



Department of Planning,
Lands and Heritage



Pastoral Purposes Framework 2024

A guide to activities that can be
undertaken on a pastoral lease



The Pastoral Lands Board acknowledges the Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

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Department of Planning, Lands and Heritage
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

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website: www.dplh.wa.gov.au/plb
email: plb@plb.wa.gov.au

tel: 08 6551 8002
National Relay Service: 13 36 77

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PART 1: Introduction and general information

1 Introduction and overview

1.1 Introduction

The purpose of this framework is to provide a guide to activities that can be undertaken on Pastoral Land in Western Australia¹.

The framework is a general guide only and is not intended to be, nor should it be, relied upon as providing, or being a substitute for, legal or other professional advice. No responsibility is accepted for the accuracy or completeness of the information contained or referred to in this framework which includes information or material that is attached to a link referred to in this framework.

¹ Nothing in this document will act as a fetter on the PLB or otherwise limit the PLB in its consideration of any matter that comes before it, including any application for a permit.

1.2 Overview

Part 7 of the *Land Administration Act 1997* (LAA) specifically deals with matters relating to pastoral leases. Only provisions relevant to *pastoral purposes* or permits are mentioned in this framework. The Pastoral Lands Board (PLB) has developed this framework to provide assistance to pastoralists as to whether:

- (a) an activity may be characterised as a *pastoral purpose* activity that is authorised under the pastoral lease;
- (b) an activity may be conducted on pastoral land but only pursuant to a permit issued under Part 7, Division 5 of the LAA (permit); or
- (c) an activity that does not meet the criteria in (a) or (b) and which may not be conducted on pastoral land, or will require a licence or alternative tenure to be considered.

This framework does not set out an exhaustive list of all potential pastoral activities and permit activities, but lists a range of activities that are commonly undertaken on pastoral land or that persons may have enquired about from time to time. The views expressed as to whether the activity is a 'pastoral

purpose' activity requires a permit or another form of tenure (which the PLB is not responsible to grant) is for guidance only.

Pastoral lessees are encouraged to contact the Director of Board Support, Land Use Management at the Department of Planning, Lands and Heritage, or the Pastoral Lands Board at email:

plb@plb.wa.gov.au, at an early stage in their consideration of a proposal to conduct an activity on the land that is not clearly a pastoral purposes activity. This will enable some of the issues noted briefly in this framework, such as:

- (a) whether, and what, future act procedure under the *Native Title Act 1993 (Cwlth)* (NTA) may apply;
- (b) what approvals or authorisations may be required under other legislation for the activity to be conducted on the land; and
- (c) the information that will need to be submitted with, for example, a permit application,

to be considered in more detail, having regard to the specifics of the proposed activity before an application is made.

2 Pastoral Purposes and Permits

2.1 Pastoral Purposes

Pastoral leases are leases of Crown land for pastoral purposes.

As a starting point, section 106 of the LAA provides that a pastoral lessee must not use pastoral land for purposes other than *pastoral purposes*, except in accordance with a permit issued under Part 7, Division 5.

For the purposes of Part 7, '*pastoral purposes*' is defined in section 93 to mean, the purposes of:

- (a) *the commercial grazing of authorised stock; and*
- (b) *agricultural, horticultural or other supplementary uses of land inseparable from, essential to, or normally carried out in conjunction with the grazing of authorised stock, including the production of stock feed; and*
- (c) *activities ancillary to the activities mentioned in paragraphs (a) and (b).*

Breaking it down, the primary activity is the commercial grazing of authorised stock. The other purposes are secondary activities which are:

- (a) *inseparable from, essential to, or normally carried out in conjunction with* (in a sense partner with) the primary activity of *grazing authorised stock* (paragraph (b)) or ancillary to those activities (paragraph (c)); or

- (b) ancillary to the primary activity of *grazing authorised stock* (paragraph (c)).

The type of activity covered in paragraph (c) of the pastoral purposes definition is an activity that may be subordinate or subservient to, or accessory and providing support to, the primary activity of *grazing authorised stock* (paragraph (a)), or an activity set out in paragraph (b) which activities are referable to or interconnected with, the primary activity.

Section 108 sets out the duties of a pastoral lessee including that:

- (a) the lessee must at all times manage and work the pastoral land to its best advantage as a pastoral property (ss.(1));
- (b) the lessee must use methods of best pastoral and environmental management practice, appropriate to the area where the land is situated, for the management of *stock*², and for the management, conservation and regeneration of pasture for grazing (ss.(2));

² 'Stock' is defined for the purpose of ss.108(2) as authorised stock and prohibited stock for which a permit has been issued under section 122A. Authorised stock is stock or its produce that is prescribed (s.93). At the date of this framework, prescribed stock consists of sheep (*ovis aries*), cattle (*bos indicus*, *bos taurus*), horses (*equus caballus*), goats (*capra hircus*) and stock kept for domestic or household use (Regulation 17C of the Land Administration Regulations 1998). Prohibited stock is stock other than authorised stock (s.93).

- (c) the lessee must maintain the indigenous pasture and other vegetation on the land (ss.(4)).

Any other activity that the pastoral lessee wishes to undertake or permit on the pastoral land should not conflict with the lessee's obligations under this section.

Under section 111, a pastoral lessee must get permission from the PLB before permitting stock to be agisted on the pastoral land.

Part 7 expressly prohibits some activities that might otherwise have been considered to come within paragraphs (b) or (c) of the definition of *pastoral purposes* on pastoral land in the absence of a permit. In this regard, pastoral lessees:

- (a) must not remove trees or otherwise clear the land or disturb or affect the soil of the leased land except as permitted under the lease, as necessary to construct improvements permitted under the lease or in accordance with a permit³;
- (b) must not sow or cultivate non-indigenous pasture on the leased land except in accordance with a permit⁴;

³ Section 109.

⁴ Section 110(1).

- (c) must not sell fodder or other produce from non-indigenous pasture (other than products of animals grazed on it) except in accordance with a permit issued under sections 119, 120 or 122⁵;
- (d) must not keep prohibited stock or sell prohibited stock except in accordance with a permit⁶.

If it is unclear as to what activities are prohibited, or otherwise permitted under a pastoral lease or permit (as identified in section 2.2 Permits), you must seek early advice before proceeding from the Director of Board Support, Land Use Management at the Department of Planning, Lands and Heritage or the Pastoral Lands Board at email: plb@plb.wa.gov.au.

2.2 Permits

Under Part 7, Division 5, the PLB may issue a permit to pastoral lessees to undertake:

- (a) a specific activity that may otherwise be a prohibited activity, which is not constrained by whether the intended permit land is enclosed or improved (sections 118, 119, 120, 121 and 122A); or
- (b) any activity but the relevant permit land must be land that is enclosed or improved (section 122).

⁵ Section 110(2).

⁶ Section 111(4).

The permit provisions are, in summary:

Section 118: Permit to clear specified trees or a specified area of scrub or other vegetation to promote the growth of indigenous pasture or otherwise facilitating or improving the working of the lease⁷.

Section 119: Permit to sow and cultivate specified non-indigenous pastures on a specified part of the leased land. This permit may include a permit for the sale of any produce of the permitted pasture.

Section 120: Permit to use a specified part of the leased land for a non-pastoral agricultural activity, such as, crops, fodder, horticultural or other specified kinds of agricultural production. The PLB must be satisfied that the proposed use is *reasonably related to the pastoral use of the land*. The sale of any produce arising from the permitted activity may be covered by the permit.

Section 121: Permit to use a specified area of the leased land for specified pastoral-based tourism activities. The PLB must be satisfied that the activities *will be purely supplementary to pastoral activities on the land*.

Section 122: Permit to use a specified part of the leased land for *any non-pastoral purpose*. This permit may only be issued where the proposed permit land has been enclosed or improved.

Section 122A: Permit to *keep prohibited stock or sell prohibited stock* or do both of those activities. The sale of any produce arising from the permitted activity may be covered by the permit.

Before the PLB may issue a permit it must be satisfied that the requirements relating to the proposal arising under various environmental conservation legislation listed in section 117⁸ have been complied with.

There may well be other approvals that the pastoral lessee will need to obtain under legislation other than the LAA for some of the permit activities or pastoral purpose activities⁹. The lessee will be responsible for investigating and obtaining whatever other approvals or authorisations are required for an activity that they wish to conduct on their lease area.

Please refer to [Relevant internet links](#) at the end of this document for further detail.

⁸ *Biosecurity and Agriculture Management Act 2007, Environmental Protection Act 1986, Soil and Land Conservation Act 1945, Biodiversity Conservation Act 2016* and any other written law relating to environmental conservation applicable to the leased land.

⁹ For example, where it is possible an Aboriginal site may be damaged by a proposed activity, approval may need to be obtained under s.18 of the *Aboriginal Heritage Act 1972*.

3 Third Party Events, Future Acts, Licence and Alternative Tenure

3.1 Third Party Activities or Events

The pastoral lessee may only authorise an activity or event on pastoral land by a third party that is for a pastoral purpose or is authorised by a permit issued by the PLB. Any proposal for a non-pastoral activity or event to be conducted on pastoral land:

- (a) by a third party; or
- (b) by the lessee where the activity or event is not one for which a permit may be applied for,

must be referred to the department to determine if a licence may be granted.

More information on applications for events on Crown land, and the application form for that purpose, may be found at

www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/licences-use-crown-land.

