

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

CONSENT TO NON-PASTORAL USE ACTIVITY

PERMIT NUMBER: NPU17/2-A

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 3711 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 – NPU17/2-A

- A. On 13 August 2018 Legune Land Pty Ltd, on behalf of Project Sea Dragon, sought a minor variation to Schedule 1 of the Consent to Non-Pastoral Use Activity Permit (Permit Number NPU17/2) and a corresponding amendment to the Consent to Clear Pastoral Land Permit (Permit Number PLC17/2).
- B. The application to vary Permit NPU17/2 was consistent with section 89(c) of the *Pastoral Land Act*. The lodged amendments proposed to relocate the area to be cleared for the temporary accommodation to a site approximately 500 metres north of the present site with a higher elevation. The relocation of the temporary accommodation site to higher ground will reduce the amount of fill required to elevate the village to appropriate design standards in order to withstand overland water flow.
- C. The variation will not result in substantial changes to the Original Permit and, as such, a full reassessment under the *Pastoral Land Act* was not considered necessary.
- D. On 20 September 2018 at its 119th meeting, the Pastoral Land Board considered the request for variation to the Consent to Non-Pastoral Use Activity Permit (Permit Number NPU17/2) having regard to section 89(c)(3) of the *Pastoral Land Act*.
- E. The Pastoral Land Board determined the reasons to move the temporary accommodation would not change the level or type of impact on the environment, would not influence the relative scale of the Non-Pastoral Use, would not influence the applicability of the Part 2, Division 3, subdivision G of the *Native Title Act* or any other matter prescribed by regulation so agreed to vary the Original Permit and endorse new plans.
- F. The Original Decision and all conditions from the Original Permit remain.
- G. The Reissued Permit is granted for the period remaining of the 30 years from the date of the Original Permit, being 3 November 2017.

ORIGINAL DECISION – NPU17/2

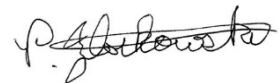
- A. On 27 October 2016, Brian John McLean, lessee of Legune Station, submitted the Original Application to the Pastoral Land Board, requesting a permit for the Non-Pastoral Use Activity, pursuant to section 86(1) of the *Pastoral Land Act*.
- B. The application was advertised in the NT News on 5 November 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 agencies 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 agencies 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 03 November 2018



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 the Original Permit, being 3 November 2017.

“Expiry Date” means the period of thirty (30) years from the date of the Original Permit, being 3 November 2017.

“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.

“Original Permit” means the Consent to Non-Pastoral Use Activity Permit (Permit Number NPU17/2) issued on 3 November 2017.

“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.

- LEGEND**
- Fence lines
 - Transport lines
 - Legume pastoral boundary
 - Approved non pastoral use areas

