

**DETRIMENT REVIEW:
LOWER ROPER RIVER LAND CLAIM No. 70: REPORT No. 65**

AND

UPPPER ROPER RIVER REGION LAND CLAIMS COMPRISING MATARANKA AREA (NT PORTION 916) LAND CLAIM NO. 129; WESTERN ROPER RIVER (BEDS AND BANKS) LAND CLAIM NO. 141, ROPER VALLEY AREA LAND CLAIM NO. 164 AND ELSEY REGION LAND CLAIM NO. 245: REPORT NO. 68

UPDATED DETRIMENT AND PROPOSED PATTERNS OF LAND USAGE INFORMATION ON BEHALF OF THE NORTHERN TERRITORY OF AUSTRALIA FOR CONSIDERATION BY THE ABORIGINAL LAND COMMISSIONER

Key

NTP = NT Portion No.

CLP = Crown Lease in Perpetuity

PPL = Perpetual Pastoral Lease

VCL = VCL

ALT = Aboriginal Land Trust land held under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (ALRA)*

Lower Roper River Land Claim No. 70: REPORT No. 65

The claim area dealt with in this report comprises the following area, as noted in the Land Claim No. 70 Application:

“All the beds and banks of, and islands in, the Roper River in the Northern Territory of Australia as shown hatched on the plan attached to this Application EXCEPTING any land on which there is a road over which the public has the right of way; and any land that is not unalienated Crown land.”

Report No. 65 explains that “the hatched area on the plan attached to the application extends upstream from the mouth of the Roper River to a point adjacent to the western boundary of Northern Territory Portion (NTP) 2632 (being land that subsequent to the date of the application was granted to the Yutpundji-Djindiwirritj Aboriginal Land Trust)”: refer Report No. 65 at paragraph 6: refer attached Map of Claim Area marked as **Attachment A**;

NB: Roper River has been given an administrative parcel number NT Portion 4352. This covers the whole length of the river the subject of LC 70 from the Roper River/Roper Bar Crossing to the mouth of the Roper River.

Item	Olney J detriment findings and any additional detriment per ALC letter of 16.04.2018	Additional/new detriment information
1.	<p><u>Fisheries Detriment:</u> Refer to ALC letter of 13.04.18 to SFNT, page 2, second paragraph:</p> <p>“During the inquiry, the Northern Territory Government (NTG) claimed that Roper River was an important destination for local commercial fishers in the Northern Territory (NT) and for visiting and local recreational fishers. The NTG pointed to the public boat ramps and camping spots within or adjacent to the claim area and claimed that these were accessed by tourists and locals all year round. It was submitted that any restriction or prohibition on access to the claim area would therefore cause detriment to recreational and commercial fishers and tourism in the NT. These claims of detriment were supported by evidence</p>	<p>The NT Government Department of Primary Industries and Resources (DPIR) was established by the NT Government on 12 September 2016. DPIR brings together many of the key functions that drive economic development in the Northern Territory including on land, over coastal areas and inland waterways. Its business sectors are mines and energy, fisheries and product integrity, primary industry development and the NT Geological Survey.</p> <p>DPIR advise:</p> <p>PART 1: FISHERIES</p> <p>Fishing in the Claim Area</p> <ol style="list-style-type: none"> a. DPIR compiles information relating to existing fishery interests and practices to regulate activities administered under the <i>Fisheries Act</i> (NT) (the Act). These fishery interests and practices include all Northern Territory waters, including rivers and waters overlying the inter-tidal zone and fishing activities in Australian waters that are managed by the Northern Territory by consequence of arrangements under the Offshore Constitutional Settlement. b. The Act provides for the conservation and management, by regulation, of all fish and aquatic life in Northern Territory waters, to maintain their sustainable utilisation by all interested user groups including traditional Aboriginal usage. The Act also seeks fair, equitable and optimal use of those resources with regard to providing benefit to the Northern Territory. c. Save for aquaculture, fish and aquatic life are deemed to be common property resources which, under the Act, are managed and conserved on behalf of the Northern Territory community as a whole. d. In all coastal and inland waters of the Northern Territory, including waters that overlie Aboriginal land, the use of fish and aquatic life is a regulated activity administered under the Act. <p>Directions in Northern Territory Fisheries Management</p> <ol style="list-style-type: none"> e. The Northern Territory Fisheries Harvest Strategy is a policy document that integrates the ecological, social and economic dimensions of fisheries management into a single operational framework for decision making. In its simplest form, a harvest strategy provides a framework to ensure that fishery managers, fishers and other stakeholders have a shared understanding of the objectives of using a specific resource and work together to consider and document responses that will be applied to various fishery conditions (desirable and undesirable) before they occur. This provides greater certainty and avoids ad-hoc decision making (Sloan, S. R., Smith, A.D.M., Gardner, C., Crosthwaite, K., Triantafillos, L., Jeffries, B. and Kimber, N (2014)

<p>from Ms Claire George, a then policy officer with the NT Tourist Commission and Mr William Francis Flaherty, the then deputy director of NT Fisheries. The NT also submitted that a grant of title to the claim area would cause cumulative detriment, forcing an increase of fishing effort to other areas, thereby affecting the sustainable management of NT fisheries as a whole”: refer also Report No. 65 at paragraphs 88 and 89.</p>	<p>National Guidelines to Develop Fishery Harvest Strategies. FRDC Report – Project 2010/061. Primary Industries and Regions, South Australia, Adelaide, March. CC BY 3.0).</p> <ul style="list-style-type: none"> f. Harvest strategies are considered to represent a best-practice approach to operational fisheries management and they have been widely adopted nationally and internationally (FAO (2011). EAF planning and implementation tools. Harvest Strategies and Control Rules. EAF Tool fact sheets. Text by EAF Toolbox Team. [online]. Rome. Updated 29 November 2011. McIlgorm A. (2013). Literature study and review of international best practice, fisheries harvest strategy policy approaches. A report to the Department of Agriculture Fisheries and Forestry (DAFF), Canberra, by ANCORS, University of Wollongong, Australia. Smith A.D.M., Smith D.C., Haddon M., Knuckey I., Sainsbury K.J. and Sloan S. (2013). Implementing harvest strategies in Australia: 5 years on. – ICES Journal of Marine Science, doi:10.1093/icesjms/fst158). g. Harvest strategies identify clear objectives of how a given fishery resource is to be used to optimise benefit. They put in place measurable indicators of performance to ensure the fishery moves towards meeting the objectives and specific management actions that will be implemented if reference points are met to ensure that the fishery is meeting its stated objectives. h. The adoption of a consistent approach to the development of a harvest strategy is expected to lead to better managed fisheries and encourage responsible fishing, as decisions on harvest levels are forecast and will be made in a more transparent, predictable and timely manner. Harvest strategies will also provide adaptability to social, economic and ecological change and create a level of transparency and reporting that will foster greater community confidence in the way fisheries are managed. <p>Harvest Reference Points</p> <ul style="list-style-type: none"> i. Best practice management of exploited fishery populations includes the development of harvest reference points to identify when management actions need to occur if the stock is being overfished or underutilised. The Food and Agriculture Organisation (FAO) offer three reference points; Target, Trigger and Limit that are mainly used in fisheries management. Commonly, these reference points are values of the current biomass as a proportion of the unfished biomass. j. Target Reference Points have traditionally been focussed around the Maximum Sustainable Yield (MSY) which is the maximum harvest that can be sustained before population growth (generally referred to as recruitment) is significantly impacted. However, fishing a stock at MSY can allow the biomass to reduce to between 20 and 60% of unfished levels depending on the species being harvested. Data used in stock assessments is holistic and where available include estimates of catches from all sectors. However, while biomass levels might be considered sustainable there may be an impact on the ability for non-commercial users of the resource to catch these species. Consequently, there have been a number of alternative sustainable target reference points developed to account for other user needs. Increasingly in commercial fisheries the target is set at Maximum Economic Yield (MEY) which is typically set below the MSY level (and more conservatively in terms of overall catch). <p>Barramundi Fishery</p> <ul style="list-style-type: none"> k. Significant levels of Barramundi and threadfin have been harvested from LC 70:
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Year	Barramundi	King Threadfin
2008	76,725	17,599.99
2009	28,525	14,566.66
2010	43,050	11,650
2011	71,065	21,783.33
2012	71,300	17,816.66
2013	69,237.5	41,866.68
2014	31,277.5	7,783.33
2015	43,925	12,150
2016	13,682.5	5,466.67
2017	16,350	9,566.67

l. However, there is no catch data recorded for Barramundi or King Threadfin in the other claim areas.

Significant and Specialised Commercial Fishery – Mud Crabs

- m. The mud crab fishery has 49 commercial licences, utilised by a number of operators. Each licence has two ‘units’ attached, with each unit giving an allowance of 30 mud crab pots to fish with. Environmental factors influence the recruitment and catchability of mud crabs, with the annual harvest often fluctuating significantly as a result. Consequently, the value of the total fishery in terms of GVP also varies, having reached nearly \$12M in 2008/09 with a catch of 510 tonnes, to approximately \$4.5M in 2015/16 with a catch of 146 tonnes.
- n. Mud Crab licences are issued for twelve months and are not geographically restricted except in respect of those areas closed for management purposes under the Mud Crab Fishery Management Plan (a Fishery Management Plan under the *Fisheries Act*).
- o. Significant levels of Mud Crab Fishing occurs in the LC 70 claim area, the lower Roper:

Year	Mud Crab (Kg)*
2008	89,374.6
2009	123,566.6
2010	93,530
2011	100,738
2012	97,984
2013	37,954
2014	31,573
2015	25,954.8
2016	3,253.9
2017	39,724.9

p. However, there is no catch data recorded for Mud Crab in the other claim areas.

Recreational Fishing

- q. The 'Survey of Recreational Fishing in the Northern Territory 2009-10' found that there are about 32,000 non-Indigenous NT residents (over five years of age) who fish for recreation/subsistence. This survey estimated an annual economic contribution of \$51 million per annum by NT residents who recreationally fish. It also found that boats used for recreational fishing had a market value of \$194 million. An excerpt of the summary from that report is located at **Attachment IC1** of the statement of Ian Curnow dated 26.10.2017, exhibit NT 9 in the Fitzmaurice River Region Land Claim No.189 inquiry.
- r. There is also a large number of visiting interstate and international anglers who visit the NT and fish without hiring fishing guides, but they are difficult to quantify and value monetarily. While the 2009-10 survey was focussed on NT residents, a national survey of recreational fishing undertaken in 2000/2001 found over 50,000 visitors annually fish at least once during their stay in the Northern Territory. On-site surveys undertaken in conjunction with the 2009-10 survey indicate visitor fishing effort had more than doubled in catchments comparable to the 2000-01 national survey.
- s. The Recreational Fishing Development Plan, attached and marked as **Attachment IC2**, to the statement of Ian Curnow in LC 189, exhibit NT9, estimated that expenditure by recreational fishers during 2010 was \$80 million.

- t. There are no accurate records of the number of NT jobs the recreational fishery supports but it is thought to be significant across tackle shops, boats and tourism.
- u. The last recreational fishing survey data from that area was collected in 2009/10. The survey estimated that NT residents spent a total of 2,067 (SE=605) days fished in the Lower Roper River. To put these usage figures in perspective, there were 151,000 days fished by NT residents across the NT during the 12 month survey period in 2009/10.
- v. As LC 70 includes all of the Lower Roper, it can be assumed that all of this fishing effort has occurred within the claim area. Additionally, there are three well-known public boat ramps within this claim area that provide access to recreational, commercial and emergency services vessels. The three ramps are located at Port Roper, Tomato Island and Roper Bar.
- w. A separate survey was also conducted by NT Fisheries within the Lower Roper River in 2009. This survey was designed to gain an estimate of fishing effort from both residents AND visitors and involved 'on-site' surveys conducted from the Tomato Island boat ramp. This discrete survey estimated that both visitors and residents (that launched from Tomato Island boat ramp) spent a total of 5,561 (SE =1,241) days fishing in the eight month period between April and November 2009. Of this total, 5,216 days (93%) were attributed to visitor fishing effort. It should be noted that the above estimates of effort do not include vessels that launched from other locations on the Roper River (i.e. Roper Bar, Port Roper or other land based access points). The results are therefore clearly an underestimate of the total fishing effort on the Lower Roper River.

Fishing Tour Operators

- x. There is also an active guided fishing tourism industry which includes over 150 licensed fishing tour operators (FTOs). A 2012 assessment of this industry showed that it caters for about 31,000 client days fished each year and its economic contribution is a further \$26 million per annum.
- y. FTO activity has occurred in the claim area in recent times:

FTO effort (Angler Days, number of licenses operating in area)

Year	Angler Days	No. licences that worked the area
2010	30	6
2011	89	4
2012	72	4
2013	83	3
2014	38	2
2015	83	6
2016	70	6
2017	30	4

		<p>Enforcement of fisheries regulations</p> <ul style="list-style-type: none"> z. The Northern Territory has strict possession limits and gear restrictions in place for recreational fishers and a range of effort and gear restrictions in place for the commercial fishery. The numbers of commercial fishers and fishing tour operators is controlled via the issue of licences to undertake that activity. Compliance involves two key measures; education and enforcement. Education measures include brochures, signage and a NT fishing application that allow smart phone users to understand and be aware of the various fishing rules in place including the ban on the take of protected species. aa. Amendments to the <i>Fisheries Act</i> were introduced from 1 January 2017 to strengthen 'fit and proper' provisions for commercial operators, including the ability for the Director to consider relevant offences under other legislation (rather than just fishery offences) such as sacred sites or trespass offences in determining the grant or renewal of licences and permits. bb. Many previous land grants have been made to the 'mean low water mark' which is not defined on nautical charts and is, in a practical sense, unenforceable <p>Access Negotiations</p> <ul style="list-style-type: none"> cc. Subsequent to the High Court decision on Blue Mud Bay, the Northern Territory Government worked with the Northern Land Council to develop an offer to put to Traditional Owners for a 20 year access agreement in return for a range of benefits to Traditional Owners. The Northern Territory Government then worked with the NLC to negotiate agreements for the first tranche of areas of highest priority which were key recreational fishing areas. During these meetings, the Northern Territory Government and NLC provided background information on the Blue Mud Bay High Court decision to ensure Traditional Owners fully understood what it meant and what it was that the Northern Territory Government was seeking. The Northern Territory Government, on behalf of the broader community sought to continue to have 'permit free' access to waters overlying Aboriginal land. dd. At the completion of the first round of negotiations, the Northern Territory Government had secured access agreements with six groups (including Tiwi Islands) for 20 year terms. The Minimini/Murgenella Traditional Owners, however, opted for an initial three year agreement (with the option of extending to 20 years). The Minimini /Murgenella agreement has since been further extended on an annual basis. The Northern Territory Government and the NLC had previously identified key commercial fishing areas for the next round of negotiations, all of which are in Arnhem Land and includes the Roper/Limmen area. The Northern Territory Government drafted the initial offers but never had the opportunity to undertake consultations due to the NLC not arranging meetings with Traditional Owners from these areas. Effectively this negated the opportunity for Traditional Owners to be presented with the Northern Territory Government offer and allow them to determine if they wished to accept or reject the offer. ee. The NLC has not facilitated the involvement of the Northern Territory Government in any new negotiations with Traditional Owners/Land Trusts in the last 4 years ff. In relation to the Claim Area, there is therefore no certainty that a future access agreement would be reached for fishing access to waters, in which case neither recreational nor commercial fishers (should the commercial fishery management closure be lifted in the future) would have any access to the waters.
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		<p>gg. The effect of the Blue Mud Bay decision, in combination with the extent of the existing areas of land granted as Aboriginal land under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> (Cth) (Land Rights Act), the 13 "Beds and Banks" claims previously recommended for grant by the former Commissioner the Honourable Justice Howard Olney and the 10 outstanding "Beds and Banks" claims give rise to a significant risk that existing or proposed patterns of land usage associated with recreational and commercial fishing will be detrimentally impacted upon if widespread access is withdrawn or restricted. This is particularly so as fisheries development depends upon certainty and security of access.</p> <p>hh. Even under the terms of a 20 year agreement, it may not provide certainty and security for commercial development to occur. There would also be a continuing cost to the Northern Territory Government and taxpayers, as well as resourcing implications for Government agencies and Land Councils to administer, review and renegotiate agreements on an ongoing basis.</p> <p>Importance of whole of fishery approach to fisheries management</p> <p>ii. Approximately 78 percent of the coastline of the Northern Territory is Aboriginal land down to the low water mark. If all outstanding land claims resulted in a grant of Aboriginal land, this figure would increase to 90 percent.</p> <p>jj. In carrying out the objectives of the Fisheries Act and the Harvest Strategy, it is critical that the impact of reduced or modified access is understood as it relates to overall management of fisheries as a natural resource.</p> <p>kk. A number of pre-requisites exist for the development and management of aquatic resources. The Harvest Strategy names the following as pre-requisites for effectively managed Fisheries:</p> <ol style="list-style-type: none"> 1. <i>A fishery specific management framework that contains:</i> <ol style="list-style-type: none"> 1.1. <i>Long term conceptual objectives including ecological, and where appropriate, economic, social and customary objectives that define how the fishery is carried out to the benefit of the community; and</i> 1.2. <i>Resource access and allocation arrangements between sectors to maximise the benefit of resources shared among all users (commercial, recreational, customary and fishing tourism).</i> 2. <i>An Ecologically Sustainable Development risk assessment to identify and prioritise the full suite of ecological, economic, social and customary issues in the fishery."</i> <p>ll. Notwithstanding that the <i>Fisheries Act</i> would continue to apply regardless of tenure, the granting of 'Beds and Banks' claims on a wide scale amounts (in a cumulative sense) to an additional management regime over Territory waterways - an access regime notionally founded upon either permit-based access or agreements for recreational or commercial activity pursuant to s19 Land Rights Act.</p> <p>mm. Historically, impediment to or obstruction towards an aquatic resource (whether through regulatory, access or environmental factors) has served to displace fishing effort, rather than remove it. This displacement has the more than likely effect of concentrating fishing effort by recreational, commercial and fishing tour operators. It also remains at odds with the overall aims and goals of the <i>Fisheries Act</i> and the Harvest Strategy, which aims to promote and enhance informed, evidence-based fisheries management decisions.</p>
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		<p>nn. In the McArthur River Region Land Claim (184) Report of March 2002 the then Aboriginal Land Commissioner, Justice Olney, at paragraph 169, made a strong comment on the need to treat river and sea access and the issues arising therefrom on a global basis:</p> <p><i>"It is likely that the pending claims identified in in this statement will give rise to similar, if not identical, issues as have been raised in previous Land Claims in relation to access to rivers and the sea, and to the management of both marine resources and the coastal ecosystem. The evidence is very strongly against dealing with these issues on a purely local, rather than a regional or even a Territory-wide basis. It would seem that a final resolution of these claims may be dependent upon the resolution of outstanding legal questions concerning the rights which attach to Aboriginal ownership of tidal rivers and the bed of the intertidal zone and also the larger question of whether the seabed beyond the low water mark is susceptible to claim under the Land Rights Act. Ultimately legislative action on the part of both the Commonwealth and the Northern Territory may be required to achieve an acceptable result."</i> <u>(emphasis added)</u>.</p> <p>oo. In the Lower Roper River Land Claim (70) Report of 7 March 2003 Justice Olney, at paragraph 112, under the heading "Cumulative effect of land claims", returned to this theme and commented:</p> <p><i>"There have been a number of land claim reports in recent years in which recommendations for the granting of title have been made in respect of areas of the inter-tidal zone and tidal rivers in the Gulf region. Most, if not all, of those reports have been referred to above. In each, one of the concerns expressed is that if by reason of a grant of title access to waters of the ocean and rivers by commercial and/or recreational fishers is prohibited or restricted, there is likely to be a corresponding increase in fishing effort in other areas. This reasoning has not been challenged. In these circumstances it would seem logical that the recommendation in this report should not be considered in isolation from those contained in the other reports in question but rather, a regional, if not Territory wide, approach should be adopted in considering whether, and to what extent, the recommendations should be given effect to."</i> <u>(emphasis added)</u>.</p> <p>pp. Of further significance to whole-of-fisheries management is that displaced fishing effort may very well be displaced to further areas where access may be conditional or denied altogether – creating, in effect, regional level disruption of fisheries management rather than just localised disruption.</p> <p>qq. Barramundi licences are not geographically restricted, except in respect of those areas closed for management purposes under the Barramundi Fishery Management Plan. The Claim Area is closed to the commercial Barramundi fishery. If a barramundi licensee was prevented from fishing in one area he or she would be forced to move to another area. At present there are 14 barramundi licensees in the Northern Territory.</p> <p>rr. The DPIR has performed extensive studies on the number of licences each fishery can sustain. If licence holders were prevented from fishing in one area and moved to the remaining areas, the DPIR would have to determine whether the number of licences was appropriate.</p> <p>ss. If there was a concentration of effort into the remaining areas, as a result of reduced areas available for fishing, the result may be that the number of licences needs to be reduced. Adjustments for resource sharing reasons have typically involved a Government funded buyback of licences.</p>
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		<p>tt. The importance of a whole of fishery approach is equally relevant to the mud crab fishery. The life cycle of the mud crab makes it necessary to manage the mud crab in all waters to ensure the survival of the resource. There are currently 49 mud crab licences. If there was a concentration of effort into the remaining areas, as a result of reduced areas available for fishing, the result may be that a reduction in the number of licences is necessary</p> <p>PART 2 ENERGY AND MINES</p> <p>Part 2.1 ENERGY</p> <p>uu. The DPIR administers and regulates petroleum exploration, production and transportation (via pipeline) activities in the NT onshore and to the 3 nautical mile limit (3nM).</p> <p>vv. The relevant Acts, regulations and schedules are:</p> <ul style="list-style-type: none"> - <i>Petroleum Act</i> - <i>Petroleum (Environment) Regulations</i> - <i>Schedule of Onshore Petroleum Exploration and Production Requirements 2016</i> - <i>Petroleum Regulations</i> - <i>Petroleum (Submerged Lands) Act</i> - <i>Petroleum (Submerged Lands) Regulations</i> - <i>Petroleum (Prospecting and Mining) Act [repealed]</i> – existing by virtue of transitional provisions under section 119 of the <i>Petroleum Act</i> - <i>Energy Pipeline Act</i> - <i>Energy Pipelines Regulations</i> <p>Petroleum Interests over and adjacent to the Claim Area</p> <p>ww. There are granted titles on native title land within and/or surrounding the claim areas.</p> <p>xx. There are petroleum exploration permit applications falling on Aboriginal Freehold Land that also traverse the adjacent claim areas.</p> <p>yy. The area is considered prospective for oil and gas. In September 2014, Imperial Oil & Gas Pty Limited (Imperial) completed the drilling of four exploration holes in the St Vidgeon region of Petroleum Exploration Permit EP184. While the current results are preliminary, they are consistent with the findings from previous Geochemical and Basin Thermal Modelling studies by Imperial that suggest potential not only for gas, but also petroleum liquids: see ASX announcement at Attachment B.</p> <p>zz. On 21 August 2013, Petroleum Exploration Permit EP184 was granted under the provisions of the <i>Native Title Act 1993</i> to Imperial; current expiry date is 20 August 2020: see Title Report for EP 184 at Attachment C. EP184 covers a majority of the southern border of the Lower Roper River LC 70: see map depicting various petroleum tenures in the LC 70 region including EP 184 at Attachment D.</p> <p>aaa. On 12 April 2010, Imperial applied for EP(A)182, which is situated over Arnhem Land Aboriginal Land Trust: see Title Report for EP(A) 182 at Attachment E. On 14 October 2010, the delegate of the Minister, pursuant to section 13 of the <i>Petroleum Act</i>,</p>
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issued consent to Imperial to enter into negotiations with the Northern Land Council for the grant of EP(A)182. The Consent to Negotiate (CTN) period has been extended six times by mutual consent between the Northern Land Council (on behalf of the Traditional Owners) and Imperial under section 42(13) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA). The current CTN period is due to end 31 October 2018. EP(A)182 covers portions of the northern border for Lower Roper River LC 70: see map at Attachment C.

