

Land Dealings affecting the Stock Route Network PUX/901/238

SLM/2013/363

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Version History

Version	Date	Description/Comments
1	10/06/2009	SLAM and Stock Route Management Unit
2	18/11/2010	Updated to address reforms to stock routes
3	06/12/2012	Updated to address the connectivity and functionality of the stock route network
4	20/06/2013	Updated to address the connectivity and functionality of stock route network including dealings with stock route reserves
4.1	08/10/2013	Minor update to change policy number
4.02	06/02/2014	Minor update regarding permits to occupy
5.00	22/08/2014	Minor change to Rural Leasehold land definition
5.01	16/12/2014	Minor change to new permits to occupy and trustee leases
5.02	23/01/2017	Minor amendment to update text on new template

Approval

Position	Name	Date
Director, Operations Support - Land	Rod Kent	23/01/2017

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Purpose

To establish a consistent policy position for State land dealings affecting Queensland's Stock Route Network (SRN). This policy provides guidance to State Land Asset Management (SLAM) to ensure that SRN interests, including connectivity and functionality, are considered when assessing land dealings.

Rationale

The SRN provides pastoralists with a means of moving stock 'on the hoof' around the state's main pastoral districts, as an alternative to trucking.

Approximately 72 000 kilometres of Queensland's road network is declared as stock route. Together with travelling stock reserves, these routes make up the 2.6 million hectare Queensland SRN.

The issuing or renewing of leases, closing of roads, and granting permits to occupy under the *Land Act 1994* (the Act) have the potential to adversely impact the stock route network by restricting or removing access rights for travelling stock, or otherwise compromising stock route activities. Competition for pasture and water is also a major concern for stock route management. Dealings that affect the SRN include applications under sections 16, 31, 57, 99, 103, 158, 166, 177 and 521M of the Act.

SLAM is to consider SRN interests by assessing the land dealing against this policy.

The Government's stated intention is to improve the management of the stock route network. This policy reflects that position and ensures that State land dealings involving the stock route network support major improvements being considered.

Policy

Scope

This policy must be considered where an application is over, or affects, the SRN, including

- permanent and temporary road closures
- permits to occupy for grazing purposes
- leases, permits to occupy or trustee leases over a travelling stock reserve
- rural leasehold land and conversions to freehold or perpetual lease.

Pasturage rights

- Section 432 of the *Land Act 1994* provides for pasturage rights for travelling stock where a term lease / occupation licence (whether fenced or not) is adjoined / intersected by a stock route.
- Statutory provisions regarding pasturage rights for travelling stock have been integral to state land dealings since the 19th century (see *Land Act 1897*), so any existing pastoral holding / occupation licence issued has been done so subject to this condition.
- Pasturage rights are intended to supplement the narrow stock movement corridor resulting from unsurveyed roads (3 chain / 60 m width) predominating in Western Queensland.

- Landholders seeking to prevent stock losses or accidents by fencing a property adjoining the stock route from the road may lawfully fence to 30 m either side of the centre line of the road thereby negating pasturage rights.
- The loss of 'pasturage rights' results in —
 - loss of alternative stock movement corridor / loss of connectivity
 - less pasture for travelling stock / emergency agistment
 - increased risk to motorists (other road users).

Stock route assessment criteria

SLAM may assess a land dealing without seeking the views of the Stock Route Network Management Unit (SRMU) unless this policy does not address the particular issue under consideration. In such circumstances, SLAM must seek the unit's views to ensure that a consistent approach is taken to land dealings across the State.

When an application affecting the SRN is considered, the following issues must be taken into account:

- loss of access for travelling stock
- fragmentation of the SRN
- bottlenecks occurring where a road closure narrows the road width
- over-use of available pasture and water
- provision and maintenance of adequate stock route widths
- broader community need regarding changing land use
- no net loss of stock route where possible
- mitigation of adverse impacts on the SRN.

Proposals

For local interest proposals (e.g. adjoining owners wishing to expand their grazing enterprise) — the state interest in maintaining the connectivity of the network will generally outweigh the local interest, noting that:

- as a stock route declaration is usually over a road, the application will, in effect, be an application to permanently close the road; and
- the effect on the stock route is only one consideration in assessing such applications. Each case will still need to be assessed on its merits; however, applications should not be approved if the closure has the potential to affect the network's future use (e.g. because alternative routes are not available).