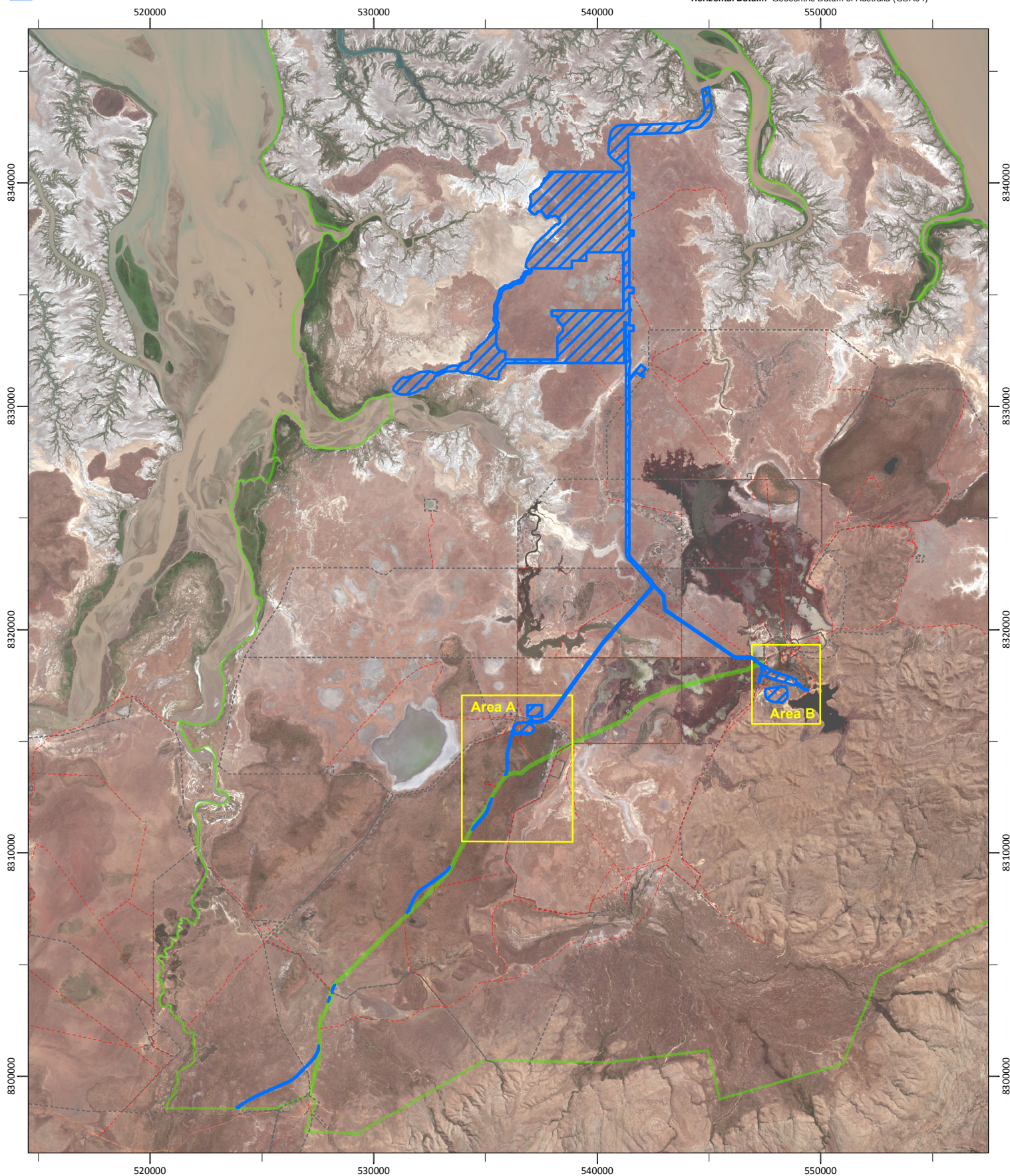
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 NPU Areas: Data provided by applicant
 Cadastre: Department of Infrastructure, Planning and Logistics. (DIPL)
 Infrastructure: DENR and DIPL **Caution: Infrastructure displayed may not be current**
 Imagery: Sentinel-2 multispectral satellite imagery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

SCHEDULE 1 - AREA OF LAND

km 0 2 4 6 8 10 km



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



Location of NPU within the property

Non Pastoral Use Legume Station NT Por 798, PPL 1062

VRD Pastoral District

NPU - Overview

Plan created by DENR: 23/10/2018

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This is the plan referred to in Non Pastoral Use

Permit No: NPU17/2-A

Issued on: 03 November 2018

Chairman, Pastoral Land Board

Total area approved for NPU: 3,711 ha

Area Calculation Projection:
 Albers Equal Area Conic (Aust NT)

