

# Operational policy

## Land dealings affecting the stock route network

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## Approval

Position	Name	Effective Date
A/Director, Land Operations Support	Sandra Flanagan	13/04/2022

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# 1 Purpose

This operational policy describes how the interests of Queensland's stock route network (SRN), e.g. connectivity and functionality, are taken into account by the department when assessing a range of land dealings under the *Land Act 1994* (Land Act). The intended audience includes industry, landholders and departmental staff.

## 2 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. The network was developed because in the 1800s the rights of travelling stock were not ensured and drovers at the time were limited to roads 'ordinarily used by people'.

Approximately 72 000 kilometres of Queensland's road network are declared as stock route. Together with travelling stock reserves, these routes make up the 2.6 million hectare Queensland SRN. In addition to these declared stock routes, a stock route can also be a 'road or route ordinarily used for traveling stock'. Such roads may be identified in a survey plan.

The issuing or renewing of leases, closing of roads, and granting permits to occupy under the Land 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 actions under sections 16, 31, 57, 99, 103, 158, 165B, 166 and 177 of the Land Act.

The department will consider SRN interests by assessing land dealings against this policy.

The Government's stated intention is to improve the management of the stock route network. This operational policy reflects that position while ensuring that state land dealings involving the stock route network also support major improvements (e.g. development and infrastructure projects) that may be proposed.

## 3 Policy

### 3.1 Scope

This policy must be considered where an action for a land dealing under the Land Act 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<sup>1</sup> and conversions to freehold or perpetual lease.

In performing land dealings assessments, departmental assessment officers should consult with departmental stock route officers where:

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<sup>1</sup> 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.

- the issue is not covered in this policy but has the potential to impact stock route interests (as per 'stock route assessment criteria' below), or
- this policy requires them to do so.

### 3.2 Stock route assessment criteria

In applying this operational policy, the following overarching criteria must be taken into account for assessing all land dealings under the Land Act that may affect the SRN:

- loss of access for travelling stock
- fragmentation of the SRN
- bottlenecks occurring where a partial road closure narrows the road width
- overuse 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 routes where possible
- mitigation of adverse impacts on the SRN.

### 3.3 Pasturage rights

Pasturage rights are a right to graze stock in certain locations associated with stock routes. They are intended to supplement the narrow stock movement corridor resulting from (and identified by) unsurveyed roads (3 chain / 60 m width) predominating in western Queensland. In such cases, travelling stock generally have rights to access a wider corridor of grazing land to help facilitate their movement.

Section 432 of the Land Act provides for pasturage rights for travelling stock where a term lease or occupation licence (whether fenced or not) is adjoined or intersected by a stock route. Note that under the *Stock Route Management Act 2002* (Stock Route Act), a 'stock route' is not only defined as a declared stock route, but also as road or route ordinarily used for travelling stock (even if it is not declared).

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 or occupation licence issued has been done so subject to this condition.

Any loss of pasturage rights would be detrimental to the stock route network and would result in:

- loss of alternative stock movement corridor and/or loss of connectivity
- less pasture for travelling stock and/or emergency agistment
- increased risk to motorists (and other road users).

### 3.4 Land dealing proposals – general considerations

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

- i. As a stock route declaration is over a road, any land dealing actions involving a road will likely be associated with an action to permanently close that road and therefore remove the stock route.
  - ii. The effect on the stock route is only one consideration in assessing such actions. Each case will still need to be assessed on its merits; however, actions should not be approved if the proposed road closure has the potential to affect the network's future use (e.g. where an alternative route is not available).
2. For state interest projects such as major infrastructure projects:
- a. 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, e.g. by placing water facilities on an alternative route to make that route viable, or securing new land to provide an alternative route.
  - b. For **minor and unused (less active) stock routes**, the proposed development state interest will likely outweigh the stock route state interest; and, in most instances, alternative routes for future use will be available (due to the higher density of minor and unused stock routes) and therefore mitigation may not be required. If the impact of a road closure would have wider effects on the possible future use of the network where an alternative route is not available, mitigating action may be necessary.
  - c. 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 stock route considerations are not outlined by this policy, departmental assessment staff must consult with stock route officers for further consideration prior to advertising or seeking the views of other interested parties.