For state interest projects such as major infrastructure projects —

- proponents should, where practical, avoid **primary or secondary (active) stock routes**. If it is not practical to avoid the stock route, the impacts upon it should be minimised. If unavoidable impacts are such that the network in that area is no longer able to function (e.g. the stock route becomes too narrow, causing bottlenecks, or the stock route is not able to carry sufficient feed for travelling stock, proponents should mitigate these effects — for example, by placing water facilities on an alternative route to make that route viable, or securing new land to provide an alternative route.

- for **minor and unused (less active) stock routes**, the proposed development state interest will outweigh the stock route state interest; and, in most instances, alternative routes for future use will be available and mitigation will not usually be required. If the impact of closure has wider effects on the possible future use of the network because alternative routes are not available, mitigating action may be necessary.
- an alternative stock route should be able to support similar travelling stock numbers as the closed route and not add unduly to the expected travel time (e.g. for primary and secondary routes, approximately 1 to 2 days' extra travel time).

Where the SRMU's views are not outlined by this policy, the application must be referred to the SRMU for further consideration prior to advertising or seeking the views of other interested parties.

Road closures

In accordance with section 99(7)(b) of the Act, an application to close an entire road declared as a stock route will not be supported unless satisfactory alternative arrangements can be made for travelling stock.

A road closure may be supported by SRMU and SLAM where the application:

- ensures the continued safety of all road users
- involves a concurrent road opening that:
 - results in no net loss of connectivity and the functionality of the stock route network; and
 - is over a suitable country type; and
 - is for a public benefit — a public benefit does not include the integration of a road into lands for private purposes; however a public benefit may include, but is not limited to, closing only part of a road (stock route) leaving it trafficable to stock.
 - to provide for public infrastructure; or
 - for conversion to a travelling stock reserve.

Where a decision by a delegated officer under the Land Act is made to permanently close a road declared as a stock route, SRMU must be advised of the closure because the removal of the stock route declaration requires a separate process. Closure of the road does not remove its status as a stock route.

SLAM may consider an application for the **partial closure** of a road that is declared as a stock route without reference to SRMU if the partial closure reduces the width of stock route by no more than 10% and the stock route is 100 metres or more wide. The views of the SRMU must be sought in all other cases.

Permits to occupy

Existing permits to occupy

Where a permit to occupy was previously held over the land in question, the application will be supported where it is being made due to:

- the death of the permittee(s); or
- the sale of the adjoining property;

New permits to occupy

An application for a new permit to occupy to graze a **fenced primary stock route** or a **reserve** on a primary stock route will not be supported.

An application for a new permit to occupy to graze a **fenced secondary stock route** or a **reserve** on a secondary stock route must be considered in terms of the Stock route assessment criteria and referred to the Local Government for views.

All other new applications for a permit to occupy over unfenced stock routes and fenced minor and unused stock routes may be considered against the assessment criteria by SLAM officers without reference to SRMU.

Permits to Occupy Unallocated State Land (USL)

Where an application relates to a parcel of USL adjoining, or in the vicinity of, a stock route, it must be referred to SRMU who will advise if the USL is required for dedication by the Minister as a road or a reserve (for “travelling stock reserves”) under the Act.

Trustee leases

Applications for a trustee lease over a reserve—

- **due to the expiry of an existing lease over a Stock Route Reserve** – A trustee permit may be considered where the application is to graze a reserve. Alternatively (but least preferred), a trustee lease may be considered.
- **adjoining a Primary or Secondary Stock Route** — An application will not be supported if it is for grazing an entire reserve adjoining a primary or secondary stock route. Applications for trustee leases over part of a reserve for travelling stock adjoining a primary or secondary stock route must be referred to the SRMU.
- **adjoining a Minor or Inactive Stock Route** — An application for a trustee lease to graze a reserve (in part or in its entirety) adjoining a minor or inactive stock route does not require referral to SRMU. SLAM staff should consider the application based on the Reserve Management Plan developed by the relevant local government (if available).
- **not adjoining a Stock Route** — An application for a trustee lease to graze a travelling stock reserve (see definition) that is further than 10 kilometres from a stock route does not require referral to the SRMU.

Reserves

Reserves associated with the SRN

Reserves for travelling stock (also known as ‘travelling stock reserves’) are reserves dedicated by the Minister under section 31(1) of the Land Act 1994 for one or more of the following purposes:

- pasturage
- camping
- water
- road

- trucking
- stock dip
- township

Historically, stock route reserves were established on, or near, stock routes as places where stock could be camped, watered, rested, or trucked.

If a reserve is within 10 kilometres of the stock route and the purpose of the reserve is for a purpose listed above then generally the reserve is considered to be associated with the SRN.

Reserves greater than 10 kilometres by road from a stock route can be dealt with by SLAM without reference to the SRMU.

