

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

CONSENT TO NON-PASTORAL USE ACTIVITY

PERMIT NUMBER: NPU17/2

I, PAUL ZLOTKOWSKI, Chairman, Pastoral Land Board

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

A PERMIT FOR NON-PASTORAL USE ACTIVITY (“the **Permit**”), for an area of 3820 ha within NT Portion 798 (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

AUTHORISE THE PERMIT HOLDERS TO use that part of the Land for non-pastoral use, being for aquaculture operations including ponds and ancillary infrastructure for the Project Sea Dragon Stage 1 Legune Grow-out Facility (“the **Non-Pastoral Use Activity**”),

PROVIDED THAT the Permit Holders must Substantially Commence the Non-Pastoral Use Activity 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 the Term of this Permit, provided that:

- i. the Permit Holder has Substantially Commenced the Non-Pastoral Use Activity 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 27 October 2016, Brian John McLean, lessee of Legune Station, submitted the Original Application to the Pastoral Land Board, requesting a permit for the Non-Pastoral Use Activity, pursuant to section 86(1) 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 30 days.
- C. Additionally, on 7 November 2016 the Board provided notification of the Non-Pastoral Use permit application to the Northern Land Council (NLC) as required by section 24GB(9)(c) of the *Native Title Act*.
- D. The NLC wrote to the Board on 5 December 2016 providing comments on the 24GB notification. Specifically the NLC requested that a Non-Pastoral Use Permit not be granted until an agreed Indigenous Land Use Agreement (ILUA) was in place and an Authority Certificate from the Aboriginal Areas Protection Authority (AAPA) had been issued.
- E. A copy of the NLC comment was provided to the Lessee on 16 January 2017.
- F. Comments were received from various NT Government agencies and one submission was received from members of the public during the consultation period, with a subsequent comment being received after the period had closed. All comments and submissions were provided to the Lessee on 23 January 2017 for consideration and reply.
- G. The Lessee provided a response to the NLC comment, the NT Government comments and public submissions on 3 March 2017. The Lessee noted that many of the comments raised by NT Government agencies related to a separate Land Clearing application and were considered in the Environmental Impact Statement (EIS) and Supplementary EIS that was lodged with the NT Environment Protection Authority (NTEPA).
- H. The Lessee addressed the NLC comments on 3 March 2017.
- I. 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.
- J. The Board considers the concerns raised in the public comments have been adequately addressed by the recommendations made in the NTEPA Assessment Report and those responses provided by the Lessee.

- K. On 29 March 2017 at 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 (Seafarms). The Board was also advised that negotiations were being undertaken regarding an ILUA.
- L. At that meeting the Board considered the Original Application, NT Government agencies comments and public submissions, and the Lessee's response to those comments. 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 NTEPA Assessment Report and the responses provided by the Lessee. The Board determined to await the outcome of the PDA before further considering the application.
- M. On 30 August 2017 Seafarms publicly announced that native title holders had authorised their legal representatives to enter into an ILUA for Seafarms' "Project Sea Dragon", including all stages of the project's development.
- N. At its 115th Meeting on 15 September 2017, the Board was advised that the PDA had been finalised and noted the public notification of an agreed ILUA. The Board further considered the application and determined to wait until the ILUA had been executed by all parties.
- O. The Board received notification from the Lessee on 10 October 2017 that both the PDA had been signed and the ILUA had been executed.
- P. 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 Lessee's response to the comments of the NLC, the NTEPA Assessment Report 80 and the notification that an ILUA has been executed, the Pastoral Land Board is satisfied that it is appropriate to grant this Permit for a period of 30 years, subject to the conditions in Schedule 2.

DATED 3 November 2017


Chairman
Pastoral Land Board

DEFINITIONS:

In this Permit:

“Application” means the Application for a Non-Pastoral Use Permit.

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

“Expiry Date” means the period of thirty (30) years from the date of this Permit.

“Non-Pastoral Use Activity” means aquaculture operations including ponds and ancillary infrastructure for the Project Sea Dragon Stage 1 Legume Grow-out Facility.