## 3.5 Land dealing proposals – specific tenures and actions

### 3.5.1 Road closures

In accordance with section 99(7)(b) of the Land Act, an action 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 where the action:

1. ensures the continued safety of all road users, and
2. involves a concurrent road opening that:
  - a. results in no net loss of connectivity and the functionality of the stock route network; and
  - b. is over a suitable country type; and

- c. is for a public benefit. However, such public benefit does not include the integration of a road into land for private purposes. A public benefit may include, but is not limited to, closing only part of a road (stock route) leaving it trafficable to stock:
  - i. to provide for public infrastructure, or
  - ii. for conversion to a travelling stock reserve.

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 Resources [Insert office and postal addresses] no later than 5pm on [Insert closing date].*

Where a decision by a delegated officer under the Land Act is made to permanently close a road declared as a stock route, departmental stock route officers 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.

Departmental assessment officers may consider an action for the partial closure of a road that is declared as a stock route without reference to departmental stock route officers 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 departmental stock route officers must be sought in all other cases.

## **3.5.2 Permits to occupy**

### **3.5.2.1 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
- sale of the adjoining property.

### **3.5.2.2 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 (See Section 3.2) and referred to the local government for their views.

All other new applications for a permit to occupy over unfenced stock routes and fenced minor and unused stock routes will be considered by the department. Note that in this section, reference to a 'fenced' or 'unfenced' stock route refers to the presence or absence of a fence along the stock route boundary – not fences that are either inside or outside of the stock route boundary.

### 3.5.2.3 Permits to Occupy on State Controlled Roads

A permit to occupy under the Land Act should not be issued over State-controlled roads. The Department of Transport and Main Roads (DTMR) manages state-controlled roads and it is responsible for authorising use under the *Transport Infrastructure Act 1994* (TIA). For state-controlled roads that are not stock routes, it may choose to issue a road corridor permit.

For state-controlled roads that are stock routes, authorisation under TIA does not apply. Therefore, travel and grazing permits over state-controlled roads that are stock routes may continue to be issued under the Stock Route Act by Local Government, with the agreement of DTMR.

### 3.5.2.4 Permits to occupy unallocated state land (USL)

Where an application for a land dealing relates to a parcel of USL adjoining, or in the vicinity of, a stock route, the department will investigate whether the USL is required for dedication by the minister as a road or a reserve (for 'travelling stock requirements') under the Land Act.

## 3.5.3 Trustee leases

Applications for a trustee lease over a 'reserve for travelling stock requirements' will be dealt with in the following ways, depending on the nature of the application:

- Due to the expiry of an existing lease over a reserve for travelling stock:
  - A trustee permit may be considered where the application is to graze such 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 considered by departmental stock route officers.
- Adjoining a minor or inactive stock route:
  - An application for a trustee lease to graze a reserve for travelling stock (in part or in its entirety) adjoining a minor or inactive stock route may be considered by departmental assessment officers without referring to departmental stock route officers. This consideration will be 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 that is further than 10 kilometres from a stock route does not require referral to departmental stock route officers.

## **3.5.4 Reserves**

### **3.5.4.1 Reserves for travelling stock requirements**

Reserves for travelling stock requirements are reserves dedicated by the minister under section 31(1) of the Land Act for one or more of the following purposes:

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

Any new reserve dedicated for use in conjunction with the SRN should be issued for the community purpose of 'travelling stock requirements' (as per Schedule 1 of Land Act).

In the past, these reserves associated with the SRN were also known as 'reserve for travelling stock', 'travelling stock reserve', 'stock route reserve' and 'camping reserve and water reserve adjacent to a stock route'.

