



NSW Travelling Stock Reserve Network - Review and Government Response

Wednesday, 28th November 2018



Pictured: Between Gunbar
and Hillston NSW



Pictured: Rod, Geoff, Margaret and Geoff Garuwanga

Executive summary

Travelling stock reserves (TSRs) are important and valuable public assets used by the people of NSW for various social, environmental, community and economic activities.

The NSW Government is committed to maintaining a viable and connected TSR network so that drovers, landholders and community groups in the state will continue to benefit from their use.

The *Crown Lands Management Review* conducted by the NSW Government from June 2012 found that many TSRs in NSW were no longer used for their original purpose. The Travelling Stock Reserves Review (the TSR Review) commenced in April 2017, to build on these findings and Local Land Services' *NSW Travelling Stock Reserves State Planning Framework 2016–21*.

The TSR Review was conducted in close consultation with the community, partners and stakeholder groups with the aim of ensuring a

useful and viable TSR network for the future. It involved public consultation, targeted consultations in three local government areas and a state-wide assessment of TSRs.

The outcomes of the TSR Review did not include any decisions about TSRs but instead sought information from the community about the value and usage of TSRs across the state.

The main aim of the TSR review was to determine which TSRs are still used or required for the purpose for which they were originally established, and which TSRs are important for other reasons. This information will help inform future decisions about how the land can be best reserved and managed.

The TSR Review provided important information on the range of uses and values associated with TSRs today. In addition to being used for travelling stock, TSRs have a range of economic, cultural, Aboriginal, recreational and environmental uses and values.

TSRs that are no longer used or required for travelling stock or emergency management purposes may be re-reserved or repurposed to ensure that the land can be appropriately managed. No decisions about the future ownership or management of TSRs were made during the TSR Review, however, information gathered in the review process will feed into determinations and decisions about whether TSRs are of state significance, and whether any TSR land is no longer used or is of local significance

This paper presents the TSR Review's general findings. It also details the NSW Government's response to these findings, with the aim of ensuring the NSW TSR network is managed effectively for the benefit of the NSW community.

Summary of the Government's response

The NSW Government is committed to maintaining a viable, connected TSR network in the Eastern and Central Division that the community can use for multiple purposes. It will effectively manage those TSRs to ensure drovers, landholders and the community can continue to use TSRs to benefit in social, environmental, community and economic ways.

The NSW Government has invested \$2 million in 2017 and 2018 to strengthen TSRs in the Central and Eastern Division, which are managed by Local Land Services.

Of this, \$1 million has been used by Local Land Services to improve infrastructure on TSRs.

The remaining \$1 million will be used by Local Land Services to develop a state wide plan of management for the TSRs, community engagement to develop the plan, and to improve operational management, compliance and outcomes for the TSRs across the state.

The TSR Review has helped determine the current use of the land by collecting a base level of evidence on the value and use of TSRs in NSW. Importantly, this evidence was largely informed by the views of the community by way of a public consultation process.

The evidence gathered will help inform future decisions on how best to protect and manage the land. The review is the start of a journey to better understand TSRs—where they are, what they are now used for and how they should be used in the future.

A single state-wide plan of management across NSW will help ensure the future management of TSRs aligns with Indigenous, conservation, livestock, production, recreation and community priorities.

The TSR Review found that TSRs have different values and are being used for different purposes in different parts of the state. In particular, the management and use of TSRs in the Western Division differ significantly from those in the Central and Eastern Divisions.

The following NSW Government commitments are in direct response to findings of the TSR Review.

In the **Central and Eastern Divisions:**

- TSRs will continue to be managed by Local Land Services to provide economic, social, cultural and environmental outcomes
- TSRs that form the state's main droving 'highways' will be retained in public ownership and be managed to support this important and ongoing use
- A single state-wide plan will be prepared by Local Land Services to deliver improved land management outcomes and to protect or improve social, environmental and economic values.



Pictured: Between Hay and Booligal

In the **Western Division**, TSRs are generally no longer used or required for the purposes of moving stock and are also generally not accessible to the general public due to the nature of the Western Lands Leases in this Division. To reflect this:

- the TSR network in the Western Division will gradually be reverted back to its underlying land tenure. The general management frameworks that already exist in the Western Division will then apply.
- where appropriate, TSRs will be able to be converted to freehold as part of approved conversions of Western Lands Leases in accordance with the *Crown Land Management Act 2016*.