3.2 Native Title Future Acts

An activity or event that requires the grant of a permit, licence or alternative tenure may be a 'future act' under the NTA. If it is a future act, the requirements of the NTA for the act to validly be done will need to be complied with before the grant can be made.

Future act procedures are set out in Subdivisions of Division 3, Part 2 of the NTA. If more than one Subdivision could apply to a proposed act, the first Subdivision in the NTA that applies is to be complied with (see s.24AB(2)). An exception to this is in s.24AB(3). If an ILUA is registered on the register of indigenous land use agreements permitting the act, the other future act Subdivisions in Division 3, Part 2 do not apply (s.24AB(1)).

Section 24GB in Subdivision G may apply to a proposed issue of a permit over pastoral land. The procedural rights afforded under section 24GB are relatively simple, being, to notify¹⁰ the representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in respect of the relevant area of the act and giving them an opportunity to comment.

¹⁰The form of the notice is prescribed by legislative instrument of the Commonwealth Minister.

Under that section, the non-extinguishment principle applies and native title holders are entitled to compensation for the act in accordance with Division 5, Part 2 of the NTA.

Subsection (1) of section 24GB provides that section 24GB applies to a future act if:

- (a) a non-exclusive agricultural lease (see s.247B of the NTA) or non-exclusive pastoral lease (see s.248B) was granted on or before 23 December 1996; and
- (b) the grant was valid (including because of Division 2 or 2A of Part 2 of the NTA); and
- (c) the future act takes place after 23 December 1996; and
- (d) the future act permits or requires the carrying out of any of the following while the lease (including as renewed on one or more occasions) is in force:
 - (i) a *primary production activity* (see s.24GA) on the area covered by the lease; or
 - (ii) another activity, on the area covered by the lease, that is associated with or incidental to a primary production activity covered by subparagraph (i), provided that, when the other activity is being carried on, the majority of the area covered by the lease is used for primary production activities; and

- (e) the future act could have been validly done or authorised at some time before 31 March 1998, if any native title in relation to the area covered by the lease had not then existed.

While *primary production activity* would have its ordinary meaning, section 24GA provides that the expression includes:

- (a) cultivating land;
- (b) maintaining, breeding or agisting animals;
- (c) taking or catching fish or shellfish;
- (d) forest operations (defined in s.253);
- (e) horticultural activities (see s.253 for the definition of horticulture);
- (f) aquaculture activities;
- (g) leaving fallow or de-stocking any land in connection with the doing of anything that is a primary production activity,

but does not include mining.

Subsection (2) of section 24GB specifically provides that section 24GB applies to a future act that takes place after 23 December 1996 and permits or requires a farm tourism activity in the area covered by a lease meeting the requirements of subsection (1)(a) and (b) while the lease is in force (including renewed on one or more occasions). However, section 24GB *does not apply* to a farm tourism future act that permits or requires tourism involving observing activities or cultural works of Aboriginal peoples or Torres Strait Islanders (ss.24GB(3)).

Section 24GB will not apply to a future act if:

- (a) the lease covered by ss.24GB(1)(a) is a non-exclusive pastoral lease covering an area greater than 5000 hectares and the proposed future act will permit or require the majority of the lease area to be used for purposes other than pastoral purposes; or
- (b) in any other case, the proposed future act will convert a lease covered by ss.24GB(1)(a) into a lease conferring a right of exclusive possession, or into a freehold estate, over any of the lease area (ss.24GB(4)).

In summary, if a proposed activity is intended to take place over land that is or may be subject to native title, then, there are different consequences under the NTA depending on the nature of the act. Section 24GB will not always apply. A procedure that requires interests to be taken or an ILUA to be registered for the act to be validly done under the NTA would, in most cases, not be practical where the proposed grant is a permit or a licence.

Pastoral lessees will need to consider (and obtain advice, if required) the native title issues that may arise for an activity they are considering undertaking on their pastoral land where a permit, licence or alternative tenure may be required in order to assess the timing and cost that may be involved.

3.3 Licence and Alternative Tenure

A licence or alternative tenure may be required where an activity is not for a pastoral purpose or is not able to be authorised by issue of a permit.

The Minister for Lands, and not the PLB, has the legislative authority to grant a licence or alternative tenure and persons should direct their enquiries in this regard to the department. In this framework, reference may be made to a licence or alternative tenure. This is only for the purpose of conveying that it is considered that the activity is not clearly a pastoral purpose nor one that can be authorised by a permit and is not suggesting that a licence or alternative tenure can or will be granted.

As mentioned in Part 1.2, pastoral lessees are encouraged to contact the Director of Board Support, Land Use Management or the Pastoral Lands Board at email: plb@plb.wa.gov.au at an early stage in their consideration of a proposal to conduct an activity on the land that is not clearly a pastoral purposes activity.

4 Definitions

The following terms used in this framework have the following meaning.

AHA means the *Aboriginal Heritage Act 1972*

alternative tenure means a grant under the LAA other than a pastoral lease, a permit or a licence. Examples of alternative tenure are a lease, easement or a transfer of Crown land in fee simple.

commercial nature means to sell to third parties.

DBCA means the department of Biodiversity Conservation and Attractions.

department means the Western Australian department which assists the Minister for Lands in the administration of the LAA which is at the date of this document the Department of Planning, Lands and Heritage.

DEMIRS means the Department of Mines, Industry Regulation and Safety.

DPIRD means the Department of Primary Industries and Regional Development.

DWER means the Department of Water and Environmental Regulation.

ILUA means an agreement recognized as an 'indigenous land use agreement' under Subdivisions B, C or D of Division 3, Part 2 of the NTA.

LAA means the *Land Administration Act 1997*.

licence means a licence granted under section 91 of the LAA.

Minister for Lands means the Minister for Lands, a body corporate continued under the LAA.

NTA means the *Native Title Act 1993 (Cth)*.

pastoral land means Crown land subject to a pastoral lease granted or renewed under Part 7 of the LAA.

pastoral purposes are the activities authorised under a pastoral lease as being activities that come within the definition of "pastoral purposes" in section 93 of the LAA.

permit means a diversification permit under Division 5, Part 7 of the LAA.

PLB means the Pastoral Lands Board.

station use means for use or consumption on your own station(s) by your own livestock and is consistent with section 93 of the LAA.

PART 2:

summary table of activities

The following table lists activities which can potentially occur on pastoral land where it is considered to be a 'pastoral purpose', under a permit as a diversified activity, or other diversified enterprises which are likely to require a licence or alternative tenure or that may be authorised or regulated under legislation other than the LAA. The table is to be read in conjunction with [Part 3, Supporting Descriptions of Activities and Options](#).

Before undertaking any activities you must also have regard to section [2.1 Pastoral Purposes](#) and section [2.2 Permits](#), and seek early advice regarding any statutory approvals or authorisations required before proceeding.

Notes:

Activities marked with an * are managed through an agency other than the PLB or the department.

References in the table to 'Permit' are, unless otherwise expressly stated, a reference to a permit under section 122 of the LAA. A section 122 permit may only be issued if the proposed permit area is enclosed or improved.

Activity	Category	Comment
Abattoir	Pastoral Purposes	Where the activity is a pastoral purpose authorised under the pastoral lease, for example, a processing facility to produce meat for station consumption, or small scale processing of station-held stock of no more than 1,000 tonnes per annum.
	Permit Alternative Tenure	Intensive activity, not limited to your station's consumption or purposes. The nature, scale and proposed proponent of the activity will have a bearing on which category applies. Any facility processing more than 1,000 tonnes per annum will require, at a minimum, a permit. Alternative tenure may be required for a proposal carrying significant investment, liability, public health and environmental impacts.
Accommodation [e.g. station personnel, mining, road, construction workers, rangers, researchers or people coming for an event]	Pastoral Purposes	Where the accommodation is directly related to pastoral purposes activities; such as, accommodation for station personnel or contractors providing services related to the pastoral operations.
	Permit Licence	Where the accommodation is not directly related to pastoral purpose activities; such as, accommodation provided to mining personnel, road construction workers, rangers, researchers or people attending an event.
	Alternative Tenure	Alternative tenure will be required where neither a permit nor licence is applicable, for instance when the accommodation is related to an ongoing business use of the land.

Activity	Category	Comment
Alternative power generation	Pastoral Purposes	Where the activity is for consumption on the pastoral land to meet the station's requirements.
	Permit	The activity will be operated by the lessee, is not limited to supply to meet the station's requirements and the scale of the activity will not inhibit the pastoral use of the land.
	Alternative Tenure	The scale and/or proposed proponent of the activity may mean alternative tenure is required rather than a permit.
Aquaculture	Permit Licence Alternative Tenure	The nature, scale and proposed proponent of the activity will have a bearing on which category applies. DPIRD approvals required.
Beekeeping*	Other	Regulation of apiary activities is managed through the <i>Conservation and Land Management Act 1984</i> and the <i>Conservation and Land Management Regulations 2002</i> .
Carbon farming – use of carbon farming methods on Western Australian pastoral leases for pastoral purposes	Pastoral Purposes	Activities that fit within the requirements of pastoral purposes, lease and the LAA, in particular, s.108. Carbon farming refers to activities that sequester carbon or reduce greenhouse gas emissions. A carbon farming project under the ACCU Scheme (formerly the Emissions Reduction Fund, ERF) may be issued for carbon sequestered or emissions avoided.
	Other	The Commonwealth Minister for Climate Action can approve new, or amend existing, Australian Carbon Credit Units (ACCU) Scheme methods. Where there is a State policy that enables other carbon farming methods to be undertaken on Crown land, the PLB will consider these methods on a case-by-case basis.
Conservation	Pastoral Purposes	Activities that fit within the requirements of pastoral purposes, the lease and the LAA, in particular, s.108.
	Permit	Activities outside the scope of pastoral purposes noted above, may be able to be conducted by the lessee under a permit.
	Licence	Where the criteria for issue of a permit are not met or the proponent is not the lessee.
	Alternative Tenure	The scale and nature of the activity may mean alternative tenure is required rather than a permit or licence.