Historically, these 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 from 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 and advice from the department's stock route officers will be required to assess an application.

Land Dealing applications for these reserves that are greater than 10 kilometres by road from a stock route will unlikely need internal advice from the department's stock route officers.

### **3.5.4.2 Change of purpose of a reserve**

If the reserve is within 10 kilometres from the stock route, and the proposal to change the purpose of the reserve is consistent with the requirements for travelling stock reserves, then advice from the department's stock route officers will not be required.

If the reserve is within 10 kilometres from the stock route and the proposed change in purpose is not consistent with the requirements of travelling stock reserves, advice from the department's stock route officers will be required to assess the application.

If the reserve is greater than 10 kilometres by road from the nearest stock route, a proposal to change the purpose of a reserve will not normally need advice from the department's stock route officers.

### **3.5.4.3 Renewal of an existing state lease over a reserve**

Where the action 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. trustee permit
2. trustee lease

### 3. state lease.

The particular tenure granted will be determined by the normal most appropriate use allocation.

Refer to SLAM Policies [‘Permit to occupy’ \(SLM/2013/482 = PUX/952/118\)](#) and [‘Leases over a reserve’ \(SLM/2013/495 = PUX/901/210\)](#) for more detailed guidance.

#### **3.5.4.4 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.

#### **3.5.5 Conversion of tenure**

Where the land adjoins or is intersected by a stock route, the conversion of tenure will be supported subject to the relevant stock route(s) having a width that is consistent with this policy and with the surrounding stock routes of the same classification. The following associated requirements must form part of the decision making process:

- The functional connectivity of the stock route must be maintained, particularly for primary and secondary routes, but also for minor and unused routes, to ensure the future viability of the network.
- Consideration needs to be given as to whether part of the lease land needs to be surveyed out to supplement the existing stock route, in order to create a wider stock route (road) that is of sufficient width to be consistent with this policy. This action is provided for under section 167 (1)(j) of the Land Act where part of the lease land is needed for a public purpose. This widening may occur regardless of whether the road is surveyed (i.e. shown as a solid line on a survey plan) or unsurveyed (i.e. a single or double dashed/dotted line), and regardless of whether or not the road appears on a registered plan.
- Conversion conditions should stipulate the width of land to be surveyed out of the land parcel, if this is needed to achieve a suitable width of stock route consistent with this policy.
- Stock route width requirements 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 leasehold property and beyond its immediate vicinity. (See Attachment A.)
- 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 the leasehold property, the width to be retained within the property should 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 the width is surveyed or already fenced) for the purposes of travelling stock due to safety considerations—particularly road safety.
- Where a road width is shown as being 60 metres, it should be checked whether it is a nominal width (i.e. unsurveyed as indicated by a single or double dashed/dotted line) or a surveyed width. Many roads on pastoral holdings and term leases are actually unsurveyed but may appear on a plan as a 60 metre wide road for presentation purposes.

- 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.
- The dot points above apply irrespective of any change in stock route classification across the property.
- Interactive mapping of stock routes, stock route reserve and stock route water facilities is available on the [Queensland Globe](https://qldglove.infromation.qld.gov.au/) (<https://qldglove.infromation.qld.gov.au/>)
- Also refer to '[Plan requirements for state land dealings](#)' (SLM/2014/1069 = PUX/952/124).

### 3.5.6 Preparation and registration of survey plans

Plans for leasehold land will not be registered by the department unless the leaseholder has received an offer from the department and completed all requirements of that offer, including acceptance of the offer. In many cases, such an offer would be associated with a conversion action. Landholders are advised to discuss such requirements with the department before undertaking any surveys.

### 3.5.7 Unallocated state land

Applications to issue tenure over unallocated state land must take account of SRN needs where the land is in the vicinity of the SRN.