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



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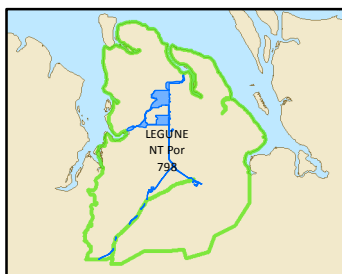
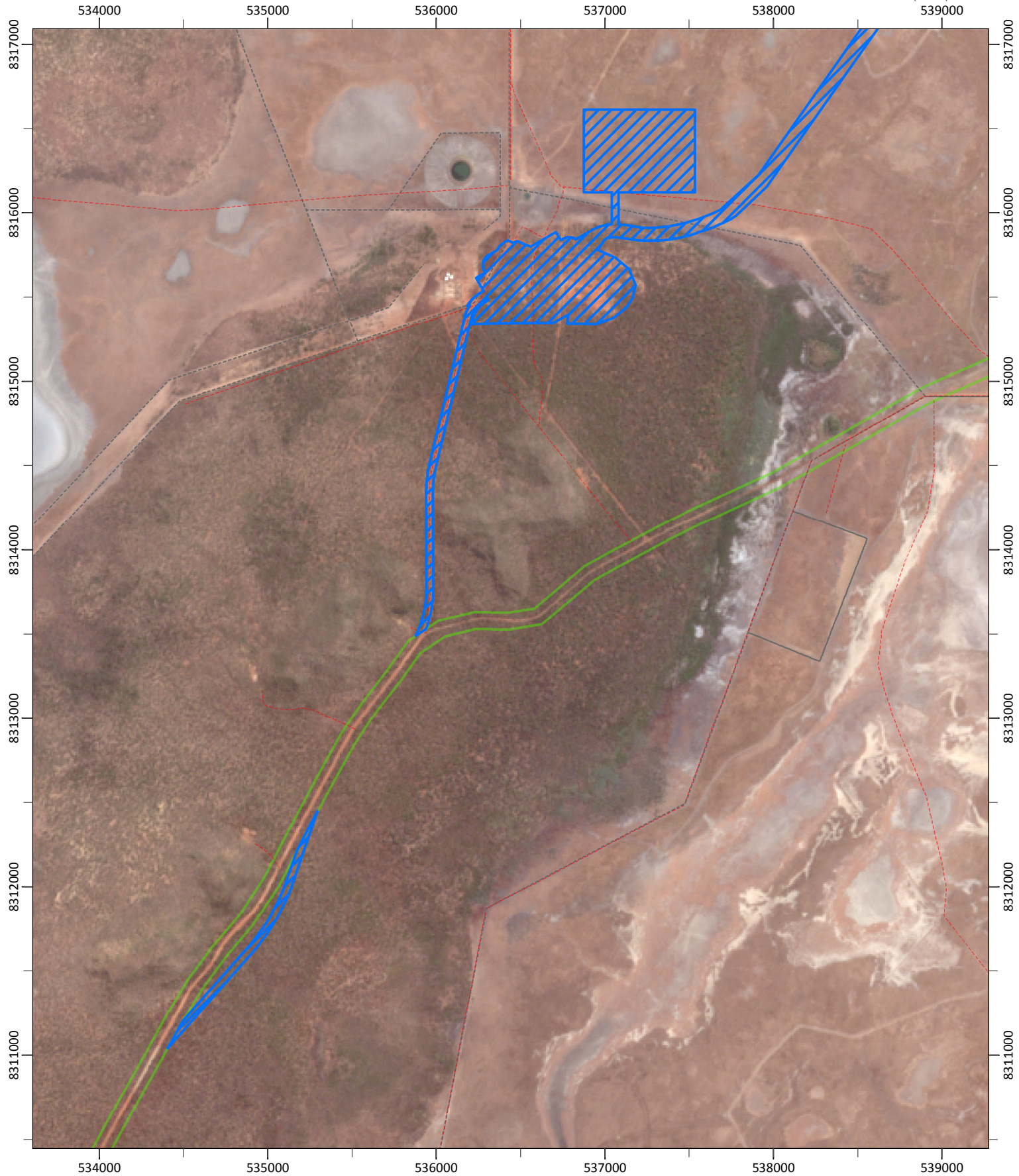
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SCHEDULE 1 - AREA OF LAND

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)



Location of NPU within the property

Non Pastoral Use Legume Station NT Por 798, PPL 1062

VRD Pastoral District

Area A - Central facilities and village area

Plan created by DENR: 23/10/2018

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Permit No: NPU17/2-A

Issued on: 03 November 2018

Chairman, Pastoral Land Board

Total area approved for NPU: 3,711 ha

Area Calculation Projection:
 Albers Equal Area Conic (Aust NT)