bbb. On 12 April 2010, Imperial applied for EP(A)183, which is situated over Marra Aboriginal Land Trust: see Title Report at for EP(A) 183 at **Attachment F**. On 14 October 2010, the delegate of the Minister, pursuant to section 13 of the *Petroleum Act*, issued consent to Imperial to enter into negotiations with the Northern Land Council for the grant of EP(A)183. The Consent to Negotiate (CTN) period has been extended six times by mutual consent between the Northern Land Council (on behalf of the Traditional Owners) and Imperial under section 42(13) of the ALRA. The current CTN period is due to end 31 October 2018. The northern boundary of EP(A)183 overlaps the eastern portion of the Lower Roper River LC 70: see map at Attachment C as noted above.

Access Negotiations

ccc. Before grant of a petroleum exploration permit, the DPIR must have evidence that the applicant and either the registered native title parties or the traditional owners of any ALRA land, (whichever is applicable) have reached formal agreement between them.

ddd. The DPIR is not privy to the content of these agreements, but understands that they can deal with environmental and cultural matters and how activities are conducted. This could include activities like construction of roads and tracks, creek crossings, development of processing facilities and gathering pipelines, transport of a petroleum resource via pipeline or to conduct environmental studies, including sampling and geophysical surveys.

Environmental Regulation

eee. The *Petroleum Act* requires that the holder of a granted EP must carry out works in such a way as to cause as little disturbance to the environment as practicable. Additionally, exploration activity is subject to the requirements of the Petroleum (Environment) Regulations (PER), the object of which is to ensure that regulated activities are carried out in a manner:

- (a) consistent with the principles of ecologically sustainable development
- (b) by which the environmental impacts and environmental risks of the activities will be reduced to a level that is:
 - (i) as low as reasonably practicable; and
 - (ii) acceptable.

fff. All exploration activities must have an environment management plan approved under the PER before activity can be undertaken. For those reasons, DPIR does not generally approve drilling programs within 100 metres of a river or inland water body. The detriment that may result in the event of the grant of the claim areas was to occur is set out below in paragraphs (ggg)-(jjj) below.

Petroleum Exploration and Development Activities

ggg. Among other things petroleum activities consist of construction of roads, tracks, camps, drilling pads, creek crossings and the conduct of ground geophysical surveys, airborne surveys, drilling, environmental and geological studies, including sampling. If

		<p>substantial hydrocarbons are discovered, field development will comprise of processing facilities (including an office block and camp facilities), gathering pipelines, a petroleum resource transport pipeline and compressor stations. While there may be opportunities to connect to the Amadeus Pipeline (via the McArthur River Gas Pipeline if applicable) or the (under construction) Northern Gas Pipeline, a company would look at all development options to select the most viable, which could include to an offshore facility like a Floating LNG processing facility or a condensate export facility.</p> <p>hhh. In relation to the Claim Areas and surrounds, there is no certainty that a future access agreement would be reached for other petroleum activities in which case undertaking activities on granted titles that may require access to or through the claim areas cannot be relied on.</p> <p>iii. Failure to reach agreement poses a strong risk that proposed patterns of land usage associated with petroleum exploration and production could be detrimentally impacted if access is withdrawn or restricted.</p> <p>jjj. Even if an agreement can be reached, it would likely create additional costs to petroleum explorers.</p> <p>Comment by Geological Survey: Detriment in the Claim Areas</p> <p>kkk. The geology surrounding these Land Claim areas is considered highly prospective and under explored for a range of mineral and petroleum commodities. It is possible that grant of title may cause detriment to potential future transport of commodities along or across the identified watercourses.</p> <p>Part 2.2 Minerals tenure in claim areas</p> <p>iii. The mining industry is an important contributor to the Northern Territory economy. The development of Northern Territory mineral assets gives rise to significant infrastructure expenditure and long-term employment.</p> <p>mmm. Current granted minerals tenures comprising Explorations Licences 26599, 23239, 28732, 23500, and 27143 fall within LC 70 as listed in the spreadsheet of mining tenures within LC 70 and Upper Roper River claims as discussed in Table 2 below marked as Attachment G. See also as depicted on Attachment H, being map of minerals tenure within LC 70 and Upper Roper Land Claims.</p> <p>nnn. Exploration Licences ('ELs') allow the holders of this type of title to conduct exploration activities in connection with minerals, including occupying the title area, drilling, trenches, holes, sinking bores and tunnels, extracting and removing samples of ore and other substances in amounts reasonably necessary for evaluation from the title area.</p> <p>ooo. ELs may be granted for a term not exceeding 6 years. Prior to expiry of the term of an EL, the licensee may apply to the Minister for the renewal of the EL for a term not exceeding 2 years. An EL may be renewed more than once.</p> <p>ppp. An EL application gives no access rights to applicants. If the claim areas are granted as Aboriginal land, future EL applicants would have to comply with the processes in Part IV ALRA for access to conduct exploration activities. Part IV ALRA processes would also apply subsequently when applying for a Mineral Lease. The requirement to obtain Traditional owner consents to the grant of mining interests over Aboriginal land in the region imposes additional processes for relevant approvals.</p> <p>qqq. In addition to the above, a separate process for approval under the <i>Native Title Act</i> (Cth) would apply to those areas for grant beyond any ALRA grant areas. These processes provide for differing timeframes, costs and grant conditions which</p>
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		<p>may lead to applicants removing the Aboriginal land grant areas from the proposed application areas. The Applicant may then wish to pursue a new application over those areas which would result in greater administrative burden and cost to the applicants.</p> <p>rrr. With respect to granted EL/s within the claim area as noted on Attachments G and depicted on Attachment H, if the claim area is granted as Aboriginal land and the tenement holders apply for a mineral lease, the processes in Part IV ALRA would apply including traditional owner consent under s46 ALRA. The requirement to obtain traditional owner consent to the grant of a mineral lease over Aboriginal land imposes additional processes for relevant approvals that did not apply when the EL holders applied for and were granted their ELs.</p> <p>sss. Further, any other future mineral title applicants would have to comply with the processes in Part IV of the ALRA.</p>
2.	<p>Tourism Detriment</p> <p>Mr Michael Butler, on behalf of the NT Department of Infrastructure, Planning and Environment stated that a grant of title would adversely impact the management of the Limmen National Park. At the time of inquiry, the Limmen National Park had not been formally declared under s 12 of the <i>Territory Parks and Wildlife Conservation Act</i> but was managed by the Parks and Wildlife Commission (Commission) under agreements made pursuant to s 74 of the Act. The central concern of the Commission was that if access was restricted to the beds and banks of the Roper River adjacent to the</p>	<p>The Department of Tourism and Culture (DTC) was established by the NT Government on 12 September 2016. It is comprised of an amalgamation of the previous Department of Sport and Recreation, Arts and Museum, Parks and Wildlife and Tourism NT as well as the Heritage Division.</p> <p>The DTC advises:</p> <ol style="list-style-type: none"> a. The DTC supports and adopts the previous statement given by Claire George, the former Manager Strategic Development of the Northern Territory Tourist Commission (now Tourism NT within the Department of Tourism and Culture) and the Lower Roper River Land Claims Report summary of recreational fishing and reiterates their substance, whilst providing the following updates and additional information. b. The Katherine region (which includes LC 70, 129, 141, and 164 “the Land Claim Areas”) attracted 346,000 interstate and international visitors in 2017, with a visitor expenditure of \$186 million. The Roper River generally remains a popular spot for recreational fishing and continues to be accessed by both locals and visitors. c. Fishing remains a key attraction for visitors to the Gulf sub-region including the Land Claim Areas. Specific data on the number of fishing visitors to the Land Claim Areas is not available however an average of 19% (Dec 2015 – Dec 17) of holiday visitors to the Katherine Daly region went fishing during their trip. d. Recreational fishing is a large contributor to the Northern Territory economy with the fishing tourism industry’s total economic contribution estimated at \$26 million per year. e. The iconic Northern Territory barramundi remains a key drawcard for recreational fishing visitors and the Roper River (including the Land Claim Areas) is a destination visited by recreational fishers in their efforts to catch a barramundi. f. The Savannah Way Four Wheel Drive (4WD) touring route travels across three states from Queensland through the Northern Territory to Western Australia. This touring route travels along the Nathan River road in the immediate vicinity of Limmen National Park and Land Claim 70 (LC 70) and Land Claim 164 (LC164(iii)) with these visitors regularly camping and fishing at both Tomato Island and Roper Bar (within LC 70 and LC 164(iii)). A map depicting the Nathan River Road as part of the Savannah Way 4WD touring route is attached and marked Attachment I. Whilst this particular map is not available in an electronic form online, a similar map depicting location of Savannah Way 4WD touring route including across Nathan River road can be found online at http://www.savannahway.com.au/maps/. g. The Savannah Way is marketed as Australia’s Adventure Drive crossing from Cairns to Katherine to Broome, with a dedicated landing page at http://www.savannahway.com.au.

	<p>park, their future management of the park, including management of public access to the park, and the development of the park would be adversely affected: refer also Report No. 65 at paragraphs 94 and 95.</p> <p>See also comments at paragraphs 88-89 of Report 65, in particular regarding evidence of Claire George, Policy officer with the NT Tourist Commission.</p>	<ul style="list-style-type: none"> h. As the Savannah Way is a self-drive remote touring route there is limited visitor data available as to how many visitors take this drive each year. Attached as Attachment J is an extract from the NT Annual Traffic Report of 2016 regarding the statistics of road users from data collection points on Nathan River Road. i. Limmen National Park, comprises the former pastoral properties St Vidgeon (part of NTP 819), Nathan River (all of NTP 1334) and Billengarra (all of NTP 1323) as well as all of Maria Island and was declared under sec 12(1)(a) <i>Territory Parks and Wildlife Conservation Act</i> NTG s35 16/7/2012: refer Attachment 7, grouping 3 comprising LC 71/198 and LC 1999/198 Northern Territory Government Detriment Review Table. Visitation to the Limmen National Park is primarily for tourism and recreational purposes which include camping, boating, fishing and nature appreciation. The DTC maintains a permanent presence at Munbililla (Tomato Island) campground to provide tourism services to park visitors and infrastructure management. j. DTC have advised that the data for the Nathan River road establishes that 6,935 vehicles (averaged from daily counts) accessed the road on the Southern end in 2015 and 3285 vehicles accessed the road from the Northern end in 2016 (Refer Attachment J taken from DIPL, 2016 Annual Traffic Report: see https://transport.nt.gov.au/publications at Table 4.1, pp.10 and 13 of 14). The vehicle numbers noted in the report as Average Annual Daily Traffic (AADT) with the 2016 figure above being arrived at by multiplying the daily number by 365 to get an annual average. Also attached as Attachment K are copies of Figures 1, 9, 10 and in particular 11 which indicate the location of urban count stations for Nathan River road within the vicinity of LC 70. k. The DTC also advise that the Parks and Wildlife Division have counters to collect data on a monthly basis in the Limmen National Park. The information provided by the Parks and Wildlife Division regarding how the data is collected is attached and marked as Attachment L. This data is much more detailed and establishes that for 2017 there were approximately 10,850 vehicles counted at the Roper Bar crossing of the Roper Highway(rounded down to the nearest 50) in the immediate vicinity of LC 70 and approximately 13,000 visitors overall using the crossing. An extract of the NT Atlas depicting the location of this road and crossing is attached as Attachment M: this can be located on line at http://www.ntlis.nt.gov.au/imfPublic/imf.jsp?site=nt_atlas&qhlt=true&qsel=true&qbuf=0.01&qry=PLACE_ID%3D18114&qlyr=9 l. Also attached as Attachment N is a copy of a Google Map depicting the Roper River/Roper Bar crossing across the Roper River in the vicinity of LC 70/LC 164(iii). Attached as Attachment O is a copy of the map indicating location of boat ramps on Roper River sourced from the NT Government Website find a boat ramp: https://nt.gov.au/marine/for-all-harbour-and-boat-users/find-a-boat-ramp m. The data in Attachment L also establishes that at the lower end of Nathan River Road (near Southern Lost city on former Nathan River Station (NT Portion 1334), part of Limmen National Park) that 4,230 vehicles used Nathan River Road with an average vehicle capacity of 5,077. n. Recreational fishing and camping is particularly popular in the areas surrounding and including LC 70 and the immediately adjacent LC 164(iii)). Along the Roper River (the River) in the LC 70 and LC 164 (iii) areas there are visitor boat ramps/access points at Roper Bar, Tomato Island and Port Roper which are examined in further detail below. o. From a tourism perspective Roper Bar is primarily visited by recreational fishing/camping visitors and four-wheel drive tourists travelling along the Savannah Way. DTC has been informed that up to 40 fishing visitors at a time have been seen standing on the River crossing at Roper Bar and casting out into the river. This area includes both LC 70 and LC 164(iii) with recreational fishing visitors launching their boats at Roper Bar and travelling and fishing along the River.
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		<p>p. Munibilla/Tomato Island (within St Vidgeon Station, NT Portion 819, part of Limmen National Park) is a popular destination accessed by recreational fishing and camping visitors (drawing both Savannah Way transit visitors and self-drive fishing/camping tourists travelling within the NT) who fish/boat in the River (LC 70) either from the bank or launch boats from the boat ramp. Details regarding when this boat ramp was constructed or established is discussed in more detail below in relation to the detriment information provided by the Transport and Civil Services, Department of Infrastructure, Planning and Logistics (DIPL).</p> <p>q. Munibilla/Tomato Island Boat ramp (also known as the St Vidgeon Boat Ramp) is the boat ramp that Commissioner Olney commented about in report No. 65 at paragraph 100 of that report. It was built in March-July 1997 and upgraded in 1999.</p> <p>r. The popularity of the Roper River area is evidenced by data collected at Tomato Island by NT Fisheries who undertook a survey of recreational fishing in 2009-10: refer to the Survey of Recreational Fishing in the Northern Territory 2009-2010 (the Fisheries Survey) (found online at https://dpif.nt.gov.au/data/assets/pdf_file/0016/233017/fr109.pdf). The results from the Fisheries Survey established that from April – November 2009 there were 5,561 days of fishing effort on the Roper River, with advice from Fisheries, DPIR, that the survey was sourced directly from fishers at Tomato Island on St Vidgeon station, with 93% (5216) of those days attributable to visitor fishing effort (refer to the Fisheries Survey at p. 80).</p> <p>s. To conclude, the Land Claim Areas have significant value due to the Roper River area being visited by recreational fishing, camping and four-wheel drive touring visitors. If the Land Claim areas become inaccessible to visitors, there may be an impact to the regional tourism economy of Katherine with flow on effects possible to the rest of the NT if visitors instead bypassed the NT in favour of fishing/camping in Kununurra and surrounds instead. However, provided suitable arrangements are put in place in the claim areas for continued park management and public access, the DTC does not foresee any detriment.</p>
3.	Not Applicable	<p>a. Department of Environment and Natural Resources (DENR) was established by the NT Government on 12 September 2016. It comprises many of the key functions arising in relation to protection of the environment and natural resources of the NT including water, land resource and environmental issues. The DENR has divisions comprising Flora and Fauna, Rangelands, Weed management, Bushfires NT, Water Resources, Water data portal and Environment.</p> <p>b. DENR advise as follows.</p> <p>c. DENR has no comment to offer save in respect of Water Resources as noted below regarding Gauging Stations adjacent to the Roper River and relevant pipes located within the waterway as discussed further below in relation to Table 2.</p>
4.	Not Applicable	<p>a. The Power and Water Corporation (PWC) is the NT Governments first government owned corporation under the <i>Government Owned Corporations Act</i>. The corporation was responsible for electricity generation, power networks and retain services and also provided sewerage and water services across the Northern Territory. In July 2014, the electricity generation part and electricity retail portion of PWC were separated to form 2 new government-owned corporations namely Territory Generation and Jacana Energy.</p> <p>b. PWC support the provision of electricity, water and sewerage services in remote Territory communities through their wholly owned subsidiary not for profit business Indigenous Essential Services Pty Ltd (IES).</p> <p>c. PWC advise as to the following detriment concerns.</p>

		<p><u>Detriment concerns arising prior to Report No. 65:</u></p> <ul style="list-style-type: none"> d. Water is extracted from the Roper River to supply water to the Aboriginal township of Ngukurr. The three pumps are located with the claim area on the bank adjacent to the community and north of the Munibilla/Tomato Island boat ramp within the township. Attached as Attachment P is a copy of the serviced land availability map (SLAP) indicating the Ngukurr township in correlation with the Roper River LC 70 claim area. e. The Government intranet site Bushtel which provides information regarding remote communities and townships establishes that the Ngukurr township population as per the 2016 ABS census is 1,350. f. Water is transferred by 150 mm water pipeline installed in 1971 to the water tank compound located within Ngukurr township at lot 264, town of Ngukurr. The area required for this asset as an easement would be to 1.5 m width either side of the water main. g. The pumps are served by a .240 voltage underground powerline which was upgraded in 2015 north or and parallel to the water main. The area required for maintenance of this asset as an easement is 1.5m either side of the powerline. Attached and marked Attachment Q is a copy of a PWC “DEKHO” database map indicating the above infrastructure in correlation with the Ngukurr Township. Attached as Attachment R is a close up DEKHO depicting the Ngukurr pump infrastructure on Roper River. <p><u>Detriment concerns arising post Report No. 65</u></p> <ul style="list-style-type: none"> h. An overhead powerline was installed in September 2017 across LC 70 claim area to service the Munibilla/Tomato Island campground located on NT Portion 819 (refer Attachment O above to note location of Tomato Island boat ramp) within the ST Vidgeon portion of Limmen National Park approximately 4km west of the Ngukurr township. The park is managed by Parks and Wildlife and Heritage Division of DTC. i. PWC was appointed as the contractor to install the works. The 11kv overhead powerline to the Munibilla/Tomato Island campsite on NT Portion 819 was installed across the river from a powerline servicing bores maintained by IES on the Ngukurr side of the River. The power poles are located outside of the claim area. It is only the powerline that traverses above ground over the river. j. A plan extracted from PWC database indicating the location of the power line traversing overhead the land claim area is marked as Attachment S to this Table. <p><u>Comments applicable to PWC assets noted above</u></p> <ul style="list-style-type: none"> k. The above assets are maintained and operated by the PWC through IES. l. It is the position of the Northern Territory that these assets would fall within s14 ALRA. Further, we contend that the water main and associated powerline for water supply to Ngurkurr township is a community purpose within s15 ALRA for which no rent is therefore payable. However, the powerline for power supply to Tomato Island boat ramp is not a community purpose within s15 ALRA. m. In the event that the Commissioner determines that the above assets are not within s14 ALRA, then detriment would result as follows. n. If access to the above assets was denied or was restricted then detriment would result as follows:
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		<ul style="list-style-type: none"> i. In relation to Ngukurr township: it would affect the provision of water supply to the Aboriginal community: it is unlikely that detriment would result given that the traditional owners of LC 70 claim area are likely to comprise traditional owners from the adjoining Arnhem Land Trust land on NT Portion 1646 including the Ngukurr township area; ii. In relation to Tomato Island boat ramp and campgrounds: detriment would result to the users of the campgrounds in that no power would be available for them to use in the conduct of their recreational activities on the waterway.
5.	Not applicable	<ul style="list-style-type: none"> a. The Department of Trade and Business Innovation (DTBI) advise. b. It is noted that while it is difficult to predict future needs, it is important that efforts are made to protect future potential investment and economic development opportunities, and would recommend future agreements include parameters to assist Indigenous business and economic development, particularly in regional and remote locations in the Northern Territory. c. The DTBI concurs with the previously lodged detriment issues that if public access was restricted to beds and banks of the Roper River adjacent to the Limmen National Park this would adversely impact on Parks and Wildlife Commission's ability to manage and develop the Park. The efficiency of police services to those communities located on the southern side of the Roper River would be affected if access from the Four Mile Landing boat ramp and the road to the Roper Bar Store was lost. d. Any restriction or loss of public access to the adjoining pastoral properties, public boat ramps, barge landings and camping spots, as well as access to the historical heritage site of the Old Eley Homestead within or adjacent to the Claim areas would cause detriment to recreational and commercial fishing, and tourism in the Northern Territory.

