

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

CONSENT TO CLEAR PASTORAL LAND

PERMIT NUMBER: PLC17/2

I, PAUL ZLOTKOWSKI, Chairman, Pastoral Land Board

GRANT TO Legune Land Pty. Ltd. (ACN 092 818 810) and each Pastoral Lessee from time to time (collectively “the **Permit Holders**”) in respect of Perpetual Pastoral Lease No. 1062 (“**PPL**”) Legune Station, which relates to NT Portion 798,

A PERMIT TO CLEAR PASTORAL LAND (“the **Permit**”), for an area of approximately 3686 ha within NT Portion 798 (being part of the PPL) which is more particularly depicted in the Endorsed Clearing Plans 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

CONSENT TO THE PERMIT HOLDERS undertaking the clearing of approximately 3686 hectares of native vegetation for the purpose of constructing land-based aquaculture ponds and ancillary infrastructure for the Project Sea Dragon Stage 1 Legune Grow-out Facility (“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 expiry of the Commencement Period or upon the Expiry Date (as the case may be).

EXTENSION OF TERM OF PERMIT:

The Permit Holders may apply to the Pastoral Land Board for an extension 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 one (1) year before the Expiry Date.

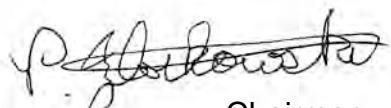
The Pastoral Land Board may, in its absolute discretion, grant or reject the request, or grant the request subject to conditions.

REASONS FOR DECISION:

- A. On 27 October 2016, Brian John McLean, Lessee of Legune Station, submitted the Original Application to the Pastoral Land Board, requesting consent to clear 3820 ha of pastoral land under section 38(1)(h) of the *Pastoral Land Act*.
- B. The application was advertised in the NT News on 5 November 2016 and on the Department of Environment and Natural Resources website for a period of 14 days.
- C. Comments were received from various NT Government agencies and two submissions were received from members of the public. All comments and submissions were supplied to the Lessee for their consideration on 16 January 2017.
- D. The Lessee provided a response to the comments and submissions on 24 February 2017. The Lessee noted that many of the comments raised by NT Government agencies were also considered in the Environmental Impact Statement (EIS) and Supplementary EIS that was lodged with the NT Environment Protection Authority (NTEPA).
- E. The NTEPA publicly released its Assessment Report 80 during March 2017. The report included 13 recommendations about the overall project, including requirements to undertake monitoring, testing and pre-construction programs, establish a scientific advisory group and prepare an Environmental Management Plan.
- F. On 29 March 2017 its 113th meeting the Board was informed that a Project Development Agreement (PDA) was being developed between the NT Government, the Lessee and Project Developers Seafarms Group Ltd.
- G. At that meeting the Board considered the Original Application, NT Government agencies comments and public submissions, the Lessee's response, and the NTEPA's Assessment Report. The Board agreed that the opinions and concerns raised in the public submissions, and the comments from NT Government agencies had been adequately addressed by the recommendations made in the NT EPA Assessment Report and the responses provided by the Lessee. The Board determined to await the outcome of the PDA and progress with the overall project before further considering the application.
- H. At its 115th Meeting on 15 September 2017, the Board was advised that the PDA had been finalised and further considered the application. The Board determined to await further progress with the overall project before further considering the application.