## 3.6 Stock route widths

**Attachment A** provides stock route width requirements.

## 3.7 Fences on stock routes

Some land dealings involving stock routes may result in the applicant wanting to upgrade or erect new fences. The policy position on fences will depend on:

- whether the fence is within a stock route or along a stock route boundary, and
- whether the fence is a general management fence or a cluster/vermin proof fence (strong, permanent, often with netting into the ground).

See "Guideline – [Fences on stock routes](#)' (SLM/2019/5152) for details.

## 3.8 Undeclaring a stock route

There is no statutory process currently in place for the removal of stock route declarations.

# 4 Legislation

*Land Act 1994* (Land Act)

*Stock Route Management Act 2002*

Stock Route Management Regulation 2003

## 5 Related documents

[Permit to occupy \(SLM/2013/482 = PUX/952/118\)](#)

[Leases over reserves \(SLM/2013/495 = PUX/901/210\)](#)

[Roads under the \*Land Act 1994\* \(SLM/2013/725 = PUX/952/122\)](#)

[Plan requirements for state land dealings \(SLM/2014/1069 = PUX/952/124\)](#)

## 6 Human Rights

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

## 7 Further information

- Contact your nearest business centre ([https://www.resources.qld.gov.au/?contact=state\\_land](https://www.resources.qld.gov.au/?contact=state_land)), or
- Refer to <https://www.qld.gov.au/environment/land/state>, or
- Call 13 QGOV (13 74 68).

## Attachment A – Stock route widths

**Table 1 – Stock route width requirements**

Width	Requirements
<b>60 metres</b>	Minimum road width. Unsuited for stock route purposes except over very short distances.
<b>100 metres</b>	Minimum stock route width. Acceptable only in some eastern areas of the state, on land types with high perennial pasture tussock density.
<b>200 metres</b>	Acceptable width for minor and unused routes in some eastern areas of the state, and where stock route widths are consistent with the stock route assessment criteria.
<b>400 metres</b>	Minimum width for primary and secondary routes in the eastern parts of the state, and where stock route widths are consistent with the stock route assessment criteria.
<b>800 metres</b>	Minimum width for minor and unused routes in western areas of the state, and where route widths are consistent with the stock route assessment criteria. This is the minimum necessary to sustain travelling stock on land types with naturally sparse pasture communities (e.g. Western plains).
<b>1600 metres</b>	Width for primary and secondary routes in western areas of the state, and where stock route widths are consistent with the stock route assessment criteria. Optimal for sustaining travelling stock on land types with naturally sparse pasture communities (e.g. western plains)

**Table 2 - Local Governments with similar stock route width requirements**

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

**Table 3 - Required stock route widths on conversion or renewal of tenure**

The following table provides guidance on determining stock route widths when undertaking conversions or renewal of tenure. The guidance only applies where existing road widths are unsurveyed or there is opportunity to change the existing surveyed widths. The two right-hand columns may be applied where other land parcels on the same section of stock route have been previously surveyed to small than the preferred widths.

<b>Region</b>	<b>Preferred</b>	<b>Acceptable where:</b> <ul style="list-style-type: none"> <li>• <b>similar widths already exist on the same stock route section (e.g. between junctions); and</b></li> <li>• <b>width is consistent with stock route assessment criteria</b></li> </ul>	<b>Non preferred, but similar widths may already exist on the same stock route section. The width must be consistent with the stock route assessment criteria</b>
<b>Western councils</b>	1600 metres	800 metres or more	Not less than 400 metres
<b>Central A councils</b>	800 metres or more where consistent with the existing surveyed areas between junctions on a section of stock route	400 metres or	Not less than 200 metres
<b>Central B councils</b> (Note for Cook Shire, advice from the department's stock route officers will be required for any proposed widths <300 metres)	400 metres or more where consistent with the existing surveyed areas between junctions on a section of stock route	200 metres or	
<b>Eastern councils</b>	200 metres or more where consistent with the existing surveyed areas between junctions on a section of stock route	100 metres or more	