



Northern Territory of Australia

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Northern Territory of Australia

*Pastoral Land Act 1992*

## **Determination of Circumstances for Permitted Land Clearing**

The Pastoral Land Board, under section 91D of the *Pastoral Land Act 1992*, and with reference to section 42 of the *Interpretation Act 1978*, determines that clearing pastoral land is permitted without a clearing permit in a circumstance specified in the Schedule, subject to the condition that the person clearing the land must ensure, where practicable, that the clearing does not affect sensitive or significant vegetation, including the following:

- (a) rainforest;
- (b) vine thicket;
- (c) dense or close forest;
- (d) riparian vegetation;
- (e) mangroves;
- (f) monsoon vine forest;
- (g) sandsheet heath;
- (h) vegetation containing large trees with hollows suitable for fauna habitat.

Pastoral Land Board

Dated 31 March 2022

## Schedule

- 1 Clearing that is for a pastoral purpose and caused by grazing stock.
- 2 Clearing that is baling of native vegetation for hay for a pastoral purpose.
- 3 Clearing that is harvesting seed to plant native vegetation for grazing or feed and is for a pastoral purpose.
- 4 Clearing that is reasonably necessary for the construction or maintenance of any of the following for a pastoral purpose:
  - (a) buildings;
  - (b) vehicle tracks, if the clearing for the track is:
    - (i) no wider than is reasonably necessary to allow a vehicle to use the track; and
    - (ii) at least 100 m away from any cleared land that could be used for the purpose of a vehicle track;
  - (c) airstrips;
  - (d) helipads;
  - (e) yards used as stock handling facilities;
  - (f) a tract of land fenced to allow for the movement of stock;
  - (g) a permanent or temporary holding paddock for the movement of stock;
  - (h) any structure for storing water, including a pipe, tank or trough;
  - (i) any structure or equipment for raising or collecting water, including a pump, solar photovoltaic system or windmill.

*Note for clause 4(c) and (d)*

*Land cleared for the purpose of an airstrip or helipad is subject to any law of the Territory or the Commonwealth related to civil aviation safety.*

*Example for 4(f)*

*A laneway that allows stock to move between grazing areas.*

- 5 Clearing that is reasonably necessary to construct or maintain a fence for a pastoral purpose, provided that the clearing is not wider than 10 m.

- 6 Clearing, within a permanent or temporary holding paddock, that is for a pastoral purpose, subject to the following conditions:
  - (a) the clearing must be reasonably necessary to prevent serious injury to individuals;
  - (b) trees above 2 m tall and grasses must not be cleared.
- 7 Clearing that is carried out in the course of environment protection or rehabilitation works that are reasonably necessary to prevent or remediate the degradation of pastoral land, including to allow any of the following:
  - (a) temporary erosion or sediment controls;
  - (b) permanent soil conservation works;
  - (c) revegetation or ecological restoration works.
- 8 Clearing that is reasonably necessary to carry out any of the following, provided that the cleared land is not used for the purpose of cultivation:
  - (a) establishment or maintenance of a firebreak that is not wider than 20 m;
  - (b) fire hazard reduction burning.
- 9 Clearing that is caused by controlled fire to enable the movement of stock on pastoral land, provided that the cleared land is not used for the purpose of cultivation.
- 10 Clearing that is caused by remediation or clean-up of areas affected by bushfire or wildfire, provided that the cleared land is not used for the purpose of cultivation.
- 11 Clearing that has been consistently and regularly maintained on pastoral land in accordance with:
  - (a) conditions of a pastoral lease for a term of years granted before 26 June 1992 and continued in existence under section 129 of the Act; or

- (b) conditions of a perpetual pastoral lease granted before 26 June 1992 under the *Crown Lands Act 1992* and continued in existence under section 130 of the *Pastoral Land Act 1992*; or
  - (c) written consent (including any conditions of the consent) of the Pastoral Land Board given under section 38(1)(h) of the Act before 31 March 2022.
- 12 Clearing that is reasonably necessary for the construction, operation, maintenance, repair or alteration of a dam or other water storage under section 15(b) of the *Water Act 1992*.
  - 13 Clearing that is reasonably necessary for the destruction of a declared weed or a potential weed within the meaning of the *Weeds Management Act 2001* on the pastoral land.
  - 14 Clearing that is carried out in the course of complying with a requirement under section 22(3) of the *Plant Health Act 2008*.
  - 15 Clearing that is required to maintain a pipeline, within the meaning of the *Energy Pipelines Act 1981*, that is the subject of a licence granted under section 15(1) of that Act, or was constructed, before 31 March 2022.
  - 16 Clearing that is required under an environment management plan approved under regulation 11(2) of the *Petroleum (Environment) Regulations 2016*.
  - 17 Clearing that is required under a mining management plan approved under section 36 of the *Mining Management Act 2001*.
  - 18 Clearing of trees for timber used in the maintenance or construction of infrastructure on the pastoral lease that is reasonably necessary for a pastoral purpose.
  - 19 Clearing in the course of the traditional use of land by Aboriginal persons.

*Note for instrument*

See section 91A, definition **clear**. Clearing includes tree lopping and trimming that causes substantial damage to native vegetation.

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