

NORTHERN TERRITORY OF AUSTRALIA
Section 38(1)(h) – Pastoral Land Act (NT)

CONSENT TO CLEAR PASTORAL LAND

PERMIT NUMBER: PLC15/1

I, RICHARD GALTON, Chairman, Pastoral Land Board

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

A PERMIT TO CLEAR PASTORAL LAND (“the **Permit**”), for the area within NT Portion 771 (being part of the PPL) which is more particularly depicted in the Endorsed Clearing Plan contained at Schedule 1 of this Permit,

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:

Undertake the clearing of approximately 345 hectares of native vegetation for the purposes of commencing horticultural activities, namely a rotating onion crop and cover crop (“the **Clearing Activities**”).

PROVIDED THAT:

The Permit Holders must Substantially Commence the Clearing Activities within the Commencement Period and (subject to the Pastoral Land Board granting an extension of the Expiry Date) complete the Clearing Activities by the Expiry Date, 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 Clearing 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 consent to clear pastoral land under section 38(1)(h) of the *Pastoral Land Act* (NT).
- B. On the basis of the information contained in the Original Application, the Pastoral Land Board is satisfied that it is appropriate to issue this Permit.

DATED

21 April 2015



Chairman
Pastoral Land Board

DEFINITIONS:

In this Permit:

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

“Expiry Date” means the period of six (6) years from the date of this Permit

“Original Application” means the document entitled “*Application to Clear Pastoral Land (s 38(1)(h) Pastoral Land Act)*” dated 5 December 2014

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

SCHEDULE 1
[AREA OF LAND]

