

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

PERMIT NUMBER: NPU17/1

I, PAUL ZLOTKOWSKI, Chairman, Pastoral Land Board

GRANT TO Adicrest Pty Ltd (ACN 051 986 764) as trustee for the Gschwenter Family Trust Number Two and their successors and heirs in title (“the **Permit Holders**”) in respect of Perpetual Pastoral Lease No 1037 (“**PPL**”), which relates to NT Portion 3981;

A PERMIT FOR NON-PASTORAL USE ACTIVITY (“the **Permit**”), for the area of 800 hectares within NT Portion 3981 (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 for agriculture operations namely the production of agricultural crops being hay, silage and grain (“the **Non-Pastoral Use Activities**”).

PROVIDED THAT the Permit Holders must Substantially Commence the Non-Pastoral Use Activities within the Commencement Period, otherwise this Permit will expire on 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 has 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 15 January 2017, 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*.
- B. The application was advertised for public exhibition in the NT News on 11 February 2017 and the Northern Territory Government Website for a period of 4 weeks, with no public comment received.
- C. Comments were received from various NT Government agencies and were supplied to the Lessee for their consideration and reply on 21 March 2017.
- D. The Permit Holders provided a response to the comments and submissions on 27 March 2017.
- E. On 23 May 2017 the Pastoral Land Board noted the comments received from various Northern Territory Government Agencies, and the responses provided by the Permit Holders.
- F. On the basis of the information contained in the Original Application, and in consideration of the feedback from various Northern Territory Government agencies and authorities, the Pastoral Land Board is satisfied that it is appropriate to issue this Permit to the Permit Holders.

DATED 23 May 2017



Chairman
Pastoral Land Board

DEFINITIONS:

In this Permit:

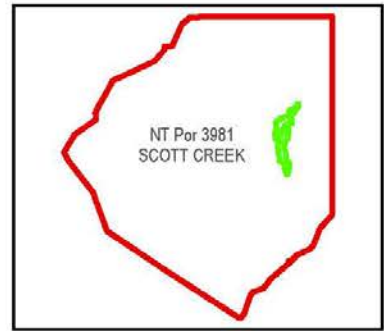
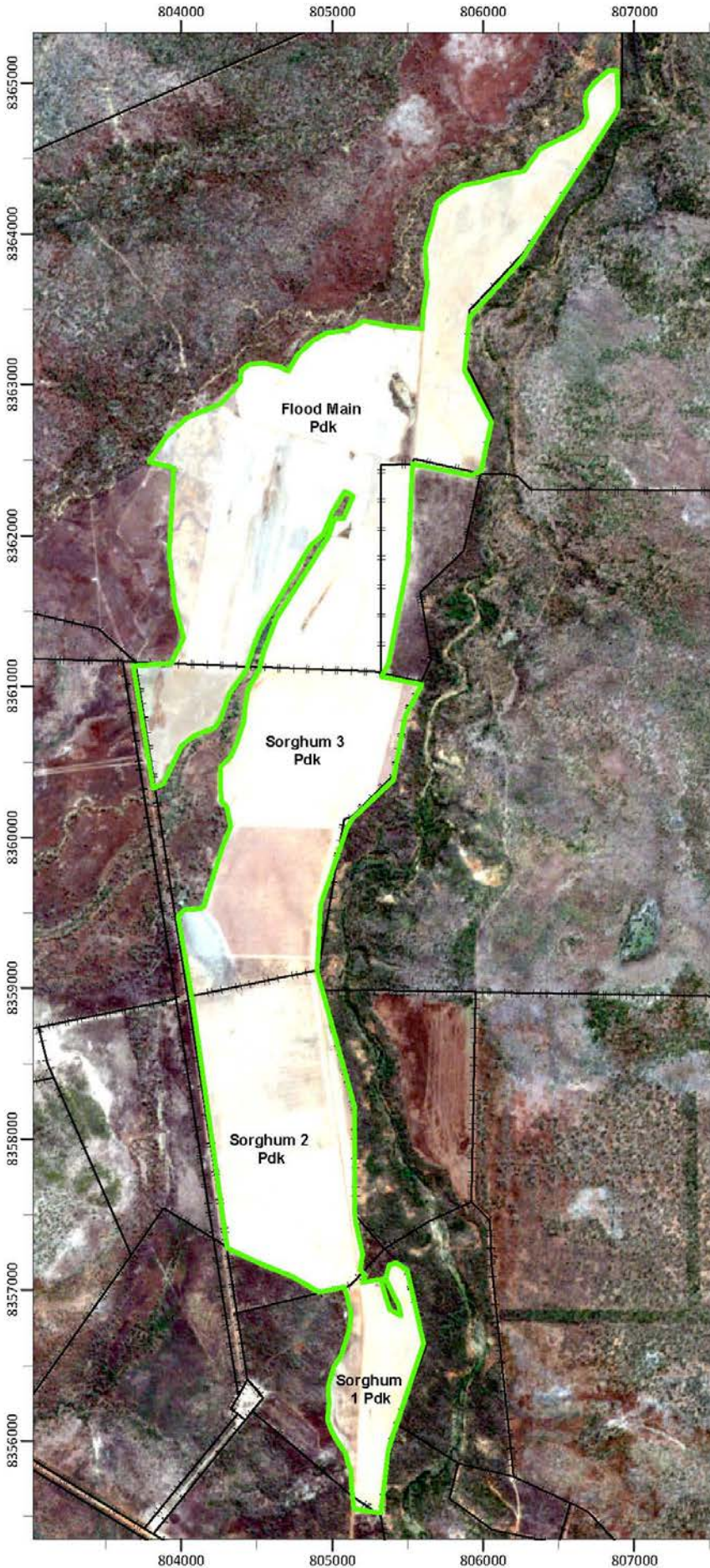
“Commencement Period” means the period of two (2) years from the date of this Permit.