- I. The Board received notification from the Lessee on 10 October 2017 that the PDA had been signed. Additionally the Lessee advised that an Indigenous Land Use Agreement had been executed concerning a related Non-Pastoral Use application.
- J. On 3 November 2017 the Board determined to grant a Non-Pastoral Use permit to the Lessee to conduct non-pastoral use activities being for aquaculture operations including ponds and ancillary infrastructure for the Project Sea Dragon Stage 1 Legune Grow-out Facility.
- K. On 7 November 2017 the Project Developers provided amended plans for consideration and advised that the proposed clearing area had reduced from 3820 ha to 3686 ha by removing an area of clearing within a road corridor.
- L. The Board considered the application and final clearing plans out of session and noted that the proposed clearing area related to the approved activities of the Non-Pastoral Use permit.
- M. The Board determined on the basis of the information contained in the Original Application, the comments of the NT Government agencies, the Lessee's responses addressing the public submissions and NT Government comments, the recommendations of the NTEPA Assessment Report, and the amended clearing plans that it is appropriate to grant consent to issue a Permit to the Lessee for a period of six years to clear approximately 3686 ha of native vegetation on Legune Station.
- N. The Board determined to issue this Permit subject to the Conditions Precedent and General Conditions in Schedule 2, as written consent of its determination.

DATED: 22 November 2017



Chairman
Pastoral Land Board

DEFINITIONS:

In this Permit:

“Application” means the Application to Clear Pastoral Land.

“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.

“Non-Pastoral Use permit” means the document entitled “*Consent to Non-Pastoral Use Activity*” with permit number NPU17/2, dated 3 November 2017 signed by P Zlotkowski.

“NTEPA Assessment Report” means the document entitled “*Northern Territory Environment Protection Authority Assessment Report 80, for the Project Sea Dragon Stage 1 Legune Grow-out Facility*” dated March 2017.

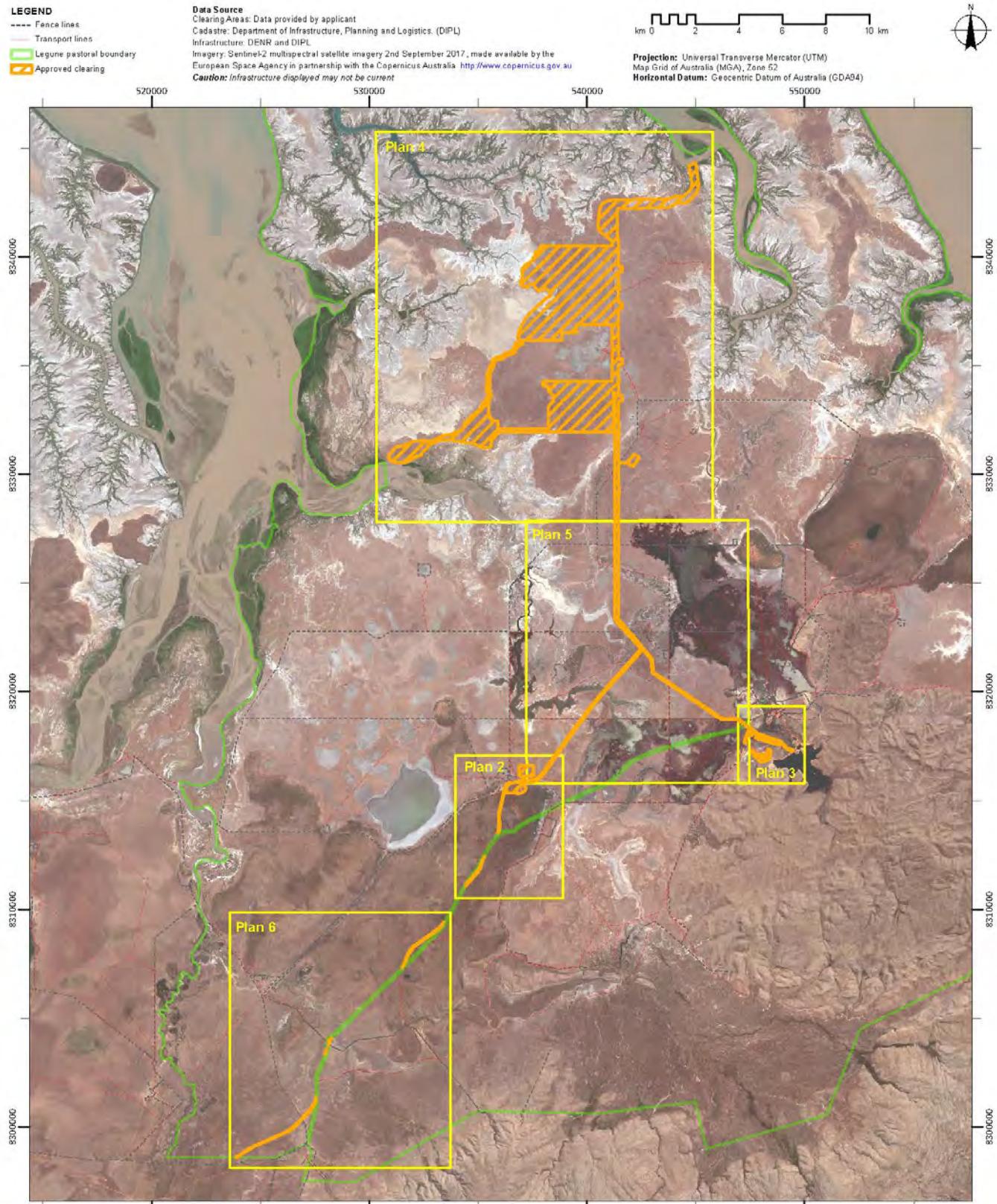
“Original Application” means the document entitled “*Application to Clear Pastoral Land s.38(1)(h) Pastoral Land Act*” and accompanying attachments submitted 27 October 2016.