Activity	Category	Comment
Cultivation of indigenous or non-indigenous plant species for fodder, hay or silage	Pastoral Purposes	Cultivation of indigenous plant species of: <ul style="list-style-type: none"> • up to 100 hectares or two (2) centre-pivots of irrigated production; and/or • up to 500 hectares of dryland production for use on pastoral land. Other statutory approvals may apply.
	Permit (s.120 or s.119)	Cultivation of indigenous plant species in excess of 100 hectares or two (2) centre-pivots of irrigated production or in excess of 500 hectares of dryland production (s.120 permit. The PLB needs to be satisfied that the proposed use is reasonably related to the pastoral use of the land). Cultivation of any non-indigenous plant species (s.119 permit). Other statutory approvals may apply.
Cutting local stone for headstones*	Other	DEMIRS approvals required.
Destocking	Pastoral Purposes	Destocking for a period of up to five (5) years may be considered pastoral purposes however stations are still required to meet all obligations to maintain the lease in accordance with section 108 of the LAA. Destocking for a longer period may be approved on application: PLB Policy #7.
Events	Pastoral Purposes	Any event that benefits or directly relates to the pastoral activities on your station.
	Permit	Social and community events, workshops, field days and demonstration days.
	Licence	A licence will be required where the event is not related to pastoral purposes, the criteria for a permit to be issued are not met or the event is to be conducted by a third party.
Feedlots and stock depots	Pastoral Purposes	A feedlot or stock depot, with a capacity less than 500 animals, that is intended to carry only your own livestock. Other statutory approvals may apply.
	Permit (s. 122)	A feedlot or stock depot that will also hold third party stock with a holding capacity over 500 head if the activity is not operated independently of the host pastoral business. Other statutory approvals may apply.
	Alternative Tenure	A feedlot or stock depot that will also hold third party stock with a holding capacity over 500 head are considered to be commercial enterprises. Other statutory approvals apply, such as, planning, and environmental or licensing by DWER.
Fencing, Laneways	Pastoral Purposes	The construction and maintenance or replacement of fencing and laneways on pastoral land.

Activity	Category	Comment
Graded tracks / airstrips [for pastoral use]	Pastoral Purposes	Construction and maintenance of graded tracks and airstrips within pastoral land.
Gravel extraction	Pastoral Purposes	For construction, maintenance of pastoral infrastructure.
	Other	Extraction of gravel for other uses requires permission from DEMIRS.
Hay making	Pastoral Purposes	For use on pastoral land from existing or naturally occurring plant populations. Other statutory approvals may apply (e.g. <i>Environmental Protection Act 1986</i>).
	Permit (s.120)	Depending on the nature and scale of the activity. The PLB needs to be satisfied the proposed use is reasonably related to the pastoral use of the land. Other statutory approvals may apply.
Homestead [construction, expansion, maintenance]*	Pastoral Purposes	Other statutory approvals may apply (e.g. planning).
Horticulture	Pastoral Purposes	Up to five (5) hectares for use on pastoral land.
	Permit (s.120)	In excess of five (5) hectares. PLB needs to be satisfied the proposed use is reasonably related to the pastoral use of the land.
	Alternative Tenure	The scale, nature and/or proposed proponent of the activity may mean alternative tenure, such as a lease, is required rather than a permit.
Keeping / selling prohibited stock	Permit (s.122A)	Any stock other than cattle, sheep, goats, domestic animals and animals required for pastoral production.
Land / ecosystem restoration activities	Pastoral Purposes	Activities related to the management of stock and for the management, conservation and regeneration of pasture for grazing.
Machinery depot / lay-down area	Pastoral Purposes	Machinery and equipment used on the pastoral land.
	Permit	For third party machinery and equipment use.
	Alternative Tenure	The scale, nature and/or proposed proponent of the activity may mean alternative tenure, such as a lease, is required rather than a permit.

Activity	Category	Comment
Mining/Petroleum and Geothermal Energy*	Other	Approvals required from DEMIRS.
Propagating WA indigenous [local] or non-indigenous plant species	Pastoral Purposes	To improve / restore pastures on the pastoral land.
	Permit (s.119/120)	Propagating indigenous or non-indigenous plant species (s.119/120). For a s.120 permit, the PLB need to be satisfied that the proposed use is reasonably related to the pastoral use of the land).
Removing declared pests and feral animals [native or non-native]*	Pastoral Purposes	Pastoral lessees are required to control declared animals in compliance with the <i>Biosecurity and Agricultural Management Act 2006</i> .
Roadhouse / truck stop	Permit	Other statutory approvals may apply.
	Alternative Tenure	The scale, nature and/or proposed proponent of the activity may mean alternative tenure is required rather than a permit. Other statutory approvals may apply.
Seed collection from naturally occurring indigenous plant species *	Pastoral Purposes	To improve / restore pastures on pastoral land. Other statutory approvals may apply.
	Other	Collection for third parties. May require approval from the DBCA.
Shooting range	Permit Licence Alternative Tenure	The nature, scale and/or proposed proponent of the activity will have a bearing on which category applies.
Sowing plant species non- indigenous to WA to improve pasture	Permit (s.119)	PLB approval required for the cultivation of plant species not indigenous to WA.
Stock waters	Pastoral Purposes	The construction, maintenance, expansion and replacement of stock waters for use on pastoral land.

Activity	Category	Comment
Tourism	Permit (s.121)	Pastoral based and purely supplementary to pastoral activities. Usually relatively small scale (less than 50 beds / 100 camp sites), offering extensive participation in station activities, offering limited participation in non-pastoral activities.
	Permit Licence Alternative Tenure	Non-pastoral based and / or not purely supplementary to pastoral activities. Usually larger scale (more than 50 beds / 100 camp sites), offering limited participation in station activities, offering extensive participation in non-pastoral activities. The nature, scale and/or proposed proponent of the activity will have a bearing on which category applies. Other statutory approvals may apply.
Training	Pastoral Purposes	Typically training for station personnel in pastoral skills such as fencing, welding, operating farm machinery.
	Permit Alternative Tenure	Activities that are not typically associated with or ancillary to the operation of a pastoral station or are conducted on a commercial basis. The scale, nature and/or proposed proponent of the activity may mean alternative tenure is required rather than a permit. Other statutory approvals may apply.
Tree plantations [including sandalwood]	Permit Alternative Tenure	The scale, nature and/or proposed proponent of the activity may mean alternative tenure is required rather than a permit.
Yards	Pastoral Purposes	Construction, maintenance, expansion and replacement of holding and finishing yards for use on pastoral land.

PART 3:

supporting descriptions of activities and options

Notes:

This part gives more detail on the activities identified in the Summary Table in Part 2.

As noted in Part 1, 'Purpose of this Framework', grant of a permit, licence or alternative tenure may be a future act under the NTA for which an appropriate future act procedure will need to be complied with (or an ILUA registered covering consent to the act) before the act is done.

Before undertaking any activities you must also have regard to [section 2.1 Pastoral Purposes](#) and [section 2.2 Permits](#), and seek early advice regarding any statutory approvals or authorisations required before proceeding.

Abattoir

Category: Pastoral Purposes

Other option: Permit, Alternative Tenure

Brief description:

An abattoir is a facility which is used for the processing of stock to produce meat for human consumption. Abattoirs can be of various sizes, such as a small facility to produce meat for consumption on the pastoral station, or a much larger commercial enterprise. Typically, a larger abattoir will process lease-held stock on a pastoral lease and third party stock from other pastoral leases. Smaller abattoirs may only process station-held stock, or receive a small quantity of third party stock.

The statutory authority overseeing all abattoirs is the Western Australian Meat Industry Authority (WAMIA) established under the *Western Australian Meat Industry Act 1976*. WAMIA reviews the operation of abattoirs and processing works including:

- a) inspecting and, where appropriate, approving the premises and facilities, and the conduct of operations and

- b) recording in respect of each establishment its effective capacity and actual performance.

Alternative tenure such as a lease or freehold will, in most cases, be a more appropriate option than a permit to secure the significant investment associated with abattoirs. However, the PLB believes that abattoirs up to a certain scale, may operate under a diversification permit, or without a permit at all. Irrespective of tenure, a number of additional statutory approvals and ongoing compliance requirements apply, including planning, building and environmental approvals.

Key considerations for determining whether an abattoir requires a permit, no permit, or alternative tenure include:

- Section 106 of the LAA provides that a pastoral lessee must not use land under the pastoral lease for purposes other than pastoral purposes, or sell any product of a non-pastoral use of the land, except in accordance with a permit.
- Section 93 of the LAA defines pastoral purposes as the commercial grazing of 'authorised stock' and certain supplementary uses and ancillary activities. Section 93 of the LAA defines 'authorised stock' to mean stock, or its produce, that is prescribed in regulation.