For TSR site-specific dealings

- the NSW Government will develop a new TSR Dealings Policy, informed by the review, to guide decisions that affect the use of TSRs. This policy will:
 - guide site-specific dealings (for example, leasing, licensing, acquisitions, sales etc.)
 - refer to the Department of Industry – Lands & Water *Community Engagement Strategy*
 - be consistent with other policy frameworks that guide the use and tenure of Crown land
 - ensure the potential impacts of those decisions on the TSR network are considered.

For the Aboriginal community engagement in the management of TSRs:

- will be consistent with the Department of Industry – Lands & Water *Community Engagement Strategy*
- will reflect the Local Land Services Reconciliation Action Plan
- the NSW Government acknowledges the important connections that Aboriginal people in NSW have with TSRs and will seek opportunities to strengthen engagement with Aboriginal people in the future planning and management of TSRs
- although the management of TSRs will be based on the principles of public access, the NSW Government will continue to recognise the specific rights and interests of Aboriginal people in the future ownership and management of TSRs.

Any decisions to revoke or re-purpose a TSR will include referrals to Local Land Services and will be done in accordance with the new Crown land Community Engagement Strategy which took effect on 1 July 2018, where applicable.

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Pictured: Ecological SELLS

Context

The *Crown Lands Management Review* found that many TSRs in NSW were no longer used for their original purpose.

The TSR Review commenced in April 2017 to build on these findings, and the Local Land Services' *NSW Travelling Stock Reserves State Planning Framework 2016–21*. This framework will help guide the development of the state-wide TSR plan of management.

TSRs are believed to follow pathways used traditionally by Aboriginal people to travel across the country.

There are now more than 6,500 travelling stock reserves (TSRs) on Crown land in NSW covering approximately two million hectares.

Local Land Services is responsible for the care, control and management of about 530,000 hectares of TSRs, mostly concentrated in the Central and Eastern Divisions.

Around 1.5 million hectares of TSRs are located 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 used. TSRs in the Western Division are generally covered by Western Lands Leases under the *Crown Land Management Act 2016*. As a result, leaseholders are primarily responsible for the care and control of TSRs in the Western Division, not Local Land Services or any other public land manager. These TSRs are also generally not available for public access, and their use for droving purposes has significantly reduced in recent decades.



Review process

Community input into the TSR Review was sought by way of an extensive 10-week community consultation process, which ran from 27 April to 7 July 2017. The community was invited to make submissions to the *NSW Travelling Stock Reserves Review Public Consultation Paper*.

A total of 898 public submissions were received as part of the consultation review process, including:

- 475 general submissions on the TSR Review public consultation paper
- 423 submissions from Western land leaseholders in the Western Division via a submission form.

Individuals accounted for 70% of general submissions. The submissions came from a wide variety of stakeholders, representing the environment, fishing, bird watching, Aboriginal people and communities, Landcare and community groups.

More than 130 people from key stakeholder groups with an interest in TSRs also participated in three targeted engagement workshops in Dubbo, Tamworth and Corowa held in July and August 2017.

Interim update

In November 2017, an interim update on the TSR Review was released to stakeholders on the progress and initial findings of the Review. The interim update stated that:

- there continues to be a key network of TSRs connecting NSW with Queensland and Victoria. These are the TSR driving ‘highways’ that allow livestock to be moved between regions
- TSRs continue to be used and are important for a number of complementary values, including conservation, Aboriginal cultural heritage, public access and recreation
- most TSRs in the Western Division have not been used for travelling stock for more than 10 years.

This report has been prepared following the interim update to provide the final findings of the TSR Review and the NSW Government’s Response.