“Pastoral Lessee” has the same meaning as in the *Pastoral Land Act*.

“Project Developers” means Seafarms Group Limited (ABN 50 009 317 846)

“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



Clearing Plan Legume Station NT Por 798, PPL 1062

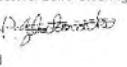
VRD Pastoral District

Plan 1 - Overview

Plan created by DENR: 8/11/2017

© Northern Territory of Australia

The Northern Territory of Australia does not warrant that the product, or any part of it, is correct or complete and will not be liable for any loss, damage or injury suffered by any person as a result of its inaccuracy or incompleteness.
 Notify any error or omission in the material by phoning (08) 8999 4667.

This is the plan referred to in Pastoral Land Clearing
 Permit No: PLC172
 Issued on: 22 November 2017

 Chairman, Pastoral Land Board

Total area approved for clearing: 3,636 ha

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) 899 94754 Fax: (08) 899 94403
 Email: PastoralLandBoard@nt.gov.au



SCHEDULE 1 AREA OF LAND

LEGEND

- Fence lines
- - - Transport lines
- Legume pastoral boundary
- Approved clearing

Data Source
 Clearing Areas: Data provided by applicant
 Cadastre: Department of Infrastructure, Planning and Logistics (DIPL)
 Infrastructure: DENR and DIPL
 Imagery: Sentinel-2 multispectral satellite imagery 2nd September 2017, made available by the European Space Agency in partnership with the Copernicus Australia <http://www.copernicus.gov.au>
Caution: Infrastructure displayed may not be current

km 0 0.2 0.4 0.6 0.8 1 km
Projection: Universal Transverse Mercator (UTM)
Map Grid of Australia (MGA), Zone 52
Horizontal Datum: Geocentric Datum of Australia (GDA94)



Clearing Plan Legume Station NT Por 798, PPL 1062

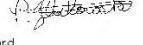
VRD Pastoral District

Plan 2 - Central facilities and village area

Plan created by DENR: 8/11/2017

© Northern Territory of Australia

The Northern Territory of Australia does not warrant that the product, or any part of it, is correct or complete and will not be liable for any loss, damage or injury suffered by any person as a result of its inaccuracy or incompleteness. Notify any error or omission in the material by phoning (08) 8999 4667.