- Section 110 of the LAA provides that a pastoral lessee must not sell fodder or other produce from non-indigenous pasture, *other than the products of animals grazed on it*, except in accordance with a permit.
- Section 111 of the LAA provides that a pastoral lessee must not keep or sell prohibited stock, except in accordance with a permit issued under section 122A.
- Pastoral lessees have a right to sell any products from grazing authorised stock on pastoral land, including the animals themselves and any produce such as wool or meat.
- In principle, unless other legislation or regulation applies, it is immaterial for the purposes of the administration of the LAA whether any processing required for selling authorised stock or their produce is done on station or offsite.

Pastoral purposes will apply to an abattoir with a capacity to process a total of no more than 1000 tonnes per annum of:

- authorised stock or
- prohibited stock for which a permit has been issued under section 122A of the LAA.

An abattoir will require a permit if it is designed to process stock that is not the product of pastoral purposes on the lease. The PLB considers this to be the case if the stock processed at an abattoir is predominantly sourced from outside the pastoral lease.

The PLB may consider issuing a section 122 permit for an abattoir to the pastoral lessee in cases where the area has been enclosed or improved, and the activity involves:

- an abattoir with a capacity to process more than 1000 tonnes per annum of authorised stock or prohibited stock and
- an abattoir which, regardless of capacity, sources a significant proportion of the stock processed at that facility from outside the pastoral lease.

Additional approvals may be required from the PLB for agistment of stock brought onto the station upon which the abattoir is situated from other stations.

Lessees will also be required to demonstrate they have the necessary permits, licences and approvals from, and remain in compliance with, all relevant other laws regulating abattoirs, including:

- *Western Australian Meat Industry Authority Act 1976*
- *Western Australian Meat Industry Authority Regulations 1985*
- *Environmental Protection Act 1986*
- *Environmental Protection (Abattoirs) Regulations 2001*
- *Health (Miscellaneous Provisions) Act 1911*, especially Part VII Divisions 3 and 4
- *Animal Welfare Act 2002* and
- *Planning and Development Act 2005*, especially the Local Planning Scheme administered by the relevant local government authority.

Accommodation

[e.g. mining, road, construction workers, rangers, researchers or people coming for an event]

Category: *Permit*

Other Options: *Pastoral Purposes, Licence, Alternative Tenure*

Brief description:

Where the use of existing accommodation benefits or is directly related to pastoral activities on pastoral land it is considered to be for pastoral purposes and therefore no other approvals are required.

Creation of accommodation, or use of existing accommodation, on a pastoral lease for use by third parties (other than tourists – see ‘Tourism’), may be allowed under a section 122 permit. Examples include: accommodation for road or construction workers, rangers, researchers, or mining workers.

The land must be ‘enclosed’ or ‘improved’ to meet the requirements of a section 122 permit. Local government planning and building regulations may apply to non-tourist accommodation proposals.

Depending on the scale and nature of the proposal, a licence or alternative tenure may be more appropriate for security of investment.

See also: *Tourism*

Alternative power generation

Category: Pastoral Purposes

Other Option: Permit, Alternative Tenure

Brief description:

Establishing power infrastructure for operating pastoral activities (e.g. homesteads, sheds, machinery, etc.) or activities under permit (e.g. powering a centre pivot) is essential to pastoralists being able to graze authorised stock. No further approvals under the LAA are required for power generated for use on pastoral land, although additional statutory approvals (e.g. planning or environmental approvals) may be required for some forms of alternative power generation.

The PLB does not consider establishing power infrastructure to generate surplus power beyond what is required for the running of the pastoral business or for sale to third to be a pastoral purpose. Examples of alternative power operations include: solar farms; solar updraft towers; wind farms; and biodigesters.

A section 122 permit could be considered in some situations, where the area has been enclosed or improved. However, in general terms, alternative tenure will be the most appropriate option to secure significant investment, and manage the substantial public liability, public health and environmental risks.

Aquaculture

Category: Permit

Other Options: Licence, Alternative Tenure

Brief description:

In general terms, the PLB considers that a section 122 permit will be the most appropriate option for aquaculture activities. A section 122 permit can only be considered, where:

- licensing approval from DPIRD has been obtained; and
- the area proposed to be used for aquaculture activities has been enclosed or improved.

In situations where a section 122 permit cannot be issued, a licence or alternative tenure may be considered.

For large scale aquaculture activities, alternative tenure will be the most appropriate option to secure significant investment, and manage the substantial public liability, public health and environmental risks.

Beekeeping

Category: Other

Brief description:

Regulations in respect of apiary activities undertaken on Crown land are managed by the DBCA through the *Conservation and Land Management Act 1984* and the *Conservation and Land Management Regulations 2002 (Part 8A)*. Further information can be found at [Beekeeping on Crown land in Western Australia | Department of Biodiversity, Conservation and Attractions](#).

Carbon farming – use of carbon farming methods on Western Australian pastoral leases for pastoral purposes

Category: Pastoral Purposes, Other

Brief description:

The PLB believes carbon farming projects can contribute to the sustainability of the pastoral industry for the future and deliver environmental, economic, and social benefits. The PLB recognises the co-benefits of some carbon farming methodologies in rehabilitating degraded land, building the resilience of the pastoral estate and improving pastoral productivity.

The PLB monitors carbon farming and reviews new and/or other methodologies as appropriate. To date, the carbon farming methodologies that the PLB has considered in a pastoral context are the human-induced regeneration of a permanent even-aged native forest (HIR) method and savanna fire management (emissions avoidance) method.

The Commonwealth Minister for Climate Action can approve new, or amend existing, Australian Carbon Credit Units (ACCU) Scheme methods. Where there is a State policy that enables other carbon farming methods to be undertaken on Crown land, the PLB will consider these methods on a case-by-case basis.

HIR method

In 2019 the State Government recognised the potential for the HIR method on Western Australian (WA) pastoral leases. The HIR method is designed to achieve forest cover by undertaking eligible activities that encourages the regeneration of native vegetation.

On 30 September 2023 the HIR method expired, and new HIR projects cannot be registered. However, existing projects registered under the HIR method are still eligible to earn ACCUs and continue to support the regeneration of native vegetation.

The PLB considers activities that were permitted under the HIR method are within the scope of normal pastoral operations and consistent with the various obligations imposed on pastoralists via their existing pastoral lease(s). These activities are:

- excluding livestock from certain parts of pastoral leases;
- managing the timing and extent of grazing of livestock;
- managing feral animals and non-native plants; and
- permanently ceasing mechanical clearing or chemical destruction, or suppression of, native regrowth

Further information on the HIR method can be found on the Department of Primary Industries and Regional Development's (DPIRD) website: [Carbon Farming on Pastoral Lease Lands – Carbon Farming on Pastoral Lease Lands - Human Induced Regeneration | Agriculture and Food](#)

Savanna fire management (emissions avoidance) method

Savanna grasslands are one of the most fire prone ecosystems. Intense and uncontrolled bushfires add to the decline of some plant and animal species, are a significant source of greenhouse gas emissions and degrade populations of long-lived woody plants such as mulga (*Acacia Aneura*), which serve important ecological, environmental, and cultural functions.

Controlled savanna fire management of grasslands early in a dry season, can significantly reduce the risks of fires to people's lives, property, and fire sensitive ecosystems, as well as reduce greenhouse gas emissions.

Savanna fire management is vital to good land management and is considered to have positive effects in pastoral areas, as fire can encourage pasture regeneration and regrowth. Knowing which pastures to burn and when, which to protect from fire, and how to do it, will ensure productive pastures and reduce the risk of destructive, uncontrolled bushfires, providing a wide range of benefits across the rangelands.

Additionally, the PLB recognises savanna fire management is empowering for Aboriginal people, as traditional burning methods have been used by traditional owners for tens of thousands of years.

To earn ACCUs, pastoralists would need to register a project with the Commonwealth Clean Energy Regulator (CER), as well as apply for a permit in accordance with section 118 of the LAA, apply for a permit under the *Bush Fires Act 1954* – [Department of Fire and Emergency Services](#) and potentially apply for a clearing permit under the *Environmental Protection Act 1986* – [Department of Water and Environmental Regulation](#).

Further information on the savanna fire management method can be found on the DPIRD website: [Carbon farming: reducing emissions through savanna fire management – Australia | Agriculture and Food](#).

Carbon Credits

Carbon farming refers to activities that sequester carbon or reduce greenhouse gas emissions. A carbon farming project under the ACCU Scheme (formerly the Emissions Reduction Fund, ERF) may be issued for carbon sequestered or emissions avoided. ACCUs are a tradeable commodity, that can be used to offset emissions or provide an additional income stream.

The *Carbon Credits (Carbon Farming Initiative) Act 2011* (CFI Act) sets out a number of requirements that proponents must meet, and this includes the proponent demonstrating that they:

- Have the legal right to access and carry out the carbon farming activities on the project area;
- Obtain all necessary permits and approvals;
- Obtain consent from all eligible interest holders.

Under the CFI Act the WA Minister for Lands is an “eligible interest holder” in relation to most Crown land, which includes pastoral leases. The Minister for Lands’ consent is required before a carbon farming project can be issued ACCUs. Other eligible interest holders can include Registered Native Title Body Corporates, mortgagees, easement holders and others with a registered interest.