Overview of findings

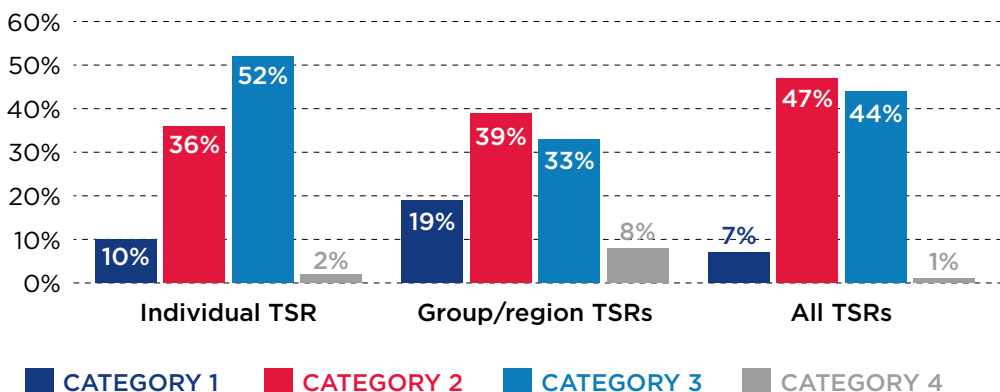
The 475 general submissions received on the TSR Consultation Paper identified 1,834 individual TSRs. Of these, 108 submissions referred to TSRs in a particular group or region, and a further 147 submissions referred to TSRs in general. TSRs were divided into the categories listed in Table 1 to ensure consistent classification.

Table 1. TSR classifications

CATEGORY	DESCRIPTION
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.
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.
CATEGORY 3	TSRs that are rarely if ever 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.
CATEGORY 4	TSRs that are no longer used or valued for any of the above reasons.

Figure 1 shows that the majority of submissions identified TSRs in categories 2 and 3.

Figure 1. Submissions by TSR category





The TSR Review highlighted that there is strong support from a broad range of stakeholders for the TSR network, particularly in the Central and Eastern Divisions. TSRs contribute to the social, economic, environmental and cultural fabric of many regional communities.

Table 2. Some of the values of TSRs identified by the review

TSR VALUES AND USES	
<p>Recreation and Public Access</p> <p>TSRs are important recreation spaces in many regional communities.</p> <p>TSRs are used as access points for many activities including fishing, birdwatching and bushwalking.</p>	<p>Cultural</p> <p>Many TSRs follow the pathways used traditionally by Aboriginal people to travel across country.</p> <p>TSRs are important to Aboriginal people for access and connection to Country, cultural practices, and the protection of Aboriginal cultural heritage.</p>
<p>Agricultural Productivity</p> <p>TSRs have an economic value to agricultural industries and communities, particularly in emergencies and for biosecurity.</p> <p>Droving is a key ongoing use of TSRs in the Central and Eastern Divisions and there is a key network of TSRs connecting NSW with Queensland and Victoria. These droving ‘highways’ allow for the movement of stock between regions.</p> <p>TSRs in the Western Division have not been used for droving, emergency management and biosecurity purposes for some time.</p>	<p>Environmental</p> <p>Many TSRs support high levels of biodiversity, threatened species, threatened and endangered ecological communities, and provide critical habitat for many species.</p> <p>TSRs are widely recognised as playing a key role in landscape ecological connectivity and biodiversity conservation across NSW</p>

Key findings and Government responses

TSRs are valued and used for multiple purposes

The TSR Review sought to understand the modern uses and values of individual TSRs and the TSR network as a whole.

The information gathered in submissions and at the workshops has demonstrated that TSRs in Category 1 are valued for their agricultural productivity.

For Category 2 reserves, in addition to agricultural productivity (which were identified by all submissions), the majority of submissions also stated that TSRs are valued for environmental conservation (34%) or public access and recreational uses (33%). The most commonly cited values for Category 3 TSRs are environmental conservation (46%) and public access and recreational uses (42%).

Overall, the TSR Review found that TSRs were valued for a wide range of reasons, and regional communities have strong connections to TSRs. There was strong support in the submissions for TSRs to remain in public ownership and with current management practices.

Other stakeholders cited the need for management to better reflect the TSRs' environmental, recreation, education, and cultural purposes.

In particular, TSRs in the Central and Eastern Divisions of NSW provide essential public benefits and are used and valued for multiple purposes including biodiversity, recreation and Aboriginal cultural heritage. Many of these uses are complementary and not mutually exclusive.

NSW Government response

The NSW Government is committed to maintaining a viable, connected TSR network in the Central and Eastern Divisions that can be used for multiple purposes.

Where TSRs continue to be valued for economic or agricultural purposes, they will be managed to continue those uses. Where they have other important social, environmental or other uses, these will be supported.

The Department of Industry is the lead agency for TSRs and will be responsible for the state-wide policy settings. Local Land Services will continue to manage TSRs in the Central and Eastern Divisions as well as Stock Watering Points in the Western Division at this point in time.

Local Land Services will develop a state-wide plan of management for the TSRs to manage the TSR network for multiple uses and values.

