



Local Land
Services

NSW Travelling Stock Reserves State Planning Framework 2016-19

Draft for public consultation

DRAFT



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Local Land Services Travelling Stock Route Cross Regional Team
www.lls.nsw.gov.au

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Conrad Bolton, Chair, North West Local Land Services

Ian Armstrong, Chair, Central Tablelands Local Land Services

Ken Flower, General Manager, North West Local Land Services

Tim Johnston, Senior Manager, Local Land Services

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing September 2015. However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of Local Land Services or the user's independent adviser.

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1. Introduction

1.1 Rationale and scope

Travelling stock reserves (TSR) cover a significant area of NSW and, in addition to the primary uses of travelling stock and grazing, offer a range of values to the community and environment. Appropriate management of these lands therefore has the capacity to contribute significant economic, environmental and social outcomes.

There is a total of 1,985,908ha of TSR in the combined management of the NSW Department of Primary Industries – Lands (Crown Lands) and Local Land Services. As at 30 June 2014, Crown Lands databases show that Local Land Services had care, control and management of 490,927ha of TSR, valued at \$426,817,539. Crown Lands had care, control and management of 97,490ha of TSR and 1,397,563ha of other tenure (mostly being Western Lands leases).

The *Local Land Services Act 2013* (LLS Act) requires that the services provided by Local Land Services regions are in the social, economic and environmental interests of the state, in accordance with any state priorities. This includes the management of Crown lands gazetted for use as TSR.

The intent of this document is to chiefly describe the overarching framework for managing TSR across NSW by Local Land Services, and in particular, how this framework allows for the development of Regional TSR Management Plans based on allocating primary land use classifications.

Once adopted by the NSW Government, this framework will inform key subsidiary processes, in addition to the development of regional TSR management plans, such as a capability analysis methodology to assist decision making for primary land use classification and the development of a valuation basis for TSR land.

1.2 Mission statement

Manage the TSR and other Crown land to achieve a sustainable, ongoing community asset in terms of:

- agricultural production
- conservation
- recreation
- cultural heritage.

1.3 Guiding principles

The principles outlined below will inform the rationale for decision making under this framework:

- **Recognition of historic use** – TSR are intergrated into the history of pastoralism in NSW. TSR formed the primary mechanism for stock movement to markets and fodder reserves for pastoralists in times of drought. Continuity of these services to the rural community is at the forefront of this undertaking.
- **Identification of stakeholder values** – There is a range of community values attached to the natural assets on TSR. These diverse values include: production; recreation; cultural heritage; and conservation uses. Identifying these values is an essential process to meet the multi-use objectives for public land.
- **Sustainable use** – Maintaining or enhancing the natural resource base of TSR through targeted management and use conditions is imperative to ensure the TSR network does not degrade and can continue to deliver services and stakeholder value into the future.
- **Co-existence of stakeholder values** – In addition to grazing, it is recognised there is a growing stakeholder expectation for TSR to encompass a multitude of uses and values, including cultural heritage, recreation and ecological conservation. It is imperative to deliver a range of outcomes on public land by encouraging and supporting these values to co-exist over the long term.
- **Economic viability, cost neutrality and user pays** – There is recognition of the importance of TSR as a publicly-valued asset for their social, cultural and conservation values, as well as their economic values.

Business planning will be integrated into regional planning processes to ensure there is a trend towards full cost recovery from all TSR uses, including conservation.

- **Statewide integration** – There is a requirement for TSR issues to be managed at the relevant scale. Where inter-regional and statewide issues exist, the framework provides a mechanism to ensure regional consistency in policy and methodology to promote continuity of services for customers and stakeholders across the state.
- **Best available evidence/data** – It is acknowledged that various types and scale of information relating to TSR exist across NSW. This framework allows for this information to be sourced and applied at the relevant scale to better inform management decisions associated with state, regional or individual TSR.

1.4 Background

Currently, TSR management is in the midst of a highly evolving governance environment. There are several key processes that have informed the need for state and regional planning by Local Land Services for ongoing TSR management. These documents outline the view of key stakeholders and describe the trends and issues operating in the external environment such as reforms in biodiversity, Local Land Services and Crown Land legislation.

Outcomes from the 2011 TSR conference, including the five point consensus framework, provide for innovative and triple bottom line thinking in regard to TSR management. This will push governments and managers to explore alternative uses and revenue streams so multi-use synergies for public land can be investigated and implemented. Satisfying stakeholder values and developing a multi-use framework is a key challenge and outcome of this planning process.

Key work informing this strategic context includes:

Crown lands review

As part of the comprehensive review of NSW Crown land management that began in 2012, the Crown Lands Management Review Report 2013 stated that many TSR are no longer used for their original purpose. The future management of TSR should be by the relevant body with the greatest interest in the land. The review suggested that Local Land Services is ideally placed to consider the future management and use of TSR. This was seen as an opportunity to return decision making to the local community and help to strengthen local environments. Local Land Services will work with the relevant stakeholders, via this planning framework, to develop management categories and assessment criteria to review all TSR and determine their future ownership and management.

Travelling stock routes conference

The National Parks Association of NSW hosted a TSR conference in July 2011. Key stakeholder groups attended with the objective to develop a suite of management principles for the shared and sustainable use of the TSR network. Consensus was reached on five key requirements (NSW National Parks Association, 2011):

1. An authority with oversight of TSR that has stable and adequate resourcing for the task. This could build on existing institutional arrangements such as the Livestock Health and Pest Authority (now part of Local Land Services).
2. Accessible data, providing more information than is currently available and in a more coordinated and streamlined format.
3. Representative management that brings together the various values and interests and facilitates networking and information sharing.
4. Educational programs to raise awareness of the wide importance of TSR and help recognise and protect Aboriginal cultural heritage.
5. An assessment of the economic significance of TSR using a framework, such as total economic value, that incorporates their full range of economic, social, cultural and environmental values.

This planning framework will aim to integrate these consensus points into the objectives and implementation of both the state planning framework and regional TSR management plans.

