

NORTHERN TERRITORY OF AUSTRALIA
Section 85A(1) – Pastoral Land Act
CONSENT TO NON-PASTORAL USE ACTIVITY

PERMIT NUMBER: NPU 16/3-A

I, PAUL ZLOTKOWSKI, Chairman, Pastoral Land Board

GRANT TO Booloomani Corporation Pty Ltd (ACN 609 223 805) and Branir Pty Ltd (ACN 061 718 876) and their successors and heirs in title (“the **Permit Holders**”) in respect of Perpetual Pastoral Lease No 1222 (“**PPL**”) Tipperary Station, which relates to NT Portion 7348,

A PERMIT FOR NON-PASTORAL USE ACTIVITY (“the **Permit**”), for the area within NT Portion 7348 (being part of the PPL) which is more particularly depicted in the plan contained at Schedule 1 of this Permit (“the **Land**”),

COMMENCING on 22 June 2016 and expiring on 22 June 2046 (“the **Term**”);

SUBJECT TO the Schedule of Conditions contained at Schedule 2 of this Permit, and I

AUTHORISE THE PERMIT HOLDERS TO use that part of the Land for non-pastoral use, being horticultural activities, namely the commercial production of mangoes (“the **Non-Pastoral Use Activities**”).

EXTENSION OF TERM OF PERMIT:

The Permit Holders may apply to the Pastoral Land Board for an extension of a specified period of the Term of this Permit provided that:

- i. the application for extension is submitted to the Pastoral Land Board in the approved form at least two (2) years before the Expiry Date.

The Pastoral Land Board may, in its absolute discretion, grant or reject the request, or grant the request subject to conditions.

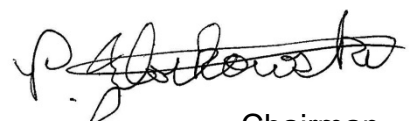
REASONS FOR DECISION:

- A. On 7 December 2016, the Permit Holders wrote to the Pastoral Land Board advising that Ministerial consent had been given to subdivide Perpetual Pastoral Lease 1004.
- B. The subdivision of a Perpetual Pastoral Lease requires the surrender of the current lease and new leases issued. As is required by the conditions on Non-Pastoral Use Permits the surrender of a Pastoral Lease automatically revokes a permit.
- C. The Permit Holders requested the Pastoral Land Board consent to re-issuing the Non-Pastoral Use Permit under the new NT Portion number and Perpetual Pastoral Lease number.
- D. The Pastoral Land Board determined that the Original Permit will be revoked and the Reissued Permit will take effect on the date of the registration of the subdivision, NT Portion 7348 and Perpetual Pastoral Lease 1222 with the Land Titles Office.
- E. The Original Decision and all conditions from the Original Permit remain.
- F. The Reissued Permit is granted for the period remaining of 30 years from the date of the Original Permit.

ORIGINAL DECISION – NPU16/3

- A. On 9 May 2016, the Permit Holders submitted the Original Application to the Pastoral Land Board, requesting a permit for the Non-Pastoral Use Activities, pursuant to section 86(1) of the *Pastoral Land Act* (NT).
- B. In response to feedback from various Northern Territory Government agencies and authorities, the Permit Holders provided the Additional Document to the Pastoral Land Board, which supplemented the Original Application.
- C. On the basis of the information contained in the Original Application, as supplemented by the Additional Document, the Pastoral Land Board is satisfied that it is appropriate to issue this Permit to the Permit Holders.
- D. Notice was given, and an opportunity to comment was provided, pursuant to section 24GB(9)(c) and (d) of the *Native Title Act 1993* (Cth) on 20 May 2016. No comment on the proposed act has been received.

DATED 4 May 2017



Chairman
Pastoral Land Board

DEFINITIONS:

In this Permit:

“Additional Document” means the letter dated 17 June 2016.

“Expiry Date” means 22 June 2046 being a period of thirty (30) years after the date of the Original Permit.

“Original Application” means the document entitled “Application for Non-Pastoral Use of Pastoral Land (s 86 *Pastoral Land Act*)” dated 28 April 2016.

“Original Permit” means the Non-Pastoral Use Permit with permit number NPU16/3 signed by R Galton dated 22 June 2016.

“Reissued Permit” means the Non-Pastoral Use Permit with permit number NPU16/3-A dated 4 May 2017.

