

NORTHERN TERRITORY OF AUSTRALIA
Section 38(1)(h) – Pastoral Land Act

CONSENT TO CLEAR PASTORAL LAND

PERMIT NUMBER: PLC16/6-B

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 each Pastoral Lessee from time to time (“the **Permit Holders**”) in respect of Perpetual Pastoral Lease No. 1222 (“**PPL**”) which relates to NT Portion 7348,

A PERMIT TO CLEAR PASTORAL LAND (“the **Permit**”), for the area within NT Portion 7348 (being part of the PPL) which is more particularly depicted in the Endorsed Clearing Plan contained at Schedule 1 of this Permit,

COMMENCING on 21 June 2016 and expiring on 21 June 2022 (“the **Term**”),

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

CONSENT TO THE PERMIT HOLDERS continuing the clearing of approximately 16,688 hectares of regrowth vegetation for the purposes of planting improved pasture (“the **Clearing Activities**”).

EXTENSION OF TERM OF PERMIT:

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

- i. the Permit Holders have Substantially Commenced the Clearing Activities; and
- ii. the application for extension is submitted to the Pastoral Land Board in the approved form at least one (1) year 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.

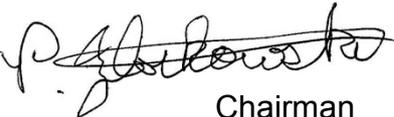
REASONS FOR DECISION:

- 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 Land Clearing 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 Land Clearing Permit under the new NT Portion number and Perpetual Pastoral Lease number.
- D. The Pastoral Land Board determined that the Amended Permit will be revoked and that a Reissued Permit be granted for the area that is within NT Portion 7348 and Perpetual Pastoral Lease 1222, being an area of 16,688 hectares.
- E. 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.
- F. The Original Decision and all conditions from the Original Permit remain.
- G. The Reissued Permit is granted for the period remaining of 6 years from the date of the Original Permit.

ORIGINAL DECISION – PLC13/2-A

- A. On 9 May 2016, Mr David Connolly, General Manager Tipperary Group of Stations, submitted the Original Application on behalf of the Pastoral Lessee to the Pastoral Land Board, requesting retrospective consent to clear pastoral land under section 38(1)(h) of the *Pastoral Land Act*.
- B. In response to feedback from Northern Territory Government agencies and authorities, Mr David Connolly submitted the Amending Documents on 17 June 2016 and 22 September 2016.
- C. On the basis of the information contained in the Original Application and the Amending Documents, the Pastoral Land Board is satisfied that it is appropriate to issue this Permit.

DATED 4 May 2017


Chairman
Pastoral Land Board

DEFINITIONS:

In this Permit:

“Amended Permit” means Land Clearing Permit PLC16/6-A signed by P Zlotkowski dated 13 October 2016.

“Amending Documents” means:

- a) the letter and report entitled “Report on black-footed tree rat habitat assessment within areas covered by clearing permit on Tipperary Station” submitted via email on 17 June 2016; and
- b) the letter and report entitled “Townsend Paddock Additional Survey” with amended plans that removed the area of Townsend Paddock that could pose a suitable habitat for the Black-footed Tree-rat submitted via email on 22 September 2016.

“Expiry Date” means the period of six (6) years from the date of the Original Permit.

“Original Application” means the document entitled “Application to Clear Pastoral Land (s.38(1)(h) *Pastoral Land Act*” submitted 9 May 2016.

