

NORTHERN TERRITORY OF AUSTRALIA
Section 85A(1) – Pastoral Land Act
CONSENT TO NON-PASTORAL USE ACTIVITY

PERMIT NUMBER: NPU 17/3

I, PAUL ZLOTKOWSKI, Chairman, Pastoral Land Board

GRANT TO Hayes Enterprises (NT) Pty Ltd as trustee for DWH Unit Trust and their successors and heirs in title (“the **Permit Holder**”) in respect of Perpetual Pastoral Lease No 1167 (“**PPL**”), which relates to NT Portion 5108;

A PERMIT FOR NON-PASTORAL USE ACTIVITY (“the **Permit**”), for the area of approximately 0.5ha within NT Portion 5108 (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 I

AUTHORISE THE PERMIT HOLDERS TO use that part of the Land for non-pastoral use, being for Tourism purposes including accommodation, camping grounds, buffalo safaris and the Mainoru Store (“the **Non-Pastoral Use Activities**”).

PROVIDED THAT the Permit Holder must Substantially Commence the Non-Pastoral Use Activities 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 a specified period of the Term of this Permit provided that:

- i. the Permit Holder has 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.

REASONS FOR DECISION:

- A. On 2 February 2017, the Lessee 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*.
- B. The Original Application was advertised for public exhibition in the NT News on 29 April 2017 and on the NT Government website for a period of 30 days.
- C. Additionally, on 15 May 2017 the Board provided advice of the Non-Pastoral Use permit application to the Northern Land Council (NLC) as a courtesy under section 24GB(9)(c) of the *Native Title Act*.
- D. Comments were received from various NT Government agencies with no public submissions received. All comments were supplied to the Lessee for their consideration and reply on 12 July 2017.
- E. The Lessee provided a response to the NT Government agency comments on 26 July 2017.
- F. At its 115th meeting on 15 September 2017, the Pastoral Land Board considered the Original Application, NT Government agency comments and the Lessee's reply.
- G. The Board noted the Non-Pastoral Use activities on Mainoru Station were pre-existing and had been operating successfully for many years.
- H. On the basis of the information contained in the Original Application, and in consideration of the feedback from various NT Government agencies and authorities, the Pastoral Land Board is satisfied that it is appropriate to grant this Permit to the Permit Holder.

DATED 18 October 2017



Chairman
Pastoral Land Board

DEFINITIONS

In this Permit:

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

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

“Original Application” means the document prepared by the Permit Holder, entitled “*Application for Non-Pastoral Use of Pastoral Land (s.86 Pastoral Land Act)*” dated 2 February 2017.

“Substantially Commenced” and “Substantially Commence” means the ongoing provision of camping and accommodation facilities, buffalo safaris and station store, and the improving, adding and complementing of existing infrastructure, as proposed in the Original Application.

SCHEDULE 1 [AREA OF LAND]



SCHEDULE 2

SCHEDULE OF CONDITIONS

1. An annual fee for this Permit is payable by the Permit Holder 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 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 Act* (NT);
 - e. *Heritage Act* (NT);
 - f. *Environmental Assessment Act* (NT); and
 - g. *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
4. This Permit shall be revoked automatically upon the:
 - a. termination of the PPL; or
 - b. surrender of the PPL.
5. 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 90 days after receiving notice requiring it to do so.
6. 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. 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* (NT) protects archaeological places and objects, regardless of the level of documentation that the Department of Tourism and Culture (Heritage Branch) 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 Heritage Branch’s website (www.dtc.nt.gov.au).
3. 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**”). It is the responsibility of the Permit Holders to ensure that all non-pastoral activity complies with the requirements of this Act.
4. 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.