This is the plan referred to in Pastoral Land Clearing
 Permit No: PLC17/2
 Issued on: 22 November 2017

 Chairman, Pastoral Land Board

Total area approved for clearing: 3,636 ha

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) 899 94754 Fax: (08) 899 94403
 Email: PastoralLandBoard@nt.gov.au



SCHEDULE 1 AREA OF LAND

LEGEND

- ===== Fence lines
- - - Transport lines
- Legume pastoral boundary
- Approved clearing

Data Source
 Clearing Areas: Data provided by applicant
 Cadastre: Department of Infrastructure, Planning and Logistics. (DIPL)
 Infrastructure: DENR and DPL
 Imagery: Sentinel-2 multispectral satellite imagery 2nd September 2017, made available by the European Space Agency in partnership with the Copernicus Australia <http://www.copernicus.gov.au>
Caution: Infrastructure displayed may not be current

km 0 0.1 0.2 0.3 0.4 0.5 km



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



Location of Clearing Plan within the property

Clearing Plan Legume Station NT Por 798, PPL 1062

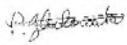
VRD Pastoral District

Plan 3 - Airstrip Area

Plan created by DENR: 8/11/2017

© Northern Territory of Australia

The Northern Territory of Australia does not warrant that the product, or any part of it, is correct or complete and will not be liable for any loss, damage or injury suffered by any person as a result of its inaccuracy or incompleteness.
 Notify any error or omission in the material by phoning (08) 8999 4667.

This is the plan referred to in Pastoral Land Clearing
 Permit No: PLC17/2
 Issued on: 22 November 2017

 Chairman, Pastoral Land Board

Total area approved for clearing: 3,636 ha

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) 899 94754 Fax: (08) 899 94403
 Email: PastoralLandBoard@nt.gov.au