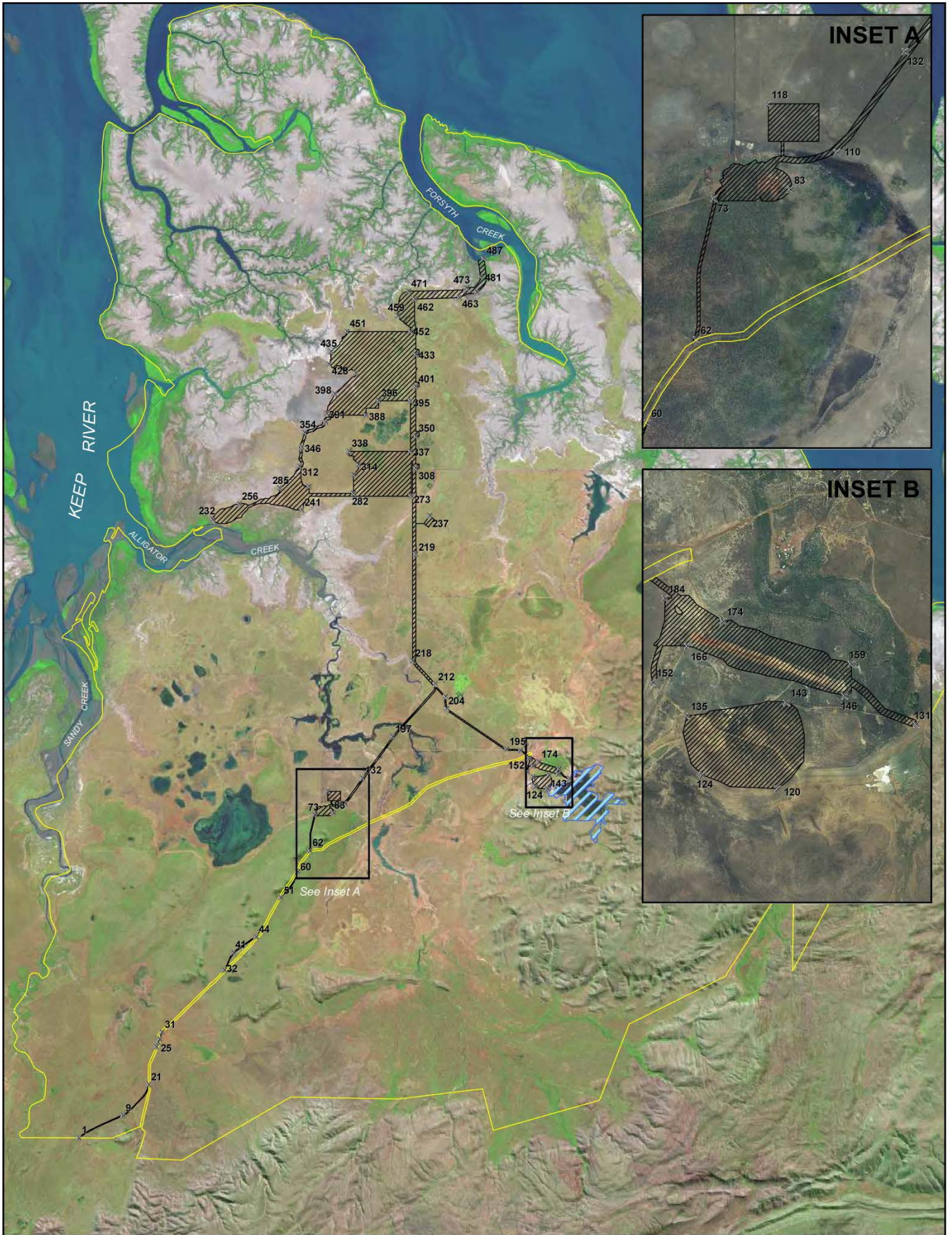
“NTEPA Assessment Report” means the document entitled “*Northern Territory Environment Protection Authority Assessment Report 80, for the Project Sea Dragon Stage 1 Legume Grow-out Facility*” dated March 2017.






“Original Application” means the document entitled “*Application for Non-Pastoral Use of Pastoral Land s.86 Pastoral Land Act*” and accompanying attachments submitted 27 October 2016.

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

“Substantially Commenced” and “Substantially Commence” means the development of the aquaculture operations infrastructure.

SCHEDULE 1 AREA OF LAND



	<p>Source: Landlink, Geoscience Australia 2006 Aerial Photo (ortho): Seafarms 2015 Photo-Pastoral Use: Seafarms 2017</p> <p>Disclaimer: No warranty is given in relation to the data (including accuracy, reliability, completeness, currency or suitability) and no liability is accepted (including without limitation, liability or negligence) for any loss, damage or costs (including consequential damages) resulting in any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.</p> <p>File: File: LegumeNPU_17/2_NonPastoralUse_17/031 Date: 11/10/2017</p>	 <p>A4 Scale: 1:250,000 Coordinate System: GDA 1994 MGA Zone 52</p>	<ul style="list-style-type: none">  Legune Station  Forsyth Creek Dam  Non-Pastoral Use areas 	<h2>NPU 17/2 Plan</h2>
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**SCHEDULE 1
AREA OF LAND**

