NORTHERN TERRITORY
PASTORAL LAND CLEARING
GUIDELINES

Pastoral Land Act 1992
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Acronyms
The following acronyms are used in this document

<table>
<thead>
<tr>
<th>Acronyms</th>
<th>Full form</th>
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<tbody>
<tr>
<td>DENR</td>
<td>Department of Environment and Natural Resources</td>
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<tr>
<td>NTEPA</td>
<td>Northern Territory Environment Protection Authority</td>
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<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
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<tr>
<td>PER</td>
<td>Public Environmental Report</td>
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Legal obligations for clearing land held under pastoral lease tenure

Section 38(1)(h) of the Pastoral Land Act 1992 states:

“The lessee will not clear any pastoral land except in accordance with the written consent of the Board or guidelines, if any, published by the Board”.

The Pastoral Land Board has published these guidelines to outline requirements for lodging applications for clearing on pastoral leases.

The following definitions under the NT Planning Scheme are relevant to clearing on pastoral leases:

"native vegetation" means the terrestrial and inter-tidal flora indigenous to the Northern Territory, including grasses, shrubs and mangroves.

"clearing of native vegetation" means the removal or destruction, by any means, of native vegetation on an area of land, other than:

(a) the removal or destruction of a declared weed within the meaning of the Weeds Management Act 2001 or of a plant removed under the Plant Health Act 2008.

(b) the lopping of a tree;

(c) incidentally through the grazing of livestock;

(d) the harvesting of native vegetation planted for harvest;

(e) for a road to access the land or other land;

(f) in the course of Aboriginal traditional use, including the gathering of food or the production of cultural artifacts;

(g) by fire;

(h) the removal or destruction of native vegetation occurring on a site previously cleared in accordance with a permit issued under the Planning Act 1999; or

(i) incidentally through mowing an area previously cleared of native vegetation.

The Pastoral Land Board adopts these definitions of "native vegetation" and "clearing of native vegetation".

You are NOT required to formally apply to clear land for those purposes listed as exemptions under the NT Planning Scheme definition of "clearing of native vegetation" as outlined above.

In addition, the Pastoral Land Board has determined the following exemptions do not require clearing consent from the Pastoral Land Board on pastoral leases:

(i) making and maintaining fixed improvements (infrastructure) necessary for pastoral purposes including buildings, roads1, tracks and laneways, fences, yards, holding paddocks, firebreaks, airstrips and development of waters such as dams, bores, turkey nests, tanks and troughs;

(ii) the baling of native vegetation for hay and the harvesting of seed for planting of native vegetation for pastoral purposes;

(iii) the aerial application of herbicide for weed control where surrounding native vegetation may be impacted, providing the land is returned to its original native vegetation state;

(iv) maintaining or clearing regrowth from previous clearing operations provided such clearing was subject to the written consent of the Pastoral Land Board since 1992 and was carried out in accordance with that consent;

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1 Consideration should be given to road standard requirements. Information on road standards is available in the Department of Infrastructure, Planning and Logistics document “Performance and Design Standards for Northern Territory Government Roads” available from https://dipl.nt.gov.au/publications.
Northern Territory Pastoral Land Clearing Guidelines

(v) activities undertaken are pursuant to a “pipeline management plan in force” as that term is defined in regulation 2(1) of the Energy Pipelines Regulations 2001, for example clearing for gas pipelines and associated infrastructure; or

(vi) activities are carried out pursuant to an approved environment management plan under the Petroleum (Environment) Regulations 2016, for example clearing for hydraulic fracturing and associated infrastructure.

Requirements to obtain a clearing approval
Clearing operations requiring formal consent from the Pastoral Land Board include the following:

(i) clearing for Cropping / Planting of introduced pastures;
(ii) clearing for non-pastoral uses;
(iii) clearing for other purposes including but not limited to:
   - Thinning trees to improve access and management;
   - Pushing or chaining non-preferred shrub or tree species;
   - Removal of native vegetation not exempted under these guidelines;
(iv) maintaining or clearing regrowth from previous clearing operations where such clearing was NOT consented to by the Pastoral Land Board since 1992 or was not carried out in accordance with the consent issued by the Board.

Clearing must not commence until formal consent is obtained from the Pastoral Land Board. To do this, you must submit an application.

Lodging your application
Digital applications can be lodged via email to: pastorallandboard@nt.gov.au.

Applications should be on the specified form\textsuperscript{2} and include spatial data (i.e. shapefiles).