Local Land Services

In late 2013, Catchment Management Authorities, Livestock Health and Pest Authorities and NSW Department of Primary Industries Agricultural Extension Services were restructured and combined to form 11 Local Land Services regions across NSW. These organisations bring together agricultural production advice, biosecurity, natural resource management and emergency management into a single organisation. This combination provides an opportunity for integrated management of TSR, via a regional management plan, inclusive of production, cultural heritage, recreation and ecological conservation outcomes.

Biodiversity review

Due to the uncleared nature of TSR in agricultural landscapes and the scale of their connectivity across the landscape, they are an important natural asset for the habitat of threatened species and ecosystem function, including resilience to climate change adaptation. TSR are recognised for their significant inherent environmental and cultural values.

In 2014, the NSW Government initiated a comprehensive review of all biodiversity legislation, including the *Native Vegetation Act 2003*, parts of the *National Parks and Wildlife Act 1974* and the *Threatened Species Conservation Act 1995*. As a result, 43 recommendations were made, proposing an integrated package of reforms to deliver on the NSW Government's commitments to cut red tape, facilitate sustainable development and conserve biodiversity. TSR are likely to be a key consideration under these reforms to provide biodiversity outcomes such as landscape scale connectivity and corridors.

1.5 The planning cycle

This is the first statewide planning framework for TSR and other Crown land. It is expected to commence from 1 July 2016 and be operational for five years. The statewide framework allows for the development of TSR regional management plans to facilitate more consistent and transparent management, resourcing and reporting. The framework provides flexibility to allow each Local Land Services region to meet its own needs and priorities.

Regional management plans will be operational for four years and will provide data for statewide reporting on Local Land Services activities. Short-term operational or works plans will be in force for one-year periods, covering a particular issue (such as weed control or emergency response) or a particular category of reserve. Together, these plans will provide information to enable monitoring and reporting at the regional and state levels (see Figure 1).

It is expected that this state framework will evolve as community needs change. While TSR are currently used primarily for agricultural purposes, this may not be the case for all reserves in the future. This document intends to set out a framework for Local Land Services regions to assess the value of reserves and networks at a local level, and determine the most appropriate use or range of uses over the planning timeframe. A statewide capability assessment methodology will be developed to support this decision-making process.

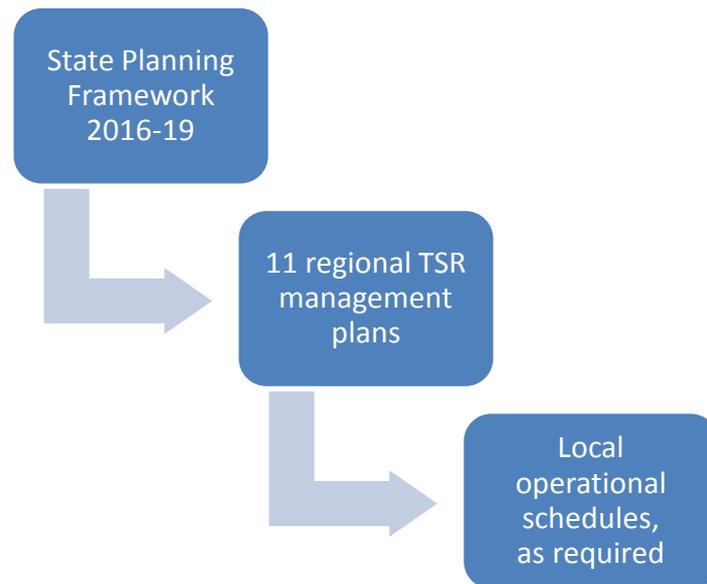


Figure 1: The relationship between the state planning framework, regional management plans and specific operational or works plans.

2. Management Context

2.1 State and regional governance

Local Land Services delivers quality, customer-focused services to farmers, landholders and the community across rural and regional NSW, covering agricultural advice, biosecurity, natural resource management and emergency management. These services enable them to improve primary production and better manage natural resources. The organisation comprises around 850 staff, with a budget of approximately \$175 million.

Local Land Services has a local focus. It is run by local people, employs local people and focuses on local issues and service delivery in each of its 11 local regions. Each region has a local Board which is responsible for the oversight of day-to-day operations and local strategic direction, in line with state priorities. The regions vary in geographic and organisational size and address their regional priorities in different ways.

The organisation is governed by a Board of Chairs which reports to the Minister for Primary Industries. The Board of Chairs comprises an independent chair and the chairs of the 11 local boards and is responsible for statewide strategy, governance and organisational oversight.