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

“Original Application” means the document prepared by the Permit Holders, entitled “*Application for Non-Pastoral Use of Pastoral Land (s.86 Pastoral Land Act)*” dated 15 January 2017.



“Substantially Commenced” and “Substantially Commence” means the production of agricultural crops being hay, silage and grain, as proposed in the Original Application.

SCHEDULE 1 [AREA OF LAND]



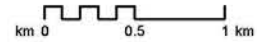
Location of farming areas within the property boundary

LEGEND

-  Fenceline
-  NPU farming areas

Data Source

Farming Areas: Based on data provided by applicant and modified by DENR
 Cadastre: Department of Infrastructure, Planning and Logistics, (DIPL)
 Imagery: Copernicus Sentinel data 21/06/2017
 Infrastructure: DENR and DIPL
 Caution: Infrastructure displayed may not be current



Projection: Universal Transverse Mercator (UTM)
 Map Grid of Australia (MGA), Zone 52
 Horizontal Datum: Geocentric Datum of Australia (GDA94)

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This is the plan referred to in Non-Pastoral Use

Permit No: NPU17-1
Issued on: 23/05/2017

Chairman, Pastoral Land Board

Total area approved for NPU 892 ha - 8.9 km²

Non-Pastoral Use Plan

Scott Creek
NT Por 3981, PPL 1037

Katherine Pastoral District

Plan 1

Plan created by DENR: 4/07/2017

For further information, contact:
 Pastoral Lease Administration and Board Branch
 Department of Environment and Natural Resources (DENR)
 3rd Floor, Goyder Centre, Palmerston, Northern Territory
 Phone: (08) 8999 4667 Fax: (08) 8999 4403
 Email: PastoralLandBoard@nt.gov.au



SCHEDULE 2
SCHEDULE OF CONDITIONS

1. 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 DENR's 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.
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 Lessee'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 shall be revoked automatically upon the:
 - a. termination of the PPL; or
 - b. surrender of the PPL.
6. 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.
7. 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 other legislation, 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.

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 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* (NT) protects archaeological places and objects, regardless of the level of documentation that the Department of Tourism and Culture (Heritage Branch) 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 Heritage Branch’s website (www.dtc.nt.gov.au).
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. Any infrastructure or proposed work within, or impacting upon Mary River Station Access road corridor (nominally 100 metres wide) or the Kakadu Highway road reserve (150m wide) 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.