Applications for the Minister for Lands’ eligible interest holder consent can be made by completing a Crown Land Enquiry Form and lodging this with proposals@dplh.wa.gov.au.

Please visit [Australian Carbon Credit Unit Scheme | Clean Energy Regulator \(cer.gov.au\)](#) for further information.

Conservation

Category: Pastoral Purposes

Other Options: Permit, Licence, Alternative Tenure, Other

Brief description:

Section 108 of the LAA requires pastoral lessees to use methods of best pastoral and environmental management practice, for the management of stock and for the management, conservation and regeneration of pasture for grazing. In addition, pastoral lessees must maintain the indigenous pasture and other vegetation on the land under the lease to the satisfaction of the PLB.

The PLB encourages pastoral lessees to maintain indigenous plants and improve ecologies. In some cases, pastoral lessees have been able to access third party funding to conduct conservation activities. In general, the PLB considers that no additional approvals are required to conduct conservation activities, so long as the activities meet the criteria of pastoral purposes and are consistent with the pastoral lessee’s obligations under section 108 of the LAA. In particular, this includes activities aimed at restoring soils or rangeland condition, such as constructing pastoral infrastructure to exclude feral animals and livestock on ecologically sensitive areas, or installing measures to slow down the flow of water.

Where the activity is not consistent with the pastoral lessee’s requirements under section 108 of the LAA, a permit under section 122, a licence or alternative

tenure may be required. For instance, an intensive activity aimed at fostering the conservation of native wildlife may require a section 122 permit, if the activity does not result in restoring soils or rangeland condition.

See also: Land / ecosystem restoration activities, propagating Western Australian indigenous [local] or non-indigenous plant species

Cultivation of indigenous or non-indigenous plant species for fodder, hay or silage

Category: Pastoral Purposes

Other Options: Permit

Brief description:

The PLB considers that:

- section 93 of the LAA defines Pastoral Purposes to explicitly include the production of stock feed;
- section 106(2) of the LAA provides that a pastoral lessee must not sell any product of a non-pastoral use of the land except in accordance with a permit;
- section 110 of the LAA provides that pastoral lessees must not sow or cultivate non-indigenous pasture on pastoral land except in accordance with a permit; and

- the use of irrigation or fertiliser does not in and of itself, affect the station use nature of the activity, but does have the potential to alter the risk profile of the activity, particularly in regard to environmental risks.

The PLB will accept as pastoral purposes the cultivation of indigenous plant species of:

- irrigated production of **up to** 100 hectares or **up to** two (2) centre-pivots of fodder, hay or silage; or
- dryland production of **up to** 500 hectares of fodder, hay or silage.

The PLB believes that the production of fodder, hay and silage from indigenous or non-indigenous plant species requires a permit, if the production is of a commercial nature. The PLB considers the production of fodder, hay and silage to be of a commercial nature if a significant proportion of the production is intended for sale or use by third parties off-station.

A section 120 permit will be required for:

- irrigated production of indigenous plant species of fodder, hay or silage **in excess of** 100 hectares or two (2) centre-pivots;
- dryland production of indigenous plant species of fodder, hay or silage **in excess of** 500 hectares; or
- the cultivation of any non-indigenous plant species.

The PLB notes that:

- pastoral lessees may sell surplus fodder, hay or silage produced under pastoral purposes, subject to the PLB being satisfied that the production was not of a commercial nature and intended primary for use on the pastoral land;
- pastoral lessees must not cultivate any species that are declared pests under the *Biosecurity and Agriculture Management Act 2007*, for more information see www.agric.wa.gov.au/bam/western-australian-organism-list-waol;
- in relation to other plant species that are not indigenous to WA, consult with DPIRD, DWER, and DBCA to ascertain whether a weed management plan is required for the activity; and
- depending on the nature and location of the activity, permission under separate legislation may be required for the activity, such as a water licence or a native vegetation clearing permit from DWER.

Cutting local stone for headstones

Category: Other

Brief description:

DEMIRS administers the *Mining Act 1978*. Any queries regarding cutting or removal of local stone should be directed to DEMIRS at Department of Energy, Mines, Industry Regulation and Safety.

Destocking

Category: Pastoral Purposes

Brief description:

The PLB recognises the need for destocking as part of effective management and ecological sustainability of the land and natural resources on a pastoral lease. A lessee may destock a pastoral lease for a period of up to five (5) consecutive years without notification to the PLB, except through the reporting required in the Annual Return of Livestock and Improvements. Pastoral lessees are still required to meet all obligations to maintain the lease in accordance with section 108 of the LAA.

If a pastoral lease is destocked for a period longer than five (5) consecutive years, the lessee is required to notify the PLB, in writing, of the reason for destocking the lease and the proposed date for restocking.

PLB Pastoral Lease Stocking Policy (see www.dplh.wa.gov.au/plb) provides more information and clarifies the notification procedure related to destocking on a pastoral lease.

Events

Category: Pastoral Purposes

Other Option: Permit, Licence

Brief description:

Public events often carry a significant degree of risk and (public) liability.

Pastoral lessees may only use the Crown land for pastoral purposes or in accordance with a permit issued by the PLB. If an event or activity is intended to be conducted on pastoral land, it will depend on the nature of the event or activity as to whether authority from the pastoral lessee alone is sufficient for the event or activity to go ahead on the pastoral land. Pastoral lessees do not have the authority to permit or authorise non-pastoral activities on the land.

Depending on the nature of the event, pastoral lessees are able to authorise the conduct of an event on their lease, if the event falls under pastoral purposes or is authorised through a section 121 or section 122 permit issued by the PLB.

The PLB considers, as pastoral purposes, any events that benefit or directly relate to the pastoral activities on the land, such as training in livestock handling or farm business, as well as events intended to spread information directly relevant to the pastoral industry.

Alternative authorisation such as a licence may be required for any public events on pastoral leases that do not fall under pastoral purposes and are not authorised through a section 121 or section 122 permit issued by the PLB. This includes, for instance, rodeos, variety bash, fundraising events, non-pastoral related training, workshops and conferences, as well as events that traverse a number of pastoral leases, such as the Kimberley Ultramarathon and Gascoyne Dash. In all cases, pastoral lessees intending to conduct or permit a public event on their pastoral land should contact the department.

Further information is available online at www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/licences-use-crown-land.

See also: Training, Accommodation

Feedlots and stock depots

Category: Pastoral Purposes

Other Option: Permit, Alternative Tenure

Brief description:

Feedlots and Stock Depots

Feedlots and stock depots differ widely in scope, design and intended use.

Feedlots

Meat and Livestock Australia defines a cattle feedlot as a holding yard where livestock are provided a high protein grain based diet to meet exact market specifications. Shortfeeding refers to feeding livestock on grain, in a feedlot, for a short period of time, usually 70–150 days.

The PLB will accept as pastoral purposes a feedlot, with a capacity of fewer than 500 animals, that is intended to carry livestock owned by the pastoral lessee only.

Stock Depots

Stock depots are assembly areas for authorised stock in preparation to transport from the pastoral lease to market. Typically, livestock will be placed in a stock depot for a short period of time - around 3-5 days - before being transported to market.

The PLB will accept as pastoral purposes a Stock Depot, with a capacity up to 1000 animals, that is intended to carry livestock owned by the pastoral lessee only, in circumstances where the stock is held at the Stock Depot for a maximum of 10 days.

The PLB considers that:

- section 93 of the LAA defines Pastoral Purposes to include “supplementary uses of land normally carried out in conjunction with the grazing of authorised stock”, as well as ancillary activities;
- in the WA pastoral industry it is common practice to ‘shortfeed’ animals prior to sale, either on-station or off-station;
- shortfeeding adds sale value, effectively allowing a pastoral lessee to generate additional income from the same number of livestock;
- section 111 of the LAA provides that pastoral lessees must not agist livestock owned by third parties without permission from the PLB;
- Schedule 1 of the Environmental Protection Regulations 1987 categorises feedlots holding over 500 head as prescribed premises for industry requiring licencing by DWER; and
- commercial feedlots and stock depots carry significant investment requirements, and are subject to strict controls designed to minimise the risk of any environmental damage.

In general terms, the PLB believes a section 122 permit will be the most appropriate option for a feedlot with a capacity greater than 500 animals and 1000 animals for a stock depot that is not operated independently from the ‘host’ pastoral business.

However, the PLB notes that:

- pastoral lessees may apply for permission from the PLB to agist livestock in ‘pastoral purposes’ feedlots on a one-off / infrequent basis; and

- a section a section 122 permit can only be considered, where the area has been enclosed or improved.

In situations where a section 122 permit cannot be issued, alternative tenure may be considered. The PLB considers feedlots with a capacity greater than 500 animals as commercial enterprises that are regulated by DWER under the *Environmental Protection Regulations 1987*. In general terms, standalone tenure will be the most appropriate option to secure significant investment, and manage the substantial public liability, public health and environmental risks of a large-scale (capacity greater than 500 animals) commercial feedlot enterprise that feeds third-party stock as well as “host” station stock.

Irrespective of tenure, a number of additional statutory approvals apply, including planning, building and environmental approvals.

In recognition of the fact that a small scale feedlot cannot be operated as a standalone business, such a lease would likely be issued subject to a condition that it must have the same ownership as the surrounding pastoral lease.

