

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

CONSENT TO NON-PASTORAL USE ACTIVITY

PERMIT NUMBER: NPU 14/1-B

I, PAUL ZLOTKOWSKI, Chairman, Pastoral Land Board

GRANT TO: Booloomani Corporation Pty Ltd (ACN 609 223 805) and Branir Pty Ltd (ACN 061 718 876) and their successors and heirs in title (“the **Permit Holders**”) in respect of Perpetual Pastoral Lease No 1222 (“**PPL**”), which relates to NT Portion 7348,

A PERMIT FOR NON-PASTORAL USE ACTIVITY (“the **Permit**”), for the area within NT Portion 7348 (being part of the PPL) which is more particularly depicted in the plan contained at Schedule 1 of this Permit (“the **Land**”),

COMMENCING on 19 December 2014 and expiring on 19 December 2044 (“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 irrigated agricultural activities, namely the commercial production of cotton, mung beans, sorghum and corn (“the **Non-Pastoral Use Activities**”).

PROVIDED THAT the Permit Holders Substantially Commence the Non-Pastoral Use Activities within the Commencement Period, 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 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.

REASON FOR VARIATION DECISION:

- A. On 22 November 2018, the Branir and Booloomani Partnership (ABN: 89 151 704 147), sought variation to Non-Pastoral Use Permit (NPU14/1-A) to change the permitted non-pastoral use activity from 'irrigated agricultural activities, namely the commercial production of poppies' to 'irrigated agricultural activities including but not limited to commercial production of cotton, mung beans, sorghum and corn.
- B. The lodged variation application states the existing site is already developed with two centre pivots, indicating that previously approved non-pastoral use activities had Substantially Commenced within the Commencement Period as required by the Permit NPU14/1-A.
- C. The application to vary Permit NPU14/1-A is consistent with section 89C(1) and (2) of the *Pastoral Land Act*. The lodged amendment sought to vary the crop type only. Other aspects of NPU14/1-A, being the area, location and intent to irrigate, would remain equivalent to Non-Pastoral Use Activities previously approved.
- D. The variation will not result in substantial changes to the Original Permit, or equivalent Reissued Permit and, as such, a full reassessment under the *Pastoral Land Act* was not considered necessary.
- E. The Department of Environment and Natural Resources confirmed that, from a soils perspective, if the footprint for the cotton is the same as the poppies a full reassessment (by the Department) would not be required, as the requirements for the crops are similar.
- F. On 4 December 2018 at its 120th meeting, the Pastoral Land Board considered the request for variation to the consent to Non-Pastoral Use Permit (NPU14/01-A) having regarded to section 89C(3) of the *Pastoral Land Act*.
- G. The Land Clearing Permit PLC14/1, signed on the 11 September 2014 applies and is current.
- H. The Varied Permit is granted for the period remaining of 30 years from the date of the original permit, being 14 December 2014.

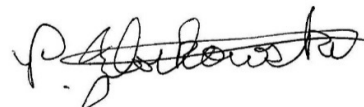
REASONS FOR DECISION NPU14/1-A

- A. On 7 December 2016, the Permit Holders wrote to the Pastoral Land Board advising that Ministerial consent had been given to subdivide Perpetual Pastoral Lease 1004.
- B. The subdivision of a Perpetual Pastoral Lease required the surrender of the current lease and new leases issued. As is required by the conditions on Non-Pastoral Use Permits the surrender of a Pastoral Lease automatically revokes a permit.
- C. The Permit Holders requested the Pastoral Land Board consent to re-issuing the Non-Pastoral Use Permit under the new NT Portion number and Perpetual Pastoral Lease number.
- D. The Pastoral Land Board determined that the Original Permit will be revoked and the Reissued Permit took effect on the date of the registration of the subdivision, NT Portion 7348 and Perpetual Pastoral Lease 1222 with the Land Titles Office.
- E. The Original Decision and all conditions from the Original Permit remain.
- F. The Reissued Permit was granted for the period remaining of 30 years from the date of the Original Permit.

ORIGINAL DECISION – NPU14/1

- A. On 16 June 2014, 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* (NT) for the Non-Pastoral use being Poppies.
- B. In response to feedback from various Northern Territory Government agencies and authorities, the Permit Holders provided the Additional Document to the Pastoral Land Board, which supplemented the Original Application.
- C. On the basis of the information contained in the Original Application, as supplemented by the Additional Document, the Pastoral Land Board was satisfied that it was appropriate to issue this Permit to the Permit Holders.
- D. Notice was given, and an opportunity to comment was provided, pursuant to section 24GB(9)(c) and (d) of the *Native Title Act 1993* (Cth) on 18 June 2014. No comment on the proposed act was received.

DATED 24 January 2019



Chairman

Pastoral Land Board

DEFINITIONS:

In this Permit:

“Additional Document” means the document entitled “RE: Comments on application for non-pastoral use – Tipperary Station” dated 16 July 2014.

“Commencement Period” means the period of two (2) years from the date of the Original Permit being 19 December 2014.

“Expiry Date” means 19 December 2044 being a period of thirty (30) years after the date of the Original Permit.

“Original Application” means the document entitled “Application for Non-Pastoral Use of Pastoral Land (s86 *Pastoral Land Act*)” dated 16 June 2014.

