

## Travelling stock reserves dealings policy

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### Policy Statement

This policy sets out acceptable dealings on travelling stock reserves (TSRs) according to defined categories of use for the NSW Department of Planning, Industry and Environment–Crown Lands (the department). This policy governs where easements, licences, leases, vestings, sales and other defined dealings are permitted on TSRs, and guides decision-making for those dealings.

This policy provides a clear direction on the management of TSRs across NSW. It gives clarity and confidence to stakeholders that a consistent and rigorous set of requirements and assessment criteria apply to all dealings on TSR land.

### Scope

This policy applies to Crown land that is subject to the provisions of the *Crown Land Management Act 2016* (the Act). Policy authority is drawn from the objects, Part 2 (dedicated and reserved Crown land) and Part 5 (dealings involving Crown land and other related land) of the Act. This policy applies to dealings defined in the Definitions section.

This policy does not apply to permits issued by Local Land Services in accordance with the *Local Land Services Act 2013*. Local Land Services must consider the relevant sections of Part 2 Division 2 of the *Local Land Services Act 2013* in regard to any proposed dealings on TSRs under the care, control and management of Local Land Services.

In recognition of the multiple ways that TSRs are used, this policy distinguishes categories that classify TSRs based on their use and value. The five categories are set out in Appendix A.

### Requirements

Guiding principles have been established to facilitate consistent and considered decision making for appropriate dealings on TSRs. The impacts of a dealing on access, use and connectivity are central to any decision making relating to TSRs. Consideration of all dealings on TSRs must ensure that:

- NSW has a viable, well-maintained TSR network that is able to support multiple purposes for the benefit of businesses, landholders and the community
- connectivity of access is protected for those parts of the TSR network that are actively and predominantly used for the purposes of travelling stock or emergency management and biosecurity
- environmental (including biodiversity and conservation), social, cultural heritage conservation and economic factors are assessed prior to decisions being made
- dealings do not adversely affect landholders who rely on a right of way over TSRs to access their land
- where a TSR overlays a Western lands lease and is no longer required for travelling stock, revocation may be considered as part of a conversion to freehold land. Special requirements relate to TSRs with conservation values.

Decision making relating to dealings on Crown land must recognise the significance of TSRs.

1. *Where a TSR does not overlay a Western Lands lease:*

- a. dealings must be made in accordance with Appendix A.
- b. decisions regarding all dealings must consider the guiding principles and the:
  - protection of the integrity of access to the TSR network, particularly access to Category 1 and Category 2 TSRs
  - need to maintain public access where a TSR is lawfully used by the public
  - viability of pasture and water sources of the TSR route
  - assessment of how public infrastructure or emergency management requirements and other public interest factors may be achieved while ensuring protection of the TSR purpose
  - rights and interests of Aboriginal people must be upheld in accordance with native title and Aboriginal land rights legislation, and through assessment of potential impacts on cultural heritage on land that is a TSR.

2. *Where a TSR overlays a Western lands lease:*

- a. Where a TSR is not used for travelling stock, the department may consider revocation of those parts of the TSR that are subject to a purchase application to convert a Western lands lease to freehold title in accordance with the Act
- b. The department may remove lease conditions from a perpetual Western lands lease that establish and retain a TSR on application by a leaseholder. Once the conditions are removed, the former TSR will remain Crown land and continue to be managed under a Western land lease.
- c. TSRs in the Western Division held under a NSW National Parks and Wildlife Service licence for conservation purposes will not be revoked without the agreement of the National Parks and Wildlife Service.

## **Procedures**

Further information to assist the implementation of this policy is provided in the Travelling Stock Reserves Dealings Procedure. The procedure is available from the department website.

## **Roles and responsibilities**

*The Department will:*

- consider and approve dealings in accordance with this policy
- consult with Local Land Services and other relevant agencies regarding dealings and decisions on viability, management and use of TSRs across the Eastern, Central and Western Divisions.

*Local Land Services will:*

- consider and approve leases in accordance with Section 111 of the *Local Land Services Act 2013* on Category 4 TSRs in accordance with this policy
- provide advice to the department as requested in respect of:
  - revocations of TSRs located in the Western Division
  - potential impacts of a dealing on viability, management and use of TSRs across the Eastern, Central and Western Divisions.