Irrespective of tenure, a number of additional statutory approvals apply including planning, building and environmental approvals.

The PLB recommends pastoral lessees considering developing a feedlot contact DPIRD for further information. DPIRD provides information regarding the approvals required, noting that planning

approvals are required from either the local government or Development Assessment Panel, as well as environmental approvals from DWER. More information is available at [Department of Primary Industries and Regional Development](#).

Feedlots also require a water licence under the Rights in *Water and Irrigation Act 1914* (RIWI Act), for grazing under “intensive conditions”, which they define as conditions in which the cattle or stock –

- (a) Are confined to an area smaller than that required for grazing under normal conditions; and
- (b) Are usually fed by hand or by mechanical means.

The PLB recommends that all feedlots be situated in a location greater than 100m from the nearest watercourse, where possible, so as to minimise the likelihood of animal nutrients being washed into the watercourse.

Fencing, laneways

Category: *Pastoral Purposes*

Brief description:

The construction, maintenance or replacement of fencing and laneways on a pastoral lease falls under pastoral purposes, as it is essential to the grazing of livestock.

Graded tracks / airstrips [for pastoral use]

Category: *Pastoral Purposes*

Brief description:

Graded tracks and airstrips within pastoral land are essential for operating a pastoral business. In consequence, the PLB considers the construction and maintenance of improvements such as graded tracks and airstrips fall under pastoral purposes.

Gravel extraction

Category: *Pastoral Purposes*

Other Options: *Other*

Brief description:

The extraction of gravel for the construction or maintenance of pastoral improvements (e.g. tracks, sheds) on a pastoral lease falls under pastoral purposes, as it is essential to operating a pastoral business.

The extraction of gravel for use other than the construction or maintenance of pastoral improvements (e.g. tracks, sheds) on a pastoral lease does not fall under pastoral purposes. Permission from DEMIRS is required under the *Mining Act 1978*.

Hay making

Category: *Pastoral Purposes*

Other Options: *Permit*

Brief description:

The PLB considers that:

- section 93 of the LAA defines Pastoral Purposes to explicitly include the production of stock feed;
- section 106(2) of the LAA provides that a pastoral lessee must not sell any product of a non-pastoral use of the land except in accordance with a permit; and
- section 108(b) provides that the lessee must use methods of best pastoral and environmental management practice, appropriate to the area where the land is situated, for the management of stock, and for the management, conservation and regeneration of pasture for grazing.

Making hay from naturally occurring plant populations is distinct from cultivating indigenous or non-indigenous species for fodder, hay or silage as the plants are not actively cultivated, fertilised, irrigated or mechanically assisted in any manner. In addition, the plant species may or may not be indigenous to the area. Pastoralists have historically made hay from naturally occurring plant populations, in order to provide flexibility in relation to managing grazing impact, including in periods of adverse climatic conditions. The PLB views this activity as falling under pastoral purposes, where the hay is intended for use on the pastoral land.

Pastoral lessees may sell surplus fodder, hay or silage produced under Pastoral Purposes, subject to the PLB being satisfied that the production was intended primary for use on-station. However, a section 120 permit will be required if the PLB believes that the scale of hay making is such that the primary intent was to sell the hay.

Homestead [construction, expansion, maintenance]

Category: Pastoral Purposes

Brief description:

The construction, maintenance, expansion or replacement of a homestead on a pastoral lease falls under pastoral purposes, as it is essential to operating a pastoral business. However, if clearing of indigenous vegetation is proposed as part of the construction or expansion of the homestead, the proponent will need to clarify the land clearing guidelines and requirements with DWER. Local government development and building regulations also apply.

Horticulture

Category: Pastoral Purposes

Other Options: Permit

Brief description:

The PLB considers that:

- horticulture refers to the cultivation of a garden, orchard, or nursery, and/or the cultivation of flowers, fruits, vegetables, or ornamental plants;
- section 93 of the LAA defines Pastoral Purposes to explicitly include horticultural uses that are “inseparable from, essential to, or normally carried out in conjunction with” the grazing of authorised stock;
- section 106(2) of the LAA provides that a pastoral lessee must not sell any product of a non-pastoral use of the land except in accordance with a permit; and
- section 120 of the LAA provides that the PLB may issue a permit to a pastoral lessee for horticultural production “if it is satisfied that the proposed use is reasonably related to the pastoral use of the land”.

Pastoral leases are usually in remote locations, and pastoralists have historically produced (and continue to produce) most of their fruit and vegetables used by themselves and pastoral workers. The PLB views station use horticulture, i.e. growing fruit and vegetables for consumption on-station, as falling

under pastoral purposes as it is both normally carried out with and essential to operating a pastoral business.

The area required to meet the fruit and vegetable requirement of a pastoral station will vary depending on a number of factors, including the number of people usually resident on the station, rainfall patterns and soil quality. However, in most cases the PLB will accept as pastoral purposes horticultural production of up to five (5) hectares.

Pastoral lessees may sell surplus produce under Pastoral Purposes, subject to the PLB being satisfied that the production was not of a commercial nature and intended primarily for use on the pastoral land.

The PLB considers that most, if not all, commercial horticultural activities are related to pastoral production, with surplus produce and produce not meeting market specifications usually consumed on-station, either by pastoral workers or used as fodder for livestock. In consequence, a section 120 permit will be required for all horticultural activities on pastoral land in excess of five (5) hectares, regardless of the type of produce intended to be grown.

Depending on the nature and location of the activity, permission under separate legislation may be required for the activity, such as a water licence or a native vegetation clearing permit from the DWER.

See also: Tree plantations

Keeping / selling prohibited stock

Category: Permit

Brief description:

The PLB considers that:

- section 93 of the LAA defines Pastoral Purposes as the grazing of authorised stock, and defines prohibited stock¹¹ as all stock other than authorised stock;
- regulation 17C of the Land Administration Regulations 1998 prescribes authorised stock in section 93 of the LAA as sheep (*Ovis aries*), cattle (*Bos indicus*, *B. taurus*), horses (*Equus caballus*), goats (*Capra hircus*), and stock kept for domestic or household use;
- section 111(4) of the LAA provides that a pastoral lessee must not keep or sell prohibited stock except in accordance with a permit; and
- section 122A of the LAA provides that the PLB may issue a permit for a lessee to keep or sell prohibited stock.

Section 111 of the LAA provides that keeping or selling prohibited stock (or its produce) requires a permit. In consequence, a permit under section 122A of the LAA is required for keeping or selling prohibited stock such as camels, donkeys or buffaloes.

¹¹Prohibited stock is any stock other than cattle, sheep, goats, domestic animals and animals required for pastoral production.

The PLB notes that some animals are declared pests under the *Biosecurity and Agriculture Management Act 2007* (BAM Act), for more information see www.agric.wa.gov.au/bam/western-australian-organism-list-waol. The PLB would be unlikely to issue a permit to keep declared pests.

Land / ecosystem restoration activities

Category: Pastoral Purposes

Brief description:

Section 108 of the LAA requires pastoral lessees to use methods of best pastoral and environmental management practice, for the management of stock and for the management, conservation and regeneration of pasture for grazing. In addition, pastoral lessees must maintain the indigenous pasture and other vegetation on the land under the lease to the satisfaction of the PLB.

The PLB encourages pastoral lessees to maintain and restore land and ecosystems. Restoration activities may include destocking paddocks, fencing off degraded areas or active rehabilitation, such as earthworks, rakes and bunds. In some cases, pastoral lessees have been able to access third party funding to conduct conservation activities. In general terms, the PLB considers that no additional approvals are required to conduct restoration activities, so long as the activities are consistent with the pastoral lessee's requirements under section 108 of the LAA.

See also: Conservation; Propagating WA indigenous [local] or non-indigenous plant species; Tree plantations

Machinery depot / lay-down area

Category: Pastoral Purposes

Other Options: Permit, Alternative Tenure

Brief description:

The use of machinery and equipment (e.g. trucks, graders, bulldozers) on a pastoral lease falls under pastoral purposes, as it is essential to operating a pastoral business. In consequence, the PLB considers the construction of or conversion of an existing shed structure for the purpose of parking machinery used during the course of running a pastoral station to fall under pastoral purposes. If unsure, Pastoral lessees are encouraged to clarify with the department whether a proposed 'shed', 'lay down area' or 'parking area' fits the definition of pastoral purposes.

The PLB considers renting or contracting the use of machinery depots and lay-down yards to third parties (e.g. mining or transport companies) to be a commercial business secondary to the pastoral business, and not part of pastoral purposes. Where the activity occurs on an enclosed or improved area on a pastoral lease, a permit may be issued under section 122 of the LAA. Where the proposed area is not improved or enclosed, alternative tenure options may be considered.

Other statutory approvals may apply, e.g. under environmental or planning legislation.

Mining/Petroleum and Geothermal Energy

Category: *Other*

Brief description:

DEMIRS administers the *Mining Act 1978* and the *Petroleum and Geothermal Energy Resources Act 1967*. Any queries regarding proposed mining, petroleum or geothermal energy activities should be directed to DEMIRS at [Department of Energy, Mines, Industry Regulation and Safety](#).