CONCLUSION:

We adopt the words of the former Aboriginal Land Commissioner, the Honourable Justice HW Olney at paragraph 91 of Report No. 65, to note that the above submissions “do not raise any issue that is unique to the present claim... [as these] matters have been canvassed in” previous claims involving tidal rivers. The issues therein referred to relate to those as discussed in his earlier and claim reports involving intertidal zone and/or beds and bank areas of rivers such as in Report numbers 61, 62, and 63.

We confirm and rely on the Submissions of Northern Territory of Australia as to Proposed Approach of Aboriginal Land Commissioner to detriment matters arising after a land claim lodged with the Office of Aboriginal Land Commissioner dated 16 May 2018 lodged in respect of the various land claim groupings of claims heard but not yet finalised the subject of the detriment review.

Consistent with previous detriment review tables provided by this Office in relation to the detriment review for groupings 1, 2, 3 and 4, it is the submission of the Northern Territory that the comment function of the Commissioner under section 50 (3) (b) and (c) ALRA requires, where appropriate, the Commissioner to take a broad view that the effect of acceding to a claim may have. As noted above at p.10, item 1, Part 1, third column, paragraph (mm)-(pp), we adopt and endorse the comment of the former Commissioner Olney J in Report No. 62 regarding the McArthur River Region Land Claim No. 184 at paragraph 169 and at paragraph 112 of the Commissioner's report No. 65 regarding the Lower Roper River Land Claim No. 70 and go further.

Your Honour observed in discussion in Legune Area LC 188 and Gregory NP/ Victoria River LC 167 (transcript of land claim call over on 22.01.17 at p. 8.22-27) that “...it's not just enough to say, well, we won't be able to get water from the river. It's a question of whether there's any other water or anywhere else, or whether there's other means of access, or whether there's difficulties which are being experienced...” By parity of reasoning it is not enough to say (indeed it is a nonsense to say) that recommending a grant that if acceded to would prevent entry on or fishing of these (claimed) waters is of no consequence because there are other waters that might be

fished or entered on when it is known that every area of water that is presented as an alternative is claimed or recommended for grant. The evidence regarding cumulative detriment that was presented in the inquiry for the Fitzmaurice River Region Land Claim 189 and Legune Area Land Claim No. 188/167 of Mr Sarib (exhibit NT7 LC 189; NT18 in LC 188/167) and Mr Ian Curnow (Exhibit NT9 in LC 189 being exhibit NT19 in LC 188; see also exhibit NT explain this issue). Thus as one by one Claims are heard and recommended there is a cumulative effect such that the throw away idea that people can fish or otherwise access and/or enjoy the waterways somewhere else becomes unrealistic.

The detriment is not just one more River or intertidal zone area. The pattern of land usage ceases to be achievable. Unless the Minister is assisted by a comment that recognises this reality he or she cannot understand the global effect of acceding to each claim. It may be that the Minister may wish to accede to a Claim regardless of the detriment or effect on existing or proposed patterns of land use but he or she needs to know where this is heading. Thus we submit cumulative detriment is a valid and proper matter for comment.

The Northern Territory may seek to provide further detriment submissions where required arising from any detriment submissions provided by other parties the subject of this detriment review.

Finally, please note that the above submissions in Table 1 do not address the full extent of issues arising from the submissions made by Mr David Avery in relation to the Lower Daly Land Claim No. 68. The Solicitor for the Northern Territory will write soon separately to the Office of Aboriginal Land Commissioner seeking the Commissioner's directions for a separate right of reply to these submissions by the parties including the Northern Territory including as to any timeframe within which to provide such reply.

ATTACHMENTS TO TABLE

Attachment A: Map of Lower Roper Region Land Claim 70 claim area

Attachment B: ASX announcement from Empire Energy 01.10.2014;

Attachment C: Title report for EP 184

Attachment D: map depicting petroleum tenures including EP 183, EP 184 and EP(A) 182

Attachment E: Title Report for EP(A) 182

Attachment F: Title Report at for EP(A) 183

Attachment G: spreadsheet of mining tenures within LC 70 and Upper Roper River claims 129, 141, 164 and 245 as discussed in Table 2

Attachment H being map of minerals tenure within LC 70 and Upper Roper Claims

Attachment I: map depicting the Nathan River Road as part of the Savannah Way 4WD touring route

Attachment J: Extract from NT Annual Traffic Report 2016, Statistics regarding Nathan River Road from Table 4.1

Attachment K: Figures 1, 9, 10 and 11 of NT Annual Traffic Report 2017

Attachment L: Parks and Wildlife: data of road users and visitors to Limmen National Park

Attachment M: Map depicting Roper Highway crossing at Roper River including LC 70/164(iii)

Attachment N: Google image of Roper Highway Roper Bar crossing and road to Roper Bar Boat Ramp.

Attachment O: copy of the map indicating location of boat ramps on Roper River sourced from the NT Government Website find a boat ramp:

<https://nt.gov.au/marine/for-all-harbour-and-boat-users/find-a-boat-ramp>

Attachment P: a copy of the serviced land availability map (SLAP) indicating the Ngukurr township in correlation with the Roper River LC 70 claim area.

Attachment Q: copy of a PWC "DEKHO" database map indicating the above infrastructure in correlation with the Ngukurr Township

Attachment R: a close up DEKHO depicting the Ngukurr pump infrastructure on Roper River.

Attachment S: plan extracted from PWC database indicating the location of the 2017 power line traversing overhead the land claim 70 claim area

Upper Roper River Land Claims comprising: Mataranka Area (NT Portion 916) Land Claim No. 129; Western Roper River (Bed and Banks) Land Claim No. 141; Roper Valley Area Land Claim No. 164 and Elsey Region Land Claim No. 245

No: REPORT No. 68

The claim area dealt with in this report comprises the following areas:

1. NTP 916 (Area 3(B) (LC 129);
2. The bed and banks of the Roper River adjacent to the northern boundary of NTP 5417 (Mangarrayi Aboriginal Land Trust) including the northern channel of the river adjacent to NTP 916 (Areas 3(A), 3(B));
3. The bed and banks of the Roper River adjacent to NTP 4972 (Lonesome Dove) and NTP 4775 (Flying Fox) (Area 4);
4. The bed and banks of the Roper River adjacent to NTP 4972 (Lonesome Dove) and NTP 4973 (Big River) (Area 5);
5. The bed and banks of the Roper River upstream from Roper Bar adjacent to NTP 2632 (Yutpundji-Djindiwirritj Aboriginal Land Trust) and NTP 745 (Urapunga Aboriginal Land Trust) (Area 6);
6. NTP 5604 (Old Elsey Homestead) (Area 1); and
7. NTP 4456 (Closed road through NTP 1508) (Area 2 (A)). NB: this parcel has since been subdivided along with former NT Portion 1408 and merged to become NT Portion 7360 which is the subject of NT Freehold title held by the Jilkminggan Community Aboriginal Corporation as an Aboriginal Community Living Area.

refer report no. 68 at paragraph 21, and 13-20 for more detailed information regarding land under claim.

Item	Olney J detriment findings and any additional detriment per ALC letter of 18.04.2018	Additional/new detriment information
1.	During the Ms Claire George gave evidence on behalf of the NT Tourist Commission that the areas under claim were frequently accessed by both locals and visitors for recreational fishing and therefore the areas under claim were important for tourism. These claims were supported by a number of statistics. She also expressed concern regarding how restrictions on access to the Old	DTC advise as to the following. <ol style="list-style-type: none"> a. Attached and marked as Attachment 1 to Table 2 is a copy of map of the land claims the subject of the Upper Roper Report No. 68 namely LC 129 (NT Portion 916), 141 (part of Roper River), 164 (areas (i), (ii) and (iii) of the Roper River: Part NT Portion 4352) and 245 (NT Portion 5604). b. The detriment comments for DTC above in Table 1 in particular in relation to Land Claim 164(iii) apply in this context. c. The Old Elsey Homestead (LC 245), being the original location of the Homestead that was the subject of the Book, "We of the Never Never", remains a site of historic significance with its location near Elsey Creek not far off the Stuart Highway making it a candidate for inclusion into future historic NT trails and self-drive tourism guides. Limitations on access to this site would restrict the ability for this site to be included in such materials and accessible to tourists with an interest in historical sites of significance. d. In conclusion, the Land Claim Areas (including in LC 141, 164 and 245) have significant value due to the Roper River area being visited by recreational fishing, camping and four-wheel drive touring visitors. If the Land Claim

	<p>Elsley Homestead would adversely affect tourism in the NT: refer ALC letter of 18.04.18 to SFNT at p.3, third paragraph: Refer report no. 68 at [62].</p>	<p>areas become inaccessible to visitors, there may be an impact to the regional tourism economy of the town of Katherine with flow on effects possible to the rest of the NT if visitors instead bypassed the NT in favour of fishing/camping in Kununurra and surrounds instead. However, provided suitable arrangements are put in place in the claim areas for continued park management and public access, the DTC does not foresee any detriment.</p>
<p>2.</p>	<p>On behalf of the Department of Infrastructure, Planning and Environment, Mr Graeme Fagan gave evidence in relation to the pastoral interests in the claim areas. He submitted that pastoralists would suffer detriment if they were unable to access the claim areas to control feral animals and weeds: refer ALC letter of 18.04.18 at p.3, sixth paragraph. Refer also report no. 68 at [53]-[56], and [65].</p>	<p>a. The DENR has divisions comprising Flora and Fauna, Rangelands, Weed management, Bushfires NT, Water Resources, Water data portal and Environment.</p> <p>b. DENR advise as follows.</p> <p>Part 1: Pastoral Activity</p> <p>c. DENR adopts and supports the comments of the former Commissioner the Hon HW Olney in Report No. 68 at paragraphs 53-56 and at paragraph 65. It should be noted however that the ownership of Lonesome Dove Station has since changed as indicated below.</p> <p>d. The adjacent land holder interests of a pastoral nature are:</p> <p><u>LC 141:</u></p> <p>i. Northern bank of the Roper River:</p> <p>a. Goondooloo Station, NT Portion 1287: subject to Perpetual Pastoral lease (PPL) 1068 held by the Moroak Pastoral Company as trustee for the Moroak Trust;</p> <p>b. Moroak Station, NT Portion 1288: subject to PPL 1067 held by Moroak Pastoral Company as trustee for the Moroak Trust.</p> <p><u>LC 164 (i) and (ii)</u></p> <p>ii. Northern bank of the Roper River (west of the Roper Bar crossing, being the tidal extent of Roper River):</p> <p>a. Lonesome Dove Station, NT Portion 4972: PPL 1185 held by DK Pastoral Company Pty Ltd as a trustee for the DK Family Land Trust;</p> <p>b. Flying Fox Station, NT Portion 4775 subject to PPL 1179 held by Fly Fox Pty Ltd as trustee for the Mark Scott Sullivan Family Trust; and</p> <p>c. Big River Station, NT Portion 4973: subject to PPL 1160 held by Daniel Tapp.</p> <p><u>General Detriment Comment</u></p> <p>e. We note that the Northern Land Council takes issue with many of the submissions set out below as noted in the submissions lodged with the Office of Aboriginal Land Commissioner from Mr David Avery of the NLC by letter dated 8 June 2018. The Northern Territory will be writing to the Office of Aboriginal Land Commissioner in the near future to seek a right of reply to address these issues.</p> <p>f. The Objects of the <i>Pastoral Land Act</i> (NT) require a pastoral lessee to prevent or minimise degradation of or other damage to the land and its native flora and fauna. To meet these requirements, the lessee must control feral animals and weeds including those on the beds and banks of any waterways as there are often high weed incursions within those waterways. Access must be allowed in order to control any incursions and prevent widespread weed problems throughout the lease and any neighbouring land. Some weeds grow in salty intertidal zones such as bellyache bush and gamba grass.</p>

		<p>g. The lessee's, their staff and visitors, may access the waterways, including the beds and banks of the rivers/coastline for camping and fishing and other recreational purposes. This is common practice under the <i>Pastoral Land Act (NT)</i>. Section 79 <i>Pastoral Land Act</i> provides the general public also has the right to access waterways.</p> <p>h. Future diversification activities may require the use of the bed and banks of the river/coastline and any restrictions imposed on accessing this area may impede on the pastoralists future to generate an alternative source of income. Such uses may be tourism, fishing tours, agriculture (taking water from the river for irrigation) etc.</p> <p>i. The non-pastoral use provisions under the <i>Pastoral Land Act</i> have operated since 1992 and non-pastoral activities contribute economic returns to the NT economy.</p> <p>j. The lessee has the right to graze and water cattle on his or her land adjoining waterways pursuant to the Water Act (NT). The lessee may take water for domestic purposes, drinking water for grazing stock on the land and may wish to install pipes or pumps in the claim area for accessing the water supply in the future. Under the Water Act (section 13) the owner or occupier of land immediately adjacent to the banks of a waterway has the right to access, for the owner or occupier or the owner or occupier's family and employees, or their stock, to and over those banks.</p> <p>k. The Northern Territory pastoral industry is a substantial contributor to the NT economy with the pastoral sector being a key contributor to the agribusiness industry, underpinning the Developing the North plan through jobs and economic growth. In 2015-2106, the production value of the cattle and other livestock industry in the NT totalled \$372 million, as show on p.8 of the Department of Primary Industry and Resources overview and Outlook 2016, as referred to in paragraph 11 and marked as Annexure A, to the statement of Mr Luis Jose Casimiro Da Rocha dated 14 May 2018 as lodged in the Perron Islands Area LC 190 inquiry.</p> <p><u>Specific Pastoral Detriment comment</u></p> <p>l. Flying Fox station has a non-pastoral use permit granted to it for accommodation purposes. The accommodation is near the homestead complex on the pastoral lease which is approximately 9 km from the Roper River the subject of LC 164(i). The accommodation facilities are used to provide accommodation by numerous visitors including tourists, mine workers, business or government employees. The facility includes 32 rooms and is used all year round. The lessees have informed DENR that any visitors using the accommodation do access and use the section of the river under claim for fishing or other recreational purposes. Detriment will result to Flying Fox Station to the extent that access and/or use of the river may be restricted or denied. Further, it would impact proposed patterns of land usage in the region to the extent that it may negatively impact the tourism operations due to restricted or no access to the river.</p> <p>m. The lessees of Flying Fox, Lonesome Dove, and Big River Stations may seek to use and access the Roper River within LC 164(i),(ii) and (iii) as alternative access if required. If access were to be denied or restricted then detriment would result. Further, whilst the negotiation of an agreement, prior to grant of the claimed land under either s11A or s67B ALRA or negotiation of access and use pursuant to s19 ALRA, would assist in alleviating any detriment to the pastoralists it is nonetheless detriment to the pastoralist in any event to the extent of the need to secure an agreement and as to any pecuniary terms arising out of the agreement.</p>
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		<p>n. The DENR is aware that the lessee of Flying Fox Station may apply for a non-pastoral use permit for agricultural purposes for which access of and use of water from the LC 164(i) area would be required. Detriment would result to the lessees in the event that access and use of the water from the river was denied or restricted. It would also have the ability to impact on proposed patterns of land usage in the region for diversification of pastoral land if access to the river as a water source was denied or restricted.</p> <p><u>Water Resources</u></p> <p>o. The DENR undertakes water monitoring operations on a routine and as required basis. Water monitoring has occurred with the claim areas as referred to below.</p> <p>p. There are six water monitoring sites that appear to fall within the claim area as follows.</p> <p><u>LC 70 and 164:</u></p> <p>i. Gauging station (GS) G9030025: Roper River Fish Movement and validation of groundwater and surface water contributions at Roper River: current water monitoring site at latitude –14.696800, longitude: 133.1238832;</p> <p>ii. GS G9030250: Mataranka Tindall Water Allocation Plan – Roper River Flood Monitor: Current water monitoring site at Latitude: -14,696800; longitude: 134.4216115. This site is depicted Attachment 2 to Table 2: being A3 size Google map depicting location of water monitor site G9030250 and G9030012 discussed below.</p> <p>iii. GS G9030012: historic water monitoring site at Latitude: -14.713491; longitude: 134.5075410; as depicted on Attachment 2 Google Map;</p> <p>iv. <u>LC 245/164(i)</u></p> <p>v. GS G9030001: latitude: -15.085458; longitude: 133.1238832: Roper River flood monitoring. Attached and marked Attachment 3 to table 2 is an A4 Google Map depicting the location of G9030001 at the Roper River. This site consists of a well with an instrument cabinet at the top. It also has pipes leading from the well into the river. The pipes extend into the waterway below the cease to flow level for each site. This site has been monitored since 1967.</p> <p>vi. LC 164(i): GS G9035144 was installed to provide data for the Roper River fish movement project. No permanent infrastructure exists at this site. A water level logger is installed on temporary infrastructure submerged in the river. This site is required to be visited four times per year. This site has been monitored since 2015.</p> <p>vii. LC164(ii): GS G9030029.01 was installed to provide data for the Roper River Fish movement project. No permanent infrastructure exists at this site. A water level logger is installed on temporary infrastructure submerged in the river. This site is required to be visited four times per year. This site has been monitored since 2016.</p> <p><u>LC 141/129</u></p> <p>viii. GS G9030123: latitude: -14.824266, longitude: 133.7046770; historic monitoring site.</p> <p>ix. GS G9030025: this was installed and has been monitored since 2015. There is no permanent infrastructure at this site. It consists of a logger and transducer set up on temporary infrastructure</p>
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		<p>submerged in the river. Due to the nature of the monitoring at this site, it requires calibration every month.</p> <ul style="list-style-type: none"> q. Of the above listed water monitoring sites GS numbers G9032050, G9030001, G9030012, G930025, G9035144, and G9030029.01 are currently operating as gauging stations equipped with monitoring and communications equipment. r. Site G9030250 consists of an instrument cabinet equipped with various instruments. There is an access structure for OHS requirements and pipes leading from the cabinet across the land into the river which contain pressurised tubing for water level measurement. This site has been monitored since 1966. Attached as Attachment 4 to Table 2 are photos depicting the infrastructure comprising G9030250. s. Site G9030012 has been monitored since 1954 and is currently operational for water quality monitoring and water level logging to allow a relationship to be established between Roper Bar causeway/crossing and the upstream monitoring station at G9030250. As this site is the end location for modelled outputs of the Mataranka Tindall Water Allocation model, it is a key location from a water allocation management perspective. No permanent infrastructure exists at this location other than water level indicator boards. A water level logger is installed on temporary infrastructure submerged in the river. This site is required to be visited four times a year. Failure to access this site will reduce the ability of NT Government to relate water levels at the crossing to the monitoring site at G9030250 and will have implications for the annual water allocation modelling. t. These above sites are critical for water allocation planning and flood management within the Roper River catchment. These sites (including to access to the extent required, the tubing located within the river) are visited by NT Government staff or contractors at least 4 times a year, and depending on wet season flooding, instrument failures and other operational requirements they may be visited more frequently. Access may be required at any time. Failure to access these sites will severely limit the capacity of the Water Resources branch to adequately manage the Mataranka Tindall Water Allocation Plan, and will significantly reduce the ability of DENR to provide flood warning information during flood events to emergency response agencies, communities and infrastructure managers. u. Site G9030123 is not currently operational. This site consists of a well with an instrument cabinet on top and pipes leading from the well to the river. Attached as Attachment 5 is a Google Map indicating the location of this gauging station. The pipes to the gauging station extend into the river at the cease to flow point of the river. v. Legacy sites are occasionally reopened for regulation for water allocation planning, water extraction or flood assessment. At present there are no plans to reopen this site. Future access may be required for management of surface water extractions.
3.	Mr William Francis Flaherty, on behalf of Fisheries, claimed that the Upper Roper River is significant for recreational fishing and submitted that the wider Roper area accounts	<p>DPIR advise as to the following:</p> <p>Part 1: Fisheries detriment</p>