The management and use of TSRs can be improved

The management and funding of TSRs were key themes raised in the pilot workshops and submissions. Specifically, stakeholders noted that:

- management of TSRs needs to be improved for environmental conservation, Aboriginal cultural heritage and community access,
- public access to TSRs is critical but has been restricted by locked gates, long-term grazing permits and illegal activity,
- there is a need to have greater involvement of Aboriginal people in the management of TSRs. This could help bring Aboriginal people back to Country and create training and employment opportunities for young Aboriginal people,
- the existing funding model for the management of TSRs by Local Land Services, which is based principally on grazing activity, does not enable TSRs to be adequately managed for multiple uses and values.

The TSR Review asked stakeholders to provide feedback on the types of evidence necessary to indicate the use and values of TSRs. Submissions

suggested a number of different types of evidence would be useful for informing decisions on the best management of TSRs, including:

- ecological surveys or environmental assessments,
- surveys of local uses and consultation with stakeholders,
- consultation and engagement with Aboriginal communities,
- permits issued by Local Land Services or grants provided to environmental groups,
- monitoring use,
- field inspections—could identify reserves with ‘evidence’ of recreation (i.e. vehicle tracks, infrastructure) or that are still being actively managed for weeds,
- evidence of recreation at the site (e.g. camping, fishing),
- the frequency of emergency situations (e.g. floods).

Surveys, consultation with Aboriginal communities and field inspections have been identified as reliable sources of information to help the NSW Government make decisions about the management and use of TSRs.

NSW Government response

The TSR Review found that TSRs have different values and are being used for different purposes in different parts of the state. Ongoing management will be tailored to how TSRs are valued and used in each region. TSRs in the Central and Eastern Divisions will continue to be managed to provide economic, social, cultural and environmental outcomes.

A single state-wide plan will be prepared to deliver improved land management and to protect or improve social, environmental and economic values.

The NSW Government will explore opportunities to strengthen funding to support the management of TSRs in the Central and Eastern Divisions. This includes co-funding and partnership opportunities

In the short term, an additional \$2 million was provided to Local Land Services in 2017 and 2018 to strengthen TSRs in the Central and Eastern Division.

Local Land Services will utilise existing evidence, maps and data to develop a single state-wide plan for TSRs in the Central and Eastern Divisions to help validate the values, uses and appropriate management arrangements for the regional TSR networks.

The NSW Government will regularly review publicly available data and maps of TSRs to ensure they are up to date and accurately reflect the current uses and values of TSRs.



Maps and data

The TSR Review collated a range of data on the different uses and values of TSRs across the state. This data will be used by the NSW Government to guide management of TSRs and released publicly to inform the community. Local Land Services will use this data when developing the state-wide TSR plan of management. In addition, the NSW Government has published maps of the:

- conservation values of TSRs in NSW (Figure 2)
- public land important for recreational fishing access points (Figure 3)
- TSR network critical for droving in the Central and Eastern Divisions (Figure 4).

