

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

CONSENT TO NON-PASTORAL USE ACTIVITY

PERMIT NUMBER: NPU 15/1

I, RICHARD GALTON, Chairman, Pastoral Land Board

GRANT TO: James Alexander Hayes and his successors and heirs in title (“the **Permit Holder**”) in respect of Perpetual Pastoral Lease No 980 (“**PPL**”), which relates to NT Portion 771;

A PERMIT FOR NON-PASTORAL USE ACTIVITY (“the **Permit**”), for the area within NT Portion 771 (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 horticultural activities, namely a rotating onion crop and cover crop (“the **Non-Pastoral Use Activities**”).

PROVIDED THAT:

The Permit Holder 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 Holder 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 Holder 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 8 December 2014, the Permit Holder 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. On the basis of the information contained in the Original Application, and consideration of 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 Holder.

DATED 21 April 2015



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 5 December 2014.

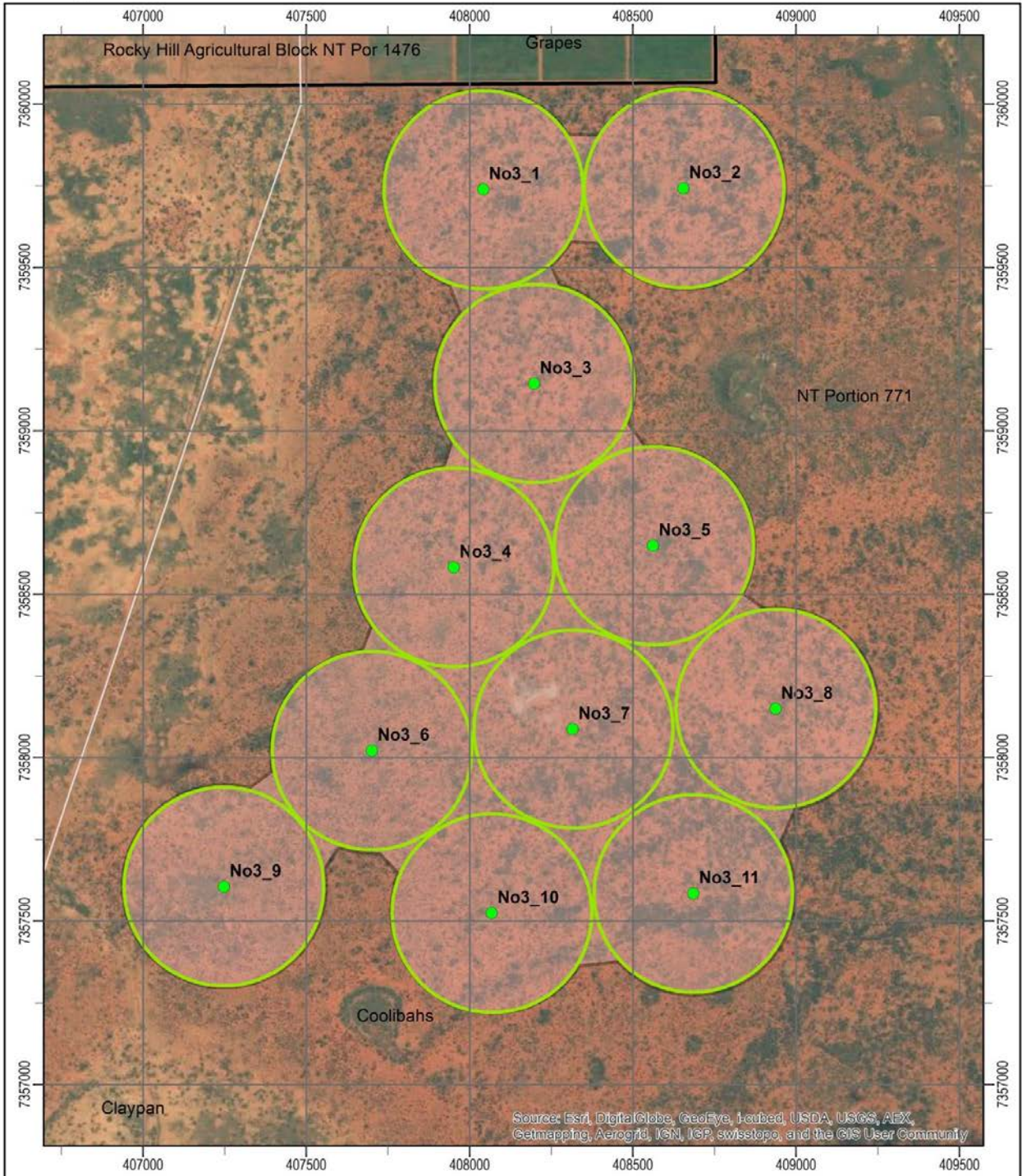
“Substantially Commenced” and “Substantially Commence” means the ongoing guesthouse accommodation and tours, as proposed in the Original Application.

SCHEDULE 1

[AREA OF LAND]

**No.3 Bore Proposed Onion Pivots
Undoolya Station**

Rocky Hill Table Grapes Pty Ltd



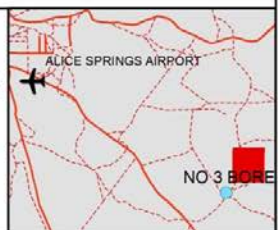
N
 Coordinate System: GDA 1994 MGA Zone 53
 Projection: Transverse Mercator
 Datum: GDA 1994

0 200 400 800 Meters
 Scale 1:15,000

Low Ecological Services P/L
 Author: A. Stewart Date: 25/11/2014
 T: 08 89555222 E: lowecol@lowecol.com.au W: www.lowecol.com.au

Legend

- Pivot centre
- Proposed area for clearing
- Power line
- Pivot area
- Generalised tenure



SCHEDULE 2

SCHEDULE OF CONDITIONS

1. An annual fee for this Permit is payable by the Permit Holder 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.
2. This Permit is subject to the Permit Holder's ongoing compliance with its obligations under the PPL.
3. 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 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).
4. 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.
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 Holder if the Permit Holder breaches 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 Holder is 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 Holder 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 Holder 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 Holder to ensure that all non-pastoral use activity complies with the requirements of this Act. The Permit Holder 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 Holder 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.