Refer attached permit drawings

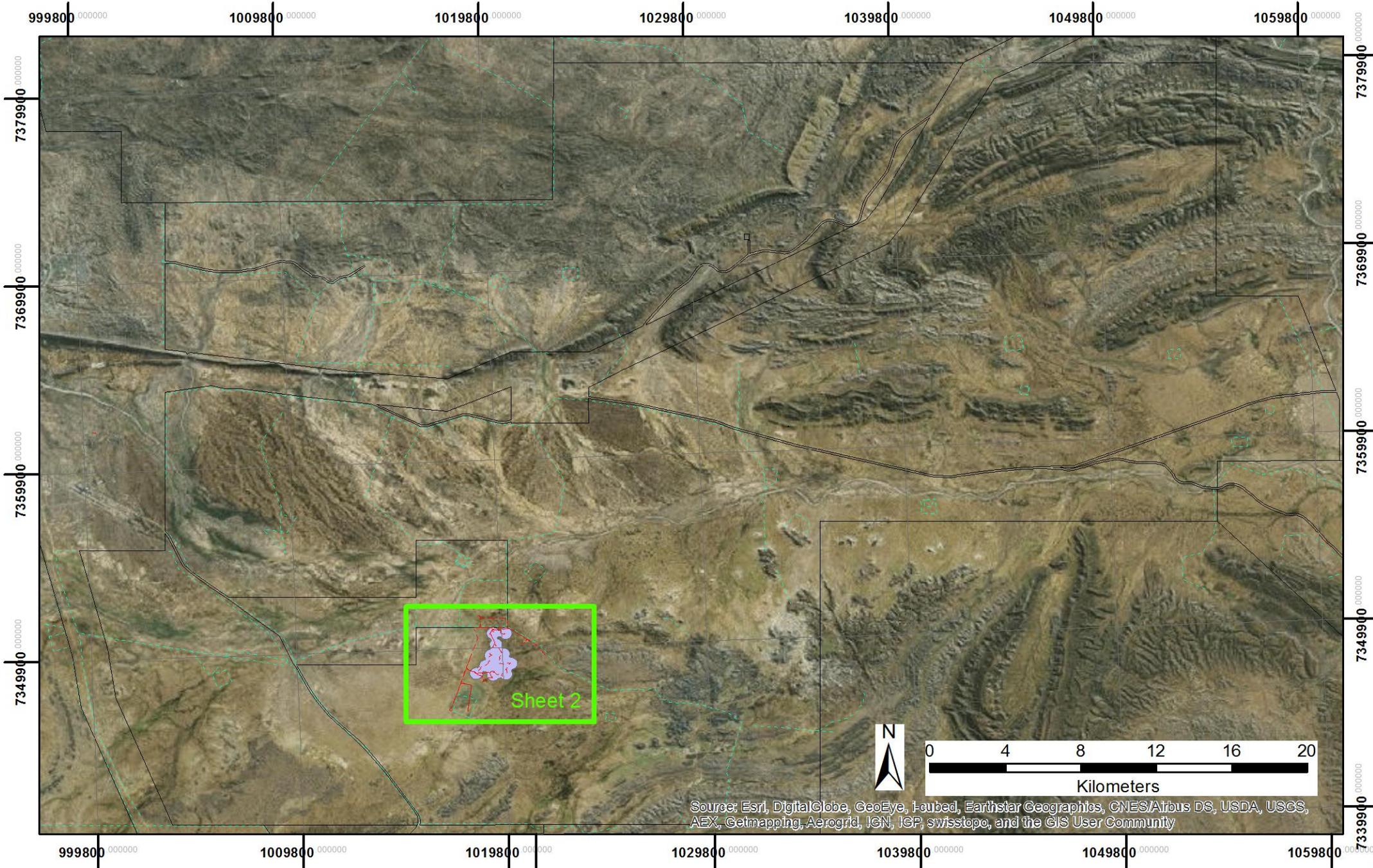
SCHEDULE 2 SCHEDULE OF CONDITIONS

1. The clearing, clearing methods, pasture establishment, ongoing pasture and grazing management and ongoing environmental management (including erosion and sediment management) of cleared areas must be undertaken:
 - a. in accordance with the Original Application;
 - b. in accordance with the Endorsed Clearing Plan; and
 - c. to the satisfaction of the Pastoral Land Board.
2. The Lessee must notify the Director Pastoral Lease Administration and Board, Department of Land Resource Management before the commencement of each stage of clearing and on completion of the clearing development as outlined in the Original Application.
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 Lessee 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 (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 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.
6. This Permit shall be revoked automatically upon the:
 - a. termination of the PPL;
 - b. surrender of the PPL; or
 - c. transfer of the PPL;and any lessee who later acquires the PPL following such termination, surrender or transfer of the PPL must apply for a new permit in respect of the clearing activities in accordance with the *Pastoral Land Act (NT)*.
7. The Pastoral Land Board may immediately revoke this Permit by written notice to the Lessee if the Lessee 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* (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**”). The Lessee must ensure that all clearing complies with the requirements of this Act.
2. The Lessee 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 Lessee to ensure that all clearing 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 Lessee can also access information on the requirements of this Act on DLRM’s website (<http://www.lrm.nt.gov.au/>)
3. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act* (NT). A permit must be obtained before ignition of any felled timber in this area. It is the responsibility of the Lessee to ensure that all clearing complies with the requirements of this Act. Please contact the Regional Fire Control Officer of the DLRM on telephone (08) 8976 0098. The Lessee can also access information on the requirements of this Act on DLRM’s website (<http://www.lrm.nt.gov.au/>)
4. 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 Lessee to ensure that all clearing complies with the requirements of this Act. The Lessee can access information on the requirements of this Act on DLPE’s website (<http://dlp.nt.gov.au/heritage/heritage-act>).
5. It is the responsibility of the Lessee to ensure that the proposal to clear pastoral land meets the requirements of the *Environmental Assessment Act* (NT). The Northern Territory Environment Protection Authority (“**NTEPA**”) administers this legislation. The Lessee can access information on the requirements of this Act on NTEPA’s website (<http://www.ntepa.nt.gov.au/>).
6. It is the responsibility of the Lessee to ensure that the proposal to clear pastoral land meets the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The Commonwealth Department of Environment (“**DoE**”) administers this legislation. The Lessee can access information on the requirements of this Act on DoE’s website (<http://www.environment.gov.au/epbc/index.html>).
7. Pursuant to section 119 of the *Pastoral Land Act*, a pastoral lessee 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.

Undoolya Station Development Plan NT Portion 771 PPL 980

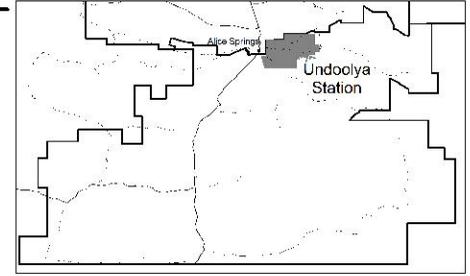


Legend

- Proposed pivot area
- Proposed roads
- Existing fences

Map Grid GCGS WGS 1984 Zone 52
Universal Transverse Mercator Projection
Horizontal Datum:
Geocentric Datum of Australia (GDA) 1994

Location within the
Southern Alice Springs Pastoral District



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Data source
Property Infrastructure, Rangelands Monitoring Branch DLRM
Development area: Drawn by Rangelands Monitoring Branch, Alice Springs, NT

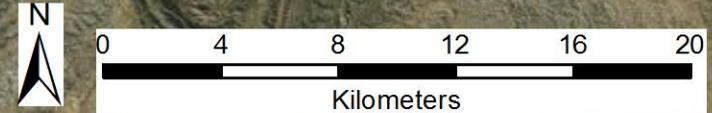
For further information contact:
Pastoral Lease Administration Branch
Department of Land Resource Management
3rd Floor, Goyder Centre, Palmerston, Northern Territory
Phone: (08) 8999 4474, Fax (08) 8999 4403