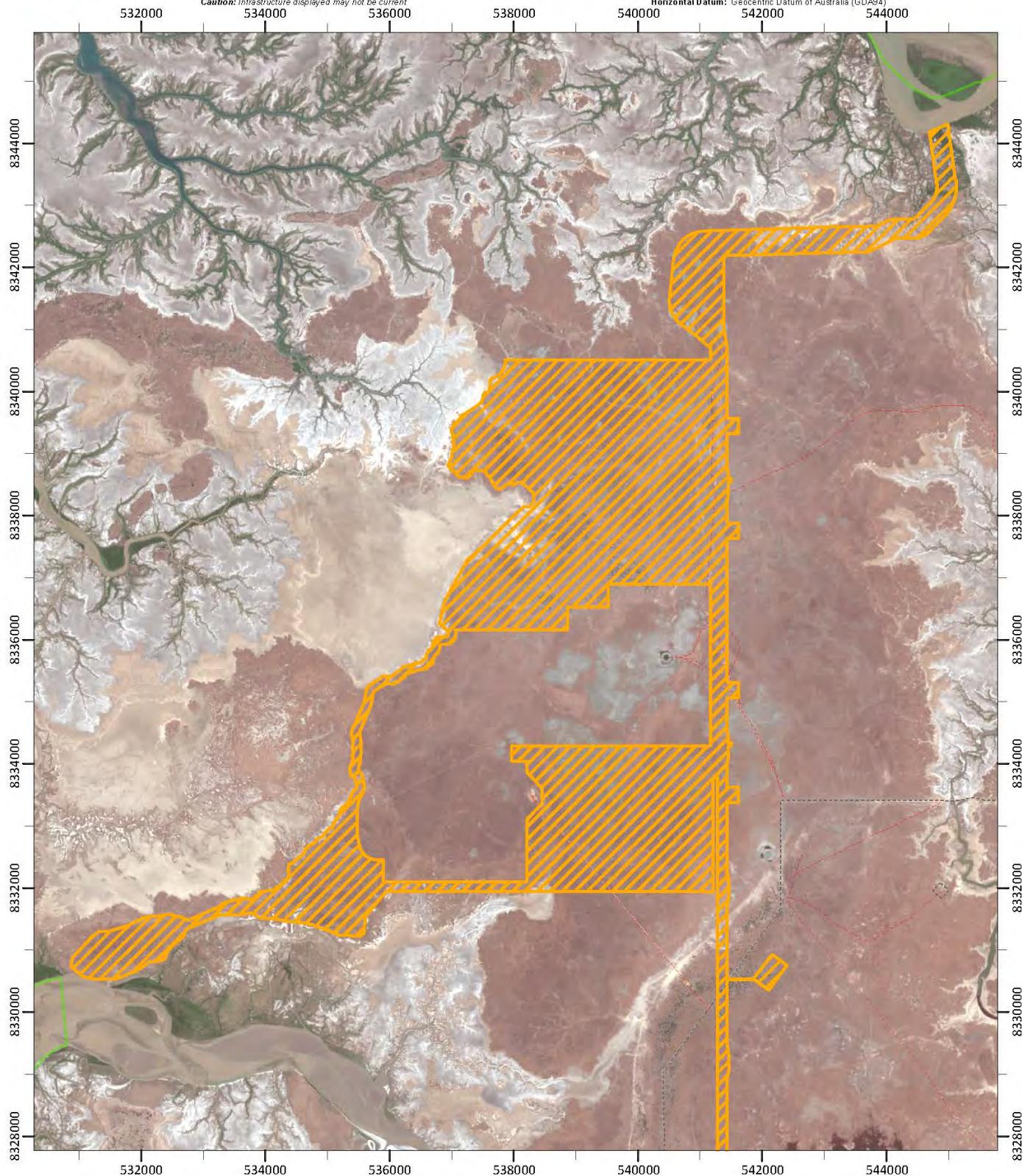
SCHEDULE 1 AREA OF LAND

LEGEND

- Fence lines
- - - Transport lines
- Legume pastoral boundary
- Approved clearing

Data Source
 Clearing Areas: Data provided by applicant
 Cadastre: Department of Infrastructure, Planning and Logistics. (DPL)
 Infrastructure: DENR and DPL
 Imagery: Sentinel-2 multispectral satellite imagery 2nd September 2017, made available by the European Space Agency in partnership with the Copernicus Australia <http://www.copernicus.gov.au>
Caution: Infrastructure displayed may not be current

km 0 1 2 3 4 km
Projection: Universal Transverse Mercator (UTM)
Map Grid of Australia (MGA), Zone 52
Horizontal Datum: Geocentric Datum of Australia (GDA94)



Clearing Plan Legume Station NT Por 798, PPL 1062

VRD Pastoral District

Plan 4 - Farm ponds area

Plan created by DENR: 8/1/2017

© Northern Territory of Australia

The Northern Territory of Australia does not warrant that the product, or any part of it, is correct or complete and will not be liable for any loss, damage or injury suffered by any person as a result of its inaccuracy or incompleteness.

Notify any error or omission in the material by phoning (08) 8999 4667.

This is the plan referred to in Pastoral Land Clearing
 Permit No: PLC17/2
 Issued on: 22 November 2017
 Chairman, Pastoral Land Board

Total area approved for clearing: 3,636 ha

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) 899 94754 Fax: (08) 899 94403
 Email: PastoralLandBoard@nt.gov.au



