

NORTHERN TERRITORY OF AUSTRALIA

Pastoral Land Act 1992 – section 38(1)(h)

CONSENT TO CLEAR PASTORAL LAND

Permit Number: PLC20/04

DESCRIPTION OF THE LAND SUBJECT OF THE PERMIT

N.T. Portion 4775

10805 Roper Highway, Flying Fox

Perpetual Pastoral Lease No. 1179 – Flying Fox Station

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.

TERM OF PERMIT

Commencing on the Date of this Permit and expiring on the Expiry Date, subject to the Schedule of Conditions.

EXTENSION OF TERM OF PERMIT

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

- (i) The Permit Holder Substantially Commenced the Clearing Activities within the Commencement Period; and
- (ii) The application for extension is submitted to the Board in the approved form at least one (1) year before the Expiry Date.

The Board may, at its absolute discretion, grant or reject the request, or grant the request subject to conditions.

Date of Permit: 14/09/2020



Julie Ross
Chairman, 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.

“Commencement Period” means the period of two (2) years of the Date of Permit.

“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 the period of ten (10) years from the Date of Permit.

“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 approved clearing plans.

“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

1. Prior to the commencement of any Clearing Activities within the permitted clearing area identified on the Endorsed Drawings (Drawing Number PLC-FFX-001 and PLC-FFX-002), the Permit Holder must contact the Pastoral Land Board via email (pastorallandboard@nt.gov.au) to provide the estimated start date for the clearing and contact details for the person who will be undertaking the clearing on behalf of the Permit Holder.
2. If any of the information required to be notified by the Permit Holder to the Pastoral Land Board under Condition 1 changes after notification has taken place, the Permit Holder must provide updated information to the Pastoral Land Board as soon as practicable after the Permit Holder becomes aware of the change and before the commencement of any earth-disturbing activities take place within the permitted clearing areas identified on the Endorsed Drawings (Drawing Number PLC-FFX-001 and PLC-FFX-002).
3. The Permit Holder must ensure that all works subject to this Permit are carried out in accordance with the approved clearing plans – i.e. the Endorsed Drawings (Drawing Number PLC-FFX-001 and PLC-FFX-002) – which form part of this permit and are annexed hereto and only clear native vegetation within the areas identified on the Endorsed Drawings (Drawing Number PLC-FFX-001 and PLC-FFX-002) as “Permitted Clearing”; to the satisfaction of the Pastoral Land Board.
4. The following plans are to be endorsed by the Pastoral Land Board and will form part of this permit and must be complied with by the Permit Holder at all times to the satisfaction of the Pastoral Land Board: Drawing Number PLC-FFX-001 and PLC-FFX-002.
5. The Permit Holder must have, and must ensure that any person who carries out the clearing on its behalf has, a copy of the following endorsed documents in their possession at all times whilst carrying out any works associated with clearing and complies with them: the Permit; and the Endorsed Drawings (Drawing Number PLC-FFX-001 and PLC-FFX-002).

6. Appropriate erosion and sediment control measures are to be employed throughout the clearing, establishment and operational phases of the development, to the satisfaction of the Pastoral Land Board, including (but not limited to): retention of buffer zones where appropriate and measures to address seasonal timing of works, management of groundcover and minimisation of bare ground, crop layout and maintenance of natural sheet flow patterns, avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff, and installation of erosion controls on access tracks, fencelines and firebreaks where appropriate. Information regarding erosion and sediment control is available on the NTG website at <https://nt.gov.au/environment/soil-land-vegetation>. For further information, contact the Land Development Coordination Branch, Department of Environment and Natural Resources on (08) 8999 4454.
7. This Permit is subject to the Permit Holder's ongoing compliance with its obligations under this Permit and the Pastoral Lease.
8. The Board may revoke this Permit by written notice to the Permit Holder should the Permit Holder breach any condition of this Permit and fail to remedy the breach within ninety (90) days after receiving notice requiring the Permit Holder to do so.
9. Consent for the clearing of native vegetation subject to this permit is provided for the following Pastoral Purposes only: Non-irrigated improved pasture (i.e. Jarra, Cavalcade and *Urochloa humidicola*).