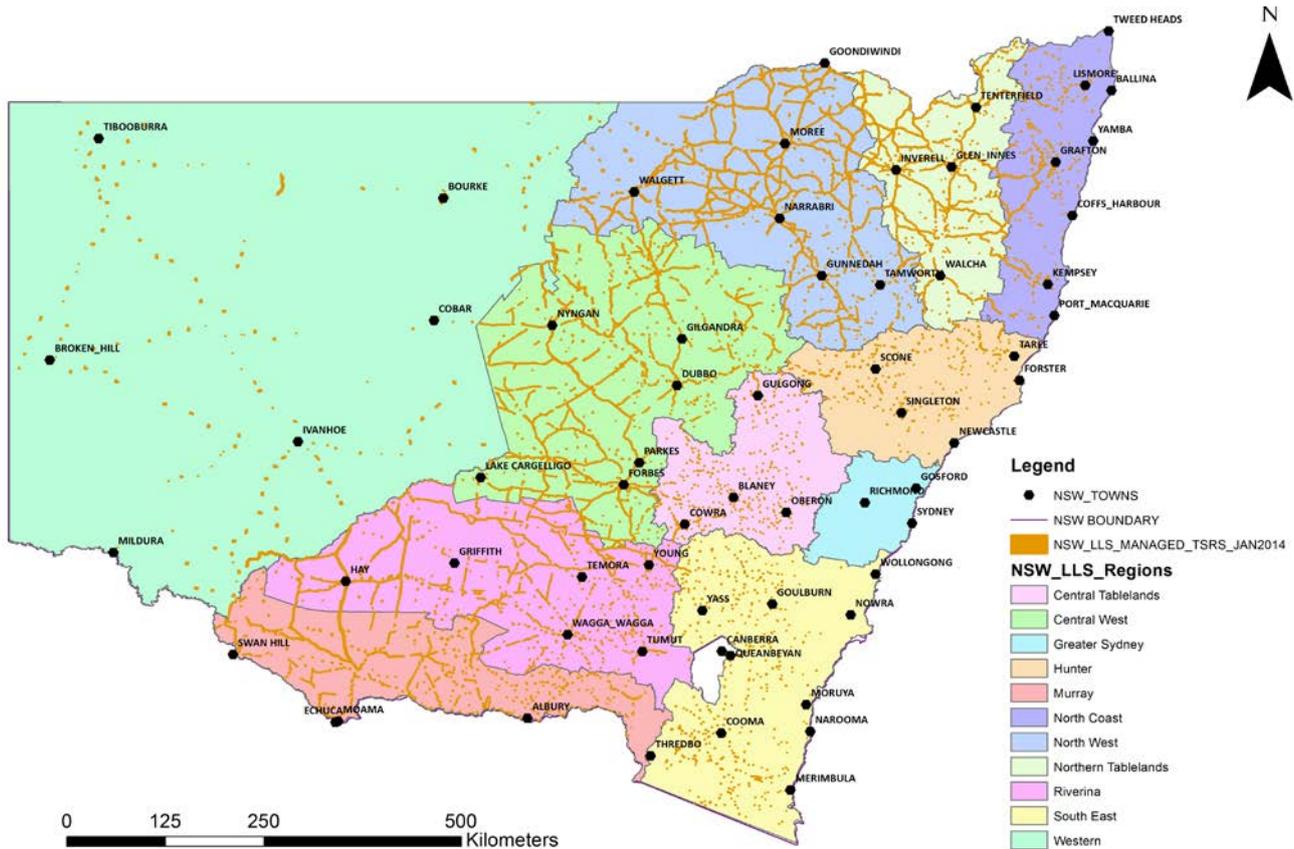


Figure 2: TSR managed by Local Land Services and regional boundaries

2.2 Legislative and policy framework

This section identifies the legislation and policies that impose management requirements in relation to Crown land. This includes:

- *Local Land Services Act 2013* and its regulation(s)
- *Crown Lands Act 1989* and its regulation(s)
- *Western Lands Act 1901* and its regulation(s)
- *NPW Act 1974* and its regulation
- *Threatened Species Conservation Act 1995* and its regulation(s)
- *Native Vegetation Act 2003*
- *Heritage Act 1977* and its regulation(s)
- *Noxious Weeds Act 1993* and its regulation(s)
- *Local Government Act 1993*
- *Aboriginal Land Rights Act 1983*
- *Dividing Fences Act 1991*
- *Stock Diseases Act 1923*
- *Apiaries Act 1985*
- *Pesticides Act 1999*
- *Plant Diseases Act 1924*
- *State Emergency and Rescue Management Act 1989*
- Crown-timber land under the *Forestry Act 2012*.

Commonwealth legislation may also have an impact, particularly in relation to nationally-listed threatened species and communities and migratory species protected by international agreements.

Where necessary, Local Land Services works with other agencies to ensure TSRs are appropriately managed. Key agencies involved are:

- NSW Department of Primary Industries - Lands.
- NSW Office of Water, Fisheries NSW and the NSW Department of Primary Industries
- NSW Office of Environment and Heritage, including the National Parks and Wildlife Service, who will be directly involved in assisting to develop assessment criteria for TSR classification
- Local government within NSW

2.3 Crown land management purposes and principles

Section 11 of the *Crown Lands Act 1989* lists six principles for the management of Crown land:

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land*
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible*
- (c) that public use and enjoyment of appropriate Crown land be encouraged*
- (d) that, where appropriate, multiple use of Crown land be encouraged*
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity*
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state consistent with the above principles.*

In contrast, the LLS Act does not provide guiding principles for the management of TSR. Part 6 of the LLS Act prescribes the management of TSR and public roads in relation to permissible uses, removal of timber, stock movement, boundary fencing and miscellaneous other issues. Prescriptive legislation does not allow Local Land Services to respond in a timely fashion to changing circumstances.

2.4 Local Land Services and Crown Lands responsibilities

All TSR are Crown land (crown reserves), with the vast majority being managed under trust by Local Land Services, who are responsible for the administration of the LLS Act. Local Land Services is able to manage TSR and issue use permits allowed under this legislation.

Where there is a use request, or change of use, that sits outside the authority under the LLS Act, Local Land Services must consult with and gain approval from Crown Lands. Crown Lands will consider the request under the provisions of the *NSW Crown Lands Act 1989*.

Crown Lands must also consult Local Land Services when they receive a request to change use of and withdraw TSR land from the 'care, control and management' of Local Land Services. While Local Land Services may provide any views relating to the request, the decision is ultimately determined by the NSW Minister for Crown Lands. Alternatively, the Minister for Lands, under a similar process, may also vest new areas of TSR to Local Land Services for 'care, control and management'.

Both parties have a responsibility to ensure both the state planning framework and regional TSR management plans align and comply with the various legislative obligations. TSR management plans that are endorsed by Crown Lands have the potential to clarify and expediate decisions relating to future land management on TSR.

3. Uses and values of TSR and Crown land

This section identifies and describes the range of uses for TSR and other Crown land managed by Local Land Services. Uses are a function of the values that the community attributes to these lands. In general, the public perception is geared towards reserves as a resource to be utilised, rather than an asset to be managed and protected.

3.1 Active uses

Active uses are those that reduce the level of a particular resource, either temporarily or permanently. Over-extraction (over-use) can cause environmental damage and compromise the value of the reserve for other current or potential uses. The goal for managing active uses should therefore be to ensure sustainability. Examples of agricultural and other active uses include:

3.1.1 Agricultural uses

- travelling stock
 - livestock walking – fodder and movement/linkage
 - grazing – short-term and long-term
- apiary
- seed collection
- emergency response/refuge for livestock
- stock watering points (Western Division).

3.1.2 Non-agricultural uses

- firewood collection
- craft wood collection (eg burls for woodturning)
- road works stockpiling
- active recreation (such as fishing and trail bike or horse riding).

Local Land Services has developed a policy relating to long-term grazing arrangements (Schedule 1). The policy was designed to ensure procedural fairness and transparency in the issuing of longer term grazing permits.