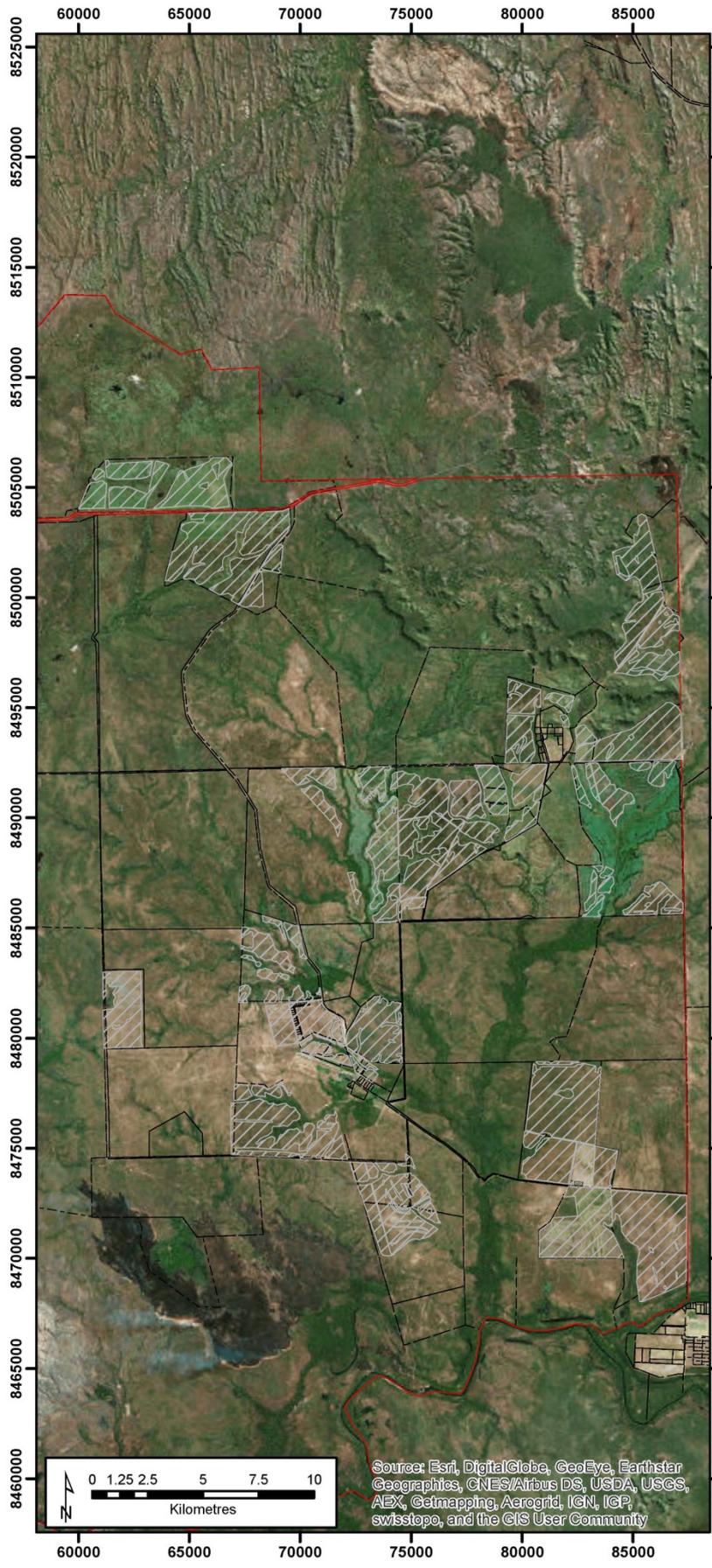
“Original Permit” means the document entitled “Consent to Clear Pastoral Land PLC16/6” signed by R Galton dated 21 June 2016.

“Pastoral Lessee” has the same meaning as in the *Pastoral Land Act*.

“Reissued Permit” means the Land Clearing Permit with permit number PLC16/6-B dated 4 May 2017.

“Substantially Commenced” and “Substantially Commence” means not less than 10% of the total area proposed for clearing under this Permit has been cleared.

SCHEDULE 1 AREA OF LAND



**Drawing No. 2016/6-B/1
TIPPERARY EAST STATION
CLEARING PLAN
NT Portion 7348 PPL 1222**

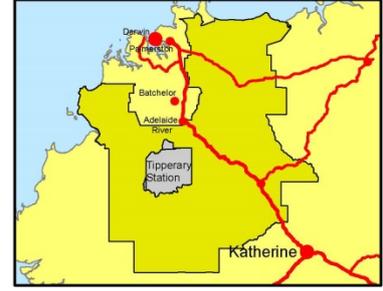
Total area approved for clearing = 16,688 ha

Map Grid or Australia (MGA) Zone 52
Universal Transverse Mercator Projection
Horizontal datum:
Geocentric Datum of Australia (GDA) 1994

Legend

- Fencelines
- Approved clearing areas
- Cadastral boundary

Location within the Darwin Pastoral District



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Data source
Property Infrastructure & Cadastre: Department of Infrastructure, Planning and Logistics.
Clearing Area: Based on data provided by applicant:
"Previously_Cleared_Farming_Area-21_Sep_2016.shp"
Imagery: ESRI ArcGIS Online and data partners, including imagery from agencies supplied via the Content Sharing Program.