NOTES

1. The permitted clearing area has been approved for the specific purpose/s stated in the corresponding pastoral land clearing application and on the permit. Consent must be sought from the Pastoral Land Board prior to the commencement of a change in use (including a change from non-irrigation to irrigation and/or crop type), as proposed changes may trigger reassessment regarding for example (but not limited to) land suitability. For further advice contact PastoralAssessment.DENR@nt.gov.au.
2. Despite any term or condition of this Permit, the Permit Holder must at its own cost in all respects, comply with all relevant laws, statutes and subordinate instruments, applicable to the clearing of pastoral land including but not limited to the following:
 - a) *Weeds Management Act 2001*;
 - b) *Bushfires Management Act 2016*;
 - c) *Water Act 1992*;
 - d) *Territory Parks and Wildlife Conservation Act 1976*;
 - e) *Northern Territory Aboriginal Sacred Sites Act 1989*;
 - f) *Heritage Act 2011*;
 - g) *Environment Protection Act 2019*;
 - h) *Waste Management and Pollution Control Act 1998*; and
 - i) *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

3. 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 as to title (as defined by the *Land Titles Act 2001*). 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.
4. The Permit will be revoked automatically upon the:
 - a. Termination of the Pastoral Lease; or
 - b. Surrender of the Pastoral Lease.

For the avoidance of doubt, a transfer of the Pastoral Lease does not revoke this Permit. Similarly conversion from a term pastoral lease to one in perpetuity in accordance with Section 62 of the *Pastoral Land Act 1992* will not result in the permit being revoked.

5. Despite assessments made under Northern Territory legislation, the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* requires that the Permit Holder self-assess potential risk to protected matters identified by the protected matters search tool and self-refer where scientific uncertainty exists in relation to the likelihood of a significant impact occurring or being likely to occur.
6. The extraction of surface water or groundwater in connection with the activities contemplated under this Permit must be carried out in accordance with the requirements of the *Water Act 1992*. For advice on water matters, telephone: (08) 8999 4455 or email: waterresources@nt.gov.au.
7. Information regarding best practice erosion and sediment control is available on the following websites: <https://www.austieca.com.au/>; <https://nt.gov.au/environment/soil-land-vegetation>; <http://www.catchmentsandcreeks.com.au/index.html>. For further information, contact the Land Development Coordination Branch, Department of Environment and Natural Resources on (08) 8999 4454.
8. All land in the Northern Territory is subject to the *Weeds Management Act 2001*. The Act states that the owner and occupier of land must: (a) take all reasonable measures to prevent the land being infested with a declared weed; (b) take all reasonable measures to prevent a declared weed or potential weed on the land spreading to other land. Further information is provided at https://denr.nt.gov.au/data/assets/pdf_file/0011/257987/preventing-weed-spread.pdf
9. Standard precautions to reduce bushfire risk should be taken in relation to the use of heavy machinery and burning of felled vegetation windrows. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Management Act 2016*.
10. A Permit to Burn must be obtained prior to the ignition of any felled vegetation on the land which is the subject of this Permit during the northern Fire Danger Period. To obtain a Permit to Burn, contact the Katherine Bushfires NT office, Department of Environment and Natural Resources on (08) 8973 8876.
11. It is an offence to disturb or destroy declared places and objects without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during the clearing operation, the Permit Holder must cease operation and telephone the Heritage Branch on (08) 8999 5036.

12. 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). It is the responsibility of the Permit Holder to ensure that all works comply with the requirements of this Act; and AAPA recommends the Permit Holder obtain an Authority Certificate. For further information, refer to <https://www.aapant.org.au/>, telephone (08) 8981 4365 or email enquiries.aapa@nt.gov.au.
13. The Permit Holder is required to comply at all times with the *Waste Management and Pollution Control Act 1998* including the General Environmental Duty under section 12 of the Act, and dust management requirements. For advice telephone: (08) 8924 4218. More information can be found at: <https://ntepa.nt.gov.au/about-ntepa/legislation>.