Any new reserve dedicated for use in conjunction with the SRN should be issued for the community purpose of travelling stock requirements.

Change of purpose of a reserve

If the reserve is within 10 kilometres of the stock route, SLAM officers may deal with a proposal to change the purpose of the reserve without reference to the SRMU provided that the proposed new purpose is consistent with the requirements for travelling stock reserves.

If the reserve is within 10 kilometres of the stock route and the proposed change in purpose is not consistent with the requirements of travelling stock reserves, the application must be referred to the SRMU for advice.

If the reserve is greater than 10 kilometres by road from the nearest stock route a proposal to change the purpose of a reserve may be dealt with by SLAM without reference to the SRMU.

Application for a new State lease on a Reserve

An application for a new State lease to graze a reserve for travelling stock will not be supported.

Application for renewal of an existing State lease over a Reserve

Where the application is for the renewal of a State lease to graze a reserve on the stock route network, the tenure options, in order of preference, are:

1. a trustee permit;
2. a trustee lease or
3. a State lease

Please refer to SLAM Policies [Permit to Occupy PUX/952/118 Version 1](#) and [Leases over Reserves PUX/901/210 Version 3](#) for more detailed guidance.

Application for conversion of tenure

Where the land adjoins or is intersected by a stock route, the application will be supported subject to the relevant stock route(s) having a width that is consistent with surrounding stock routes of the same classification.

- The functional connectivity of the stock route must be maintained, particularly for primary and secondary routes but also for minor and unused, to ensure the future viability of the network.
- If stock route infrastructure (e.g. a watering facility or holding yard) is located on the property, stock access to it should not be compromised. An exception may be considered on consultation where the facility is no longer functioning AND no longer required for the functioning of the network.
- Stock route width requirement should be considered in the context of long-term stock route requirements and with emphasis on the whole section of stock route between junctions, including the property under application and beyond its immediate vicinity.
- The required width for a stock route must be consistent with the maximum width of route within the section of stock route between road junctions where the property is located. Where the surveyed width of a stock route differs on either side of a property under application, the width to be retained within the property must be the wider of the two.
- Unless it is unavoidable, a road width of less than 100 metres is not acceptable.
- A road width of 60 metres is considered unsuitable (unless this width is surveyed or already fenced) for the purposes of travelling stock due to safety considerations—particularly road safety. If the stock route is fenced (e.g. to prevent stock losses or road accidents), it effectively becomes unusable.
- Where a road width is shown as being 60 metres, the SLAM Action Officer should check whether it is a nominal width (i.e. unsurveyed) or a surveyed width. Many roads on pastoral holdings /term leases are unsurveyed but appear as a 60 metre wide road.
- This is irrespective of any change in stock route classification across the property.
- The Stock Route classification mapping is available on the Queensland Globe.
- Also refer to Plan requirements for State land dealings PUX/952/124.

Stock route widths

Width	Requirements
60 metres	<ul style="list-style-type: none"> minimum road width. Unsuitable for SR purposes except over very short distances.
100 metres	<ul style="list-style-type: none"> minimum stock route width. Acceptable only in some eastern areas of the state.
200 metres	<ul style="list-style-type: none"> acceptable width for minor and unused routes in some eastern areas of the state, and where route widths are consistent with the decision rules.
400 metres	<ul style="list-style-type: none"> minimum width for primary and secondary routes in the eastern parts of the state, and where route widths are consistent with the decision rules.
800 metres	<ul style="list-style-type: none"> minimum width for minor and unused routes in western areas of the state, and where route widths are consistent with the decision rules. This is the minimum necessary to sustain travelling stock on land types with naturally sparse pasture communities (e.g. Western plains).
1600 metres	<ul style="list-style-type: none"> width for primary and secondary routes in western areas of the state, and where route widths are consistent with the decision rules. Optimal for sustaining travelling stock on land types with naturally sparse pasture communities (e.g. Western plains)

Local Governments with similar stock route requirements

Western	Central A	Central B	Eastern
Barcaldine	Balonne	Atherton Tablelands	Fraser Coast
Barcoo	Banana	Cook	Gympie
Blackall-Tambo	Bourke	Mareeba	Isaac
Boulia	Carpentaria		Livingstone
Bulloo	Central Highlands		North Burnett
Diamantina	Charters Towers		Rockhampton
Flinders	Cloncurry		Somerset
Longreach	Croydon		South Burnett
McKinlay	Etheridge		Southern Downs
Murweh	Goondiwindi		Toowoomba
Paroo	Maranoa		Western Downs
Quilpie	Mt Isa		
Richmond	Whitsunday		
Winton			