3.2 Passive uses

Passive uses are those that do not remove resources from the reserve and therefore do not compromise alternative uses. However, they may generate conflict in the community when competing with other uses (eg bird watching is not compatible with mountain bike riding).

Examples of passive uses include:

- environmental conservation (such as protection of riparian areas)
- cultural heritage conservation (such as protection of identified cultural sites, both Aboriginal and European)
- biodiversity conservation (such as the presence of listed or locally important species)
- aesthetic enjoyment (such as exposure to main roads, proximity to town)
- passive recreation (such as family barbeques, bird watching and bushwalking)
- signage/advertising.

3.3 Classification of primary land use category

Many TSR and Crown lands are servicing multiple purposes concurrently. Examples include TSR used primarily for stock walking and grazing, but also for camping, mountain bike riding and biodiversity conservation. Multiple uses may be compatible or even complementary, or they may be incompatible in that one use detracts from the capacity of the reserve to support other uses.

It is important to establish the primary use for each reserve in order to prioritise the management actions required to manage the issues associated with that use (Table A). A methodology for determining the primary use will assist in allocating each reserve to a particular category for management purposes. The categorisation of TSR will be detailed in regional management plans.

Table A: Typical classification matrix for TSR based on usage

| TSR Primary Land Use Category | Ha (000) | % of region | TSR Land Use ^(v) | | | | | | | | | | |
|--|----------|-------------|----------------------------------|---|--------------------|--------|-----------------------------------|---|--|---------------------------------------|--|--|---|
| | | | Active Uses | | | | | | | Passive Uses | | | |
| | | | Long-term grazing ⁽ⁱ⁾ | Travelling stock / short-term Grazing ⁽ⁱⁱ⁾ | Emergency / refuge | Apiary | Timber management ^(iv) | Other (eg signs, stockpiling, right of way) | Active recreation ^(vi) (eg. Trailbikes) | Passive recreation (eg bird watching) | Cultural heritage conservation (eg scar tree and traditional Indigenous use) | Ecological conservation (eg EEC in high condition) | |
| A: Multi-use | [[]] | [[]] | • | • | • | • | • | • | • | • | • | • | • |
| B: Multi-use | [[]] | [[]] | | • | • | • | • | • | • | • | • | • | • |
| C: Stock water places | [[]] | [[]] | • | • | • | • | • | • | • | • | • | • | • |
| D: Recreation/conservation | [[]] | [[]] | | • ⁽ⁱⁱⁱ⁾ | • | • | • | • | • | • | • | • | • |
| E: Recreation/conservation | [[]] | [[]] | | | | • | | | | • | • | • | • |
| F: Under consideration ^(v) - to be acquired/re-gazetted | [[]] | [[]] | • | • | • | • | • | • | • | • | • | • | • |
| Total area | [[]] | [[]] | | | | | | | | | | | |

NOTE: (i) Long-term grazing - refer to Board of Chairs policies in Schedule 1 & 2. Note that all leases over three months are terminable at will by the Minister responsible for Local Land Services or the relevant Local Land Services local board (Schedule 2).

(ii) Short-term grazing is defined as any grazing permit under a three-month period.

(iii) Strategic grazing may be used as a management tool.

(iv) Timber on TSR is managed as Crown-timber land under the Forestry Act 2012 and must comply with the clauses and sections under 'Division 3 – Timber on controlled TSR of the LLS Act. For small volumes of timber management, local agreements between Local Land Services and the Forestry Corporation of NSW may apply.

(v) Changing status of Crown land gazetted as TSR or SWP requires consideration and approval from Crown Lands. If in doubt, check with Crown Lands.

(vi) All requests for active recreation must be referred to Crown Lands for approval. This includes any use outside the prescribed recreational use under Clause 62 of the LLS Regulation 2014. Examples include any infrastructure or activity from recreational use such as model airplane airstrips or built tracks for motorbike use.

Table B: Classification descriptions for primary land use category

| TSR Primary Land Use Category | Description | Principles of Management |
|---|---|--|
| A: Multi-Use | Lands suitable for long term sustainable grazing Multiple uses subject to site conditions | <ul style="list-style-type: none"> ✓ Groundcover maintained (regional plans to stipulate) ✓ Grazing permits for timeframes over three months will be terminable at will by the Minister for Local Land Services or Local Land Services board ✓ Average grass sward height (regional plans to stipulate) ✓ Weed/pest control ✓ Seed set rest periods ✓ Recovery/recruitment period management after major events (ie drought/heavy rainfall) ✓ Market based tender ✓ Management conditions of long term permits to maintain site conditions |
| B: Multi-Use | Lands suitable for short term sustainable grazing, may include low fertility or fragile soils, high conservation value vegetation. movement pathways for travelling stock and linkage zones for driftways | <ul style="list-style-type: none"> ✓ Groundcover maintained (regional plans to stipulate) ✓ Average grass sward height (regional plans to stipulate) ✓ Weed/pest control ✓ Seed set rest periods ✓ Recovery/recruitment period management after major events (ie drought/heavy rainfall) |
| C: Stock Watering Points | As described under the LLS Act – Western Division (Western and North West Local Land Services – County of Finch) | <ul style="list-style-type: none"> ✓ Infrastructure maintained and operational water level above threshold ✓ Water quality suitable for stock/domestic weed/ pest control |
| D: Recreation / Conservation | Lands with conservation, cultural or recreational value Suitable for other active use and conservation | <ul style="list-style-type: none"> ✓ Groundcover maintained (regional plans to stipulate) ✓ Fuel load management – (eg strategic management grazing) ✓ Weed/pest control ✓ Recreation impact/infrastructure management |
| E: Recreation / Conservation | Lands suited to passive uses High level ecological and cultural conservation values | <ul style="list-style-type: none"> ✓ Groundcover maintained (regional plans to stipulate) ✓ Weed/pest control ✓ Fuel load management ✓ Water point removal ✓ Habitat management ✓ Recreation impact/infrastructure management |
| F: Under Consideration for acquisition/re-gazettal | Crown land targeted by Local Land Services to add to the TSR network | <ul style="list-style-type: none"> ✓ All acquisitions and re-gazettals to be coordinated on a reserve by reserve basis with Crown Lands and Local Land Services |

4. Consultation and liaison

One of the objectives of the LLS Act is “to encourage collaboration and shared responsibility by involving communities, industries and non-government organisations in making the best use of local knowledge and expertise in relation to the provision of Local Land Services” (s3(g)). Locally, Local Land Services regions should identify and form relationships with a range of local organisations that have a particular interest in the management of reserves.