Propagating WA indigenous [local] or non-indigenous plant species

Category: *Pastoral Purposes*

Other Options: *Permit, Other*

Brief description:

The PLB considers that:

- propagating indigenous or non-indigenous plant species is a form of horticulture;
- section 93 of the LAA defines Pastoral Purposes to explicitly include horticultural uses that are “*inseparable from, essential to, or normally carried out in conjunction with*” grazing;
- section 106(2) of the LAA provides that a pastoral lessee must not sell any product of a non-pastoral use of the land except in accordance with a permit;

- section 119 of the LAA provides that the PLB may issue a permit for the pastoral lessee to sow and cultivate non-indigenous pasture on specified land under the lease; or alternatively
- section 120 of the LAA provides that the PLB may issue a permit to a pastoral lessee for horticultural production “*if it is satisfied that the proposed use is reasonably related to the pastoral use of the land*”.

Section 108 of the LAA requires pastoral lessees to use methods of best pastoral and environmental management practice, for the management of stock and for the management, conservation and regeneration of pasture for grazing. In addition, pastoral lessees must maintain the indigenous pasture and other vegetation on the land under the lease to the satisfaction of the PLB.

The PLB encourages pastoral lessees to maintain and restore land and ecosystems, including sowing indigenous plant species where required. The PLB considers propagating indigenous species for land restoration activities on-station to be pastoral purposes, so long as the activities are consistent with the pastoral lessee’s requirements under section 108 of the LAA. However, other statutory approvals may apply.

The PLB believes that horticultural activities, including propagating indigenous or non-indigenous plant species, require a permit, if a significant proportion of the production is intended for sale or use by third parties.

A permit under section 119 or section 120 of the LAA will be required for all horticultural activities on pastoral leases in excess of five (5) hectares, including propagating indigenous or non-indigenous plants.

Depending on the nature and location of the activity, permission under separate legislation may be required for the activity, such as a water licence or a native vegetation clearing permit from DWER.

See also: Horticulture

Removing declared pests and feral animals [native or non-native]

Category: *Pastoral Purposes*

Brief description:

Section 108(2) of the LAA requires pastoral lessees to use methods of best pastoral and environmental management practice, for the management of stock and for the management of conservation and regeneration of pasture for grazing. In addition, section 111(3) requires pastoral lessees to control declared animals in compliance with the *Biosecurity and Agricultural Management Act 2006*. In order to meet these requirements, pastoral lessees must from time to time remove declared pests and feral animals. In consequence, the PLB considers this activity to fall under pastoral purposes.

The PLB notes that:

- some animals are declared pests under the *Biosecurity and Agriculture Management Act 2007*. For more information see [Department of Primary Industries and Regional Development](#);
- any removal or shooting of feral animals must abide by the Code of Practice for the capture and marketing of feral animals in Western Australia. More information is available at DPIRD www.agric.wa.gov.au; and
- all native fauna are protected under the *Biodiversity Conservation Act 2016*. A licence may be required under the Biodiversity Conservation Regulations 2018 to take protected fauna causing damage to property, for example contributing to overgrazing and rangeland degradation on pastoral land.

Additional restrictions apply to removing kangaroos. Further information is available from DBCA at www.dpaw.wa.gov.au/plants-and-animals/animals/kangaroo-management-in-western-australia.

See also: *Tourism*

Roadhouse / truck stop

Category: *Permit*

Other Options: *Alternative Tenure*

Brief description:

The PLB considers the establishment of infrastructure associated with roadhouse type facilities (supply of food, fuel, basic necessities) to be a non-pastoral activity. Where the activity occurs on an enclosed or improved area on a pastoral lease, the PLB may issue a section 122 permit. Where the proposed area is not improved or enclosed, alternative tenure options may be considered.

Other statutory approvals may also apply, e.g. under environmental or planning legislation.

Seed collection from naturally occurring indigenous plant species

Category: *Pastoral Purposes*

Other Options: *Other*

Brief description:

Section 108 of the LAA requires pastoral lessees to use methods of best pastoral and environmental management practice, for the management of stock and for the management, conservation and regeneration of pasture for grazing. In addition, pastoral lessees must maintain the indigenous pasture and other vegetation on the land under the lease to the satisfaction of the PLB.

The PLB encourages pastoral lessees to maintain and restore land and ecosystems, including sowing indigenous plant species where required. The PLB considers collecting indigenous species for land restoration activities on-station to be pastoral purposes, so long as the activities are consistent with the pastoral lessee's requirements under section 108 of the LAA. However, a scientific or other prescribed purposes licence is required from the DBCA to undertake any seed collecting on pastoral land.

Commercial enterprises associated with the sale of seed collected from WA indigenous plant populations on a pastoral lease would also require a licence under the *Biodiversity Conservation Act 2016*, which is administered by the DBCA, for further information see: www.dpaw.wa.gov.au/plants-and-animals/licences-and-authorities?showall=1.

If proposing to collect seed from threatened flora, the lessee should consult with the species and communities branch of DBCA for the relevant permits. Threatened flora taxa (genus, species) are treated as a special category, requiring a higher level of scrutiny. Lessees can search the Western Australian Herbarium database for regional lists and distribution maps for Threatened flora taxa via Florabase or NatureMap. More information is available at [Threatened species and communities | Department of Biodiversity, Conservation and Attractions](#). The *Biodiversity Conservation Act 2016* provides severe penalties for damaging removing or digging up threatened flora or allowing 'the same to be done by any means'.

See also: *Horticulture*

Shooting range

Category: *Permit*

Other Options: *Licence, Alternative Tenure*

Brief description:

The PLB considers enclosed area shooting ranges to be a non-pastoral activity. Where the activity occurs on an enclosed or improved area on a pastoral lease, a permit may be issued under section 122 of the LAA. Where the proposed area is not improved or enclosed a licence¹² or alternative tenure may be considered.

The pastoral lessee needs to have, or needs to obtain, adequate public liability insurance that covers the activity and must indemnify the State from any liability that may arise from conduct of the activity. In addition, permission from the Minister is required under section 267 of the LAA for discharging a firearm or weapon on Crown land. The department will consult with the Minister in relation to this requirement, with a view to including any conditions required by the Minister within the licence, permit or lease.

Other statutory approvals may apply, e.g. under environmental or planning legislation.

The following circumstances and conditions have been applied to existing section 122 permits for shooting ranges:

- a) the applicant must have a firearms licence; international shooters are required to apply for a temporary licence (permit) to use a firearm in WA;
- b) the range must be inspected by a licenced WA Police Inspector or representative prior to approval. Guidelines for firearm ranges and standards of approval are available at [Firearms Range resources](#). These guidelines outline minimum safety standards, but not technical requirements on construction. The range inspector/engineer will provide instructions on how the range should be built and to what specifications. Factors to consider include: proximity to public roads, railway, paths, parks, buildings and centres of habitation;
- c) the range must be registered with the WA Police, which will only approve a range sanctioned under a club/shooting association (e.g. Sporting Shooters Association of Western Australia, Western Australia Rifle Association);
- d) the range must comply with all appropriate legislation (e.g. *Firearms Act 1973*);
- e) examples of enclosed areas include: a private, fenced (5 strand small stock fence) firearms range, surrounded by fenced paddocks, all of which can be locked; and
- f) the permit holder must comply with the conditions of the permit and hold the appropriate level of insurance.

Sowing plant species non-indigenous to WA to improve pasture

Category: *Permit*

Brief description:

Section 110 of the LAA provides that pastoral lessees must not sow or cultivate plant species non-indigenous to WA except in accordance with a permit. Section 119 of the LAA authorises the PLB to issue a permit for pastoral lessees to sow and cultivate pastures non-indigenous to WA.

In general, the PLB will not consider issuing permits for cultivating any species that are declared pests under the *Biosecurity and Agriculture Management Act 2007* (BAM Act). More information is available from DPIRD [Department of Primary Industries and Regional Development](#).

¹²A licence under section 91 may be considered if the shoot is a one-off or irregular event.

Stock waters

Category: Pastoral Purposes

Brief description:

The construction, maintenance, expansion and replacement of stock waters on a pastoral lease falls under pastoral purposes, as stock waters is essential to operating a pastoral business.

In addition, the *Rights in Water and Irrigation Act 1914* provides that the owner or occupier of any land in direct contact with a watercourse or wetland can take water without a licence for domestic or non-intensive stock water. However, taking water for non-pastoral activities (e.g. under permit) may require a water licence. More information is available from DWER www.water.wa.gov.au/licensing/water-licensing/types-of-licenses.

DWER is responsible for managing and protecting the State's water resources. For information about the interrelationships between pastoral activities and water quality, see Water Quality Protection Note #35, 'Pastoral activities within rangelands' at www.water.wa.gov.au/data/assets/pdf_file/0015/4092/82567.pdf.

Tourism

Category: Permit

Other Options: Licence, Alternative Tenure

Brief description:

The PLB notes that:

- section 106(1) of the LAA provides that a pastoral lessee must not use land under the pastoral lease for purposes other than pastoral purposes except in accordance with a permit;
- section 121 of the LAA provides that the PLB may issue a permit to a pastoral lessee for pastoral-based tourist activities "*if it is satisfied that the activities will be purely supplementary to pastoral activities on the land*"; and
- section 122 of the LAA provides that the PLB may issue a permit to a pastoral lessee to use specified land under the lease for any non-pastoral purposes if the land has been enclosed or improved.

Section 121 Permit

Section 121 of the LAA authorises the PLB to issue a permit to a pastoral lessee for tourism activities if it meets the following requirements:

- a) the activity is pastoral-based tourism; and
- b) the activity is purely supplementary to the pastoral use of the land.