*The community/TSR users will:*

- comply with the designated purpose of TSRs across NSW and with relevant management requirements of Local Land Services.

## **Safety considerations**

Not applicable

## Delegations

This policy does not change, remove or add delegation to any officer. Specific delegations exist for the Act and financial delegations also apply, which must be adhered to.

## Definitions

For the purpose of this policy, the definitions below are not provided for by the Act, and are defined in this policy to provide guidance and ensure consistency

- Biodiversity Conservation Agreement: an agreement under Part 5 of the *Biodiversity Conservation Act 2016*, being a biodiversity stewardship agreement, conservation agreement and/or a wildlife refuge agreement.
- Dealings: In addition to a sale, vesting, lease, licence or easement of Crown land as defined in the Act, for the purposes of this policy, a dealing also includes entering into a Biodiversity Conservation Agreement; a change or addition to reserve purpose made by the department; and an access arrangement or compensation agreement made under the *Mining Act 1992*.
- Department: Department of Planning, Industry and Environment–Crown Lands.
- Depasturing: stock grazing.
- Local Land Services: Department of Planning, Industry and Environment–Local Land Services
- Stock watering places: a place declared as a stock watering place under the *Local Land Services Act 2013*.
- Travelling Stock Reserve: As defined in section 61 of the *Local Land Services Act 2013*.
- TSR in active use: a TSR that continues to be required for use by travelling stock.

## Legislation

- *Biodiversity Conservation Act 2016*
- *Crown Land Management Act 2016*
- *Local Land Services Act 2013*
- *Native Title Act 1993*

## Related policies

- Biodiversity offsets and agreements on Crown land policy IND-O-261
- Leasing of Crown Land policy IND-O-253
- Licensing of Crown Land Policy IND-252
- Purchasing Crown Leasehold Land to Obtain Freehold Title policy IND-O-242
- Sale of Crown Lands Policy IND-O-251
- Sale or Lease of Crown Land by Direct Negotiation IND-O-182

## Other related documents

- *NSW Travelling Stock Reserve Network – Review and Government Response*, 28 November 2018
- *Local Land Services: NSW Travelling Stock Reserves State Planning Framework 2016–21*
- *Local Land Services: Travelling Stock Reserves - Delivering better TSR services for our community – Plan of Management*

## Superseded documents

Interim TSR Business Rules - Circular 2017/3

## Revision history

Version	Date issued	Notes	By
1	02/04/2020	New policy to assist the community, farmers and staff regarding requirements and assessment of dealings on TSRs.	Minister for Water, Property and Housing

**Review date**

02/04/2023

**Contact**

Department of Planning, Industry and Environment — Crown Lands Policy team

Phone: 1300 886 235

Email: [cl.enquiries@crowland.nsw.gov.au](mailto:cl.enquiries@crowland.nsw.gov.au)

The following table sets out acceptable dealings that apply to each of the five categories of TSR.

Note: all dealings need to be in compliance with the native title legislation and nothing in this table authorises dealings that do not comply.

Note: nothing in this policy is intended to interfere with the operation of the *Biosecurity Act 2015* or the *Biodiversity Conservation Act 2016*.

TSR Category	Category Description	Acceptable Uses	Acceptable Dealings
Category 1	TSRs that are predominantly in active use for travelling stock or emergency management and biosecurity purposes. These TSRs are to remain and be managed for travelling stock purposes.	<p>Travelling stock or emergency management and biosecurity.</p> <p>Multiple concurrent uses permitted/acceptable which must not materially impact on access to the TSR or TSR network for travelling stock.</p>	<p>Dealings that do not adversely affect the use of the TSR for travelling stock, emergency management or biosecurity. No dealing may permanently materially impact on the connectivity of the active TSR network.</p> <p><i>Licence</i></p> <p><i>Biodiversity conservation agreement</i></p> <p><i>Easement</i></p> <p><i>Change to Reserve</i> - Addition of reserve purpose/s determined to be in the public interest and not likely to materially harm the use of the land as a TSR.</p> <p><i>Lease, vesting and sale</i> may be considered for part of TSR only.</p>
Category 2	TSRs that are used for travelling stock, emergency management or biosecurity purposes, but they are also important and used for other reasons, e.g. biodiversity conservation, Aboriginal cultural heritage or recreational purposes.	<p>Travelling stock or emergency management and biosecurity, and other uses including conservation, cultural heritage and recreation.</p> <p>Multiple concurrent uses permitted/acceptable which must not permanently materially impact on access to the TSR network for travelling stock.</p>	<p>Dealings that do not adversely affect the use of the TSR for travelling stock, emergency management or biosecurity reasons. No dealing may permanently materially impact on connectivity of the active TSR network.</p> <p><i>Licence</i></p> <p><i>Biodiversity conservation agreement</i></p> <p><i>Easement</i></p> <p><i>Change to Reserve</i> - Addition of TSR land to adjoining reserve - Change/addition to Reserve purpose</p>