Figure 2. Conservation values of TSRs

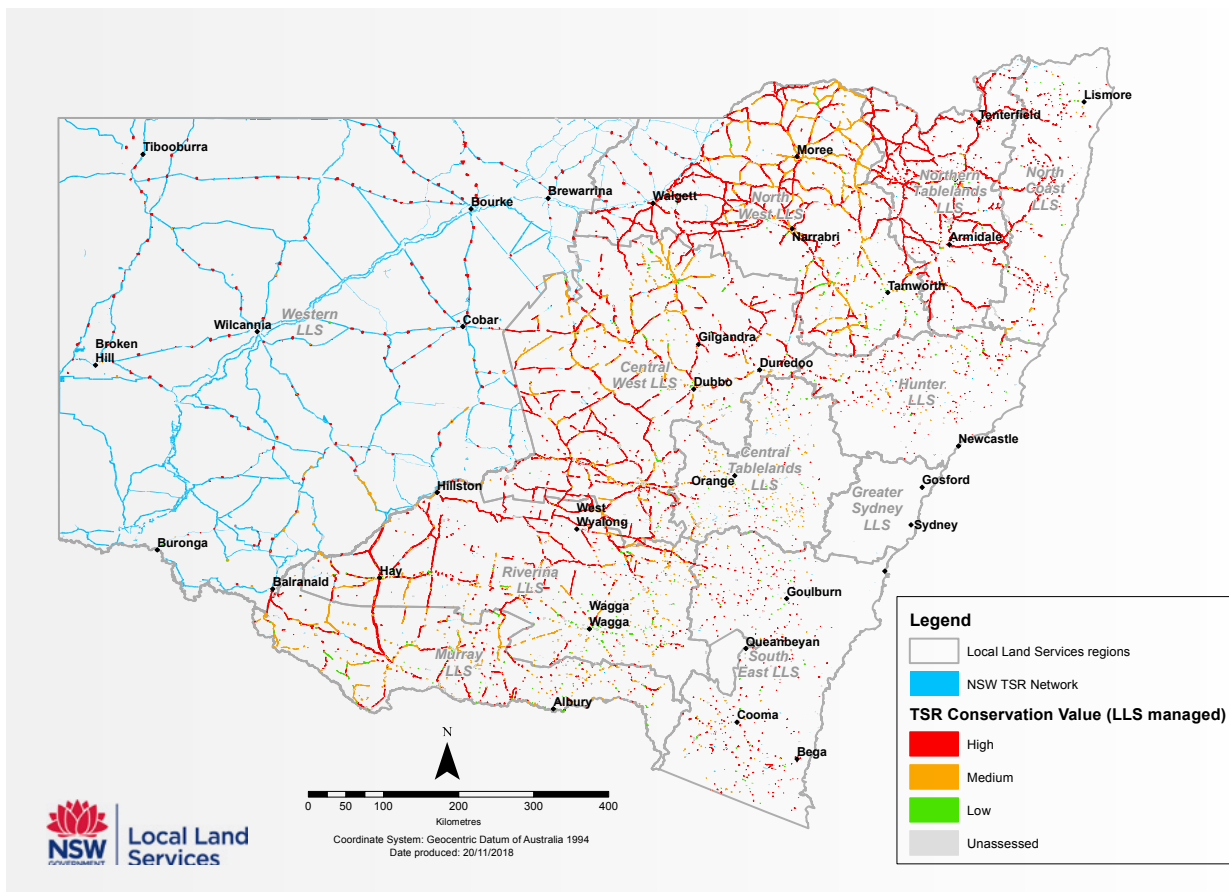


Figure 3. Recreational