1) The activity must be pastoral-based:

The fact that a tourism activity is located on a pastoral lease is not sufficient for it to be considered pastoral-based. In order for a tourism activity to be pastoral-based, there must be a clear and direct connection with the pastoral activities on the land. As tourism activities take many different forms, this connection may take a variety of forms. Examples include participating in tours of the station, viewing historical pastoral infrastructure, accompanying pastoral staff on mill runs, assisting with removing declared pests or feral animals, and observing mustering or shearing.

2) The activity must be purely supplementary to pastoral activities on the land:

The PLB considers that a tourism activity is purely supplementary to pastoral activities on the land, if pastoralism remains the principal activity on the land. Like tourism activities, pastoral businesses take many different forms.

Factors that may be relevant to this issue include the size of the pastoral lease, the number of staff employed for pastoral activities, and the number of livestock being run as compared to the size of the proposed tourism activity, the number of staff employed to service the tourists, and the number of guests to be accommodated.

As a general observation, smaller scale tourism activities are more likely to be purely supplementary to pastoral activities on the land than are larger scale tourism activities.

In general terms, the PLB considers a proposed tourism activity **to be** pastoral-based and purely supplementary, and will consider issuing a section 121 permit, if the activity:

- i. does not involve observing activities or cultural works of Aboriginal people; **and**
- ii. meets at least three of the following requirements:
 - the pastoral activities and tourism activities on the land are operated by the same person/s or entity;
 - the tourism activity provides accommodation for no more than 100 guests per night, including no more than 25 guests in homestead / dongas / shearers' quarters;
 - uses only existing pastoral structures; and
 - offers extensive participation in pastoral activities on the land.

The PLB considers a proposed tourism activity **not** to be pastoral-based and purely supplementary to the pastoral activities on the land if the activity:

- i. involves observing activities or cultural works of Aboriginal people; **or**
- ii. meets at least three of the following requirements:
 - the pastoral activities and tourism activities on the land are operated separately, by different person/s or entities;

- the tourism activity provides accommodation for more than 100 guests per night, or for more than 50 guests in homestead / dongas / shearers' quarters;
- involves a proposal to build new structures to accommodate guests; and
- offers limited participation in pastoral activities on the land.

Where a proposal does not meet the above criteria, it may be possible for the activity to be conducted under alternative authorisation. Depending on the nature, scale and location of the proposed activity, a section 122 permit, a licence, or alternative tenure options may be appropriate.

Other Considerations

If the pastoral land over which the proposed tourism activity is intended to take place is subject to native title then there are different consequences under the NTA for proposed acts permitting the activity depending on the nature of the activity and what it will permit.

As a very general overview, the grant of a permit (section 121 or section 122) or a licence over part of pastoral land that is or may be subject to native title may be future acts that come within section 24GB of the NTA. If they do, that section sets out the relatively simple procedural requirements before the act is done. Assuming the other criteria in section 24GB are also met, the section will only apply to a tourism future act if it permits or requires farm tourism and does not require or permit tourism that involves

observing activities or cultural works of Aboriginal peoples or Torres Strait Islanders.

Irrespective of tenure, a number of additional statutory approvals apply, including environmental approvals, local government and building approvals.

See also: Accommodation

Training

Category: Pastoral Purposes

Other Options: Permit, Alternative Tenure

Brief description:

The PLB encourages training for activities typically associated with, or ancillary to, operating or running a pastoral station (pastoral training). The PLB considers pastoral training to fall under pastoral purposes where it is conducted on the basis that skills obtained will be used on/for the pastoral land, and uses existing station facilities. The PLB considers training to be used on pastoral land in cases where it is provided either free of charge or on a cost-recovery basis, and does not deliver substantial financial benefits to the pastoral lessee.

Operating a modern pastoral business requires a wide range of skills. In consequence, the PLB considers a wide range of training activities to fall under pastoral purposes, including:

- practical activities including stock handling, horse riding, welding, cooking, welding, fencing and work readiness;

- administrative skills including bookkeeping, occupational health and safety (OH&S), business management and computer skills; and
- livestock and land management skills, including nutrition, grazing management, soil health and ecology.

The following factors do not impact on the PLB's assessment of training for use on pastoral land:

- the use of third parties, such as accredited training organisations, to deliver training; and
- including staff employed, or proposed to be employed, by other pastoralists in the training.

The PLB considers that a section 122 permit is required for training that either:

- a) includes activities that are not typically associated with, or ancillary to, operating or running a pastoral station (non-pastoral training); or
- b) is conducted on a commercial basis.

The PLB considers training to be commercial in nature where it delivers substantial financial benefits to the pastoral lessee. Examples of non-pastoral training include juvenile diversion programs, catering, astronomy classes, hairdressing and beauty services training.

The PLB can only issue permits to pastoral lessees, therefore third parties, such as commercial training organisations, cannot hold a section 122 permit for non-pastoral training on pastoral leases. Pastoral

lessees may choose to contract out portions of a proposed training activity; however the permit and associated risks and responsibilities will remain with the lessee. Depending on the extent of the proposed training activity and associated facilities, the proponent's requirements for security of land tenure for investment, and the risks and potential liabilities associated with the training, pastoral lessees may wish to consider alternative options to authorise the activity, such as a section 79 lease.

Pastoral lessees hosting pastoral training may also provide accommodation for attendees and training providers for the duration of the training. However, the PLB notes that hosting training for third parties introduces an element of liability and risk, and that the pastoral lessee is responsible for these risks and liabilities. It is the responsibility of the pastoral lessee to manage these risks, and put in place appropriate insurances, including public liability insurance.

See also: Accommodation, Events

Tree plantations [including sandalwood]

Category: Permit

Other Options: Alternative Tenure

Brief description:

The PLB considers that:

- the *Tree Plantation Act 2003* defines 'plantation' as 'one or more groups of planted trees'; and
- the *Environmental Protection Act 1986* as 'one or more groups of trees, shrubs or plants intentionally sown, planted or propagated with a view to commercial exploitation.'

Consistent with the Australian Government Plantations and Farm Forestry Policy Framework, the PLB considers tree plantations as long rotation agricultural crops. However, the PLB does not consider establishing tree plantations as pastoral purposes, as this activity is not inseparable from, essential to, or normally carried out in conjunction with the grazing of livestock.

In contrast to planting trees or shrubs to restore land systems, in many cases establishing tree plantations will alter land systems, usually resulting in reducing the grazing potential of the land. In addition, the PLB is not satisfied that tree plantations are a form of non-pastoral agricultural activity that are reasonably related to the pastoral use of the land.

In consequence, a permit under section 120 of the LAA would not be appropriate.

Where a tree plantation is proposed to be established on an enclosed or improved area on a pastoral lease, the PLB may issue a permit under section 122 of the LAA. Where the proposed area is not improved or enclosed, alternative tenure options may be considered.

Depending on the nature and location of the activity, permission under separate legislation may be required for the activity, such as a water licence or a native vegetation clearing permit from DWER.

See also: Horticulture

Yards

Category: Pastoral Purposes

Brief description:

The construction, maintenance, expansion and replacement of holding and finishing yards on a pastoral lease falls under pastoral purposes, as it is essential to operating a pastoral business.

Relevant internet links

Department of Planning, Lands and Heritage (DPLH)

www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/pastoral-lands-board

www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/pastoral-land-and-leases

www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/aboriginal-heritage-0

www.wa.gov.au/organisation/heritage-council-of-western-australia

www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/licences-use-crown-land

Department of Water and Environmental Regulation (DWER)

dwer.wa.gov.au/

www.der.wa.gov.au/our-work/clearing-permits

dwer.wa.gov.au/water

www.water.wa.gov.au/licensing/water-licensing

www.water.wa.gov.au/_data/assets/pdf_file/0015/4092/82567.pdf

Department of Biodiversity, Conservation and Attractions (DBCA)

www.dbca.wa.gov.au/

www.dpaw.wa.gov.au/plants-and-animals/licences-and-authorities?showall=1

www.dpaw.wa.gov.au/plants-and-animals/animals/kangaroo-management-in-western-australia

www.dpaw.wa.gov.au/plants-and-animals/animals/beekeeping-on-crown-land-in-western-australia

[Threatened species and communities | Department of Biodiversity, Conservation and Attractions](#)

Department of Primary Industries and Regional Development (DPIRD)

dpiird.wa.gov.au/

www.agric.wa.gov.au/

www.agric.wa.gov.au/bam/western-australian-organism-list-waol

www.agric.wa.gov.au/carbon-farming/carbon-farming-pastoral-lease-lands-consultation

www.agric.wa.gov.au/livestock-management/licences-and-approvals-constructing-intensive-livestock-operations

Department of Mines, Industry Regulation and Safety (DEMIRS)

[Department of Energy, Mines, Industry Regulation and Safety](#)

www.dmp.wa.gov.au/

Local Government

www.dlgsc.wa.gov.au/local-government

[WA Local Government Association | WALGA](#)

Western Australian Meat Industry Authority (WAMIA)

www.wamia.wa.gov.au/

Australian Government

– Clean Energy Regulator (CER)

www.cleanenergyregulator.gov.au/ERF

[Human-induced regeneration of a permanent even-aged native forest
\(cleanenergyregulator.gov.au\)](#)