SCHEDULE 1 AREA OF LAND

LEGEND

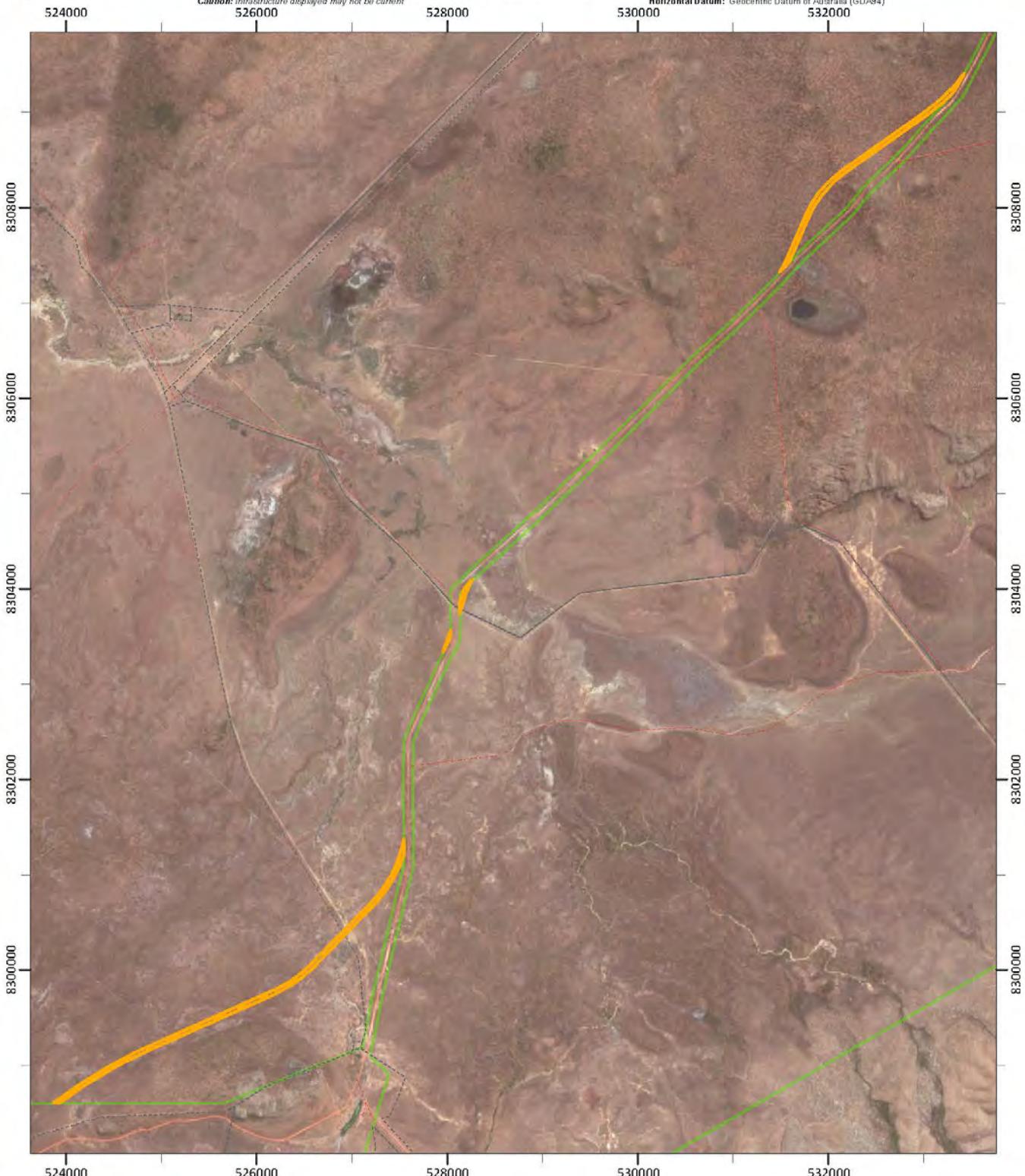
- Fence lines
- - - Transport lines
- Legume pastoral boundary
- Approved clearing

Data Source
 Clearing Areas: Data provided by applicant
 Cadastre: Department of Infrastructure, Planning and Logistics (DIPL)
 Infrastructure: DENR and DIPL
 Imagery: Sentinel2 multispectral satellite imagery 2nd September 2017, made available by the European Space Agency in partnership with the Copernicus Australia <http://www.copernicus.gov.au>
Caution: Infrastructure displayed may not be current

km 0 0.5 1 1.5 2 2.5 km



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



Clearing Plan Legume Station NT Por 798, PPL 1062

VRD Pastoral District

Plan 6 - Main access road

Plan created by DENR: 8/11/2017

© Northern Territory of Australia

The Northern Territory of Australia does not warrant that the product, or any part of it, is correct or complete and will not be liable for any loss, damage or injury suffered by any person as a result of its inaccuracy or incompleteness. Notify any error or omission in the material by phoning (08) 8999 4687.