fishing access points

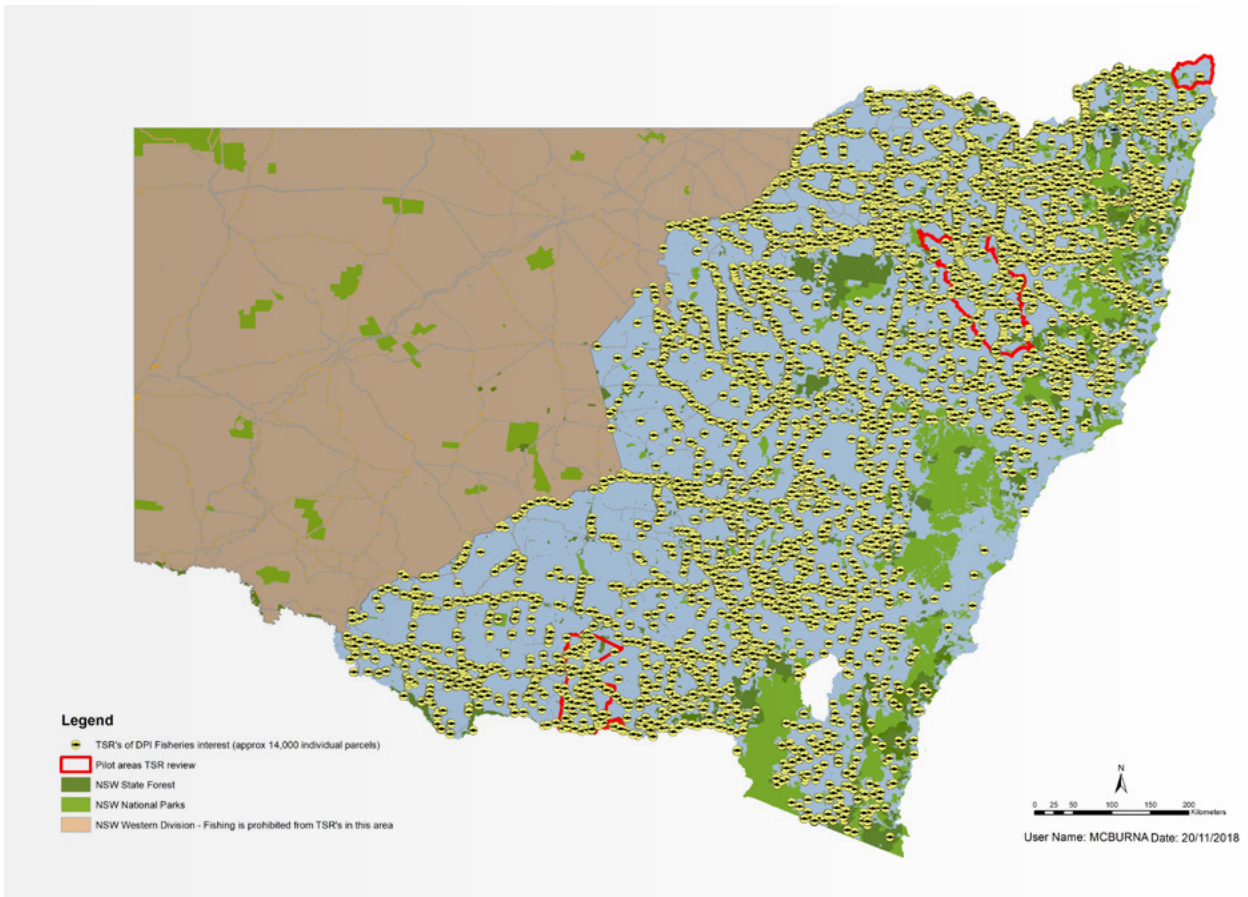
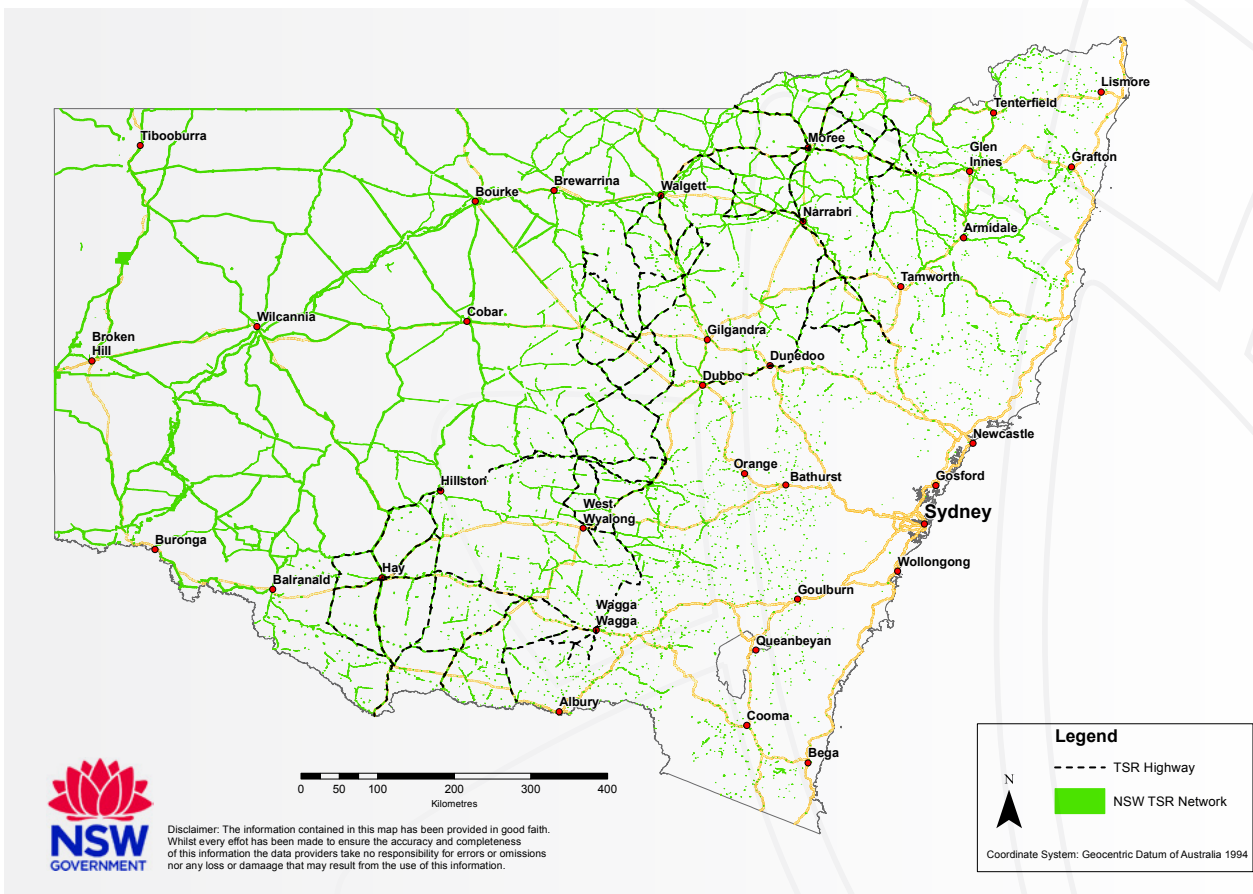