A local region is required to consult with neighbouring regions in regard to inconsistent adjoining TSR classification, with the intent to resolve any identified conflict issues. If an amicable solution is not reached, the dispute will be escalated to the Board of Chairs for resolution.

Schedule 3 shows the chronology of internal consultation during development of this statewide management plan.

4.1 The board

The local board of each region functions as a conduit for community input. The LLS Act (s29(1)(e) and (f)) specifically indicates that each local board is:

- *to communicate, consult and engage with the community in developing plans and in respect of the delivery of programs and services by Local Land Services in the region,*
- *to develop a strategy for engagement of the Aboriginal community in the region in respect of the provision of Local Land Services.*

4.2 Aboriginal cultural heritage

Local Land Services recognises the spiritual connection between Aboriginal people and the natural and cultural values of the land. TSR offer an opportunity for local Aboriginal communities to re-establish links with the land and be actively engaged in management of Aboriginal sites.

Local Land Services has a statutory obligation to consult with Aboriginal communities on the management of Aboriginal values and interests when they are identified on TSR. Regions have officers available to facilitate engagement with local Aboriginal communities on issues related to the management of cultural heritage. This includes management actions to protect and conserve Aboriginal artefacts, access arrangements for continued cultural activities, and negotiating co-management arrangements. Regions will place a high priority on this consultation process.

5. Funding

5.1 Principles for funding

The ultimate goal is the management of TSR to be cost-neutral (ie sufficient revenue is generated from the use of the reserve to fund its management). This principle applies at a regional level, rather than to individual reserves, in recognition of both differing management costs and use levels.

One of the objectives of the LLS Act is “to establish mechanisms for the charging of rates, levies and contributions on landholders and fees for services” (s3(h)). Further, one of the functions of Local Land Services is “to make and levy rates, levies and contributions on rateable and other land for the purpose of carrying out its functions” (s14(e)). These sections allow Local Land Services to impose fees on the users of various Crown lands that will help fund the management of those lands for continued use.

Three principles will apply to pricing of all revenue-generating activities:

1. Must be by way of “arms-length” dealings
2. Regional board must adopt a pricing policy and not be involved in the specifics of awarding permits
3. The Board of Chair Conflict of Interest Policy will apply.

The Board of Chairs is responsible for considering options and negotiating with government to implement funding/fees/licences relating to recreational uses.

In general, passive uses do not have the same potential to generate funds as active uses. It is therefore expected that external funding will be required to support the management of reserves used primarily for passive uses. The conservation value of TSRs as a public asset is well recognised and there is a strong case for some ongoing public investment to ensure these values are managed and sustained into the future.

Funding is available from a range of other sources, such as the Commonwealth Government through its National Landcare Program and subsequent environmental management funds, and equivalent NSW Government programs, such as those similar to the public benefit funding to State Forests. Specific funding may be available periodically for works that address priority issues (eg fox baiting to protect threatened species). Appropriate sources of funding will be identified in regional management plans and/or operating plans.

5.2 Reporting on business plans for TSR

A consistent approach to reporting on income and expenditure at a local and regional level is required to facilitate statewide reporting. Table C provides a template for this purpose. Any assumptions underpinning forecast expenditure or revenue should be noted by the region when preparing the business plan.

| | 2016 | | 2017 | | 2018 | | 2019 | |
|---|------|---|------|---|------|---|------|---|
| Expenditure (\$k) | A | P | A | P | A | P | A | P |
| Labour | | | | | | | | |
| Plant | | | | | | | | |
| Materials | | | | | | | | |
| Rates/other | | | | | | | | |
| Grants Works | | | | | | | | |
| Expenditure Subtotal | | | | | | | | |
| Total Expenditure | | | | | | | | |
| Revenue (\$k) | A | P | A | P | A | P | A | P |
| LGPs | | | | | | | | |
| Walking permits | | | | | | | | |
| Grazing permits | | | | | | | | |
| Other permits | | | | | | | | |
| Grants | | | | | | | | |
| Revenue Subtotal | | | | | | | | |
| Total Revenue | | | | | | | | |
| Net Profit (Loss) | | | | | | | | |
| Depreciation | | | | | | | | |
| Capital Works - New | | | | | | | | |
| Capital Works - Replacement | | | | | | | | |
| Net Profit (Loss) after depreciation | | | | | | | | |

Table C: Template for reporting business plans for TSR

- A – Active uses, expenditures and incomes
- P – Passive uses, expenditures and incomes

6. Monitoring and reporting

It is important that the management of TSR and Crown reserves can be monitored to determine the success or otherwise of management strategies in place. A process of monitoring, evaluation, reporting and improvement (MERI, Figure 1) is vital to determine whether management outcomes have been achieved. For this to be possible, desired outcomes must first be clearly stated.