Map details:
Map prepared by Rangelands Monitoring Branch, DLRM, Alice Springs, NT.
Date: 20 April 2015

This is the drawing referred to in Pastoral Land
Clearing Permit no: PLC15/1

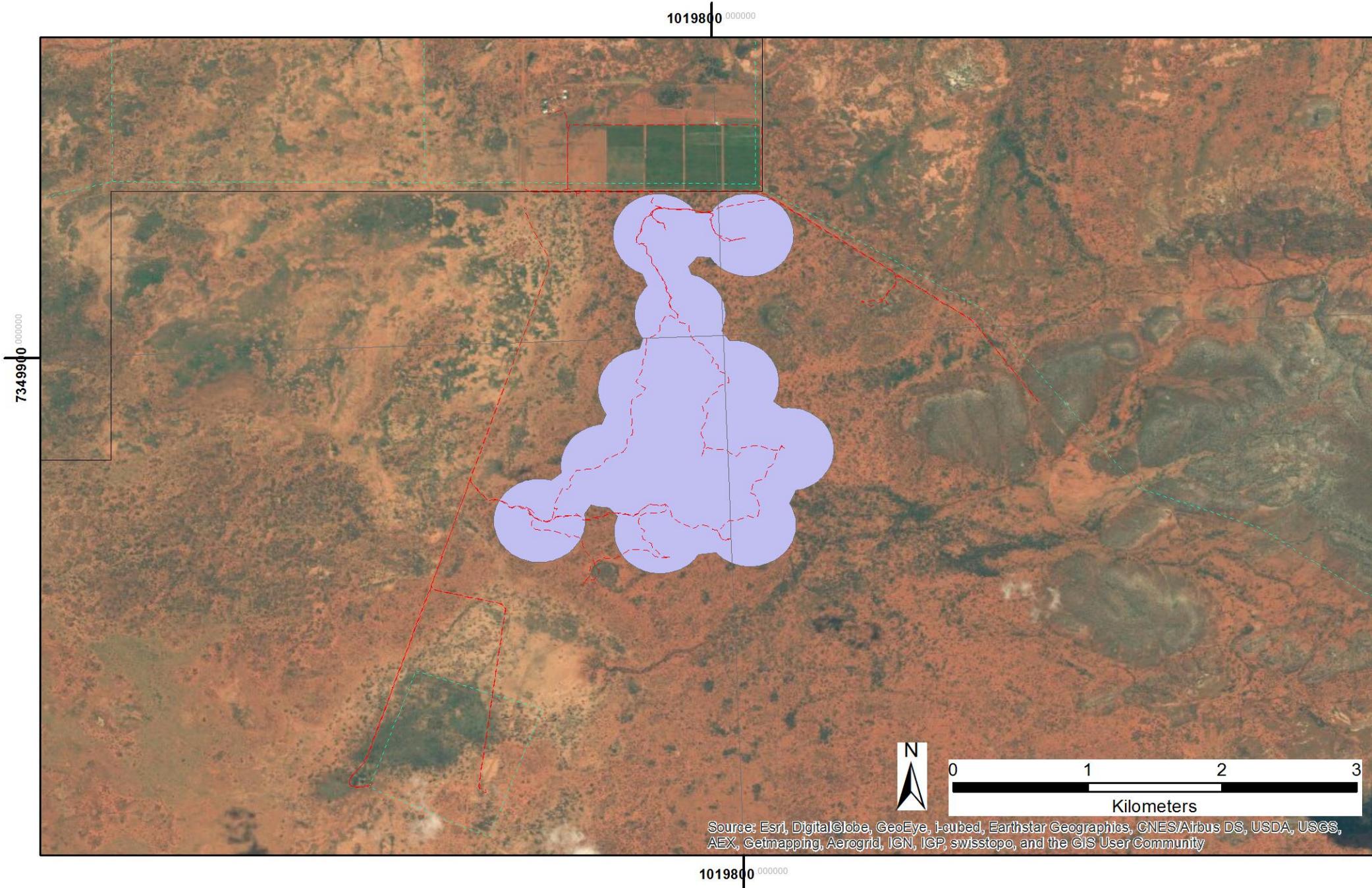
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Source: Esri, DigitalGlobe, GeoEye, I-satellite, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Undoolya Station Development Plan NT Portion 771 PPL 980

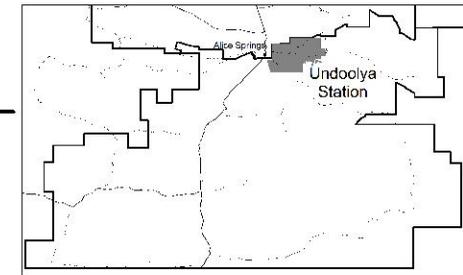


Legend

- Area to be cleared
- Proposed roads
- Existing fences

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 Universal Transverse Mercator Projection
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