			<p>determined to be in the public interest and not likely to materially harm the use of the land as a TSR.</p> <p><i>Lease, vesting and sale</i> may be considered for part of TSR only</p>
Category 3	<p>TSRs that are rarely if ever used for travelling stock or emergency management, but are important, valued and used for other reasons, e.g. biodiversity conservation, Aboriginal cultural heritage or recreational purposes.</p>	<p>Travelling stock or emergency management and biosecurity, and other uses including conservation, cultural heritage and recreation.</p> <p>Multiple concurrent uses permitted/acceptable which must not permanently materially impact on access to the TSR network. Consideration given to temporary impact on access to TSR.</p>	<p>No dealing may permanently materially impact on connectivity of the active TSR network.</p> <p><i>Licence</i></p> <p><i>Easement</i></p> <p><i>Biodiversity conservation agreement</i></p> <p><i>Change to Reserve</i></p> <ul style="list-style-type: none"> <li>- Addition of TSR land to adjoining reserve</li> <li>- Addition of reserve purpose/s</li> <li>- Revoke the reservation for TSR and align Reserve with different purpose.</li> </ul> <p><i>Lease part of the TSR</i> May be considered where the lease is consistent with the current values and uses or where the lease would bring outcomes to the State that supersede the current values and uses.</p> <p><i>Vesting or sale of part of the TSR</i> May be considered where the vesting or sale would bring outcomes to the State that supersede the retention of the land for its current values and uses or where those values and uses are protected through conditions in the sale contract or vesting agreement.</p>
Category 4	<p>These TSRs are stock watering places in the Western Division only, that are rarely, if ever used for travelling stock or emergency management, but are important, valued and used for other reasons such as biodiversity</p>	<p>As a stock watering place and any incidental or ancillary purposes</p> <p>Other uses including conservation or cultural heritage.</p>	<p>No dealing may permanently materially impact on connectivity of the active TSR network.</p> <p><i>Licence</i></p> <p><i>Change to Reserve</i></p> <ul style="list-style-type: none"> <li>- Addition of reserve purpose/s determined to</li> </ul>

	<p>conservation or Aboriginal cultural heritage.</p> <p>As the controlling authority, Local Land Services may administer leases on stock watering places in accordance with the <i>Local Land Services Act 2013</i>.</p> <p>The department may also administer acceptable dealings on Category 4 TSRs.</p>	<p>Recreational use is not authorised.</p>	<p>be in the public interest and not likely to materially harm the use of the land as a stock watering place</p> <p><i>Biodiversity Conservation Agreement</i></p> <p><i>Easements, lease, vesting and sale</i> may be considered subject to compliance with native title legislation.</p>
Category 5	<p>TSRs that are no longer used or valued for any of the above reasons.</p>	<p>A broad range of uses for dealings are appropriate.</p>	<p><i>Licence</i></p> <p><i>Easement</i></p> <p><i>Biodiversity Conservation Agreement</i></p> <p><i>Change to Reserve</i></p> <ul style="list-style-type: none"> <li>- Addition of TSR land to adjoining reserve</li> <li>- Add reserve purpose,</li> <li>- Consider revocation of the reserve and replacing with a different reserve purpose</li> </ul> <p><i>Lease</i></p> <p><i>Vesting</i></p> <p><i>Sale</i></p>