required to assess the impacts of the proposal on the TSR and support any decisions made about the pocket of land in question.

This section sets out the criteria we propose to consider when we receive proposals that may impact on a TSR. We seek your views on the criteria and process.

Specific questions against the criteria have been set out below.

Criteria for assessing proposals that may impact TSR land

A proposal to seek access to Crown land reserved as a TSR will be assessed as to whether the proposal will materially harm the TSR network, and the broader social, economic and environmental impacts and benefits of the proposal.

All proposals are assessed in accordance with the requirements of the *Crown Lands Act 1989*, *Western Lands Act 1901* and the *Local Lands Services Act 2013*. This process does not apply to permits issued by Local Land Services under the *Local Land Services Act 2013*. All proposals are assessed on a case-by-case basis.

A key part of the assessment process is to consider whether the proposal is likely to materially harm the TSR network in accordance with the criteria below.

1. Would not significantly impact on the integrity of the existing TSR network at a local or regional scale. This might include considering how large the TSR is, the location of the TSR and the zoning of the land surrounding the TSR.
2. Would not affect a TSR, or part of the TSR, which is critical for public use.
3. Would not cause any fragmentation to the TSR network.
4. Would not make the TSR route unusable for travelling stock, if the TSR, or part of the TSR, is used for stock movement. This may include considering whether a proposal would prohibit access to a parcel of land that is critical to the use of the TSR corridor in that area.
5. Would not significantly deteriorate the conservation values, cultural values, heritage values or other public values of the network of TSRs, the TSR or part of the TSR.
6. Would not result in overuse of pasture and water in other TSR.
7. Would not set any adverse precedent.
8. Would resolve existing encroachments by neighbouring landowners on condition that compensation is paid or other land made available to offset damage done to the TSR.
9. Is for emergency management purposes or ancillary infrastructure such as fire trails and access.

It is also important to consider the broader social, environmental and economic impacts and benefits of proposal on TSR land. This would include assessing whether the impacts on the TSR are outweighed by other considerations, including whether the proposal:

1. Is in the public interest as it would facilitate economic growth or jobs creation for the local or broader NSW community.
2. Would advance the economic, social or environmental well-being of the community.
3. Would advance public health and safety outcomes.
4. Would facilitate the construction or extension of public infrastructure such as public railway, highways and roads, or an approved state significant development or state significant infrastructure project.

Note: These criteria will generally not apply to TSRs in the Western Division. TSRs in the Western Division are generally covered by Western Land Leases.

Discussion points

Are these proposed criteria adequate for considering whether a proposal might impact on a TSR?

5. How to have your say

We encourage you to provide a response to this TSR review paper. Responses are due by 5 pm Friday 7 July 2017 and can be submitted in a number of ways including:

Online: www.haveyoursay.nsw.gov.au

Email: tsr.feedback@lls.nsw.gov.au

Post: **Local Land Services, State Operations**
PO Box 2105, Dubbo NSW 2830.

It is intended that all submissions will be made publicly available, unless the author specifically requests confidentiality. Please note confidential submissions may still be subject to a request for release under the *Government Information (Public Access) Act 2009*.

The government will publish a summary of the submissions received on this review paper.

To assist you in having your say, the government has created an online mapping tool to allow you to investigate the TSRs in your local area. The web link to access this tool and instructions on how to use the tool are available at: <https://trade.maps.arcgis.com/apps/webappviewer/index.html?id=2f2a0f1efae14f7cb79cf900d012ccc3>.



6. Next Steps

Pilot assessment

This consultation paper is one component of the broader TSR consultation process.

In parallel with this consultation paper, the NSW Government will undertake a more detailed assessment of TSRs in three pilot local government areas – Tamworth, Tweed and Federation.

The pilot will start in mid May and is expected to be completed by the end of June.

The pilot will involve targeted consultation with key local stakeholders in each area about the TSRs they use, and the purposes they use them for.

The pilot will:

- explore the questions posed in Part 3 at a local level in consultation with local stakeholders
- test the evidence that should be used to support the assessment
- test best ways to engage with local stakeholders
- test the process for conducting the assessment
- consider any lessons learnt from the process.

Further information on the pilots can be sought from your nearest Local Land Services office.

Results from the pilot assessment will be considered prior to any detailed assessment of TSRs across the state.

Statewide assessment of TSRs

Following the pilot, TSRs will be assessed across the State. The statewide assessment will determine the future TSR network required for the State, and will use evidence provided through:

- this consultation process
- the results of TSR conservation assessments under the Environmental Trust Project
- advice from targeted stakeholder consultation.

The pilot will provide insight into how the statewide assessment should be conducted. The statewide assessment is expected to begin in 2017 and will occur on a region by region basis.



