

NORTHERN TERRITORY OF AUSTRALIA
Section 85A(1) – Pastoral Land Act (NT)

CONSENT TO NON-PASTORAL USE ACTIVITY

PERMIT NUMBER: NPU 14/1

I, RICHARD GALTON, Chairman, Pastoral Land Board

GRANT TO: TOVEHEAD PTY LIMITED (ACN 003 745 140) and BRANIR PTY LIMITED (ACN 061 718 876) and their successors and heirs in title (“the **Permit Holders**”) in respect of Perpetual Pastoral Lease No 1004 (“**PPL**”), which relates to NT Portions 2683, 3434 and 7053,

A PERMIT FOR NON-PASTORAL USE ACTIVITY (“the **Permit**”), for the area within NT Portion 2682 (being part of the PPL) which is more particularly depicted in the plan contained at Schedule 1 of this Permit (“the **Land**”),

COMMENCING: on the date of this Permit and expiring on the Expiry Date (“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 irrigated agricultural activities, namely the commercial production of poppies (*papaver somniferum*) (“the **Non-Pastoral Use Activities**”) in accordance with the licence issued pursuant to the *Poppy Regulation Act* (NT).

PROVIDED THAT:

The Permit Holders must Substantially Commence the Non-Pastoral Use Activities within the Commencement Period, otherwise this Permit will expire upon the lapse of the Commencement Period.

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 Permit Holders have Substantially Commenced the Non-Pastoral Use Activities within the Commencement Period; and
- ii. 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 16 June 2014, 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 18 June 2014. No comment on the proposed act has been received.

DATED 19 December 2014



Chairman
Pastoral Land Board

DEFINITIONS:

In this Permit:

“Additional Document” means the document entitled “*RE: Comments on application for non-pastoral use – Tipperary Station*” dated 16 July 2014.

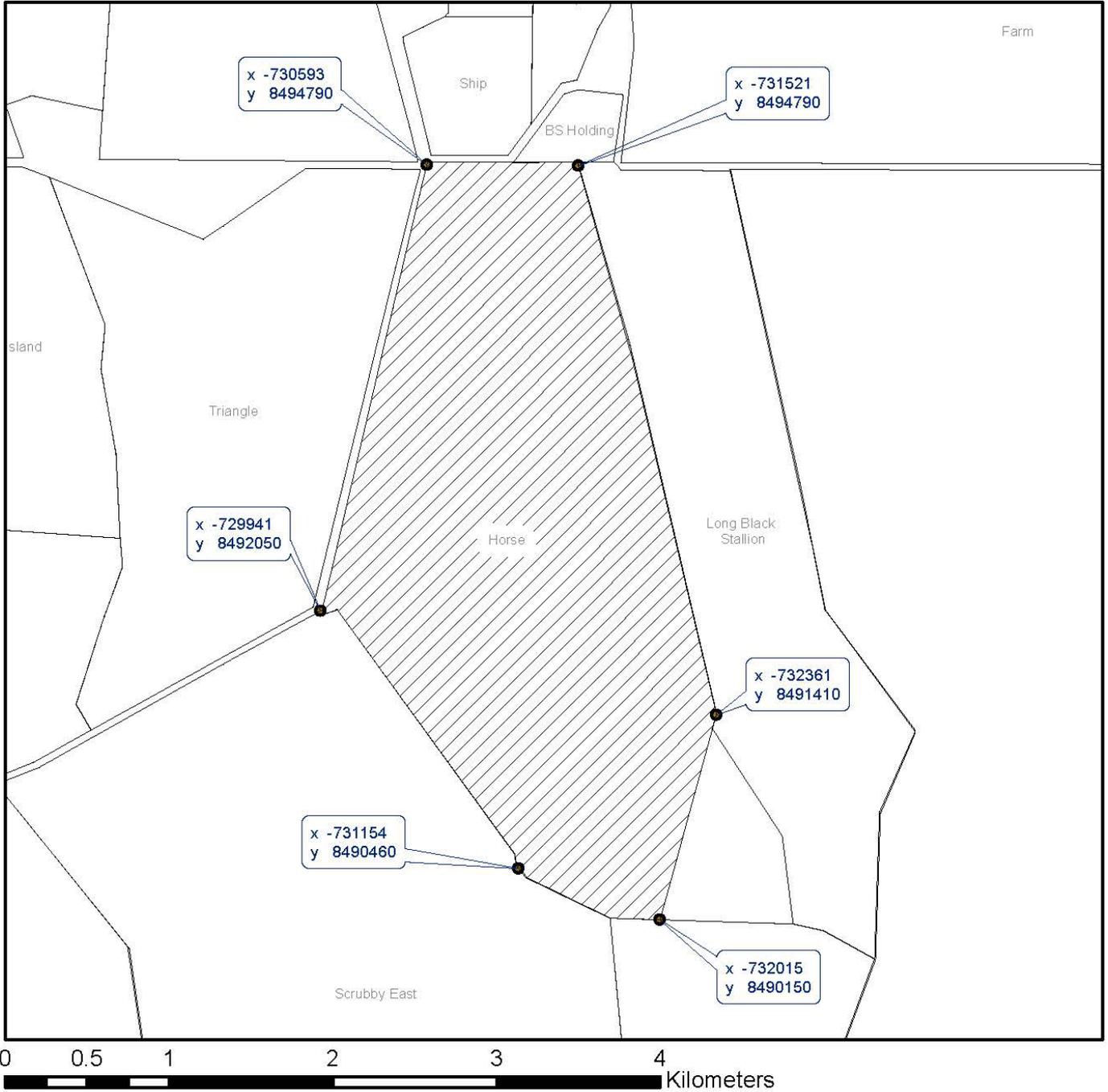
“Commencement Period” means the period of two (2) years from the date of this Permit.