POINT ID	EASTING	NORTHING	LATITUDE	LONGITUDE
1	523940.760200	8298604.071700	-15.3892865995663	129.223097528346
9	526224.230000	8299761.742200	-15.3787979383737	129.244364232641
21	527545.448200	8301372.857500	-15.3642182524229	129.256657776388
25	528033.021700	8303564.993200	-15.3443942035475	129.261176109568
31	528263.940300	8304092.634500	-15.3396213444405	129.263321522164
32	531482.816800	8307319.810800	-15.3104075338171	129.2932693041
41	531968.877100	8308235.164800	-15.3021259606206	129.297785319751
44	533144.780800	8309057.611600	-15.2946754856328	129.308727683776
51	534439.424400	8311079.077900	-15.2763827346478	129.320758743768
60	535296.141400	8312447.144700	-15.2640026631773	129.32871860973
62	535939.314300	8313530.689400	-15.2541976172218	129.33469299507
73	536167.871500	8315379.407400	-15.2374804025538	129.33679484718
83	537166.288500	8315494.048800	-15.2364298063196	129.346090281387
110	537777.908700	8315980.675800	-15.2320214245491	129.351778265666
118	536875.232400	8316612.910900	-15.2263184684888	129.343363615677
120	548291.333700	8316739.380600	-15.2249874933878	129.449660113025
124	547663.079300	8316856.458900	-15.2239406448713	129.443808091648
131	549445.995200	8317277.615200	-15.2200996726811	129.460400812722
132	538665.945500	8317301.634900	-15.2200657036413	129.360027023635
135	547536.688200	8317351.072100	-15.2194712767484	129.442621902482
143	548367.137000	8317461.694500	-15.2184558054121	129.450352052526
146	548849.835100	8317514.690000	-15.2179676361834	129.454845381588
152	547252.748900	8317628.534100	-15.2169679925725	129.43997294555
159	548903.166300	8317779.327400	-15.215574105422	129.455336802375
166	547543.205200	8317930.140200	-15.2142359275203	129.442671648095
174	547836.562600	8318135.854200	-15.2123707176224	129.445399113319
184	547352.043400	8318325.693100	-15.210663313987	129.440884354638
195	546169.476400	8318788.100400	-15.2065040947962	129.4298654872
204	542989.457700	8321530.308800	-15.1817668247848	129.400211403676
212	542454.471200	8322188.698600	-15.1758232010228	129.395219949188
218	541282.433600	8323381.868000	-15.1650547600779	129.384289822253
219	541436.915600	8328933.057300	-15.1148644954377	129.385637001818
232	530871.568700	8330730.051800	-15.098764089672	129.287288674385
237	542157.302400	8330924.625400	-15.0968473350298	129.392308172833
241	535518.076400	8331220.337600	-15.0942724177417	129.330521416113
256	532267.624200	8331532.657900	-15.0914908471529	129.300269951328
273	541213.661600	8331935.681200	-15.0877214727945	129.383510568267
282	538209.957000	8332098.476200	-15.0862952371098	129.355557778855
285	534372.999700	8332368.840800	-15.0839040831627	129.319850237654
308	541436.922300	8333376.258800	-15.0746937445393	129.385564598891
312	535382.902800	8333504.870800	-15.0736197585711	129.329231752796
314	538458.174800	8333576.688300	-15.0729271027775	129.357845154763
337	541172.957000	8334282.396800	-15.0665055422551	129.383093821181
338	537969.957000	8334282.402100	-15.0665538676209	129.353291926812
346	535521.271700	8334511.845300	-15.0645138063887	129.330505184377

**SCHEDULE 1
AREA OF LAND**

POINT ID	EASTING	NORTHING	LATITUDE	LONGITUDE
350	541436.922300	8335060.953200	-15.0594624739176	129.385537179146
354	535664.180800	8335252.107900	-15.0578191308198	129.331824490812
388	538861.686700	8336163.383100	-15.0495348415739	129.361560227146
391	536797.876000	8336246.212400	-15.0488157413757	129.342358061899
395	541172.954800	8336893.943700	-15.0428945939167	129.383051605237
396	539517.617500	8336894.352600	-15.0429163438395	129.367651439317
398	537239.523800	8337264.564600	-15.0396025593105	129.346452116722
401	541436.926100	8337631.375100	-15.0362233285405	129.385495438506
428	536937.500400	8338805.515600	-15.02567502807	129.343620025453
433	541436.927900	8339316.374200	-15.0209892514545	129.385468108768
435	537033.415300	8339468.935200	-15.0196756707261	129.344502666997
451	537866.059500	8340507.312400	-15.010275793756	129.352232836456
452	541172.957200	8340507.088500	-15.0102281360067	129.382993370877
459	540510.042700	8341329.883900	-15.0027995133625	129.376813962411
462	541392.734300	8342175.513600	-14.9951404201607	129.385010721474
463	543701.906000	8342247.950000	-14.9944482113961	129.406487657117
471	541072.917400	8342585.733200	-14.991436619595	129.382029439581
473	544073.115500	8342769.424200	-14.9897273755041	129.409931374407
481	544804.411200	8343355.548800	-14.9844158872651	129.416722895943
487	544983.232200	8344304.884400	-14.9758298958662	129.418369401274

SCHEDULE 2
SCHEDULE OF CONDITIONS

1. The Permit Holders are 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. 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.
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 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 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 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.
7. This Permit is at all times subject to existing rights, title and 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 other legislation, and 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.

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 non-pastoral use activity 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 the *Weeds Management 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. 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 non-pastoral use activity 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.
4. It is the responsibility of the Permit Holder to ensure that the non-pastoral use activity 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.ntepa.nt.gov.au.
5. It is the responsibility of the Permit Holder to ensure that the non-pastoral use activity meets the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The Commonwealth Department of 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.
6. 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.