

**NORTHERN TERRITORY OF AUSTRALIA**

*Pastoral Land Act 1992*

**CONSENT TO CLEAR PASTORAL LAND**

**Permit Number: PLC16/09D**

**Banjo Station**

Perpetual Pastoral Lease 1229, NT Portion 5807

Sturt Plateau Pastoral District

*This permit PLC16/09D is granted in accordance with a decision of the Pastoral Land Board made 10 May 2022, pursuant to section 91N(4)(a) of the Pastoral Land Act 1992, to extend the stage clearing periods as provided in decisions of the Northern Territory Civil and Administrative Tribunal in proceeding number 21646612 dated 20 March 2017 and consequential orders made in that proceeding on 15 May 2017 replacing permit PLC16/9-A with PLC16/9-B, and a subsequent decision by the Pastoral Land Board to extend the permit clearing period and stage clearing periods with permit PLC16/9-C.*

**APPROVED PURPOSE**

To use and develop the land for the purpose of clearing native vegetation for Pastoral Purposes, in accordance with the attached Schedule of Conditions and the Endorsed Plans.

**PERMITTED CLEARING AREA**

The area of 6885 hectares within NT Portion 5807 depicted in the Endorsed Plans.

**CLEARING PERIOD**

Commencing on 15 May 2017 and expiring on 30 June 2027, subject to the Schedule of Conditions.

**PROVIDED THAT:**

The Permit Holders carry out and complete the Clearing Activities within the Clearing Period in two successive stages as follows:

- a) The first stage of Clearing Activities of approximately 4471 hectares in relation to the paddocks named Princess Di, South Banjo and a portion of 3 Graces (approximately 150 hectares) (“the **First Stage**”) be completed by 30 June 2026, and
- b) Commence the second stage of Clearing Activities of approximately 2414 hectares in relation to the paddocks named Jim’s Block, Bombing Range and the remaining portion of 3 Graces (approximately 544 hectares) (“the **Second Stage**”) within 2 months before or after 1 November 2025 and complete the Second Stage by 30 June 2027.

The Permit Holders notify the Pastoral Land Board of the areas to be cleared in 3 Graces Paddock for each of the First Stage and Second Stage prior to the commencement of clearing activities in that paddock.

#### **EXTENSION OF CLEARING PERIOD OF PERMIT**

The Permit Holder may apply to the Pastoral Land Board for an extension of the Clearing Period set out in the Permit.

The Pastoral Land Board may, in its absolute discretion, grant or reject the request or grant the request subject to conditions and provided that:

- (i) The application for extension is submitted to the Board in the approved form at least three (3) months before the Expiry Date.

Date of Permit: 18 May 2022

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Julie Ross  
Chairperson, Pastoral Land Board

## DEFINITIONS

In this Permit:

“**Clearing Activities**” means any works associated with the clearing of native vegetation; including, but not limited to, any earth-disturbing preparatory works within the Permitted clearing area for example boundary demarcation by grading and/or installation of erosion and sediment controls.

“**Endorsed Plan/Drawing**” means any plan subject to the conditions of the Permit that has been endorsed by the Board as forming part of this Permit.

“**Expiry Date**” means 30 June 2027.

“**Original Application**” means the document entitled “*Application to Clear Pastoral Land (s.38(1)(h) Pastoral Land Act 1992)*” submitted 24 May 2016.

“**Pastoral Lessee**” has the same meaning as in the *Pastoral Land Act 1992*.

“**Pastoral Purposes**” has the same meaning as in the *Pastoral Land Act 1992*.

“**Permit Holder/s**” means the Pastoral Lessee.

“**Permitted Clearing Area**” means the area shown on the Endorsed Drawing No PLC16/9-A dated 15 November 2016 signed by Paul Zlotkowski as Chairman of the Pastoral Land Board.