This is the plan referred to in Pastoral Land Clearing
 Permit No: PLC17/2
 Issued on: 22 November 2017
 Chairman, Pastoral Land Board

Total area approved for clearing: 3.636 ha

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) 899 94754 Fax: (08) 899 94403
 Email: PastoralLandBoard@nt.gov.au



SCHEDULE 2 **SCHEDULE OF CONDITIONS**

CONDITIONS PRECEDENT

1. Prior to the commencement of any earth-disturbing activities associated with the permitted clearing of native vegetation (including works associated with the installation of erosion and sediment controls and any preparatory works associated with clearing works) within the permitted clearing area identified on the Endorsed Clearing Plans, the Permit Holder must:
 - (i) engage a person who holds a current certification as a Certified Professional in Erosion and Sediment Control (CPESC) with the International Erosion Control Association (IECA) to prepare an Erosion and Sediment Control Plan (ESCP) in accordance with the Key Principles of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control guidelines 2008¹ (or higher standard). The ESCP must specify all controls, treatments and methods pertaining to the clearing works, including end of clearing site stabilisation;
 - (ii) engage a person who holds a current certification as a CPESC with IECA (auditor) to review the ESCP and provide written confirmation that the ESCP was prepared in accordance with the Key Principles of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control guidelines 2008¹ (or higher standard);
 - (iii) inform the Pastoral Land Board (Board) of the identity of the persons it proposes to engage in accordance with conditions 1(i) and 1(ii) prior to their engagement; and
 - (iv) submit a copy of each of the following documents to the Board*:
 - a. the ESCP reviewed by the auditor; and
 - b. written confirmation by the auditor that the ESCP provided under condition 1(iv)(a) was prepared in accordance with the Key Principles of Erosion and Sediment Control as specified in the IECA Best Practice Erosion and Sediment Control guidelines 2008¹ (or higher standard).
2. The permit holder must ensure that the auditor engaged in accordance with condition 1(ii):
 - (i) monitors the onsite implementation of the ESCP submitted to the Board pursuant to condition 1(iv)(a) during clearing works, in accordance with the monitoring requirements outlined in that ESCP (or more frequently);
 - (ii) advises the Board* whether the works undertaken by or on behalf of the permit holder are being carried out or were carried out in accordance with the ESCP submitted pursuant to condition 1(iv)(a), within 7 days of each inspection the auditor conducts for the purposes of condition 2(i);

¹ IECA Best Practice Erosion and Sediment Control guidelines 2008 www.austieca.com.au

* advice to be emailed to pastorallandboard@nt.gov.au

- (iii) inspects the site not later than 1 day after post-clearing site stabilisation measures have been implemented; and
 - (iv) advises the Board* whether the works undertaken by or on behalf of the permit holder relating to the clearing of native vegetation and associated site stabilisation were carried out in accordance with the ESCP submitted to the Board pursuant to condition 1(iv)(a), within 7 days of the date of the inspection referred to in condition 2(iii).
3. The permit holder (and any contractor carrying out works on its behalf) must at all times:
- (i) comply with the ESCP submitted to the Board pursuant to condition 1(iv)(a), to the satisfaction of the Board; and
 - (ii) ensure that appropriate erosion and sediment controls are effectively implemented to prevent erosion occurring within the permitted clearing area identified on the Endorsed Clearing Plans and sediment from leaving that permitted clearing area, to the satisfaction of the Board.
4. To avoid the spread of declared weed species, both within and off the property, a Weed Management Plan (WMP) is to be developed prior to the commencement of works to the satisfaction of the Board in consultation with the Department of Environment and Natural Resources' (DENR) Weed Management Branch. To be approved, the WMP is required to address the obligations outlined in the following Statutory Weed Management Plans amongst other requirements:
- a. Weed Management Plan for *Andropogon gayanus* (Gamba Grass)²
 - b. Weed Management Plan for *Mimosa pigra* (Mimosa)³
 - c. Weed Management Plan for *Azadirachta indica* (Neem)⁴.