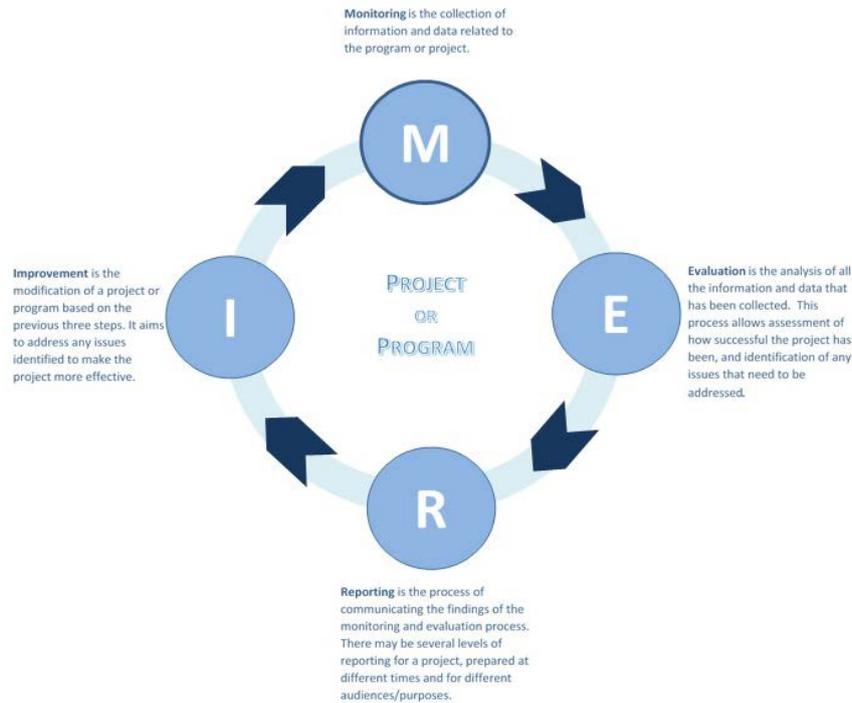


Figure 3: Program improvement and adaptive management

(Source: Australian Government (2009) NRM MERI framework. Commonwealth of Australia)

The information gathered through this process will inform future management and may also be a legislative requirement for some issues. The process may be carried out continuously or on a predetermined schedule (eg annually), at the conclusion of a project, or at the expiry of the management plan.

7. Legislative change

Albeit the LLS Act is not mentioned in the Crown Lands Legislative White Paper, the arguments presented in that paper can be applied across the legislation and regulation of TSR under the care control and management to LLS.

The White Paper proposes that Crown land legislation will be simpler and more direct than the current suit of Crown lands legislation.

The aim is to provide the simplest possible legislative framework to manage Crown land by streamlining existing legislative requirements and reducing red tape. The White Paper establishes the following outcomes:

- allow use of Crown land by the people of NSW
- underpin effective management and protection of Crown land
- streamline decision-making at the local level
- reduce red tape and transaction costs.

The LLS Act currently prescribes the management of TSR. The intention for the future is that management of TSR will be undertaken in accordance with an adopted management plan in place of the current prescriptions. However, legislative amendment is required to enable this change to occur. The current review of Crown land is an ideal opportunity to enact amendments that will improve the efficiency of management.

Part 6 and 7 of the LLS Act and Part 5 of the regulations require review to adopt the proposed outcomes of the Crown Lands Legislation White Paper, as above.

It is proposed that the future management of TSR under the care control and management of Local Land Services will be in accordance with a regional management plan that will be consistent with section 14 (2) of the LLS Act; namely that Local Land Services is to exercise its functions in accordance with any of its identified state priorities and any plan approved under Part 4. Part 4 relates to the State Strategic Plan, the draft of which recognised the management of Crown reserves dedicated to Local Land Services.

8. Conclusion

The purpose of this planning framework is to set out the management of TSR and other Crown lands. It does not provide details of management for individual reserves. Local Land Services regions will prepare regional management plans consistent with this framework to facilitate statewide reporting.

9. References

Travelling Stock Routes Conference 2011 – Key Consensus Points, 2011.

Available from: <http://npansw.org.au/index.php/campaigns/tsr/good-management-of-tsrs/2011-tsr-conference-outcomes>

Crown Lands Management Review Report 2013

Available from: http://www.lpma.nsw.gov.au/crown_land/comprehensive_review_of_nsw_crown_land_management

Schedule 1: Policy on long-term grazing agreements

Local Land Services regions may undertake the issuing of longer term grazing permits, subject to compliance with the pending statewide management plan.

It is recommended that the board adopt the following procedures as a minimum requirement for Local Land Services regions to proceed with the permitting of longer term grazing agreements of TSR and stock watering places.

Regions can issue long -term grazing permits, subject to the following:

1) General conditions

- a) Reserves that are identified for long-term grazing permits must be clearly defined by a reserve identifier, a map demonstrating location and boundaries, size in hectares, listing any infrastructure, dams, creeks/rivers, access agreements and environmental and cultural heritage points of significance.
- b) Regions must call for expressions of interest (EOI) in local newspapers published in the area of the reserves being offered for longer term grazing, giving at least three weeks notice to landholders to lodge their EOI.
- c) The EOI must call for the following information to be lodged as a minimum:
 - i) Detail the names and contact addresses and telephones of the interested party
 - ii) The place of business or residential address of the interested party, their ABN and property identification codes (PIC)
 - iii) A statement of public liability insurance coverage (this will need to be copied to Local Land Services before permits are issued)
 - iv) A brief statement of livestock production experience
 - v) The reserve identifier and location subject of the EOI
 - vi) The period of grazing requested
 - vii) The annual fee being lodged for consideration is to be GST exclusive
 - viii) Acceptance of the payment agreement terms if the EOI is successful.

2) Method of pricing

- a) Must be by way of arms-length dealings.
- b) Regional board must adopt a pricing policy and not be involved in the specifics of awarding of permits.
- c) Where board members or staff of a region are involved in lodging an EOI, permit bid or allocation of permits, then a neighbouring region or the Board of Chairs shall determine the matter.

All EOIs received by a region from a chair, board member or their spouse, parents and children or adopted children and/or staff and their spouse, parents and children or adopted children must be referred to the Board of Chairs Conflict of Interest Subcommittee who shall consider all of the EOI received for that TSR.

3) Length of permits

- a) Terms may be for any period not exceeding five continuous years.
- b) Permits can include an option for another term or terms of permit so total does not exceed 10 years.
- c) Therefore, the following are acceptable: a one-year permit; a five-year permit with option for another; three years with an option for another two.

4) Exclusion clause required:

There must be a clause in the EOI that allows the permit to be cancelled before its expiration on receipt of the the written advice of the Minister, or the Board of Chairs or the Local Board of Local Land Services.

5) Priority to adjoining owners

Regions may adopt a weighting system for adjoining owners eg neighbours (contiguous land ie with common boundary fencing) can receive a percentage weighting on top of their EOI, eg 10%.

6) Standard templates must be applied regionally

- a) Long-term permits must be in the Local Land Services standard long term permit agreement format.
- b) Other standard templates developed by the cross regional team must be applied regionally.

Schedule 2: Grazing agreement (Part 1 & 2)

Part 1: Grazing agreement

The following terms and conditions constitute conditions of your permit with which you must comply. A breach of this agreement may constitute an offence under the Act.