Figure 4. TSR network critical for driving



There continues to be a network of TSRs essential for driving in the Central and Eastern Divisions

TSRs were originally set aside for the purpose of travelling stock more than 150 years ago. While the uses of TSRs have evolved over time, the review found that there continues to be an important 'highway' of TSRs in the Central and Eastern Divisions that connects NSW with Queensland and Victoria, and also connects key agricultural regions within NSW.

Many key stakeholders have indicated the importance of maintaining these highways, as they continue to be essential for the traditional purposes of travelling stock. TSR highways, in conjunction with other TSRs used for driving, are critical for maintaining a viable, connected network of TSRs across the state.

The highways identified by the TSR Review and are shown in Figure 4.

See Response 5 regarding TSRs in the Western Division.

NSW Government response

TSRs in Central and Eastern Divisions that form the state's driving 'highways' will be retained in public ownership and managed to support this important and ongoing use.

Local Land Services will continue to manage TSRs along these highways in the Central and Eastern Divisions as a network for the principal use of driving, emergency refuge and biosecurity purposes.

Other TSRs in the Central and Eastern Divisions will continue to be managed by Local Land Services for local driving and other uses, recognising that these also provide connectivity to the state's driving 'highways'.

There will be no program of divestment or transfer of TSRs in the Central and Eastern Division. While there may be particular circumstances where individual changes of use or control are appropriate, these TSRs will be generally retained in public ownership.

Dealings on TSRs can be made more transparent

The TSR Review has highlighted that some TSRs are no longer being used for their original purpose and, like with other public tenures, there may be instances where a change of ownership or use is appropriate.

Given the high level of interest around TSRs, a policy framework is needed to guide decisions that affect the use of TSRs. The NSW Government is proposing to create a TSR Dealings Policy that will be consistent with other policy frameworks that guide the use of public land.

The TSR Dealings Policy will:

- guide any site-specific dealings relating to an appropriate change in ownership or use (for example, leasing, licensing, acquisitions, sales etc)
- be consistent with other policy frameworks that guide the use and tenure of public Crown land
- set out the requirements for considering an application for a dealing under the Crown Lands Act 1989 in respect of land that is a TSR, including a dealing that is for a sale, lease, transfer, license, permit or easement
- ensure the potential impacts of those decisions on the TSR network are considered to produce net positive benefits.

Any decisions to revoke or re-purpose a TSR will include referrals to Local Land Services and in accordance with the Crown Land Community Engagement Strategy which took effect on 1 July 2018, where applicable. The method of engagement will be tailored and ensure that decisions of potentially greater impact will involve greater participation.

Of the submissions that commented on the criteria, approximately half indicated the criteria were adequate, with the other half suggesting amendments. A summary of the comments and the Government response is given in Table 3.

Table 3. Proposed principles for TSR dealings

SUGGESTION
Consider the impact on adjacent landholders, including encroachments and bushfire risks.
Integrate social, economic and environmental impacts to ensure decisions are consistent with the principles of ecologically sustainable development.
Consider the cumulative impacts on the TSR network (i.e. the aggregated negative effects or pressures of numerous smaller-scale activities).
Ensure the activity would not significantly deteriorate the conservation values, cultural values, heritage values or other public values.
Ensure there is a balance between state-significant development and state-significant infrastructure projects against social and environmental values.
Re-phrase the criteria to be positive (i.e. to maintain or improve).
Clarify the definition of 'significant'.
There were concerns with the content in the second section of the criteria as they appeared to contradict section 1, and focused on economic values rather than environmental values.
Ensure any proposal would not breach or devalue the legislated intent of the <i>Aboriginal Cultural Heritage Act</i> , <i>The Native Title Act</i> , the <i>NSW Aboriginal Land Rights Act</i> or any other cross-vested legislation that ensures the integrity of Aboriginal land rights in NSW.
Considering whether the public will have the opportunity to comment on proposals.
Monitor the use of TSRs so that the use does not result in loss of conservation, heritage or other values.