“Expiry Date” means the period of thirty (30) years after the date of this Permit.

“Original Application” means the document entitled “*Application for Non-Pastoral Use of Pastoral Land (s 86 Pastoral Land Act)*” dated 16 June 2014.

“Substantially Commenced” and “Substantially Commence” means the installation of irrigation infrastructure in situ and sowing of the crop on the Land the subject of this Permit as proposed in the Original Application.

**SCHEDULE 1
PLAN
[AREA OF LAND]**



SCHEDULE 2

SCHEDULE OF CONDITIONS

1. The Permit Holders are required to obtain a poppy licence pursuant to the *Poppy Regulation Act* (NT) prior to commencing the Non-Pastoral Use Activity and maintain the licence for the Term of this Permit (including any period of extension of the Permit).
2. An annual fee for this Permit is payable by the Permit Holders in accordance with section 85D of the *Pastoral Land Act* (NT) 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 Holder's ongoing compliance with its obligations under the PPL.
4. 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).
5. This Permit only permits the non-pastoral use of the Land for the purposes of the *Pastoral Land Act* and does not in any way grant any consent, licence, approval or permit to the holder of this Permit to undertake the activities regulated by the *Poppy Regulation Act*. The Permit Holders are required by law, prior to commencing any such activities on the Land, to hold a licence under the *Poppy Regulation Act* in respect to all activities to be carried out.
6. 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 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* (NT) to take all practical measures to manage weeds on the property. It is the responsibility of the Lessee 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 Land Resource Management (“**DLRM**”) on telephone 8999 4567. The Permit Holders can also access information on the requirements of this Act on DLRM’s website (<http://www.lrm.nt.gov.au/>)
2. The *Heritage Act* (NT) protects archaeological places and objects, regardless of the level of documentation that the Department of Lands, Planning and the Environment (Heritage Branch) (“**DLPE**”) 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 DLPE’s website (<http://dlp.nt.gov.au/heritage/heritage-act>).
3. Under the Northern Territory Aboriginal Sacred Sites Act (NT), 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. Under section 119 of the *Pastoral Land Act* (NT), a Permit Holder who is dissatisfied with a decision of the Pastoral Land Board may appeal to the Pastoral Land Appeal Tribunal against the decision of the Board.