1) Grant of stock permit

- (a) You may use and occupy the reserve only for the purposes specified in the permit.
- (b) You may only carry out those activities on the reserve which are necessary for the proper care and control of the stock permitted by the permit to graze the reserve.
- (c) This agreement does not confer on you any right of exclusive possession of the reserve nor any proprietary right in the reserve.
- (d) You must permit persons authorised by the Act (including persons carrying out recreational activities) to access the reserve.
- (e) This agreement is personal to you. You must not transfer or create any interest in this agreement nor may you deal with your rights under this agreement in any way.
- (f) Subject to any rights you may have under the Act, you are not entitled to any compensation, costs or damages on suspension or termination of this agreement.

2) Local Land Services powers and functions

- (a) Local Land Services may exercise any power, delegation, authority, duty or function as provided by the Act in relation to any matter arising out of the terms of this agreement. Nothing in this agreement fetters, restricts or affects Local Land Services' discretion as to the use of Local Land Services' statutory powers.
- (b) The Minister, Local Land Services Board of Chairs or Local Land Services local board may, at any time, cancel or withdraw any permit before the expiration date. This notification must be written and provide 90 days notice to the permit holder.
- (c) You must not represent yourself to be the servant, agent or representative of Local Land Services.
- (d) Local Land Services may vary the terms and conditions of this agreement at any time. You will be notified in writing of any variations to the terms and conditions of this agreement and you must comply with any such variations after you are notified of them.
- (e) Any reference to approvals or consents of Local Land Services in this agreement must be given in writing to be effective. Unless this agreement provides otherwise, Local Land Services may give or withhold approval or consent to any act, matter or thing in its absolute discretion, and subject to such conditions as it may determine. Any such condition will become a condition of this agreement.

3) Condition of reserve

- (a) You must at all times keep the reserve in a clean and tidy condition.
- (b) You must repair all fences, gates and flood crossings on a reserve as necessary to keep the reserve stockproof.

- (c) You must promptly notify Local Land Services if you discover any poisonous plants or pests on the reserve. You must remove any poisonous plants, pests or abandoned or discarded materials (such as car batteries) which may cause stock disease or death.
- (d) An authorised officer of Local Land Services may at all reasonable times enter the reserve and inspect the reserve and any stock on the reserve, and take such action to ensure compliance with the agreement and the Act.
- (e) On the terminating date you must make sure that the reserve is in good repair and condition, reasonable wear and tear excepted, and is clear and free from all rubbish.

4) Emergencies

- (a) Local Land Services reserves the right to allow third parties' stock to be placed on any Reserve during emergency situations, such as floods, bushfires and other disasters.
- (b) Local Land Services may order you to remove your stock or reduce your stock numbers on a reserve at any time when Local Land Services considers there to be an emergency situation, or considers that further grazing may be detrimental to the recovery of pastures or that further grazing may degrade the reserve.
- (c) Local Land Services may, at its own discretion, refund all or part of any fees where it issues any directions or orders under this clause.

5) Risk

- (a) You agree to occupy and use the reserve at your own risk.
- (b) You release, to the full extent permitted by law, Local Land Services and the Crown and their respective officers and employees, from all claims, demands, actions, proceedings, damages, losses, liabilities, costs and expenses of every kind in respect of or resulting from:
 - (i) any accident, damage, death, loss or injury in connection with the reserve and your use and occupation of the Reserve
 - (ii) any poisoning from pesticides, chemicals or poisonous plants on the reserve
 - (iii) any disease spreading to stock on the reserve.

6) Indemnity

You must indemnify Local Land Services and the Crown from and against all liabilities, actions, suits, claims and demands of whatsoever nature and all damages, costs, charges and expenses in respect of any accident or injury to any person or property arising out of or in connection with

- (a) Your use or occupation of the reserve (including where arising from any act or thing which you may be authorised or compelled to do under this agreement)
- (b) Your stock including the escape of any stock from the reserve
- (c) Any breach of this agreement

except to the extent caused or contribute by the negligence or wilful act or omission on the part of Local Land Services or the Crown.

7) Public risk insurance

You must effect and maintain for the term, with reputable insurers, a public liability insurance policy for the amount specified in the permit (\$20 million) for any one occurrence, which policy must note the interest of Local Land Services and anyone else nominated by Local Land Services. You must provide Local Land Services with a certificate of currency on or before the commencing date and otherwise provide a certificate of currency and a copy of the insurance policy on reasonable request.

8) Compliance

- (a) You must comply with the requirements of all statutes, regulations or by-laws (including the Act), and with the requirements of all relevant public and local authorities, in so far as they apply in relation to the use and occupation of the Reserve.
- (b) You:
 - (i) must contain stock on the reserve, or land under your management, and if any stock escape from the reserve you must immediately return them to the reserve
 - (ii) must ensure that your occupation and use of the reserve does not encroach outside the reserve
 - (iii) must ensure that stock on the reserve are free of lice and diseases.
- (c) You must not:
 - (i) carry on or permit any person to carry on any noxious, noisome or offensive activity in the reserve
 - (ii) do anything that might damage the reserve and you must immediately repair any damage you cause or contribute to on the reserve
 - (iii) do or permit any person to do any act, matter or thing which results in nuisance, damage or disturbance to Local Land Services or owners or occupiers of adjoining or neighbouring land, including promptly removing rogue stock that are causing nuisance to adjoining landholders
 - (iv) carry out any hazard reduction burning on the reserve except with the approval of Local Land Services, any necessary approval from the Rural Fire Service and in accordance with any required environmental approvals
 - (v) undertake any works (including buildings, structures or fences) to the reserve without the consent of Local Land Services
 - (vi) place a lock on any gate on a reserve without approval from Local Land Services, and where approval is given you must supply a spare key or combination to the local office of Local Land Services
 - (vii) shoot, trap, bait or otherwise harm native fauna on the reserve without approval from Local Land Services
 - (viii) cultivate the reserve
 - (ix) overstock the reserve
 - (x) mine, remove, extract, dig up or excavate any sand, stone, rock (including bush rock), gravel, clay, loam, shell, timber or similar substance on the reserve
 - (xi) clear the reserve (including native vegetation) without the consent of Local Land Services and without all other approvals required under the *Native Vegetation Act*

2003, the *Threatened Species Conservation Act 1995* and any other relevant legislation.