<p>for 2 per cent of the total recreational catch and 3 per cent of the fishing effort in the NT. Mr Flaherty claimed that if access to the claim area was restricted or prohibited then recreational anglers, fishing tour operations, local businesses and residents of the region would suffer detriment. Commissioner Olney stated that this foreshadowed detriment appeared more apparent than real however due to the lack of evidence: refer ALC letter 18.04.18 at p.3, fifth paragraph. Refer also Report no. 68 at [64].</p>	<p><u>LC 164, 129, 145, 245</u></p> <ol style="list-style-type: none"> a. We do not have discrete data for these small geographical areas. However, the 2009 survey estimated that NT resident fishers spent a total of 1442 (SE= 509) days fished in the upper Roper area. Obviously not all of this documented effort would have been expended within the claim areas. We do not have specific data on effort expended solely within the claim area and no specific 'on-site' surveys were conducted within this area to gain an indication of additional visitor effort. However, we do know that visitor fishing effort in the Gulf Rivers is substantial, with more than 93 % of the effort in the Lower Roper attributed to visitors (refer to LC 70). As further evidence in support of this claim, the nearby McArthur River supports 98% visitor effort. b. Other points to note are that LC 164 III appears to include the Roper Bar crossing which is very popular for both resident and visiting land-based anglers often attracting large numbers of people. This location also allows small vessel to launch into the freshwater to fish above the crossing within LC 164(iii). c. If the proposed grant of the Claim Area were to result in no or limited access to the Claim Area, it would have an impact on recreational fishing and tourism in the region. <p>Part B: Mines and Energy Detriment</p> <p>Part 2.1 Energy</p> <p><u>Mataranka Area LC 129</u></p> <ol style="list-style-type: none"> d. On 21 August 2012, Petroleum Exploration Permit EP162 was granted under the provisions of the <i>Native Title Act</i>. EP162 is currently held by Santos QNT Pty Ltd (75%) and Tamboran Resources Limited (25%), with an expiry date of 20 May 2020 (see Title Report for EP 162 at Attachment 6 to Table 2). EP162 covers the entirety of the Mataranka Area LC 129 (see map at Attachment D to Table 1 above). <p><u>Western Roper River LC 141</u></p> <ol style="list-style-type: none"> e. On 21 August 2012, Petroleum Exploration Permit EP162 was granted under the provisions of the <i>Native Title Act 1993</i>. EP162 is currently held by Santos QNT Pty Ltd (75%) and Tamboran Resources Limited (25%), with an expiry date of 20 May 2020 (see Title Report at Attachment 6 to Table 2). EP162 covers the northern border of the Western Roper River LC 141 (see map at Attachment D to Table 1 above). f. On 11 January 2008, Jacaranda Minerals Limited (50%) and Minerals Australia Pty Ltd (50%) applied for (the now granted) Petroleum Exploration Permit EP154, which is situated over four Aboriginal Land Trusts. On 19 January 2009, the delegate of the Minister, pursuant to section 13 of the <i>Petroleum Act</i>, issued consent to the applicants to enter into negotiations with the Northern Land Council for the grant of EP154. The Traditional Owners provided partial consent for the grant of EP154 with the resulting 11 non-consent areas: <ol style="list-style-type: none"> a. placed in a five year ALRA moratorium, ending 31 May 2018; b. issued as individual Petroleum Exploration Permit applications.
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		<p>g. EP(A)353, which is one of the non-consent areas, covers half of the southern border of the Western Roper River LC 141 (see Title Report at Attachment 7 to Table 2 and map at Attachment D to table 1 above).</p> <p><u>Roper Valley Area LC 164(i)</u></p> <p>h. On 21 August 2012, Petroleum Exploration Permit EP162 was granted under the provisions of the <i>Native Title Act 1993</i>. EP162 is currently held by Santos QNT Pty Ltd (75%) and Tamboran Resources Limited (25%), with an expiry date of 20 May 2020 (see Title Report at Attachment 6 to Table 2). EP162 covers the entirety of the Roper Valley Area LC 164(i) (see map at Attachment D of Table 1).</p> <p><u>Roper Valley Area LC 164(ii)</u></p> <p>i. On 21 August 2012, Petroleum Exploration Permit EP162 was granted under the provisions of the <i>Native Title Act 1993</i>. EP162 is currently held by Santos QNT Pty Ltd (75%) and Tamboran Resources Limited (25%), with an expiry date of 20 May 2020 (see Title Report at Attachment 6 to Table 2). EP162 covers the entirety of the Roper Valley Area LC 164(ii) (see map at Attachment D to Table 1).</p> <p><u>Roper Valley Area LC 164(iii)</u></p> <p>j. On 12 April 2010, Imperial applied for EP(A)182, which is situated over Arnhem Land Aboriginal Land Trust (see Title Report at Attachment F to Table 1 above). On 14 October 2010, the delegate of the Minister, pursuant to section 13 of the <i>Petroleum Act</i>, issued consent to Imperial to enter into negotiations with the Northern Land Council for the grant of EP(A)182. The Consent to Negotiate (CTN) period has been extended six times by mutual consent between the Northern Land Council (on behalf of the Traditional Owners) and Imperial under section 42(13) of the <i>Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)</i>. The current CTN period is due to end 31 October 2018. EP(A)182 covers portions of the northern border for Lower Roper River LC 70 (see map at Attachment D to Table 1 above).</p> <p><u>Elsley Region LC 245</u></p> <p>k. Currently there are no granted petroleum titles or applications situated over Elsley Region LC 245.</p> <p><u>General comments</u></p> <p>l. The Territory reiterates the comments in Table 1, item 2, part 2.1, paragraphs (mm)-(ss) and (zz)-(hhh).</p> <p>Part 2.2 Minerals</p> <p>m. The mining industry is an important contributor to the Northern Territory economy. The development of Northern Territory mineral assets gives rise to significant infrastructure expenditure and long-term employment.</p> <p>n. Current granted minerals tenures within the various land claim areas comprising LC 129, 141, and 164 are set out in Attachment G to Table 1 above. See also as depicted on Attachment H to Table 1 above, being map of minerals tenure within LC 70 and Upper Roper Land Claims.</p> <p>o. Exploration Licences ('ELs') allow the holders of this type of title to conduct exploration activities in connection with minerals, including occupying the title area, drilling, trenches, holes, sinking bores and tunnels, extracting and removing samples of ore and other substances in amounts reasonably necessary for evaluation from the title area.</p>
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		<p>p. ELs may be granted for a term not exceeding 6 years. Prior to expiry of the term of an EL, the licensee may apply to the Minister for the renewal of the EL for a term not exceeding 2 years. An EL may be renewed more than once.</p> <p>q. An EL application gives no access rights to applicants. If the claim areas are granted as Aboriginal land, future EL applicants would have to comply with the processes in Part IV ALRA for access to conduct exploration activities. Part IV ALRA processes would also apply subsequently when applying for a Mineral Lease. The requirement to obtain Traditional Owner consents to the grant of mining interests over Aboriginal land in the region imposes additional processes for relevant approvals.</p> <p>r. In addition to the above, a separate process for approval under the <i>Native Title Act (Cth)</i> would apply to those areas for grant beyond any ALRA grant areas. These processes provide for differing timeframes, costs and grant conditions which may lead to applicants removing the Aboriginal land grant areas from the proposed application areas. The Applicant may then wish to pursue a new application over those areas which would result in greater administrative burden and cost to the applicants.</p> <p>s. With respect to granted EL/s within the claim area as noted on Attachments G and depicted on Attachment H, if the claim area is granted as Aboriginal land and the tenement holders apply for a mineral lease, the processes in Part IV ALRA would apply including traditional owner consent under s46 ALRA. The requirement to obtain Traditional Owner consent to the grant of a mineral lease over Aboriginal land imposes additional processes for relevant approvals that did not apply when the EL holders applied for and were granted their ELs.</p> <p>t. Further, any other future mineral title applicants would have to comply with the processes in Part IV of the ALRA.</p>
4.	Not applicable	a. The DTBI comments as set out above in Table 1 are also adopted here where relevant.
<p>CONCLUSION:</p> <p>The Territory adopts the conclusion as set out at the end of Table 1 above.</p>		

Attachments to Table 2

Attachment 1: Map of Upper Roper River LCs 129, 141, 164 and 245

Attachment 2: Google earth map depicting gauging stations G903250 and G9030012

Attachment 3: Google image of gauging station G930001 and Roper River

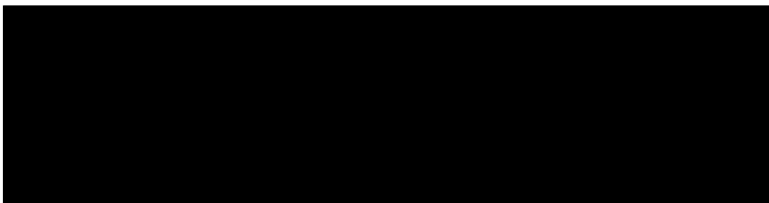
Attachment 4: Photo of infrastructure comprising gauging station G9030250.

Attachment 5: Google map image of location of gauging station G903123

Attachment 6: Title register search under the Petroleum Act for EP 162

Attachment 7: Title register search under the Petroleum Act for EP(A) 353

The Above Tables 1 and 2 (based on information received from instructing NT Government Agencies compiled by the Department of Infrastructure Planning and Logistics) was prepared by:



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Date: 22 June 2018

NOTE:

The above TABLES 1 and 2 DO NOT include detriment comments from Department of Infrastructure Planning and Logistics. Extensive further information regarding DIPL detriment including in relation to roads and boat ramps has recently been received and is being reviewed by SFNT for presentation in an addendum to be provided as soon as possible sometime next week. The SFNT apologises for any inconvenience this may cause.

GROUPING 5; LOWER ROPER RIVER LAND CLAIM NO. 70;
UPPPER ROPER RIVER LAND CLAIMS 129, 141, 164 AND 245;
ATTACHMENTS LIST TO DETRIMENT REVIEW TABLE

DETRIMENT REVIEW TABLE 1:

LAND CLAIM 70

Attachment A: Map of Lower Roper Region Land Claim 70 claim area

Attachment B: ASX announcement from Empire Energy 01.10.2014;

Attachment C: Title report for EP 184

Attachment D: map depicting petroleum tenures including EP 183, EP 184 and EP(A) 182

Attachment E: Title Report for EP(A) 182

Attachment F: Title Report at for EP(A) 183

Attachment G: spreadsheet of mining tenures within LC 70 and Upper Roper River claims 129, 141, 164 and 245 as discussed in Table 2

Attachment H being map of minerals tenure within LC 70 and Upper Roper Claims

Attachment I: map depicting the Nathan River Road as part of the Savvanah Way 4WD touring route

Attachment J: Extract from NT Annual Traffic Report 2016, Statistics regarding Nathan River Road from Table 4.1

Attachment K: Figures 1, 9, 10 and 11 of NT Annual Traffic Report 2017

Attachment L: Parks and Wildlife: data of road users and visitors to Limmen National Park

Attachment M: Map depicting Roper Highway crossing at Roper River including LC 70/164(iii)

Attachment N: Google image of Roper Highway Roper Bar crossing and road to Roper Bar Boat Ramp.

Attachment O: copy of the map indicating location of boat ramps on Roper River sourced from the NT Government Website find a boat ramp: <https://nt.gov.au/marine/for-all-harbour-and-boat-users/find-a-boat-ramp>

Attachment P: a copy of the serviced land availability map (SLAP) indicating the Ngukurr township in correlation with the Roper River LC 70 claim area.

Attachment Q: copy of a PWC "DEKHO" database map indicating the above infrastructure in correlation with the Ngukurr Township

Attachment R: a close up DEKHO depicting the Ngukurr pump infrastructure on Roper River.

Attachment S: plan extracted from PWC database indicating the location of the 2017 power line traversing overhead the land claim 70 claim area

DETRIMENT REVIEW TABLE 2

UPPER ROPER RIVER LAND CLAIMS 129, 141, 164 AND 245

Attachment 1: Map of Upper Roper River LCs 129, 141, 164 and 245

Attachment 2: Google earth map depicting gauging stations G903250 and G9030012

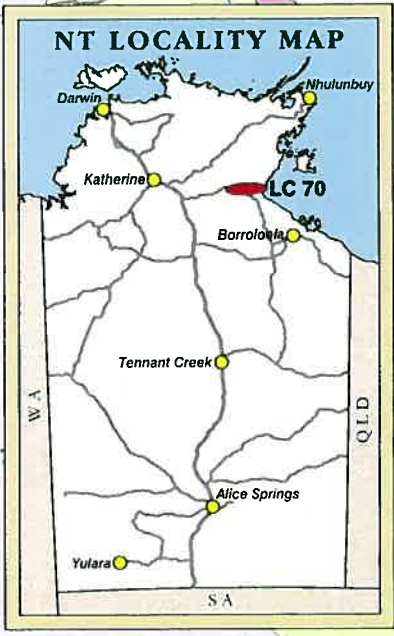
Attachment 3: Google image of gauging station G930001 and Roper River

Attachment 4: Photo of infrastructure comprising gauging station G9030250.

Attachment 5: Google map image of location of gauging station G903123

Attachment 6: Title register search under the Petroleum Act for EP 162

Attachment 7: Title register search under the Petroleum Act for EP(A) 353



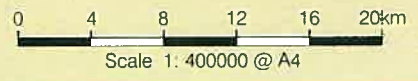
LEGEND

- Cadastre/Road Boundary
- Coastline
- River/Creek
- Land Claim 70 Area
- Crown Lease Perpetual
- Freehold
- Government
- Perpetual Pastoral Lease
- Special Purposes Lease
- Vacant Crown Land

Lower Roper Land Claim 70 - Jan2018 dgn

CADASTRE: 24 January 2018
COMPILATION: 25 January 2018

Note: Land Claim 70 area is an indicative representation only and is bound by the beds and banks of the Roper River.



LOWER ROPER LAND CLAIM 70
(PART NT PORTION 4352)

ATTACHMENT A



EMPIRE ENERGY GROUP LIMITED
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T: 02 9251 1846
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(ASX: EEG) (OTCQX: EEGNY)

ASX Announcement – Carbonaceous shales identified in coring program

1st October 2014

MCARTHUR BASIN OPERATIONS – 2014

INITIAL RESULTS OF THE EXPLORATION DRILLING PROGRAM

In early September Imperial Oil & Gas Pty Ltd, ('IOG') the Company's 100% owned subsidiary completed the drilling of four exploration core holes in the St Vidgeon region of northern EP 184 in the McArthur Basin, Northern Territory.

The shallow exploration core holes were drilled in the NW province of EP184 to prove, whether the shale-bearing formations in the region contain petroleum source rocks of sufficient quality to generate potentially recoverable hydrocarbon reserves. Additional objectives were to constrain the geochemical and drilling characteristics of the rock stratigraphic succession in this previously essentially undrilled region and to understand better the geological structure of the basin to optimise the planning and location of drilling deeper exploration wells in future drilling programs to target the highly petroleum prospective central region of the basin.

KEY OUTCOMES OF DRILLING PROGRAM

- The core drilling program established the presence of a number of important intervals of Palaeo-Proterozoic age organic carbon-rich shale. This result is consistent with the IOG view that the St Vidgeon Formation of the McArthur Basin within EP184 contains organic shales with the potential to contain hydrocarbons.
- As expected in such shallow core holes, given their proximity to the nearby surface outcrops previously mapped by IOG, the drilled formations have suffered varying degrees of weathering. However the lithologies above and below the organic carbon-rich shale intervals are considered capable of providing effective top and base-seals for hydrocarbons should they be entrapped within the shales or in conventional petroleum reservoirs associated with, above or below the organic-rich shale intervals.
- The results of the initial Source Rock Geochemical Analysis undertaken on core demonstrate the presence of organic carbonaceous material within these shales that

display a hydrocarbon signature confirming the presence of a petroleum generating system.

- Wireline Geophysical measurements obtained from the cored wells (as indicated for example in Figure 1) have identified a particular 18.5 metre thick zone of interest that correlates with a distinctive interval of black carbonaceous shale.
- Core samples recovered during the drilling program contain encouraging evidence of possible asphaltic staining. Furthermore the particular GCMS analysis used to identify the presence of generated hydrocarbons, confirm that hydrocarbons have been generated in this region of EP184.

RESULTS & PRELIMINARY IMPLICATIONS FOR IMPERIAL OIL & GAS ACREAGE POTENTIAL

Geochemistry and Petroleum Potential

The emerging results from the Source Rock Analyses of samples collected during the IOG 2014 core drilling program remain preliminary though highly encouraging. The geochemistry of such ancient lithologies (1.64 billion years old) is complex to interpret using the standard techniques that are normally applied to much younger rocks (400 million years or less) that contain familiar types of organic material.

Notwithstanding degradation by nearby surface weathering, the results do confirm the carbonaceous shale interval encountered in IOG well BCF-SC-04 does have organic carbon content with other geochemical parameters suggesting this particular shale sample to have 'fair' potential for the generation of petroleum (Figure 1). The preliminary temperature and maturity data indicate these shales preserve a record of thermal maturation ranging from immature (pre-petroleum generation) through to early and peak maturity with the possibility for both oil and wet gas as the dominant petroleum phases.

While the current results are preliminary, they are consistent with the findings from previous Geochemical and Basin Thermal Modelling studies by IOG that suggest potential not only for gas, but for petroleum liquids to have been generated in the Imperial Oil & Gas acreage. This conclusion is further supported by information released to the market by Armour Energy (with the announcement of the drilling results from the Myrtle Basin 1 well and the Lamont Pass 1 wells drilled in 2013 and reported to the market in that year) that suggests the basin becomes increasingly liquids-prone towards the Imperial Oil & Gas acreage northwards of the Armour Energy southern McArthur Basin tenements.

Information was recently obtained concerning a mineral core hole (DD97WG002). This is located 16km north west of the IOG BCF-SC-04 well (Figure 2 & 3). It reported penetrating organic carbon-rich black shales comparable to those encountered in the IOG drilling program, providing further evidence of the presence of petroleum prospective shale source rocks within the target St Vidgeon Formation. IOG plans to obtain samples of core from the DD97WG002 well for comparative analysis with the results from the recent IOG program. The results of those

comparisons and further interpretation from the 2014 drilling programme will be reported in due course.

Historical data and mineral exploration holes drilled across the region previously predicted that shale beds within the Barney Creek and equivalent formations (such as the St Vidgeon Formation) would comply with a simple depositional model where they are widespread, thick and have been buried deep enough at all locations to generate oil and gas. The recent core drilling by IOG in the St Vidgeon region has confirmed the IOG prediction that lithofacies distribution and thickness within the basin are more complicated than this initial model suggested and that basin margin locations, as expected, are likely to be characterised by thin stratigraphy and display representation of the carbonate facies. The IOG acreage contains substantial large 'basin centre' segments that are remote from such basin margin locations.

Stratigraphic Considerations and 'Sweet Spots'

Tectonic and structural modelling by IOG demonstrates the geology of the St Vidgeon Region to be distinct from and to separate, the north from the south McArthur Basin segments. This conclusion was evident when initial mapping was undertaken by the Northern Territory Geological Survey Geologists.

Basin modelling, stratigraphic correlation and other ongoing geological studies by IOG have demonstrated that the St Vidgeon region comprises a regional, shallow, structural high, and the thrust faults bounding it are likely to have seeded along formerly extensional faults that influenced the gross depositional environments, rock thickness and lithology of the McArthur Basin fill. At the margin of the structural high west of St Vidgeon and close to IOG's 2014 core well locations, the thickness of the Proterozoic basin sequences thin dramatically and crystalline basement is exposed at surface. In such a basin setting it is predictable that the shale lithologies characteristic of the basin centre to the east within the IOG acreage, would have been diluted at the basin margin by coarser clastic and carbonate lithologies more consistent with deposition on a shallow water shelf.

Given that IOG penetrated 18.5 metres of black carbonaceous shale in this zone, with tentative early evidence of petroleum (gas and liquids) is extremely encouraging. Once all the data has been prepared, interpreted and integrated with the regional studies IOG will finalise its future operational plans.