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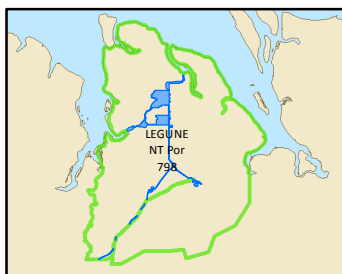
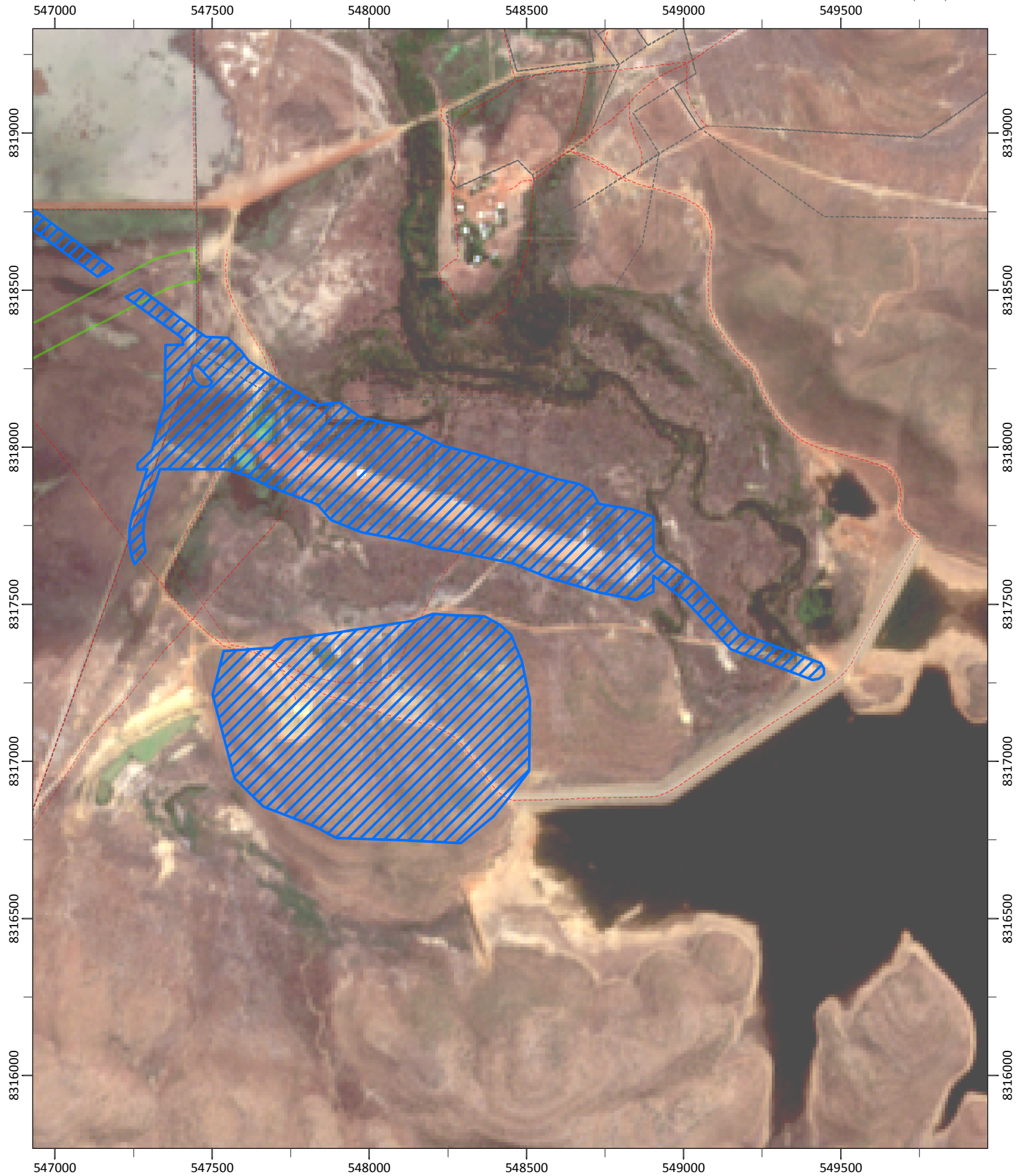
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SCHEDULE 1 - AREA OF LAND

km 0 0.1 0.2 0.3 0.4 0.5 km



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



Location of NPU within the property

Non Pastoral Use

Legume Station
NT Por 798, PPL 1062

VRD Pastoral District

Area B - Airstrip Area

Plan created by DENR: 23/10/2018

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This is the plan referred to in Non Pastoral Use

Permit No: NPU172-A

Issued on: 03 November 2018

Chairman, Pastoral Land Board

Total area approved for NPU: 3,711 ha

Area Calculation Projection:
 Albers Equal Area Conic (Aust NT)

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

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. The Non-Pastoral Use must be undertaken in accordance;
 - a. in accordance with the Original Application; and
 - b. in accordance with the Endorsed Plan at Schedule 1 of this permit.
3. 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 the Original 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.
4. This Permit is subject to the Permit Holder's ongoing compliance with its obligations under the PPL.
5. 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).
6. This Permit shall be revoked automatically upon the:
 - a. termination of the PPL; or
 - b. surrender of the PPL.
7. The Pastoral Land Board may 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. 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 development 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.