SCHEDULE 1 PLAN

Mango Farm Locations



SCHEDULE 2

SCHEDULE OF CONDITIONS

1. The Permit Holders are required to ensure land management practices do not instigate erosion and to ensure that appropriate erosion and sediment control measures are employed, including:
 - a. retention of buffer zones where appropriate and measures to address seasonal timing of works;
 - b. management of groundcover and maintenance of natural sheet flow patterns;
 - c. avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff; and
 - d. use of erosion controls on access tracks where appropriate.
2. An annual fee for this Permit is payable by the Permit Holders in accordance with section 85D of the *Pastoral Land Act* from the date of this Permit and continuing throughout the Term (and any extension of the Term), in accordance with notices issued by the Pastoral Land Board from time to time.
3. This Permit is subject to the Permit Holders' ongoing compliance with its obligations under the PPL.
4. Appropriate erosion and sediment control measures are to be employed throughout the development stage, including: retention of buffer zones where appropriate and measures to address seasonal timing of works, management of ground cover and minimisation of bare ground, crop layout and maintenance of natural sheet flow patterns, avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff, and use of erosion controls on access tracks where appropriate. Further information regarding erosion and sediment control is available on the Department of Environment and Natural Resources ("DENR") website www.denr.nt.gov.au.
5. Despite any term or condition of this Permit, the Permit Holders must at their own cost in all respects, comply with all laws, statutes and subordinate instruments, applicable in the Northern Territory including but not limited to the following:
 - a. *Northern Territory Aboriginal Sacred Sites Act* (NT);
 - b. *Territory Parks and Wildlife Conservation Act* (NT);
 - c. *Weeds Management Act* (NT);
 - d. *Bushfires Act* (NT);
 - e. *Heritage Act* (NT);
 - f. *Environmental Assessment Act* (NT); and
 - g. *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

6. This Permit is at all times subject to existing rights, title and interests of all other persons including those holding native title rights and interests, if any, any rights Aboriginal people may exercise under the provisions of the *Pastoral Land Act*, and any rights or interests registered on the certificate of title. The Permit Holders must comply with all terms and conditions of such existing rights, title and interests. The Permit Holders must not unreasonably or unduly interfere with, impede, restrict or limit the rights, title or interests of any other person.
7. This Permit shall be revoked automatically upon the:
 - a. termination of the PPL; or
 - b. surrender of the PPL.
8. The Pastoral Land Board may immediately revoke this Permit by written notice to the Permit Holders if the Permit Holders breach any condition of this Permit and fails to remedy the breach within 90 days after receiving notice requiring it to do so.

NOTES

1. The Permit Holders are advised that there are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. It is the responsibility of the Permit Holders to ensure that all non-pastoral activity complies with the requirements of this Act. For advice on weed management please contact the Regional Weeds Officer, Department of Environment and Natural Resources (“**DENR**”) on telephone 8999 4567. The Permit Holders can also access information on the requirements of this Act on DENR’s website (www.denr.nt.gov.au).
2. The *Heritage Act* protects archaeological places and objects, regardless of the level of documentation that the Department of Tourism and Culture (Heritage Branch) (“**DTC**”) has of such sites. It is an offence to undertake work on a heritage place or object without first obtaining the relevant approval under the Act. It is the responsibility of the Permit Holders to ensure that all non-pastoral use activity complies with the requirements of this Act. The Permit Holders can access information on the requirements of this Act on DTC’s website (www.dtc.nt.gov.au).
3. Under the *Northern Territory Aboriginal Sacred Sites Act*, entry onto and carrying out of work on Aboriginal sacred sites is an offence unless the work is done in accordance with an Authority Certificate issued by the Aboriginal Areas Protection Authority (“**AAPA**”). It is the responsibility of the Permit Holders to ensure that all non-pastoral activity complies with the requirements of this Act.
4. Any infrastructure or proposed work shall be in accordance with the standards and specifications of the Department of Infrastructure, Planning and Logistics (“**DIPL**”). Design documents must be submitted to the Transport Infrastructure Planning Division for Road Agency Approval and no works are to commence prior to approval. For advice please contact the Manager Corridor Access at DIPL on telephone 8924 7104.
5. Pursuant to section 119(1)(a) of the *Pastoral Land Act* the applicant has a right to have this decision reviewed by the Northern Territory Civil and Administrative Tribunal. Such an application must be lodged within 28 days of receipt of notice of this decision.