It is recommended that all maps are produced using an appropriate mapping software program (e.g. ArcGIS, Google Maps, NR Maps) and that proposed clearing data (e.g. a shapefile of the proposed clearing area) is provided with the application at the time of lodgment. Maps should be produced using an appropriate projection and datum (i.e. GDA94, zone 52 or zone 53) and coordinates of the proposed clearing vertices (corners) should be labelled if spatial data cannot be provided. Coordinates can be determined in the field using a GPS or via desktop using the mapping program, but the method used should be stated.

For advice about lodging an application or to confirm the current fee and payment options please refer to the ‘How to apply’ link in the footnote below or contact the Pastoral Land Board Executive Officer on (08) 8999 4667 or via e-mail at pastorallandboard@nt.gov.au.

Public notification of clearing proposals
Applications proposing clearing will be advertised in the NT News, to advise the public of the right to view the application and make comments on the proposal to the Pastoral Land Board.

A copy of your application and all supporting documentation will be available for public inspection for a period of two (2) weeks on the Northern Territory Government’s website\textsuperscript{3}.


\textsuperscript{3} https://nt.gov.au/property/land-clearing/pastoral-land
Process for consultation

Your application will be referred to relevant Government departments and service authorities for comment and technical assessment before it is referred to the Pastoral Land Board for determination.

You will receive copies of any public submissions that may be lodged and copies of advice made by Government agencies. In some cases, you may be asked to provide additional information. You will have an opportunity to address any objections or comments made before the final report is submitted to the Pastoral Land Board.

Hearing of the Pastoral Land Board

In the event there are significant public objections to the proposed clearing or you disagree with any comments from Government departments and service authorities, you may be given an opportunity to appear before the Pastoral Land Board to present your arguments in support of the proposed clearing.

Any persons who lodge submissions in respect of your clearing application may also be invited to attend a Pastoral Land Board meeting.

Matters to be taken into account by the Pastoral Land Board

In determining a clearing application, the Pastoral Land Board will take the following matters into consideration:

a) Any matters the Minister may have directed the Pastoral Land Board to consider;

b) Whether the application demonstrates consideration of the Land Clearing Guidelines (2019) established under the provisions of the Planning Act 1999;

c) Your submissions in respect of the proposed clearing and development;

d) Reports of relevant government agencies;

e) Any public submissions made;

f) Presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act 1976;

g) Presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;

h) Presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act 1976;

i) Impact of the clearing on regional biodiversity;

j) Whether the clearing is necessary for the intended use;

k) Whether there is sufficient water for the intended use;

l) Whether the soils are suitable for the intended use;

m) Whether the slope is suitable for the intended use;

n) Presence of permanent and seasonal water features such as billabongs and swamps;

o) Retention of native vegetation adjacent to waterways, wetlands and rainforests;

p) Retention of native vegetation buffers along boundaries;
q) Retention of native vegetation corridors between remnant native vegetation;

r) Timeframe for clearing (development plan);

s) Presence of declared heritage places or archaeological sites within the meaning of the Heritage Act 2011; and

t) Presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act 1989.

Use and allocation of water

Water availability must be considered as part of a clearing application and securing a sustainable water supply is required. Water allocation and availability is set out in the Northern Territory Water Allocation Planning Framework 4.

Other relevant legislation

NT legislation

- Aboriginal Land Act 1978
- Bushfires Management Act 2016
- Crown Lands Act 1992
- Energy Pipelines Act 1981 and Regulations
- Environmental Assessment Act 1982
- Fisheries Act 1988
- Mining Management Act 2001
- Mineral Titles Act 2010
- Soil Conservation and Land Utilisation Act 1969
- Waste Management and Pollution Control Act 1998
- Water Act 1992
- Weeds Management Act 2001

Commonwealth legislation

- Native Title Act 1993
- Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999

Under the EPBC Act, actions that have, or are likely to have significant impact on matters of national environment significance may require approval from the Australian Government Minister for the Environment. Developers should refer to the following website to determine if their application will trigger a matter of national environmental significance5.

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5 http://www.environment.gov.au/epbc/what-is-protected
Environmental considerations

The *Environmental Assessment Act 1992* aims to ensure that matters affecting the environment are fully examined and taken into account. All proponents of pastoral land clearing applications are required to utilise and assess their application against the Northern Territory Environment Protection Authority’s (NTEPA’s) “*Environmental Assessment Guidelines – Referring a Proposal to the NT EPA*”⁶.