As an understanding of the basin is developed, the ongoing objectives will be to focus on locating the shale petroleum sweet spots forming the candidate areas for future exploration deeper drilling in the basin, remote from the detrimental effects of surface weathering encountered in the field studies and shallow core drilling.

WHERE TO NEXT?

- Complete detailed analysis of core samples from recent drilling program
- Obtain existing core samples from DD97WG002

- Continue the development of the 3D model and integrated Common Risk Segment Model for the basin.
- Continue to meet the work requirements for EP184 as defined by the Department of Mines & Energy. Once results of the recent core drilling program are finalised the Company will complete the next stage of the work programs.

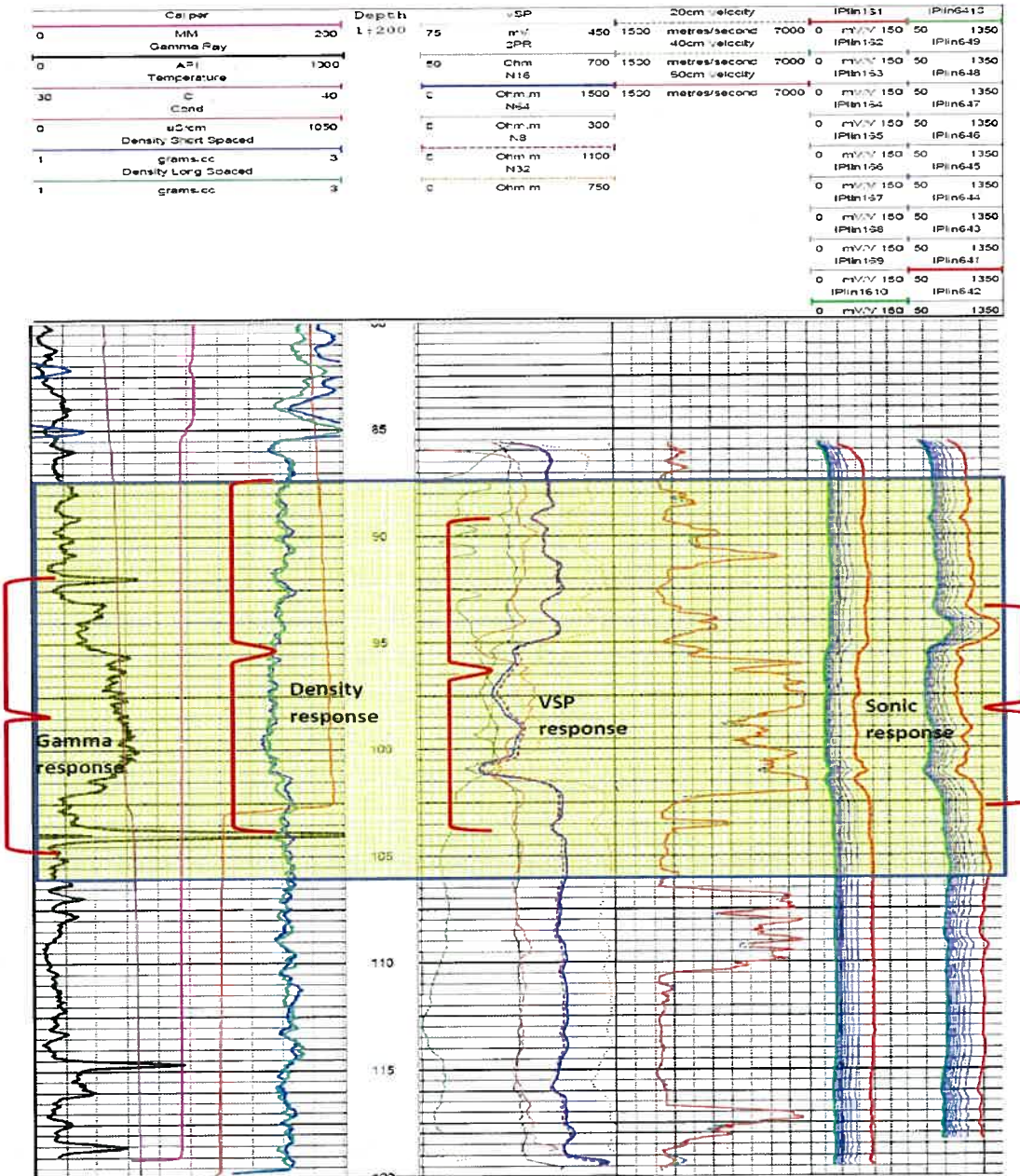


Figure 1: BCF-SC-04 composite wireline log profile typical of the shale formation in this margin basin setting. (NB: all depths are in meters.) The signal response data in this log is consistent with a positive petroleum generation signature. The log shows a high potential carbonaceous shale interval with the positive gamma, density SP and sonic response.

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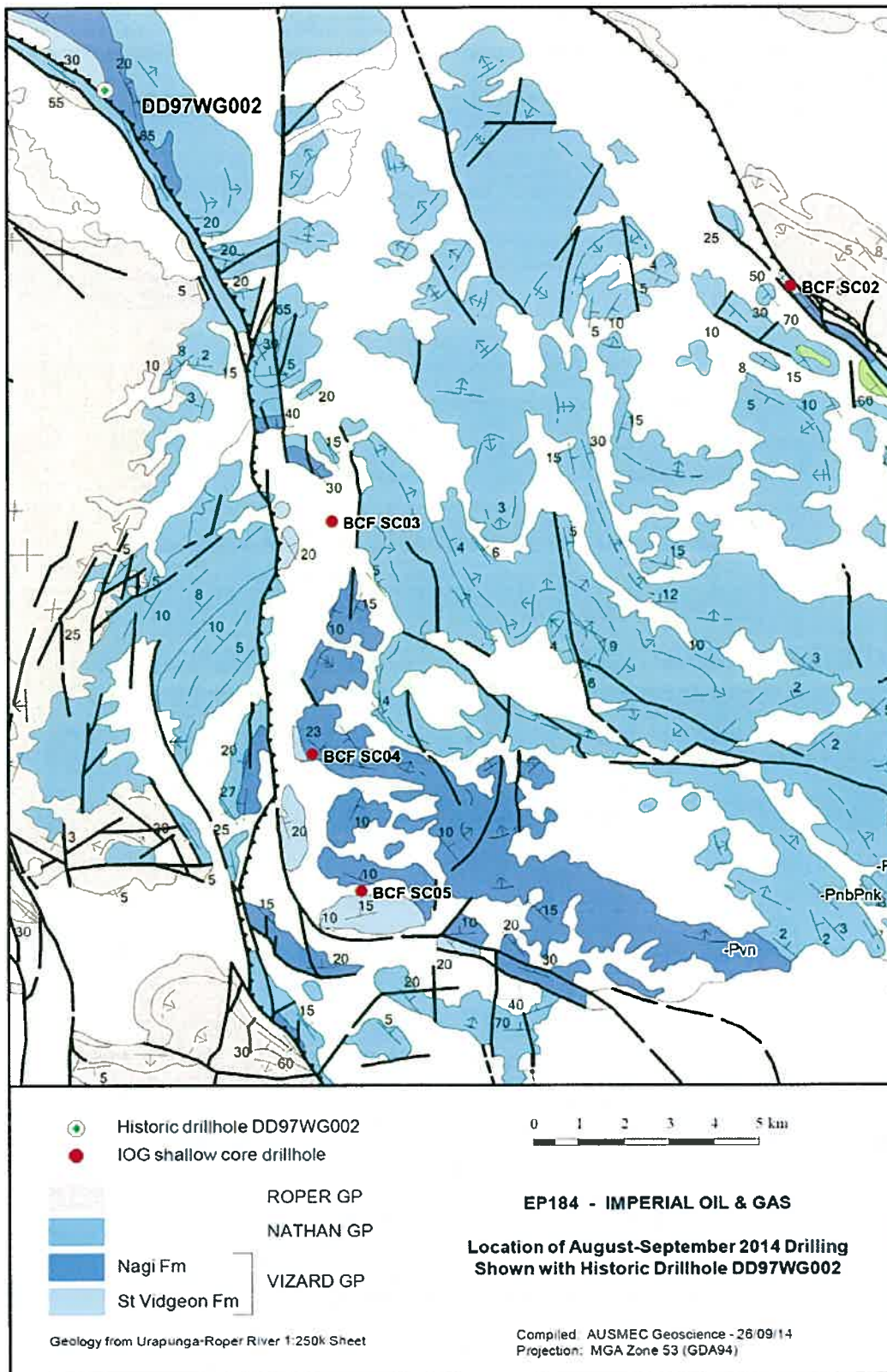


Figure 2: Location map of solid geology of the St Vidgeon region of EP184 showing position of the IOG core holes and historical core hole DD97WG002. (Solid geology is based on the NTGS Urapunga – Roper River 1:250K sheet and displays the major regional tectonic features.)

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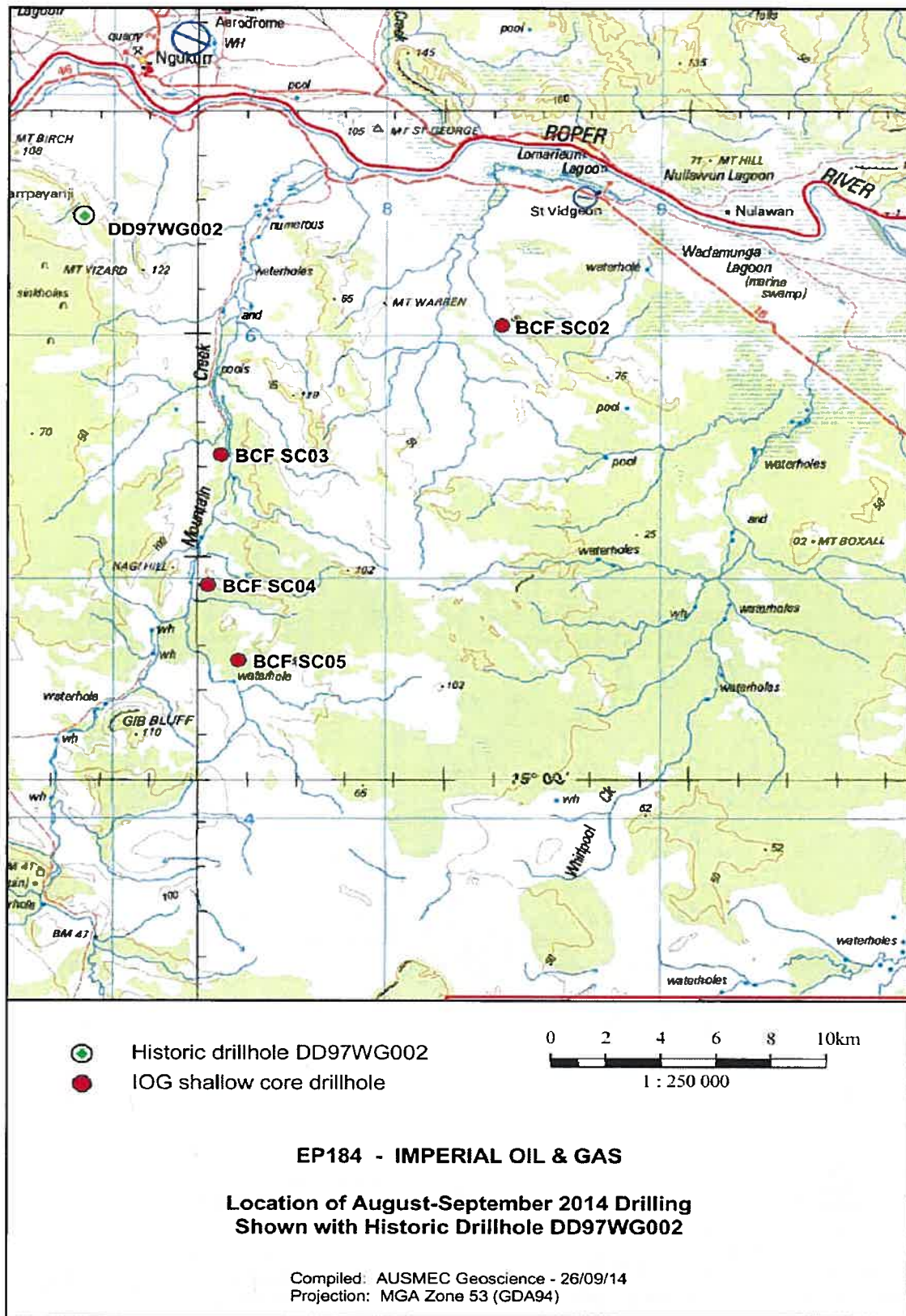


Figure 3: Location map of the St Vidgeon region of EP184 showing IOG core holes and historical core hole DD97WG002.

NORTHERN TERRITORY OF AUSTRALIA
Petroleum Act
TITLE REGISTER

TITLE SUMMARYTitle: *Exploration Permit 184*Status: *GRANT*

Field:

Basin: *McArthur Basin*Mapsheet: *ROPER RIVER (SD53)**NEWCASTLE WATERS (SE53)*Application Date: *12/04/2010*Grant Date: *21/08/2013*Expiry Date: *20/08/2020*Registered Date: *23/08/2013*

Associated Titles:

Party Details

Type	Name	ACN/ABN/ARBN	%
Current	IMPERIAL OIL & GAS PTY LIMITED LEVEL 7 - 151 MACQUARIE STREET, , SYDNEY, , 2000	92 002 699 578	100
Manager	AUSTRALIAN MINING & EXPLORATION TITLES SERVICES PTY LTD GPO Box 888, , DARWIN, , 0801	30 140 504 098	0
Operator	IMPERIAL OIL & GAS PTY LIMITED LEVEL 7 - 151 MACQUARIE STREET, , SYDNEY, , 2000	92 002 699 578	
Applicant	IMPERIAL OIL & GAS PTY LIMITED	92 002 699 578	100

*Name Change

Transactions

Type	Effective Date	Expiry Date	Area
Grant	21/08/2013	20/08/2018	173 Blocks (5'x5')
Area Variation	04/07/2012		157 Blocks (5'x5')
Application	12/04/2010		157 Blocks (5'x5')

Endorsements

Type	Period	Year	Effective Date	Registered Date
Suspension and Extension	24 Months	3	22/12/2017	27/12/2017
Suspension	12 Months	3	27/10/2016	27/10/2016
Initial	5 Years		21/08/2013	23/08/2013

Registered Documents

Document Type	Reference	Registered Date
Directions	Section 71 of the Petroleum Act	31/07/2017

Security

Type	Receipt	Lodgement Date	Discharged Date	Folio
Bank Guarantee		20/06/2014		159
Cash Security	6812165986	20/08/2013		121

Annual Fee

Year	Amount	Received Date
Year 5	\$15,916.00	02/08/2017
Year 4	\$15,916.00	23/08/2016

TITLE REGISTER: *EP184*Report run on: *09 May 2018, 12:22 PM*Department of Primary Industry and Resources
Energy.permits@nt.gov.au

Year 3	\$17,507.60	20/08/2015
Year 2	\$16,746.40	28/08/2014
Year 1	\$16,175.50	20/09/2013

Dealings

Dealing No	Type	Dealing Title	Approved Date	Registered Date
2018-13	Dealing	Termination of Dealing, dated 16 February 2018, executed by Imperial Oil & Gas Pty Limited, lodged 16 April 2018	23/04/2018	23/04/2018
2016-54	Dealing	Imperial Farm-out Agreement, dated 22 December 2015, between Imperial Oil & Gas Pty Limited and AEGP Australia Pty Ltd, lodged 12 February 2016	26/02/2016	26/02/2016

I hereby certify this to be a true extract of the data in the Register



PETROLEUM REGISTRAR

Date

09 May 2018

NORTHERN TERRITORY OF AUSTRALIA
Petroleum Act
TITLE REPORT

TITLE SUMMARY**Title:** *Exploration Permit 182***Application Date:** *12/04/2010***Status:** *APPLICATION***Grant Date:****Field:****Expiry Date:****Basin:** *McArthur Basin***Registered Date:****Mapsheet:** *ROPER RIVER (SD53)***Associated Titles:****Party Details**

Type	Name	ACN/ABN/ARBN	%
Manager	AUSTRALIAN MINING & EXPLORATION TITLES SERVICES PTY LTD GPO Box 888, , DARWIN, , 0801	30 140 504 098	0
Applicant	IMPERIAL OIL & GAS PTY LIMITED	92 002 699 578	100

*Name Change

Transactions

Type	Effective Date	Expiry Date	Area
Application	12/04/2010		172 Blocks (5'x5')

NORTHERN TERRITORY OF AUSTRALIA
Petroleum Act
TITLE REPORT

TITLE SUMMARYTitle: *Exploration Permit 183*Application Date: *12/04/2010*Status: *APPLICATION*

Grant Date:

Field:

Expiry Date:

Basin: *McArthur Basin*

Registered Date:

Mapsheet: *ROPER RIVER (SD53)*

Associated Titles:

Party Details

Type	Name	ACN/ABN/ARBN	%
Manager	AUSTRALIAN MINING & EXPLORATION TITLES SERVICES PTY LTD GPO Box 888, , DARWIN, , 0801	30 140 504 098	0
Applicant	IMPERIAL OIL & GAS PTY LIMITED	92 002 699 578	100

*Name Change

Transactions

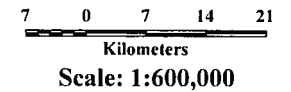
Type	Effective Date	Expiry Date	Area
Application	12/04/2010		22 Blocks (5'x5')

Land Claim 70				
Title Type	Title Number	Holder	Title holder details	Agent Details
EL	26599	Sandfire Resources NL	08 9226 5833 wje@snadfire.com.au	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911 nt@amets.com.au
EL	23139	Red Metal Limited	02 9281 1805 info@redmetal.com.au	n/a
EL	28372	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	23500	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	27143	Britmar (Aust) Pty Ltd	simon.peat@britmargroup.net	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911 nt@amets.com.au
Land Claim 129				
Title Type	Title Number	Holder	Title holder details	Agent Details
EL	29349	Ronald Edwards, Rodney Johnston, Scriven Exploration Pty Ltd, Kalyan Resources Pty Ltd, Thomas Redcliff	0415 909 347 Kalyan Resources Pty Ltd becana@kalyanresources.com	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911 nt@amets.com.au
EL	28343	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	30115	Ronald Edwards, Rodney Johnston, Scriven Exploration Pty Ltd, Kalyan Resources Pty Ltd, Thomas Redcliff	0415 909 347 Kalyan Resources Pty Ltd becana@kalyanresources.com	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911 nt@amets.com.au
EL	29490	Ronald Edwards, Rodney Johnston, Scriven Exploration Pty Ltd, Kalyan Resources Pty Ltd, Thomas Redcliff	0415 909 347 Kalyan Resources Pty Ltd becana@kalyanresources.com	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911 nt@amets.com.au
EL	26971	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
Land Claim 141				
Title Type	Title Number	Holder	Title holder details	Agent Details
EL	26973	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	26971	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	28891	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	28347	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com

EL	28893	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	28896	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	30115	Ronald Edwards, Rodney Johnston, Scriven Exploration Pty Ltd, Kalyan Resources Pty Ltd, Thomas Redcliff	0415 909 347 Kalyan Resources Pty Ltd becana@kalyanresources.com	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911 nt@amets.com.au
EL	29490	Ronald Edwards, Rodney Johnston, Scriven Exploration Pty Ltd, Kalyan Resources Pty Ltd, Thomas Redcliff	0415 909 347 Kalyan Resources Pty Ltd becana@kalyanresources.com	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911 nt@amets.com.au
Land Claim 164i				
Title Type	Title Number	Holder		
EL	30385	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
Land Claim 164ii				
Title Type	Title Number	Holder		
EL	31142	Roper Ilmenite Pty Ltd	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
Land Claim 164iii				
Title Type	Title Number	Holder		
EL	23500	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	28344	Australian Ilmenite Resources Pty Limited	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
EL	31142	Roper Ilmenite Pty Ltd	08 8941 3213 rphillips@macmines.com jiaof@ilmenite.com.au	Russell Phillips 0427 515 477 rphillips@macmines.com
Land Claim 245				
Title Type	Title Number	Holder		
No Mineral Titles				

**LAND CLAIMS
70, 129, 141 AND 164**

-  Land Claim Area
-  Exploration Licence Application
-  Exploration Licence Granted
-  Aboriginal Land Trust
-  NT Freehold
-  Pastoral Lease
-  Crown Lease
-  Vacant Crown Land