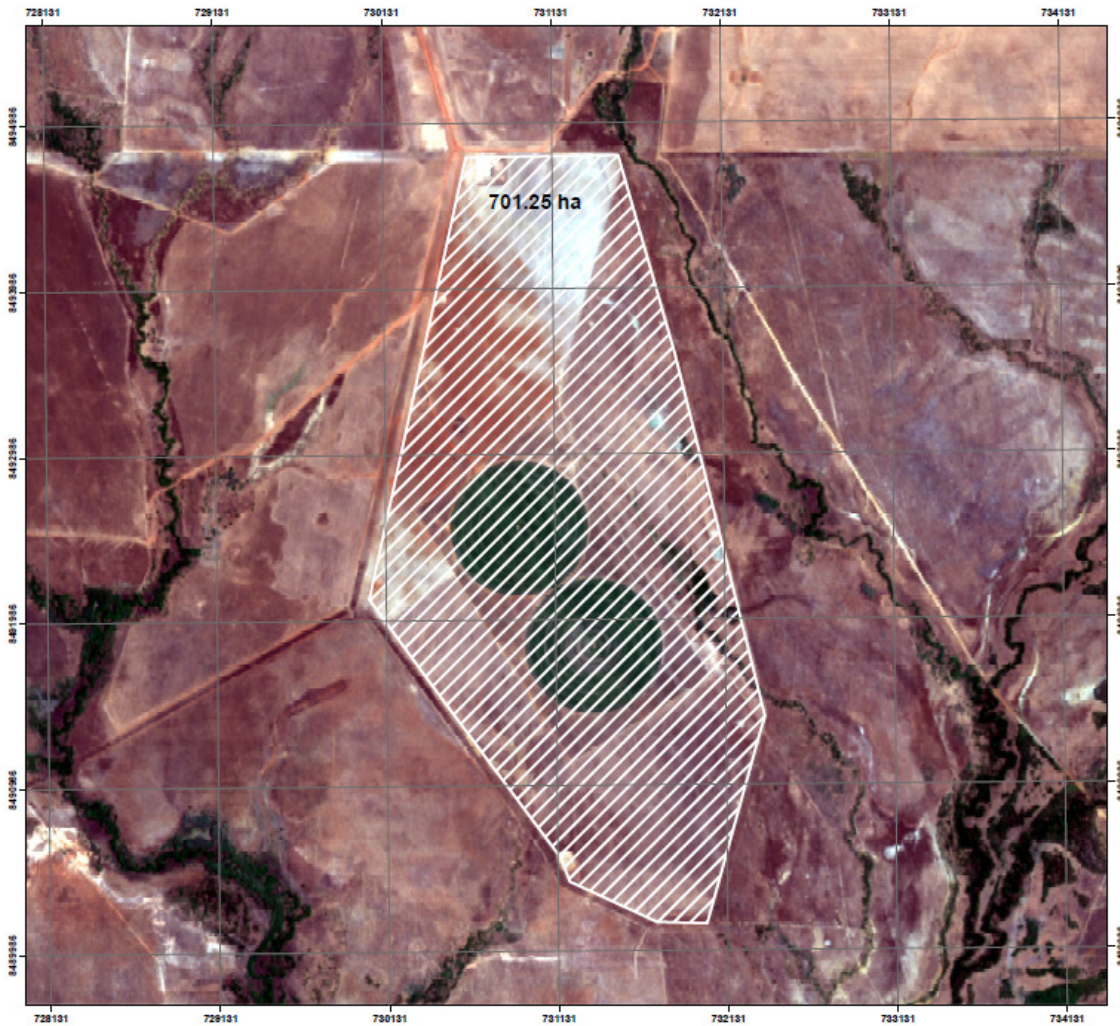
“Original Permit” means the Non-Pastoral Use Permit with permit number NPU14/1 signed by Richard Galton dated 19 December 2014.

“Reissued Permit” means the Non-Pastoral Use Permit with permit number NPU14/1-A dated 4 May 2017

“Varied Permit” means the Non-Pastoral Use Permit with permit number NPU14/1-B dated 24 January 2019.

“Substantially Commenced” and “Substantially Commence” means the installation and maintenance of irrigation infrastructure in situ and sowing of the crops on the Land the subject of this Permit.

SCHEDULE 1







Tipperary East
NT Portion 7348 - PPL 1222
 Applicant - Booloomani Corporation Pty Ltd



Drawing No: PLC14/01-A - 001 referred to in
 Permit No: PLC14/01-A issued by
 The Consent Authority on: 24/01/2019




 Paul Zlotkowski, Chairman, Pastoral Land Board


Legend

-  Permitted Pastoral Use (Approx. 701.25 ha)
-  National Highway
-  NT Portion 7348
-  Cadebra

Sentinel B2 cfmsre_t52lqk_20161012_abam2.img

RGB

-  Red_Layer_3
-  Green_Layer_3
-  Blue_Layer_1


 0 0.25 0.5 1 km
 Projection: Universal Transverse Mercator (UTM)
 Map Grid of Australia (MGA), Zone 52
 Horizontal Datum: Geocentric Datum of Australia (GDA04)

DATA SOURCE:
 Endorsed Clearing Areas: Department of Environment and Natural Resources
 NT Parks, Parks and Wildlife Commission
 Cadebra/Roads/Place names:
 Department of Infrastructure, Planning and Logistics
 Drainage: ©2014 Commonwealth of Australia (GDM) 2012


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 Department of Environment and Natural Resources
 © Northern Territory Government



SCHEDULE 2
SCHEDULE OF CONDITIONS

1. An annual fee for this Permit is payable by the Permit Holders in accordance with section 85D of the *Pastoral Land Act* 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 Holders' ongoing compliance with its obligations under the PPL.
3. 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).
4. 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 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.
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.

NOTES

1. The Permit Holders are advised that there are statutory obligations under the *Weeds Management Act* 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* 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 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 DTC’s website (www.dtc.nt.gov.au).
3. Under the *Northern Territory Aboriginal Sacred Sites Act*, 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 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.