

NON-PASTORAL USE PERMITS

DIVERSIFYING THE TERRITORY
UNLOCK THE POTENTIAL OF OUR LAND



NON-PASTORAL USE ON PASTORAL LEASES NATIVE TITLE

The Northern Territory Government has made it easier for pastoralists to diversify and generate alternate income streams through amendments to the *Pastoral Land Act*.

The changes allow pastoral lessees to apply for permits to use parts of the lease for non-pastoral uses such as horticulture, tourism, agriculture, aquaculture and forestry.

The Pastoral Land Board, as the consent authority for non-pastoral use permits, will ensure the proposed non-pastoral activity complies with the *Native Title Act* before a permit for the activity is approved

APPLICATION PROCESS

The *Native Title Act* requires that representatives of the native title holders must be notified if the proposed non-pastoral use includes (as defined in the *Native Title Act* and *Northern Territory Fisheries Act*):

- forest operations
- horticultural activity
- aquacultural activity
- other activity set out in the *Native Title Act*.

Once the non-pastoral use permit application is received, the Pastoral Land Board is responsible for notifying the native title holders.

If the proposed non-pastoral use involves forestry, horticulture or aquaculture, the Department of Environment and Natural Resources will start the native title notification process on behalf of the Pastoral Land Board.

Native title holders have 30 days to comment on the non-pastoral use permit application.

Any native title issues raised during this period will be resolved before the application can be considered by the Pastoral Land Board.

If no comments are received during the notification process, the non-pastoral use application is submitted to the Pastoral Land Board, which will also consider comments from other government agencies, service authorities and any public comments.

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NON-PASTORAL USE PERMITS

Non-pastoral use permits can now be approved for 30 years, and can be renewed by applying to the Pastoral Land Board. The non-pastoral use permit is registered to the lease and not issued to the lessee.

The primary operation of a pastoral lease must be for pastoral purposes, but through a non-pastoral use permit, pastoralists can operate other business enterprises like mango crops or tourism and camping operations side by side.

For more information:

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DEFINITIONS

As defined under Section 253 of the *Native Title Act*:

forest operations means:

- (a) the planting or tending, in a plantation or forest, of trees intended for felling; or
- (b) the felling of such trees.

horticulture includes:

- (a) propagation or maintenance, as well as cultivation; or
- (b) propagation, maintenance or cultivation of seeds, bulbs, spores or similar things; or
- (c) propagation, maintenance or cultivation of fungi; or
- (d) propagation, maintenance or cultivation in environments other than soil, whether natural or artificial.

As defined in the *Northern Territory Fisheries Act*:

aquaculture includes:

the farming, culturing, or breeding of fish or aquatic life for the purposes of trade, business, or research.

Non-pastoral use permits can not be granted in circumstances where the entire pastoral lease is to be used for non-pastoral purposes or the non-pastoral activities are the dominant use of the land.

A primary object of the *Pastoral Land Act* is “to provide a form of tenure over Crown land that facilitates the sustainable use of the land for pastoral purposes and the economic viability of the pastoral industry.”