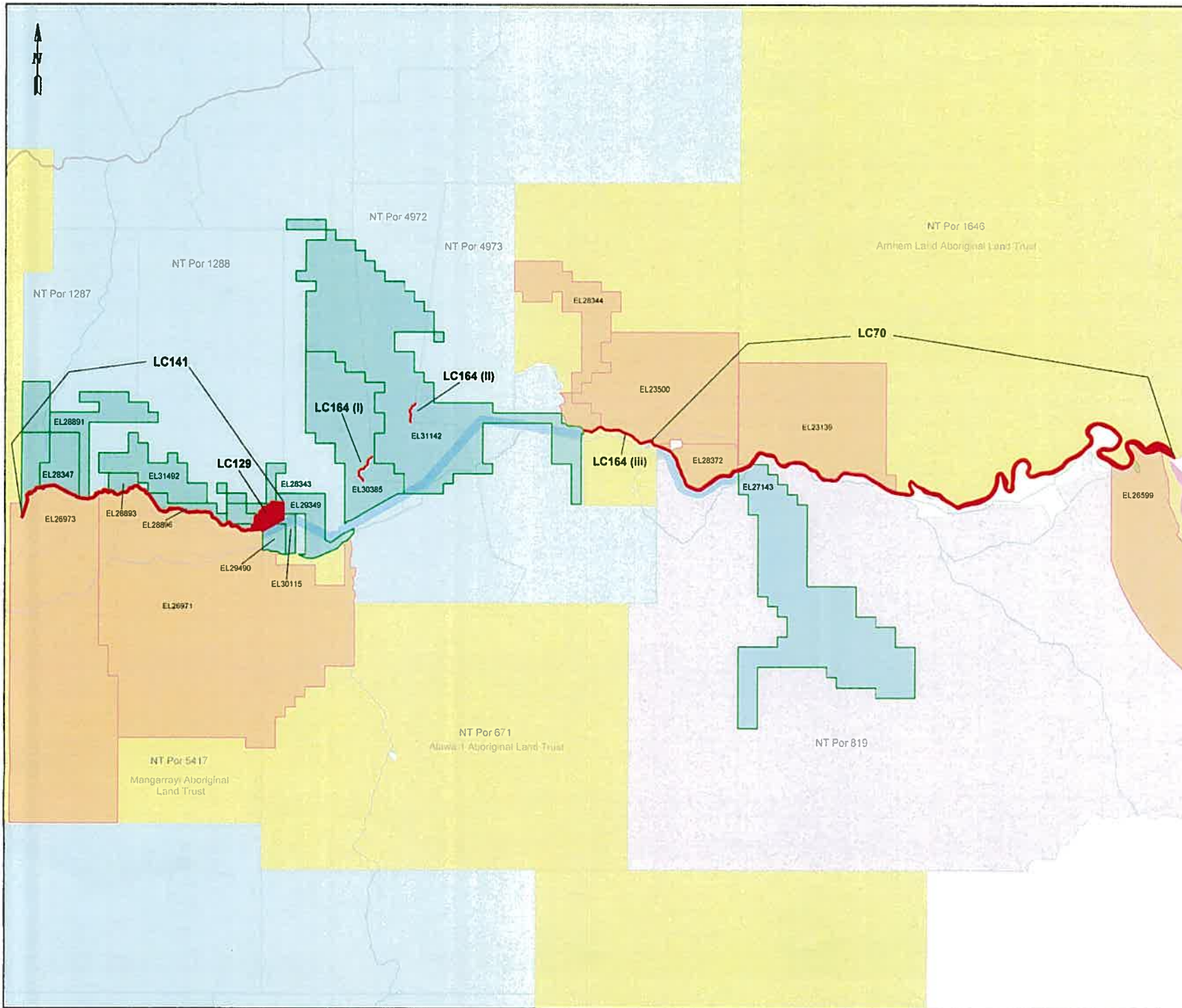
Datum: GDA94



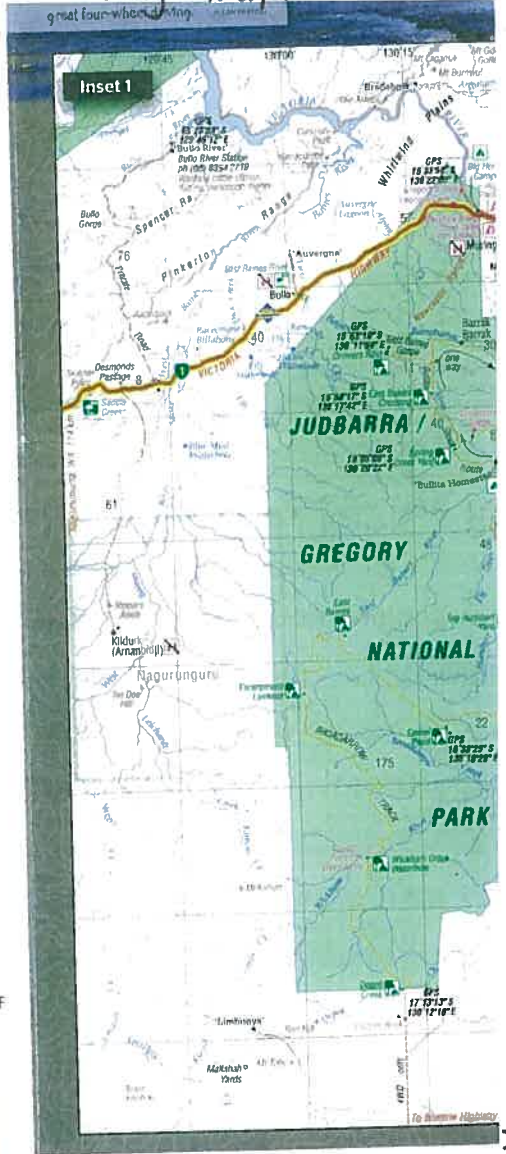
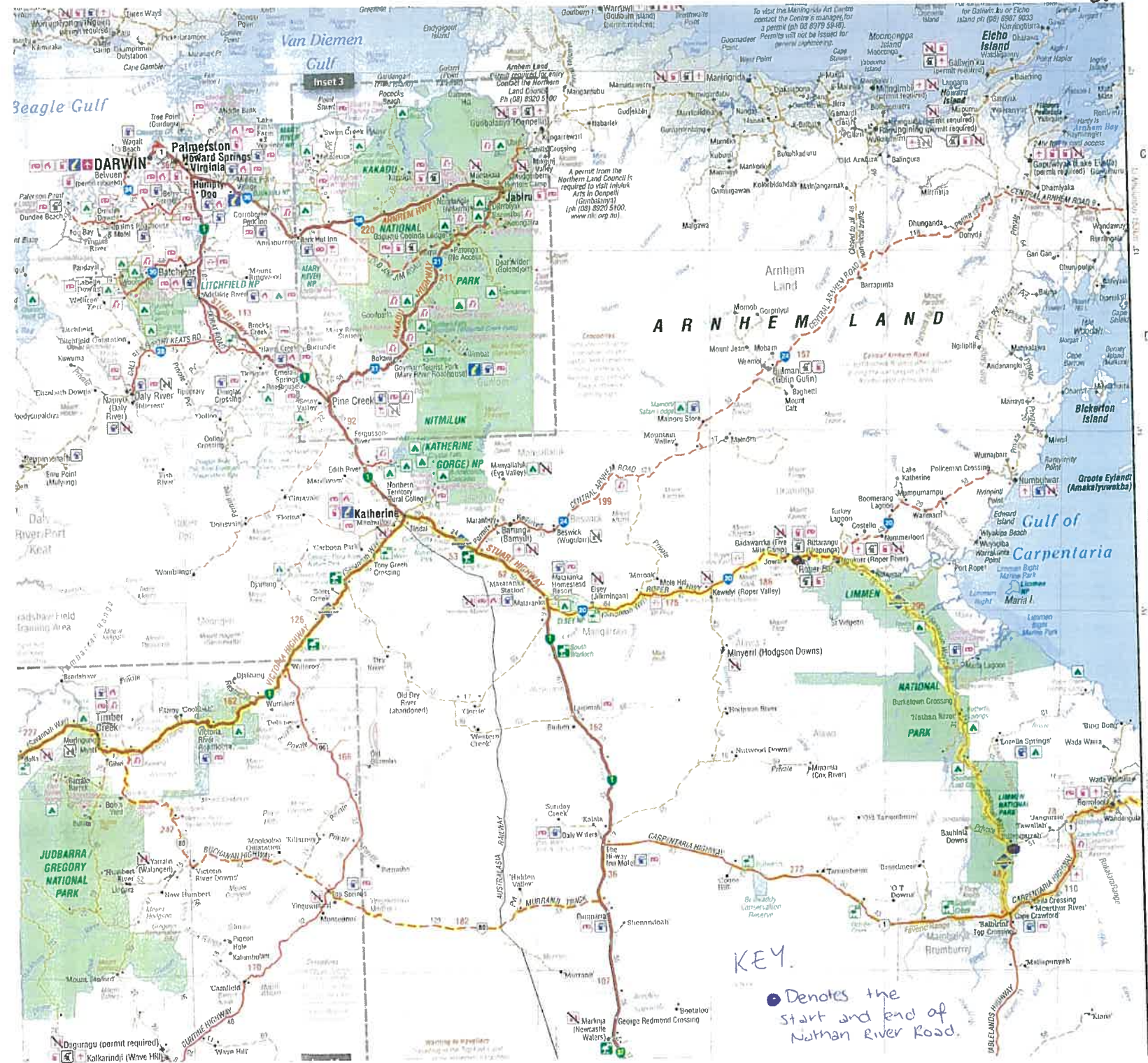
Date: 13 June 2018

Prepared By: Mineral Titles Division

NOTE TO MAP USERS: Mining and exploration tenure depicted on this map are plotted from descriptions supplied by the holders and the Northern Territory takes no responsibility as to their accuracy. Further, users should be aware that inconsistencies may occur between data on selected layers due to the origin of the data depicted.



JARRAHAN WAY MAP



KEY.

● Denotes the start and end of Nathan River Road.



ATTACHMENT I

Previous

Next

TABLE 4.1

Extract: Statistics of Nathan River Road Users: NT Annual Traffic Report 2016

ATTACHMENT 5

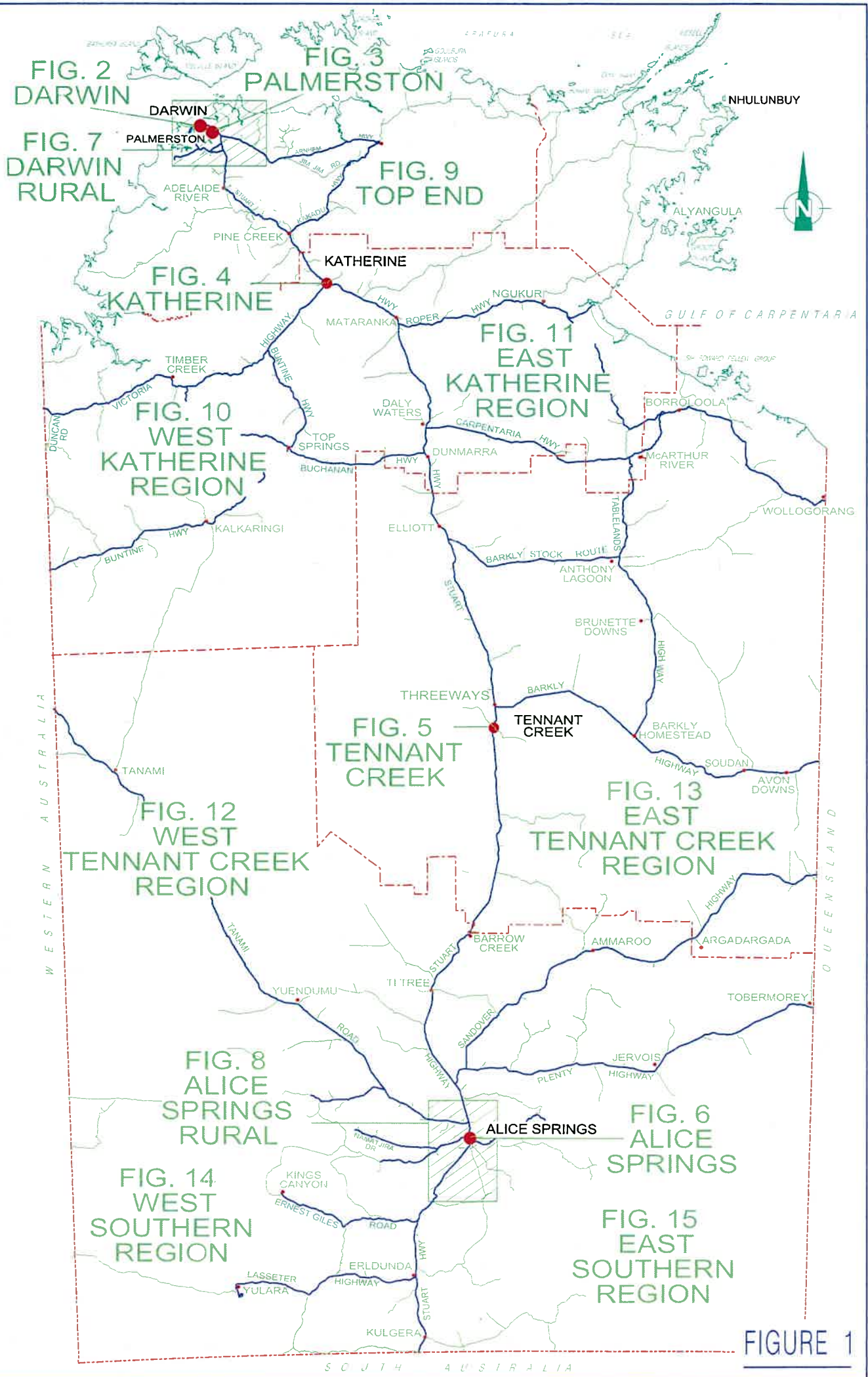
Rural Coverage Count Stations

Year: 2016

Table: 4.1 AADT For Coverage Stations - 10 Year Period

Region: Tennant Creek

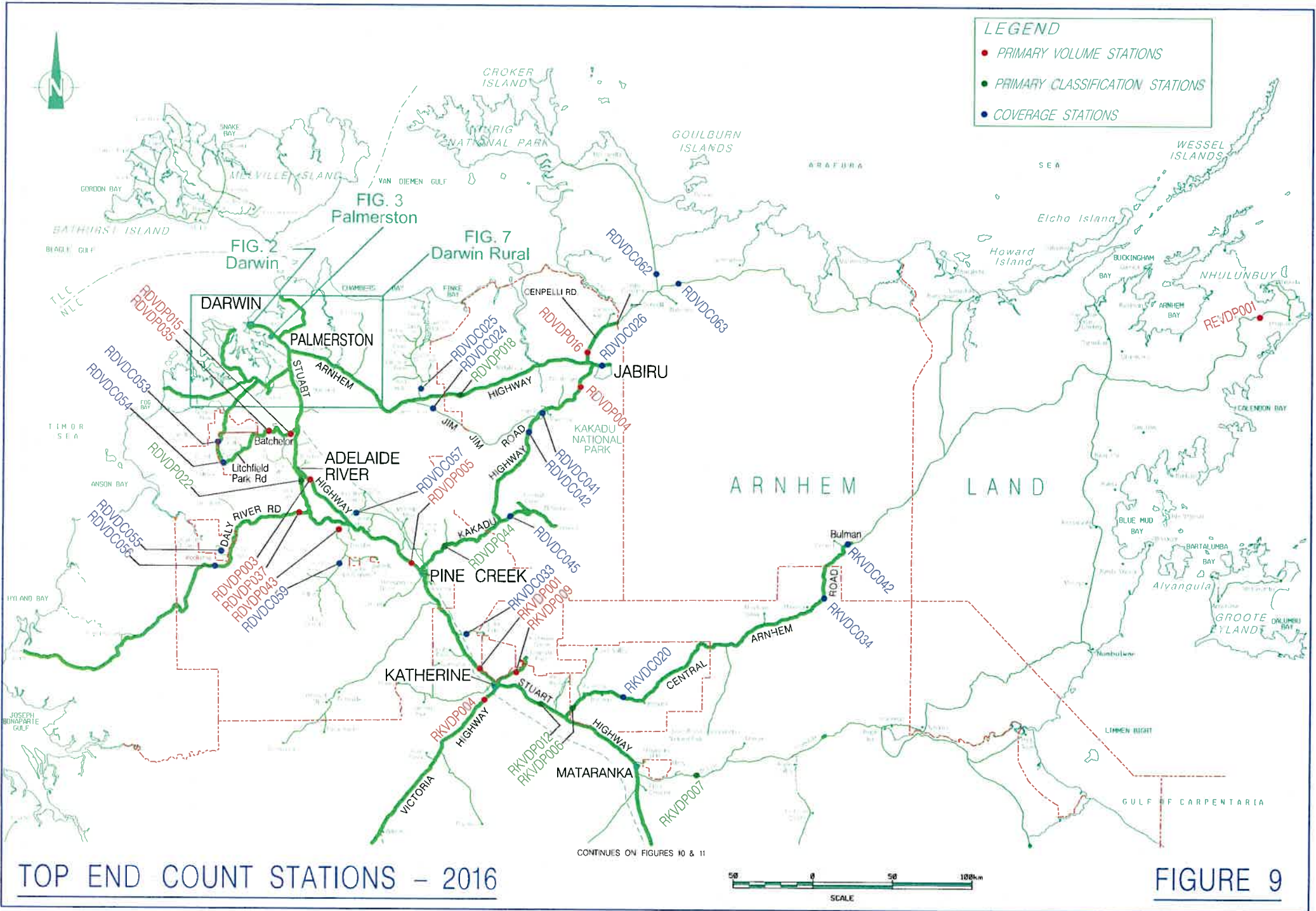
Road Name / Location	ADT Station	Direction	Units	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Carpentaria Highway 5km East of Tablelands Highway	RTVDC033	Inbound	Veh		30		37		55		51		42
		Outbound	Veh		33		44		42		46		42
		Both	Veh		63		81		97		97		84
Nathan River Road 2km North of Ryans Bend Road <i>at p. 13 of 14.</i>	RTVDC034	Inbound	Veh		5		5		7		9		4
		Outbound	Veh		6		7		4		7		5
		Both	Veh		11		12		11		16		9
Nathan River Road 5km South of Roper Bar <i>at p. 10 of 14.</i>	RKVDC038	Inbound	Veh	18		9		14		13		9	
		Outbound	Veh	18		9		14		14		10	
		Both	Veh	36		18		28		27		19	



2016 TRAFFIC COUNT STATIONS
N.T. LOCALITY MAP

FIGURE 1

© 2016 TERRACON CONSULTANTS PTY LTD. ALL RIGHTS RESERVED. THIS MAP IS A TRADE MARK OF TERRACON CONSULTANTS PTY LTD. LOCALITY MAPS