NSW Government response

The NSW Government will develop a new TSR Dealings Policy to guide any site-specific dealings that are required on TSRs to ensure considered dealings that produce net positive benefits.

The TSR Dealings Policy will be modelled on approaches used to guide other public land tenure dealings.

The TSR Dealings Policy will set out the requirements for considering an application for a dealing under the *Crown Land Management Act 2016* in respect of land that is a TSR. This includes a dealing that is for a sale, lease, transfer, license, permit or easement.

The TSR Dealings Policy ensure the potential impacts of those decisions on the TSR network are considered to produce net positive benefits.

TSRs in the Western Division are no longer used for travelling stock

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 *Crown Land Management Act 2016*.

Western Division TSRs are used and managed by the leaseholders themselves, rather than the general public. The leaseholder manages the TSR for any stock movements as a condition of the lease. Local Land Services is not involved in the day-to-day management of TSRs in the Western Division.

Western Lands leaseholders were consulted as part of the TSR Review through a separate survey conducted by Department of Industry.

A total of 423 responses were received from Western lands leaseholders. The majority of respondents (56%) believed the TSR has not been used for travelling stock for over 20 years, while another 20% did not know or could not recollect the TSR ever being used for this purpose.

The survey results were consistent with responses to the consultation paper, with 73% of responses from Western lands leaseholders indicating the TSRs on their properties had not been used for travelling stock for more than 10 years, while another 20% did not know or could not recollect the TSR ever being used for this purpose.

The common position from Western Division respondents is that TSRs in the Western Division should be revoked if they have not been used for the traditional purposes for travelling stock for a significant period.

NSW Government response

TSRs in the Western Division are predominantly no longer used or required for the purposes of moving stock due to changes in agricultural and transport practices over the last few decades.

To reflect this, the TSR network in the Western Division will be gradually reverted back to its underlying tenure and the general frameworks of management that already apply across the Western Division.

TSR reservations in the Western Division will be revoked where those reserves are no longer required for travelling stock and where native title rights have been extinguished.

Any decisions to revoke or re-purpose a TSR will be able to be made on a case-by-case basis where a neighbouring landholder has applied to convert a Western Lands Lease to freehold in accordance with the *Crown Land Management Act 2016*.

The conversion process and any associated revocation of TSR will include referral to relevant stakeholders and only where it can be demonstrated that the TSR is not relied on for travelling stock or other public purposes. If TSRs are required for ongoing public use, easements will be considered to maintain that use.

Pictured: Coreen



Pictured: Cattle grazing

Aboriginal engagement must be considered in the management of TSRs

The importance of TSRs to Aboriginal people in NSW is reflected in the Aboriginal Land Rights Act 1983, which in some cases permits Aboriginal land councils to claim TSRs and/or negotiate access agreements. The Commonwealth's Native Title Act 1993 also applies to TSRs.

Access agreements can allow Aboriginal people to access TSRs for a range of purposes, including for cultural activities like fishing and camping. These agreements may also formalise existing access arrangements and protect the interests of different landowners and users.

NSW Government response

Opportunities to strengthen engagement with Aboriginal people in the planning and management of TSRs are needed to reflect their strong and ongoing connections to TSRs.

TSRs in the Central and Eastern Division will be managed based on the principles of public access while recognising the specific rights and interests of Aboriginal people in the future ownership and management of TSRs.

The NSW Government acknowledges that native title rights and interest continue to exist on some TSRs, giving native title claimants and holders a special interest in TSRs.

As the primary land manager of TSRs, Local Land Services will investigate opportunities to increase collaboration with Aboriginal peoples in the management of TSRs. This includes native title claimant holders with existing native title rights on TSRs.

Next steps

The NSW Government thanks everyone who contributed to the TSR Review.

The evidence and insights gathered through the TSR Review will help inform decisions on how to best protect and manage TSRs into the future.

Local Land Services will proceed with developing a state-wide plan of management for the TSRs.

Pictured: Bob Faulkner is an active community member in the North West and has shared his cultural knowledge, including of significant places in the region, such as this scar tree.



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