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

## SCHEDULE OF CONDITIONS

### Conditions Precedent

1. Prior to the commencement of works and Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Department of Environment, Parks and Water Security (DEPWS), and an endorsed copy of the plan will form part of this permit. All works are to be undertaken in accordance with the endorsed ESCP, to the satisfaction of DEPWS. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the clearing and establishment phases. Erosion and sediment control information is available on the DEPWS website at <https://nt.gov.au/environment/soil-land-vegetation/soil-managementerosion-sediment-control>.
2. To avoid the spread of declared weed species, both within and off the property, a Weed Management Plan is to be developed prior to the commencement of works to the satisfaction of the DEPWS' Weed Management Branch. The proponent should contact the Weed Management Branch (Darwin office (08) 8999 4567) for advice and support in the development of the plan.

### Conditions

3. Weed management and weed spread prevention activities must be employed throughout the clearing and pasture improvement phases of the proposed development to the satisfaction of DEPWS' Weed Management Branch. Ongoing herbicide treatment of weed species will be required on site until preferred species are established and maintained.

4. 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 and all subsequent supporting material provided by John Armstrong and through his legal representative Graham Cole;
  - b. in accordance with the Endorsed Clearing Plan; and
  - c. to the satisfaction of the Pastoral Land Board.
5. The Permit Holder is 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.
6. The Permit Holder must notify the Director Pastoral Lease Administration and Board, DEPWS and the Pastoral Land Board before the commencement of each stage of clearing and on completion of the clearing as outlined in the Original Application and all subsequent supporting material provided by John Armstrong and through his legal representative Graham Cole.
7. The Permit Holder must take due care during clearing works and if any archaeological sites (Aboriginal or historic) are identified then works in the immediate area should cease and the Heritage Branch should be contacted for comment.
8. This Permit is subject to the Permit Holder's ongoing compliance with its obligations under the PPL.
9. Despite any term or condition of this Permit, the Permit Holder 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 1989* (NT);
  - b. *Territory Parks and Wildlife Conservation Act 1976* (NT);
  - c. *Weeds Management Act 2001* (NT);
  - d. *Bushfires Management Act 2016* (NT);
  - e. *Heritage Act 2011* (NT);
  - f. *Environment Protection Act 2019* (NT); and
  - g. *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
10. 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 Holder must comply with all terms and conditions of such existing rights, title and interests. The Permit Holder must not unreasonably or unduly interfere with, impede, restrict or limit the rights, title or interests of any person.

11. This Permit shall be revoked automatically upon the:
  - a. termination of the PPL; or
  - b. surrender of the PPL.
  
12. For the avoidance of doubt, a transfer of the PPL does not revoke this Permit.
  
13. The Pastoral Land Board may immediately revoke this Permit by written notice to the Permit Holder if the Permit Holder breaches 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. Under the *Northern Territory Aboriginal Sacred Sites Act 1989*, 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 Holder must ensure that all clearing complies with the requirements of that Act.
2. The Permit Holder is advised that there are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. It is the responsibility of the Permit Holder 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, Parks and Water Security ("DEPWS") on telephone (08) 8999 4567.
3. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Management Act 2016*. A permit must be obtained before ignition of any felled timber in this area. It is the responsibility of the Permit Holder to ensure that all clearing complies with the requirements of that Act. Please contact the Regional Fire Control Officer of the DEPWS on telephone (08) 8973 8871.
4. The *Heritage Act 2011* protects archaeological places and objects. 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 Holder to ensure that all clearing complies with the requirements of that Act. The Permit Holder can contact the Heritage Branch on (08) 8999 5036.
5. It is the responsibility of the Permit Holder to ensure that the proposal to clear pastoral land meets the requirements of the *Environment Protection Act 2019*. The Northern Territory Environment Protection Authority ("NTEPA") administers that Act. The Permit Holder can access information on the requirements of that Act on NTEPA's website (<http://ntepa.nt.gov.au>).
6. It is the responsibility of the Permit Holder to ensure that the proposal to clear pastoral land meets the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
7. Pursuant to section 119 of the Pastoral Land Act 1992, a pastoral lessee who is dissatisfied with a decision of the Pastoral Land Board may appeal to the NT Civil and Administrative Appeal Tribunal ("NTCAT") against the decision of the Board.