LEGEND

- PRIMARY VOLUME STATIONS
- PRIMARY CLASSIFICATION STATIONS
- COVERAGE STATIONS

TOP END COUNT STATIONS - 2016

FIGURE 9

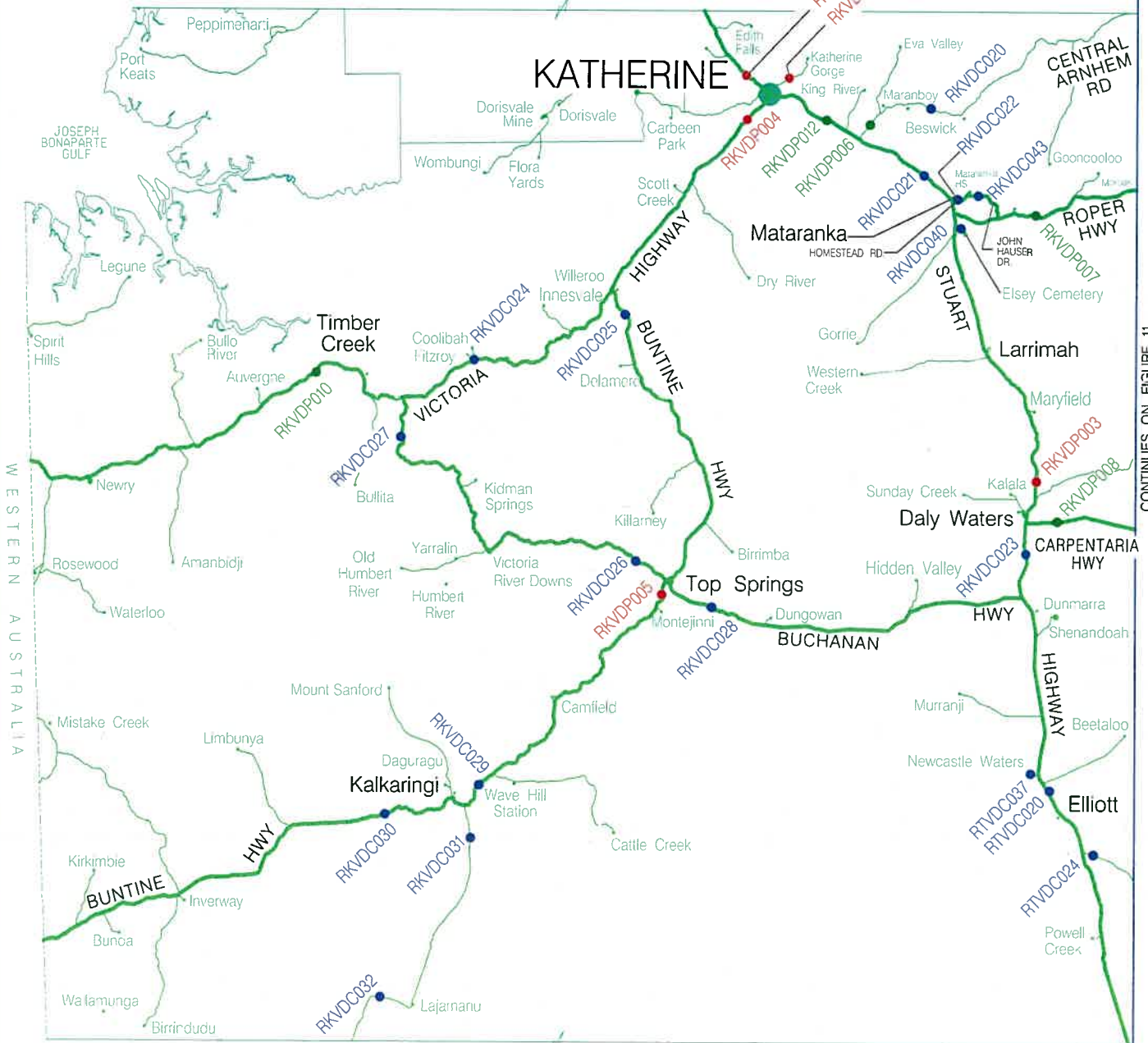


CONTINUES ON FIGURES 10 & 11

FILE: \\PROJECTS\CURRENT\TRAFFIC COUNT STATION MAPS\2015 - UPDATED APRIL 2016 - F.C.S. - 100 END REGION.DWG



CONTINUES ON FIGURE 9



CONTINUES ON FIGURE 11

CONTINUES ON FIGURE 12

LEGEND

- PRIMARY VOLUME STATIONS
- PRIMARY CLASSIFICATION STATIONS
- COVERAGE STATIONS

WEST KATHERINE REGION COUNT STATIONS – 2016

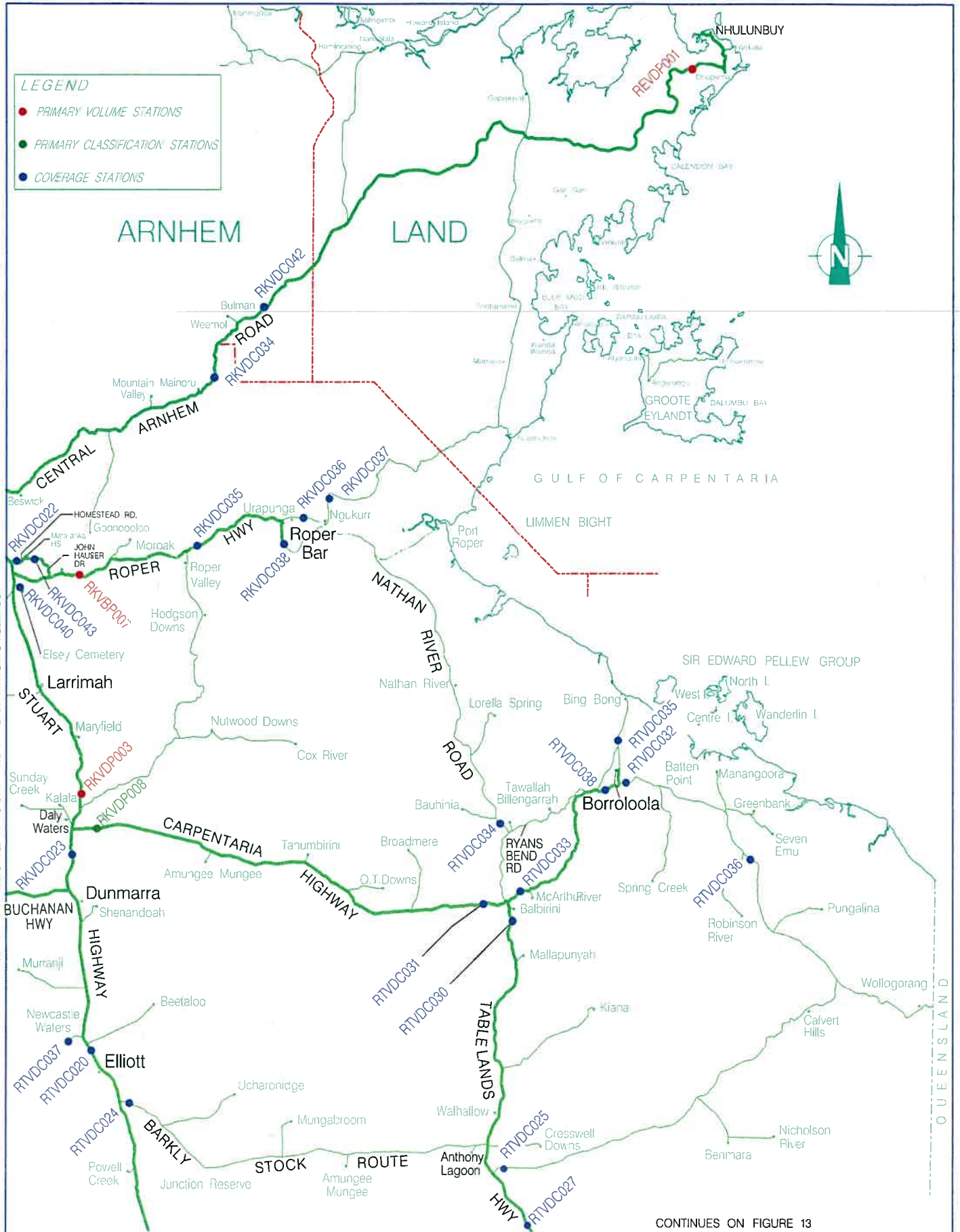
FIGURE 10

FILE: X:\PROJECT\CURRENT\TRAFFIC\TRAFFIC COUNT STATION MAPS - 2015_UPDATED APRIL 2016 - FIG 10 WEST KATHERINE REGION.DWG

CONTINUES FROM FIGURE 10

Mataranka

10 APRIL 2016 FILE: X:\PROJECT CURRENT\TRAFFIC\TRAFFIC COUNT STATION MAPS - 2015 - UPDATED APRIL 2016 - FIG 11 - EAST KATHERINE REGION COUNT STATION MAPS - 2015



CONTINUES ON FIGURE 13

EAST KATHERINE & ARNHEM REGION COUNT STATIONS - 2016

FIGURE 11

Parks and Wildlife: data of road users and visitors to Limmen National Park

Please see below the visitor stats for Limmen NP for 2017.

Parks and Wildlife Commission collect vehicle counts using a tube vehicle counter which is set up across the entire road, counts every second axle, inbound and outbound.

Each month a Ranger from the Park collects the count and sends it through to Parks and Wildlife Visitor Monitoring. An average vehicle Occupancy (AVO) figure is then applied to the vehicle count. This then provides an estimate of the number of visitors to the park for that month.

Yearly visitor number statistics collected across all of our most visited parks are published on our website and in the annual report and are used to budget for Park visitor infrastructure needs.

The **vehicle count** for 2017 was 10850 inbound and outbound for the Hodgson River crossing counter rounded to the nearest 50.

Hodgson River Crossing (Port Roper Road):

Month	
2017	Total visits using AVO
January	145
February	0 (road closed)
March	306
April	1513
May	1806
June	1799
July	2850
August	1381
Sept	896
October	1031
November	970
December	302
Total	13000

Nathan River south of Southern Lost City (Nathan River Road)

Month	
2017	Total visits using AVO
January	0 (road closed)
February	0 (road closed)
March	0 (road closed)

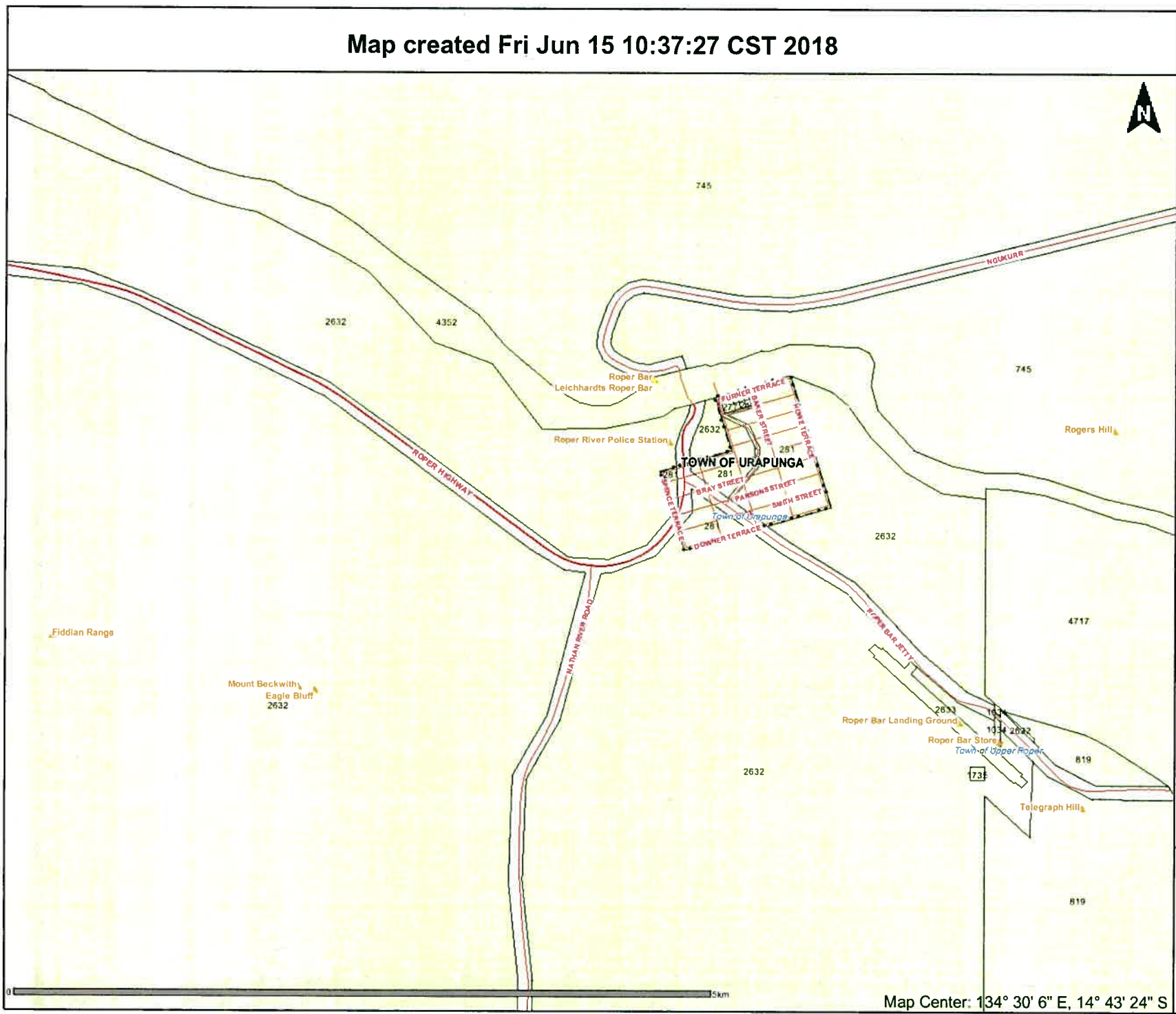
April	448
May	413
June	959
July	1254
August	930
Sept	605
October	299
November	113
December	58
Total	5077

Map created Fri Jun 15 10:37:27 CST 2018

Legend



- Placenames**
- ▲ Recorded
- ★ Historical
- Registered
- ▲ Assigned
- Revoked
- + Registered - Historical
- General Lines**
- Town Boundaries
- Road Labels**
- Road Centrelines**
- == Highway
- Other Road
- Parcel Numbers**
- Cadastre
- Coastline



Created by Public User

Bottom Left: 134° 27' 45", -14° 44' 44"
 Top Right: 134° 32' 25", -14° 42' 02"
 Approximate Scale: 1:36,000
 Datum: GDA 1994
 Data for information purposes only
 - accuracy not guaranteed
 N.T. Land Information System
 Copyright Northern Territory of Australia

Map Center: 134° 30' 6" E, 14° 43' 24" S

ATTACHMENT M

Google Maps Roper River crossing

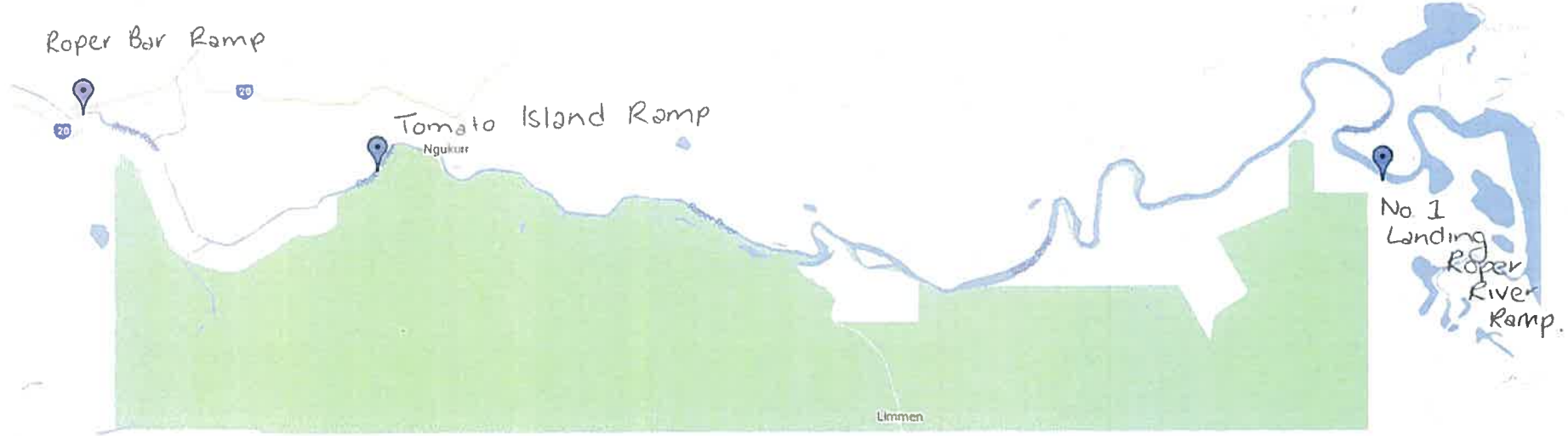


Google Image Roper River crossing.

Imagery ©2018 DigitalGlobe, Map data ©2018 Google 100 m

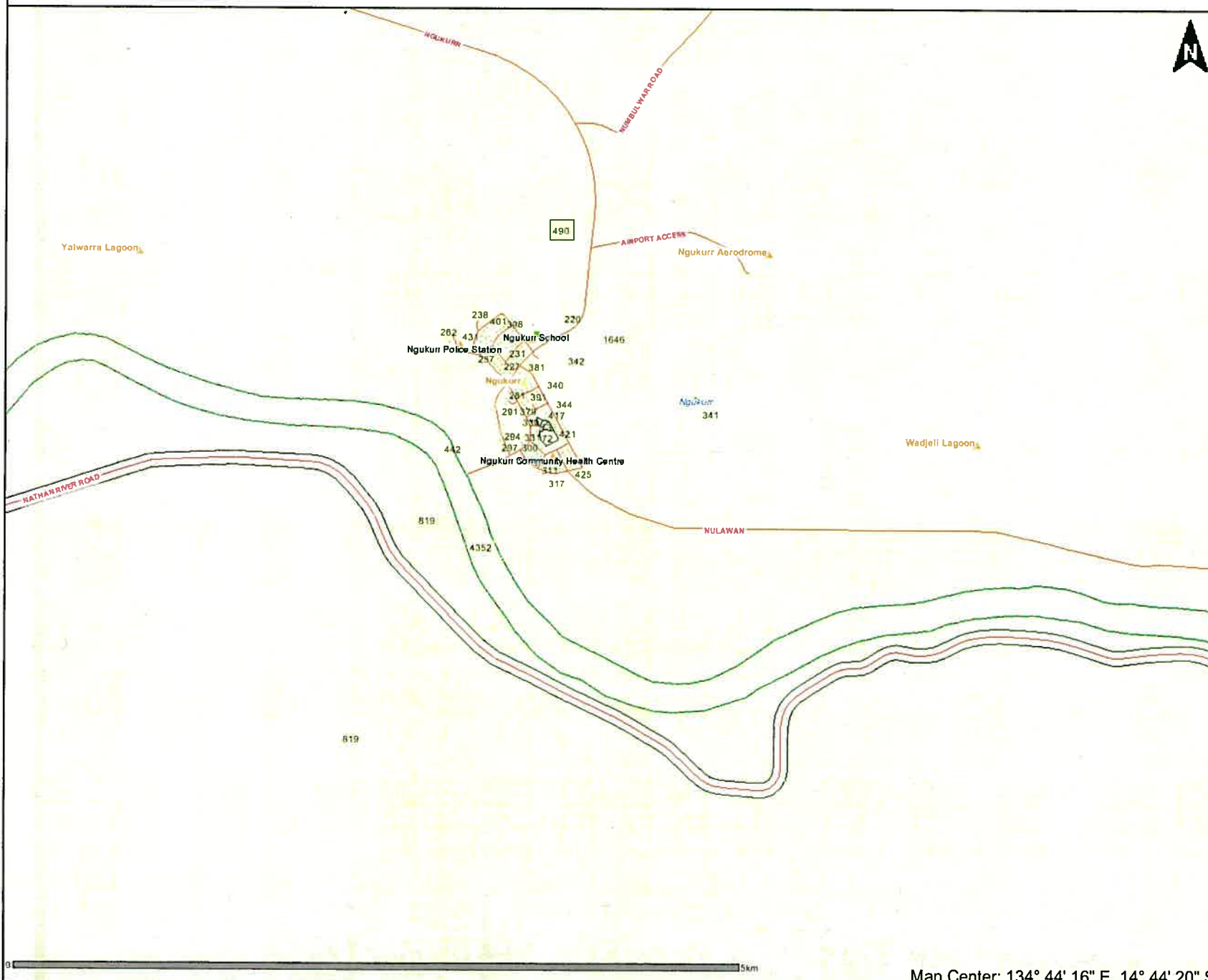
Source: NT.gov.au → Find a boat ramp.