Required stock route widths on conversion / renewal

Region	Preferred	Acceptable where already exist and consistent with decision rules	Non preferred but may already exist
Western councils	1600 metres	800 m or more where consistent with the existing surveyed areas between junctions on a section of stock route	Down to 400 metres (?) where consistent with decision rules
Central A councils	800 metres – or more where consistent with the existing surveyed areas between junctions on a section of stock route	400 m or more where consistent with the existing surveyed areas between junctions on a section of stock route	Down to 200 metres (?) or more where consistent with the majority of existing surveyed areas between junctions on a section of stock route
Central B councils	400 metres – or more where consistent with the existing surveyed areas between junctions on a section of stock route	200 m or more where consistent with the existing surveyed areas between junctions on a section of stock route	
Eastern councils	200 metres – or more where consistent with the existing surveyed areas between junctions on a section of stock route	100 m or more where consistent with the existing surveyed areas between junctions on a section of stock route	

Leasehold land in the Cape York Peninsula

The width of stock routes in the Cook Shire must be increased or defined on the conversion of lands according to the map of the proposed stock route (attachment 1).

Unallocated State lands

Applications to issue tenure over unallocated State lands must be referred to the SRMU where the land is in the vicinity of the stock route network.

Stock route declarations

Although there is no statutory process in place for the removal of stock route declarations, appropriate community consultation must occur. Consideration of alternative routes and subsequent declarations, amendments to Queensland Stock Route Network maps and public notification of the changes are also required.

The public must be informed of the proposed removal of the stock route declaration. A public notice in should be placed in a newspaper circulating in the local community advising them of the opportunity to comment on the proposal. This should be included in the road closure advertisement process.

The following wording is to be included in all notices where the road being investigated for closure is a declared stock route:

This road is a declared stock route and if the road is permanently closed, it is proposed to remove the declaration of Stock Route over the area of road.

Comments on the removal of the stock route declaration are also invited from interested parties or landholders who believe they may be affected by the proposed removal of the stock route declaration.

Comments should be received at the office of the Department of Natural Resources and Mines [Insert office and postal addresses] no later than 5pm on [Insert closing date i.e. one month from placement of advertisement].

Responsibilities

Officers with the Chief Executive or Ministerial Delegation for issuing tenures or permits under the *Land Act 1994*.

Senior Lands Officers (Stock Routes) and the Principal Policy Officer, Stock Route Management for advising SLAM officers on applications affecting the stock route network under the *Land Act 1994*.

Definitions

Assessing Officer – the officer responsible for providing views on a land dealing to SLAM. The assessing officer is usually a regional Senior Lands Officer (Stock Routes) or a policy officer in the SRMU.

eLVAS – electronic Land and Vegetation Administration System

Land Act (the Act) – the *Land Act 1994*

Delegated officer – the SLAM officer responsible for deciding the application

DNRM (the department) - the Department of Natural Resources and Mines

Mitigation – Actions to reduce the severity of negative impacts on the SRN (e.g. upgrade of an alternative route)

Pastoral lease – a pastoral holding, preferential pastoral holding, pastoral development holding or stud holding as defined under Schedule 6 of the Act.

Rural leasehold land – Rural leasehold land is land for which perpetual or term leases can be issued for agricultural, grazing or pastoral purposes. It excludes land that is within a reserve, state forest or conservation area such as a national park.

SLAM (State Land Asset Management) – the business area of the Operations Support business group that is responsible for the management of State lands.

SRMU (Stock Route Management Unit) – Operations Support

Stock route – a road or route ordinarily used for travelling stock or declared under a regulation to be a stock route.

Stock Route Network (SRN) – the network of stock routes and reserves for travelling stock in the State.

Reserve for travelling stock or Travelling stock reserve – A reserve dedicated by the Minister under section 31 (1) of the *Land Act 1994* for one or more of the following purposes:

- pasturage
- camping
- water
- road
- trucking
- stock dip
- township.

Unallocated State Land (USL) – all land that is not freehold, a road or reserve, or subject to a lease, licence or permit (excluding permits to occupy) as defined in schedule 6 of the Act.

References

- Permit to Occupy PUX/952/118 Version 2.01
- Leases over Reserves PUX/901/210 Version 4.01
- Roads under the Land Act 1994 PUX/952/122 Version 2
- Plan requirements for State land dealings PUX/952/124 1.01
- Land Act (Ministerial) Delegation
- Land Act (Chief Executive) Delegation

Legislation

Land Act 1994