The NT EPA Guidelines are intended to assist applicants in determining when land clearing proposals require referral and assessment under the *Environmental Assessment Act 1992*. The decision process for determining whether a proposal requires consideration is complex and often based on advice from other Government Agencies. The Pastoral Land Board as the consent authority can also utilise the NTEPA Guidelines in determining whether a land clearing proposal will require referral under the *Environmental Assessment Act 1992*.

If a full assessment is required, the scale and complexity of a proposed development and the significance of potential impacts will determine if assessment is at the level of Environmental Impact Statement (EIS) or Public Environmental Report (PER). The landowner is responsible for preparing an EIS or PER. A number of firms in the Northern Territory offer commercial services to assist when preparing such documents.

The Pastoral Land Board may refer any application to the NTEPA for assessment based on size and scale and potential ecological impacts of the clearing application at any time.

**Determination of your application**

You will receive a written notification of the determination made by the Board.

If the application is approved, you will receive a Pastoral Land Clearing Permit which will list any conditions applying to the consent, a scheduled drawing of the permitted clearing areas and reasons for the decision. It is important that you comply with all conditions listed on the permit.

If your application is refused, the notice of refusal will list all reasons for the refusal.

**Permit period**

To better monitor land clearing and to prevent and minimise damage to pastoral land, the Pastoral Land Board does not issue permits with time periods greater than six years. The term is outlined in the Permit, provided the Permit Holders substantially commence the clearing activities within the commencement period, applications for extension are considered if received within one year before the expiry date.

**Contact for further information**

Department of Planning, Infrastructure and Logistics

- Development Assessment Services (08) 8999 6046

Department Environment and Natural Resources

- Pastoral Land Board (08) 8999 4667
- Rangelands Division (Darwin) (08) 8999 4478
- NT Environment Protection Authority (08) 8924 4218

Advice and assistance can be found in the glossary of the [Land Clearing Guidelines (2019)]⁷.

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## Change history

<table>
<thead>
<tr>
<th>Version</th>
<th>Date Approved</th>
<th>Change Details</th>
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<tr>
<td>7</td>
<td>Mar 2019</td>
<td>Insert exemptions for clearing activities undertaken pursuant to a &quot;pipeline management plan in force&quot; as defined in the <em>Energy Pipelines Regulations 2001</em> or an approved environment management plan under the <em>Petroleum (Environment) Regulations 2016</em>. Amendments to environmental considerations regarding reference to the NT EPA; Additions to relevant legislation; Recognised changes to the <em>Interpretation Act 1978</em>, in that references to pieces of legislation (including subordinate legislation) include the year; Addition to the use of water and allocation; and Minor sentence structure amendments.</td>
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<tr>
<td>6</td>
<td>Dec 2018</td>
<td>Insert exemptions for clearing activities relating to infrastructure development for gas pipelines or onshore shale gas developments and minor formatting amendments</td>
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<tr>
<td>5</td>
<td>Sept 2017</td>
<td>Insert exemption for aerial weed application, clarification when Board may refer applications to the NTEPA, insert specified permit period, web link for NTEPA guidelines for clearing pastoral land, minor amendments to formatting and correction of misspelt legislation</td>
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<td>4</td>
<td>Oct 2016</td>
<td>Date removed from Title, Table of Contents updated to remove “Introduction” heading, Footnote references added, Amendments to application lodgment and public notification process, Changes to the NT Environment Protection Authority considerations, Update to contact information, Minor formatting amendments</td>
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<td>3</td>
<td>2015</td>
<td>Logo updated, “Introduction” text removed, Requirements for Content of application removed, Descriptive amount of application fee removed</td>
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<td>1.2</td>
<td>Dec 2012</td>
<td>Minor formatting amendments, “Introduction” text amended, Area of clearing requiring public notification removed, Minor amendments to reflect Department name change, Environmental Impact Assessment of vegetation clearing removed</td>
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<tr>
<td>1.1</td>
<td>Feb 2012</td>
<td>Chairman’s forward noting that until Native Vegetation Management legislation is introduced, applications for clearing to continue to be lodged</td>
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<tr>
<td>1.0</td>
<td>Mar 2010</td>
<td>NT Pastoral Land Clearing Guidelines 2010 implemented, (Land Clearing Guidelines established under the provisions of the <em>Planning Act 1999</em>), native vegetation definition adopted</td>
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