For further information contact:
Pastoral Lease Administration and Board Branch
Department of Environment and Natural Resources
3rd Floor, Goyder Centre, Palmerston, Northern Territory
Phone: (08) 8999 4754, Fax: (08) 8999 4403

Map details:
Map prepared by: Rangeland Monitoring Branch, DLRM, Palmerston
Date: 13/10/2016
Plot File Reference: TPY_PLC16-6-A.mxd

This is the drawing referred to in Pastoral Land Clearing

Permit No: PLC16/6-B

Issued on: 04/05/2017

CHAIRMAN, PASTORAL LAND BOARD



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



SHEET 1 OF 1

SCHEDULE 2

SCHEDULE OF CONDITIONS

1. Prior to the commencement of any earth-disturbing works (including, but not limited to, clearing of native vegetation, clearing of regrowth, construction of soil conservation controls such as graded banks, remedial earthworks for the purpose of erosion rehabilitation, etc.) an Erosion and Sediment Control Plan (ESCP) should be developed in accordance with Best Practice by a suitably qualified and experienced professional in broad acre erosion and sediment control planning and subsequently reviewed and approved by a suitably qualified and experienced third party auditor. Evidence of the auditor's knowledge and experience in relation to erosion and sediment control planning monitoring and management must be provided.

The auditor should inspect works during development/construction and approve in writing that the works were undertaken on site in accordance with the approved plan. Furthermore, the auditor must approve in writing that the associated management and monitoring procedures and remedial actions (if required) are/were undertaken in accordance with the approved plan and effective.

Details of any monitoring, sampling, site locations, laboratory results and actions by the proponent should be provided. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, on advice from the Department of Environment and Natural Resources.

2. The clearing, clearing methods, pasture establishment, ongoing pasture and grazing management and ongoing environmental management (including erosion and sediment control) of cleared areas must be undertaken:
 - a. in accordance with the Original Application;
 - b. in accordance with the Endorsed Clearing Plan; and
 - c. to the satisfaction of the Pastoral Land Board.
3. 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 throughout the development and establishment stages, including:
 - a. retention of buffer zones where appropriate and measures to address seasonal timing of works;
 - b. management of groundcover and minimisation of bare ground, crop layout 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.
4. The Permit Holder must notify the Director Pastoral Lease Administration and Board, Department of Environment and Natural Resources before the commencement of each stage of clearing and on completion of the clearing as outlined in the Original Application.

5. This Permit is subject to the Permit Holders' ongoing compliance with its obligations under the PPL.
6. Despite any term or condition of this Permit, the Permit Holders must at its own cost in all respects, comply with all laws, statutes and subordinate instruments, applicable to the clearing of pastoral land 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)*.
7. This Permit is at all times subject to existing rights, title and interests of all other persons (including 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 person.
8. This Permit shall be revoked automatically upon the:
 - a. termination of the PPL; or
 - b. surrender of the PPL.

For the avoidance of doubt, a transfer of the PPL does not revoke this Permit.

9. 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 ninety (90) days after receiving notice requiring it to do so.

NOTES

1. It is noted that water supply options for Nauiyu (Daly River) are currently based on limited groundwater resources and future supply options may include management and diversion of surface water from the Daly River catchment. Given the location of PPL 1222 within the catchment of the Daly River Power Water Corporation (“PWC”) Remote Operations support watercourse buffer management for land use activities on the Tipperary Station.
2. It is noted that a small section of the clearing activities fall within the catchment of a potential future water source for Darwin (Warrai reservoir). As such, PWC strongly encourages the use of best practice methods for land management such as weed control, land erosion, etc., to mitigate risks to the water quality within this catchment. The Permit Holders can access more information from PWC.
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**”). The Permit Holders must to ensure that all clearing complies with the requirements of that Act.
4. 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 clearing complies with the requirements of that 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 that Act on DENR’s website (www.denr.nt.gov.au).
5. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*. A permit must be obtained before ignition of any felled timber in this area. It is the responsibility of the Permit Holders to ensure that all clearing complies with the requirements of that Act. Please contact the Regional Fire Control Officer of the DENR on telephone (08) 8976 0098. The Permit Holders can also access information on the requirements of that Act on DENR’s website (www.denr.nt.gov.au).
6. 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 clearing complies with the requirements of that Act. The Permit Holders can access information on the requirements of this Act on DTC’s website (www.dtc.nt.gov.au).
7. It is the responsibility of the Permit Holders to ensure that the proposal to clear pastoral land meets the requirements of the *Environmental Assessment Act*. The Northern Territory Environment Protection Authority (“**NTEPA**”) administers that Act. The Permit Holders can access information on the requirements of that Act on NTEPA’s website (www.ntepa.nt.gov.au).

8. It is the responsibility of the Permit Holders to ensure that the proposal to clear pastoral land meets the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The Commonwealth Department of Environment (“**DoE**”) administers that Act. The Permit Holders can access information on the requirements of that Act on DoE’s website (www.environment.gov.au/epbc/index.html).
9. 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.