- (d) You must immediately notify Local Land Services of the discovery of any artefact and comply with the Local Land Services directions in relation to those artefacts
- (e) If you fail to comply with any term or condition of this agreement, then Local Land Services may by notice direct you to:
 - (i) cease anything that you are doing on the reserve
 - (ii) carry out within the time specified in the notice, or such other time as Local Land Services may direct in writing, any works necessary to rectify or remedy the non-compliance.

You must comply with any notice issued by Local Land Services at your own expense. If you fail to comply with the notice within the specified time (or if no time is specified within a reasonable time), Local Land Services may remedy your default and recover the cost of doing so from you.

9) Definitions

In this agreement the following terms, unless the contrary intention appears, mean:

Act means the *LLS Act 2013* (NSW) and includes any regulations issued under that Act.

Agreement means Your Permit and the terms and conditions of this Agreement.

Commencing Date means the date on which the Permit commences, as specified in the Permit.

Crown means the Crown in the right of NSW.

Permit means the permit for grazing granted to You under the Act, of which this Agreement forms part.

Reserve means the travelling stock reserve over which the Permit is granted.

Term means the duration of the Permit as specified in the Permit unless terminated earlier in accordance with this Agreement.

Terminating Date means the date on which this Permit expires as specified in the Permit or any sooner date on which the Permit is cancelled.

You and Your means the person described as the Permit Holder on the Permit and includes your employees and agents.

Interpretation

The following apply in the interpretation of this Agreement:

Permit terms and conditions prevail: If any inconsistency arises between the Permit and this Agreement, the terms of the Permit and any special conditions attached to it will prevail to the extent of the inconsistency.

Applicable Law: The laws of NSW apply to this Agreement.

Headings and notes: Headings and notes have been inserted for guidance only and do not form part of this Agreement.

Joint and Several Liability: Any covenant or agreement on the part of two or more persons binds those persons jointly and severally.

Persons: A reference to a person includes a corporation and vice versa.

Plurals/Grammar: Words importing the singular number include the plural number and vice versa, and where a word or phrase is defined, its other grammatical forms have corresponding meanings.

Include: A reference to include or including means includes, without limitation, or including, without limitation, respectively.

Parts: Anything includes each part of it eg a reference to the Reserve includes any part of the Reserve.

No permitting breaches: Any obligation on You under this Agreement to do or not to do anything includes a further obligation that You will not permit or allow a breach of such obligation by any other person.

References to legislation: References to statutes, regulations or instruments includes all statutes, regulations or instruments amending, consolidating or replacing them.

Severability: If any provision in this Agreement is invalid or unenforceable this Agreement will remain otherwise in full force apart from that provision, which will be deemed deleted.

Part 2: Additional special conditions

Tick those which are relevant

1. Early termination by you

You may terminate this Agreement on not less than 30 days' prior written notice to Local Land Services.

2. Weed control

You must control Noxious Weeds and environmental weeds by hand methods or by selective herbicide application that will not damage, kill or destroy native vegetation. Noxious Weeds has the same meaning as that term is defined in the *Noxious Weeds Act 1993* (NSW).

3. Land management strategy

Within a period determined by Local Land Services, you must provide a land management strategy in a required form to Local Land Services for approval. Once approved by Local Land Services, you must ensure that the reserve is grazed in accordance with the land management strategy.

4. Protection of native vegetation

You must provide Local Land Services with a plan of any proposed revegetation and/or planting works. Consent of Local Land Services must be obtained prior to the commencement of any revegetation and/or planting works.

5. Protection of trees

You must take reasonable steps to protect all trees from ringbarking, where necessary, by the placement of mesh or other suitable material around the collar of the trees.

6. Supply of water

Where water is supplied to the reserve, in addition to any fee payable under the permit, you must reimburse Local Land Services for the cost of the supply within 14 days of receipt of a tax invoice.

7. No degradation

You must ensure that use of the reserve does not result in any degradation of the bed or bank of any creek or waterbody and/or riparian vegetation.

8. Alternative watering place

(a) Where the reserve adjoins a natural body of water, you must provide stock with a sufficient number of alternative watering places, and not rely on the natural waterbody/ies to provide the primary stock watering place. You must provide the alternative stock watering places outside the riparian zone, which is defined as within 20m from the high water mark of the waterbody. These alternative stock watering places are to be located outside the riparian zone so as to minimise the adverse impact of domestic stock and to prevent the degradation of, or damage being caused to the riparian zone.

(b) In some circumstances at the discretion of Local Land Services, you may be directed to fence out the waterbody and exclude access by stock.

9. Pugging prevention stock exclusion

You must exclude stock access to any waterlogged or partially waterlogged land where there is any likelihood of stock causing localised treading compaction (known as "pugging") of the reserve.

❑ **10. No males**

No entire male horse (including a stallion, colt or rig), cattle (including bull or stag), sheep/goats (including ram, stag or billy) is permitted to be grazed on the reserve without prior written approval from Local Land Services.

❑ **11. Yard structure**

- (a) The yard structure does not form part of the permit or this agreement. However, You may use the yard structure to handle and load stock from the reserve.
- (b) You are responsible for the cost of repairs and maintenance of the yard structure where the damage has been caused or contributed to by you or your stock.

Schedule 3: Chronology of internal consultation during the preparation of this plan

| Date | Consultation |
|------------------------------|---|
| 24 September 2014 | Proposed Travelling Stock Reserve (TSR) Cross Regional Team (CRT) meeting #1 held in Dubbo |
| 30 September 2014 | Board of Chairs meeting where the TSR CRT was endorsed |
| 15 October 2014 | TSR CRT meeting # 2 (Teleconference) |
| 29 October 2014 | Letter received from Department of Primary Industries to John Macarthur-Stanham formally acknowledging the Review of TSR to LLS |
| 3 ¹ October 2014 | TSR CRT meeting #3 (Teleconference) |
| 2 ^t November 2014 | TSR CRT meeting #4 (Teleconference) |
| 30 June 2015 | Draft presented to NSW Natural Resources Commission, NSW Office of Environment and Heritage and NSW Crown Lands for preliminary feedback. |