The Permit Holder should contact the DENR Weed Management Branch (Darwin Office 08 8999 4567) for advice and support in the development of the plan.

* advice to be emailed to pastorallandboard@nt.gov.au

² <https://nt.gov.au/environment/weeds/list-of-declared-weeds-in-the-nt/gamba-grass>

³ <https://nt.gov.au/environment/weeds/list-of-declared-weeds-in-the-nt/mimosa>

⁴ <https://nt.gov.au/environment/weeds/list-of-declared-weeds-in-the-nt/neem>

GENERAL CONDITIONS

1. The Pastoral Lessee is wholly responsible for the implementation of all recommendations, conditions of approval and mitigation measures contained in the NTEPA Assessment Report 80 and must ensure that all staff and contractors comply with all requirements of condition of approval and mitigation measures contained therein.
2. The clearing, clearing methods, clearing activities, and ongoing environmental management (including erosion and sediment control) of cleared areas must be undertaken:
 - a. in accordance with the Original Application;
 - b. in accordance with the Endorsed Clearing Plan;
 - c. in accordance with the approved ESCP on the advice of DENR, and
 - d. to the satisfaction of the Pastoral Land Board.
2. The Permit Holder is required to ensure land management practices do not cause erosion and to ensure that appropriate erosion and sediment control measures are employed throughout the clearing activities including:
 - a. retention of buffer zones where appropriate and measures to address seasonal timing of works;
 - b. management of groundcover and minimisation of bare ground, and maintenance of natural sheet flow patterns;
 - c. avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff; and
 - d. use of erosion controls on access tracks where appropriate.
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 Holder 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 Management 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; or
 - b. surrender of the PPL.

For the avoidance of doubt, a transfer of the PPL does not revoke this Permit.

7. 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 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 carried out in accordance with an Authority Certificate issued by the Aboriginal Areas Protection Authority (“AAPA”). The Permit Holder must ensure that all clearing complies with the requirements of that Act.
2. 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 clearing complies with the requirements of that 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 Holder can also access information on the requirements of that Act on DENR’s website www.denr.nt.gov.au
3. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Management Act* (NT). A permit must be obtained before ignition of any felled timber in this area. It is the responsibility of the Permit Holder to ensure that all clearing complies with the requirements of that Act. Please contact the Regional Fire Control Officer of the DENR on telephone (08) 8976 0098. The Permit Holder can also access information on the requirements of that Act on DENR’s website www.denr.nt.gov.au
4. The *Heritage Act* (NT) protects archaeological places and objects, regardless of the level of documentation that the Department of Tourism and Culture (Heritage Branch) (“DTC”) 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 clearing complies with the requirements of that Act. The Permit Holder can access information on the requirements of that Act on DTC’s website www.dtc.nt.gov.au/nt-heritage-council.
5. It is the responsibility of the Permit Holder 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 that Act. The Permit Holder can access information on the requirements of that Act on NTEPA’s website www.nepa.nt.gov.au.
6. It is the responsibility of the Permit Holder 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 the Environment and Energy (“DoEE”) administers that Act. The Permit Holder can access information on the requirements of that Act on DoEE’s website www.environment.gov.au/epbc.
7. 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 (“NTCAT”). Such an application must be lodged with NTCAT within 28 days of receipt of notice of this decision.