BOAT RAMPS - ROPER RIVER



Map created Sun Jun 17 15:56:25 CST 2018

Legend



- Placenames**
- ▲ Recorded
- ★ Historical
- Registered
- ▲ Assigned
- Revoked
- ◆ Registered - Historical
- General Lines
- - - Natural Boundaries
- Surveyed
- - - Unsurveyed
- ⊠ Town Boundaries
- Road Labels
- Road Centrelines
- Highway
- - - Other Road
- Parcel Numbers**
- Cadastre
- Coastline

Created by Public User

Bottom Left: 134° 41' 56", -14° 45' 41"

Top Right: 134° 46' 36", -14° 42' 59"

Approximate Scale: 1:36,000

Datum: GDA 1994

Data for information purposes only

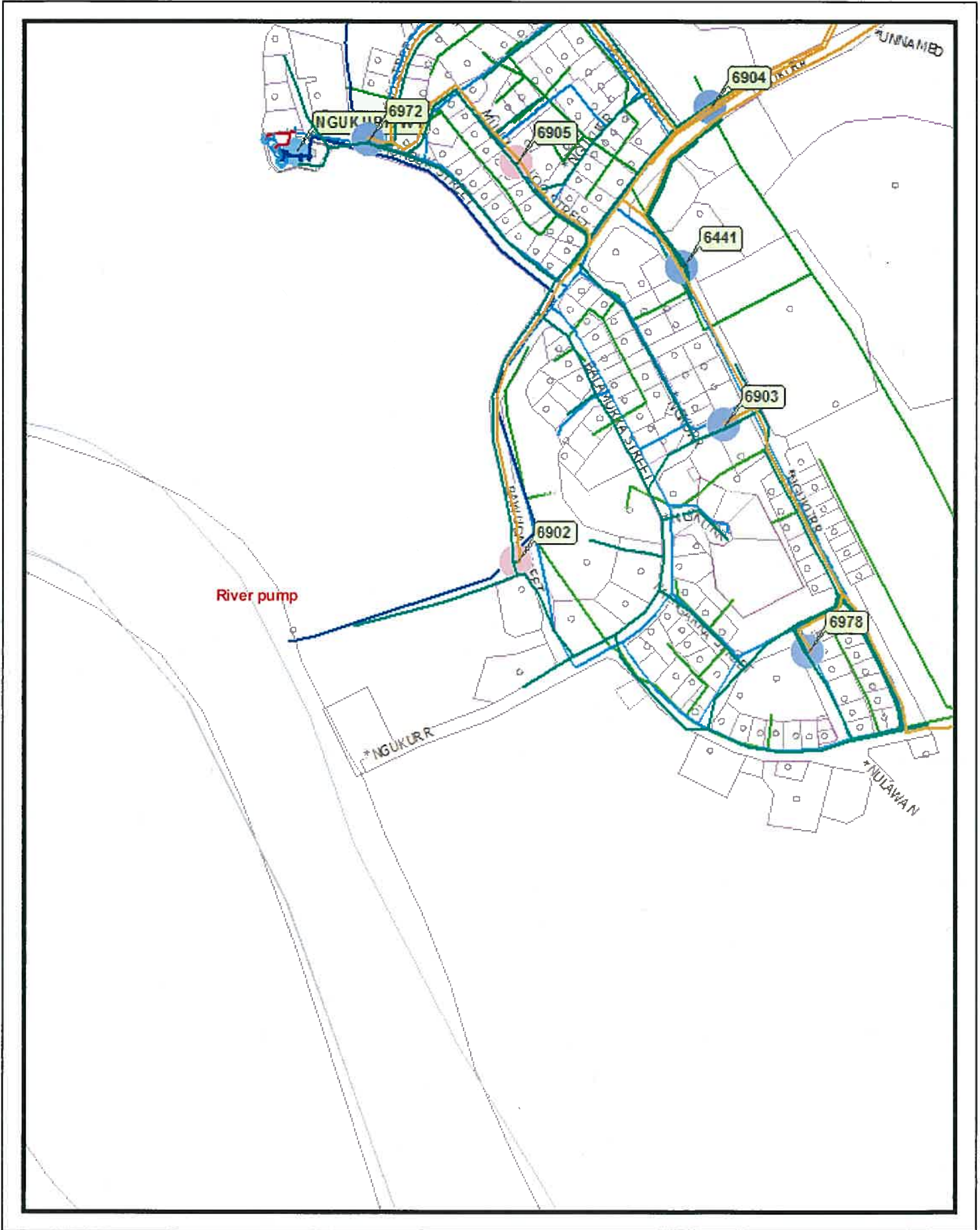
- accuracy not guaranteed

N.T. Land Information System

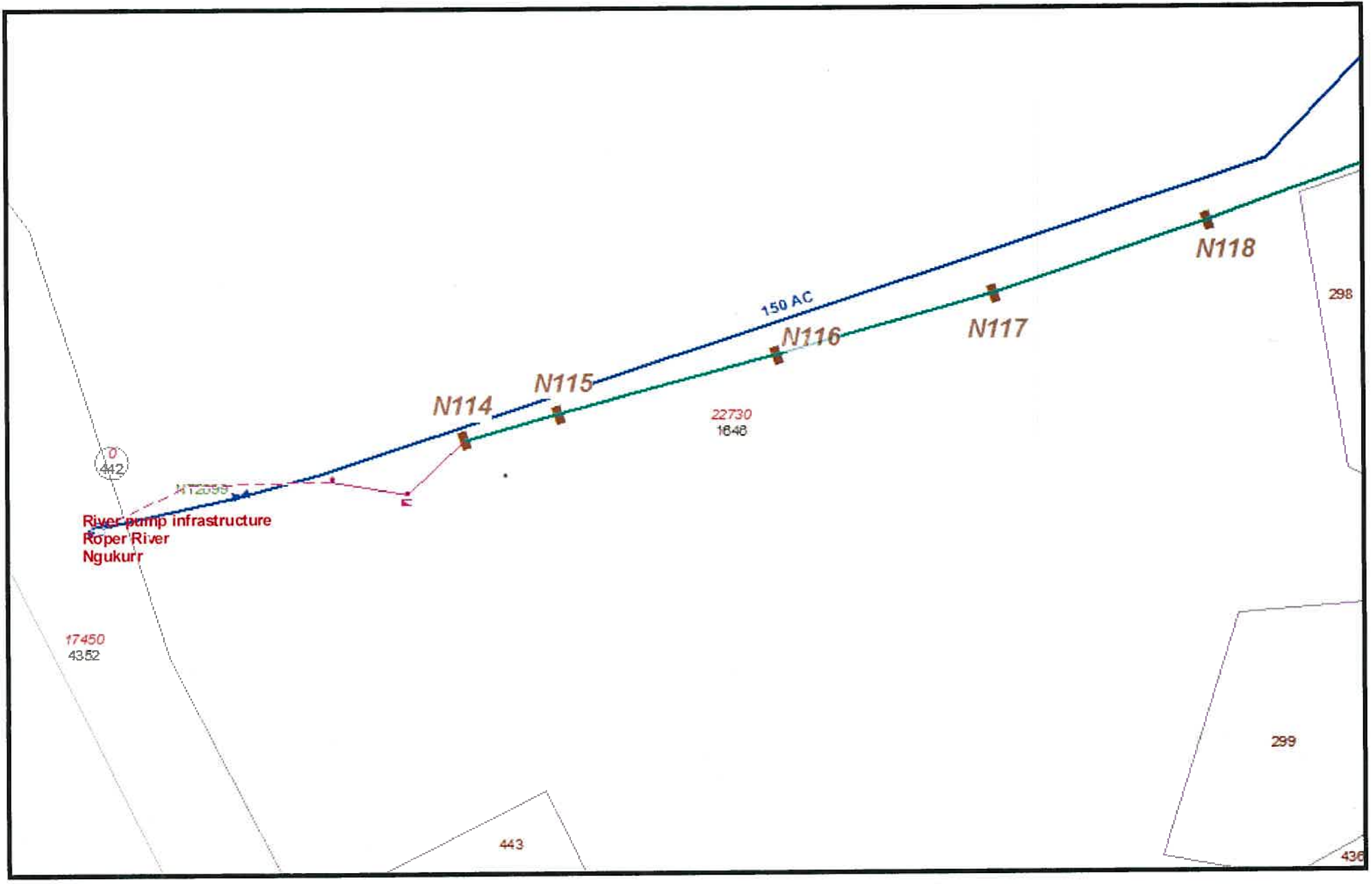
Copyright Northern Territory of Australia

Map Center: 134° 44' 16" E, 14° 44' 20" S

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Scale: 1:1,274
Original Sheet Size: A4

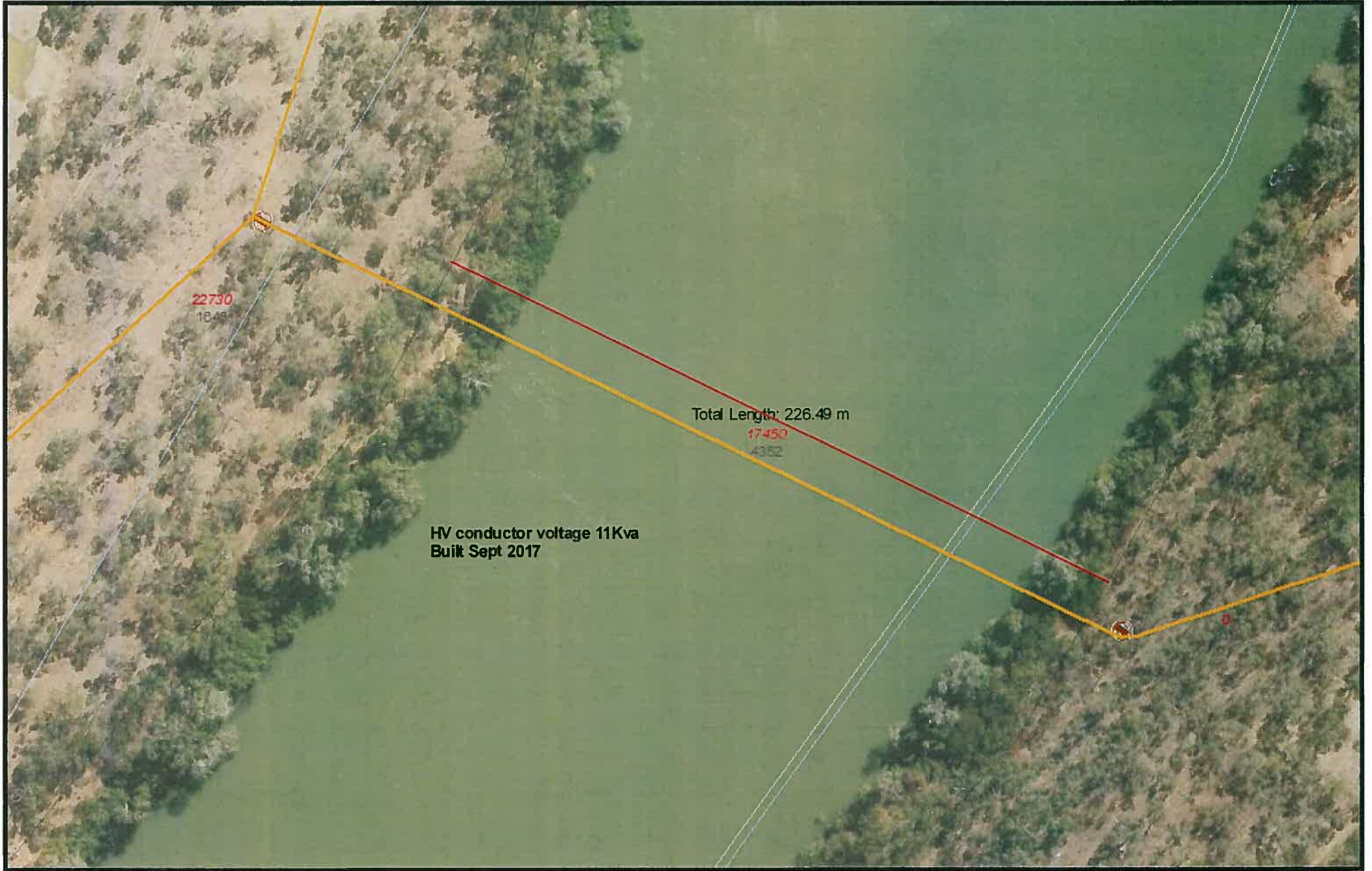
River pump infrastructure

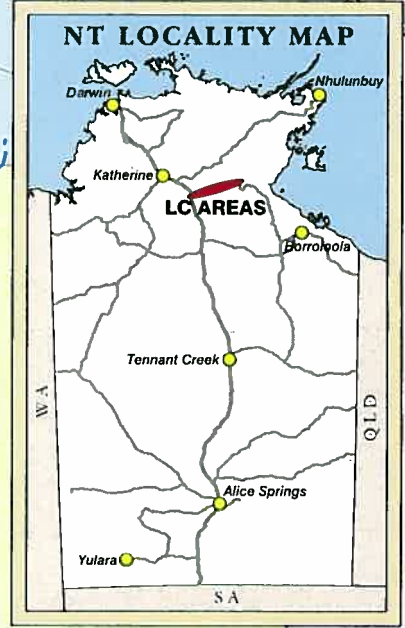
Roper River Ngukurr

18/06/2018

ATTACHMENT R

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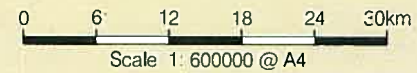




LC's 129, 141, 164 & 245 - Jan 2018.dgn

CADASTRE: 24 January 2018
COMPILATION: 29 January 2018

Note: Land Claim areas are indicative representations only, where LC's 141 and 164 are bound by the beds and banks of the Roper River.



LAND CLAIMS
129 (NT POR 916), 141,
164 i, 164 ii, 164 iii (PART NT POR 4352)
AND 245 (NT POR 5604)

ATTACHMENT 1

G 9030250



G9030012.

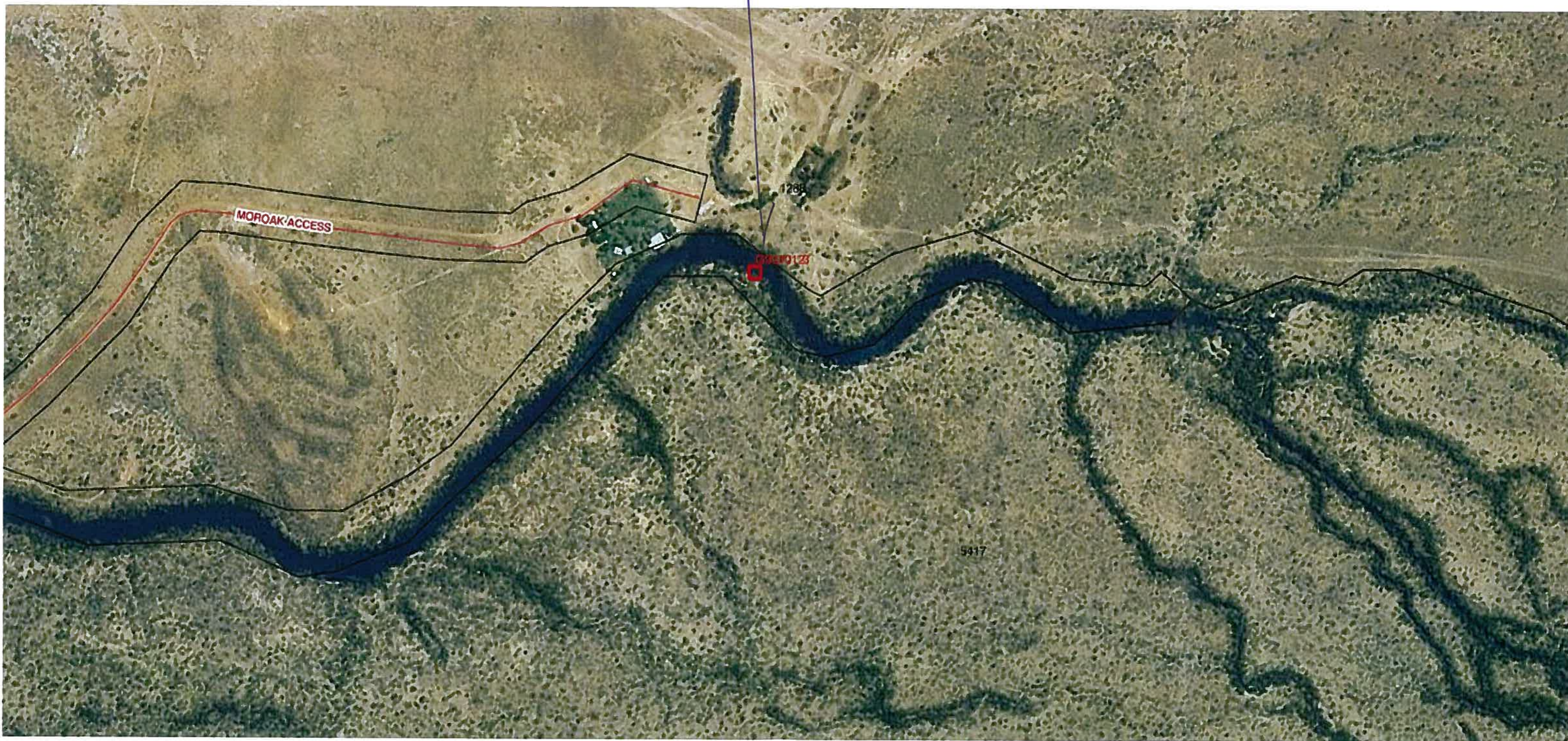








G9030123



NORTHERN TERRITORY OF AUSTRALIA
Petroleum Act
TITLE REGISTER

TITLE SUMMARYTitle: *Exploration Permit 162*Application Date: *5/06/2009*Status: *GRANT*Grant Date: *21/08/2012*

Field:

Expiry Date: *20/05/2020*Basin: *McArthur Basin*Registered Date: *22/08/2012*Mapsheet: *ROPER RIVER (SD53)*

Associated Titles:

Party Details

Type	Name	ACN/ABN/ARBN	%
Current	TAMBORAN RESOURCES LIMITED Suite 502, 22 Central Avenue, , Manly, , 2095	28 135 299 062	25
Current	SANTOS QNT PTY LTD c/- Team Leader Tenures, Level 26, 32 Turbot St, BRISBANE, , 4000	33 083 077 196	75
Manager	SANTOS QNT PTY LTD c/- Team Leader Tenures, Level 26, 32 Turbot St, BRISBANE, , 4000	33 083 077 196	0
Operator	SANTOS QNT PTY LTD c/- Team Leader Tenures, Level 26, 32 Turbot St, BRISBANE, , 4000	33 083 077 196	
Past	SANTOS QNT PTY LTD	33 083 077 196	50
Past	TAMBORAN (BEETALOO) PTY LTD	76 163 215 021	50
Past	TAMBORAN RESOURCES LIMITED	28 135 299 062	50
Past	TAMBORAN RESOURCES LIMITED	28 135 299 062	50
Name Change	TAMBORAN RESOURCES LIMITED was TAMBORAN RESOURCES PTY LTD (2014-03-19)		
Applicant	TAMBORAN RESOURCES LIMITED	28 135 299 062	100

*Name Change

Transactions

Type	Effective Date	Expiry Date	Area
Grant	21/08/2012	20/08/2017	106 Blocks (5'x5')
Application	05/06/2009		107 Blocks (5'x5')

Endorsements

Type	Period	Year	Effective Date	Registered Date
Suspension and Extension	18 Months	4	16/02/2018	16/02/2018
Suspension and Extension	12 Months	4	21/12/2016	23/12/2016
Variation		3,4	25/05/2015	26/05/2015
Suspension and Extension	3 Months	2	10/09/2014	11/09/2014
Initial	5 Years		21/08/2012	22/08/2012

Registered Documents

Document Type	Reference	Registered Date
Directions	Section 71 of the Petroleum Act	31/07/2017

TITLE REGISTER: *EP162*Report run on: *09 May 2018, 1:41 PM*Department of Primary Industry and Resources
Energy.permits@nt.gov.au

Directions	Section 71 of the Petroleum Act	31/07/2017
------------	---------------------------------	------------

Security

Type	Receipt	Lodgement Date	Discharged Date	Folio
Bank Guarantee		04/07/2016		203
Cash Security	6812136631	17/08/2012		89

Annual Fee

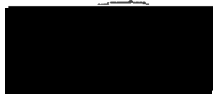
Year	Amount	Received Date
Year 6	\$9,752.00	23/08/2017
Year 5	\$9,752.00	23/08/2016
Year 4	\$10,727.20	01/09/2015
Year 3	\$10,260.80	25/09/2014
Year 2	\$9,911.00	30/10/2013
Year 1	\$2,798.40	27/09/2012

Dealings

Dealing No	Type	Dealing Title	Approved Date	Registered Date
2017-32	Transfer	Transfer of Title, dated 8 September 2017, between Santos QNT Pty Ltd and Tamboran Resources Limited, lodged 11 December 2017	31/01/2018	01/02/2018
2016-124	Dealing	Deed of Assignment of a Security Interest, dated 30 September 2016, between Belbay Investments Pty Limited, Paul Geoffrey Fudge and Geotech Investments Pty Limited, dated 30 September 2016	25/10/2016	25/10/2016
2016-113	Dealing	Deed of Assignment, dated 1 August 2016, between Tamboran (Beetaloo) Pty Ltd and Tamboran Resources Limited, lodged 7 October 2016	25/10/2016	25/10/2016
2016-117	Transfer	Transfer of Title, dated 1 August 2016, between Tamboran (Beetaloo) Pty Limited and Tamboran Resources Limited, lodged 7 September 2016.	25/10/2016	25/10/2016
2016-120	Dealing	General Security Deed, dated 6 September 2012, between Tamboran Resources Limited and Belbay Investments Pty Limited, lodged 14 October 2016	25/10/2016	25/10/2016
2015-68	Dealing	Farm-in Agreement, dated 26 September 2014, Option exercise date: 28 April 2015 between TOTAL GLNG Australia and Santos QNT Pty Ltd lodged on 27 July 2015	03/09/2015	08/09/2015
2014-47	Transfer	Transfer of Title dated 30 November 2013 between Tamboran Resources	21/03/2014	20/05/2014

		Limited and Tamboran (Beetaloo) Pty Ltd lodged 27 February 2014		
2013-10	Transfer	Transfer of title dated 14 February 2013 between Tamboran Resources Pty Ltd and Santos QNT Pty Ltd lodged 18 February 2013	19/02/2013	20/02/2013
2012-75	Dealing	Joint Operating Agreement dated 11 December 2012 between Santos QNT Pty Ltd and Tamboran Resources Pty Ltd lodged on 18 December 2012	04/01/2013	04/01/2013
2012-79	Dealing	Deed of Cross Security dated 11 December 2012 between Santos QNT Pty Ltd and Tamboran Resources Pty Ltd lodged on 18 December 2012	04/01/2013	04/01/2013
2012-71	Dealing	Farmin Agreement dated 11 December 2012 between Santos QNT Pty Ltd and Tamboran Resources Pty Ltd lodged on 18 December 2012	04/01/2013	04/01/2013

I hereby certify this to be a true extract of the data in the Register



PETROLEUM REGISTRAR

Date

09 May 2018

NORTHERN TERRITORY OF AUSTRALIA
Petroleum Act
TITLE REPORT

TITLE SUMMARYTitle: *Exploration Permit 353*Status: *APPLICATION*

Field:

Basin: *McArthur Basin*Mapsheet: *ROPER RIVER (SD53)*Application Date: *11/01/2008*

Grant Date:

Expiry Date:

Registered Date:

Associated Titles: *EP154***Party Details**

Type	Name	ACN/ABN/ARBN	%
Current	JACARANDA MINERALS LIMITED Locked Bag No. 2, WEST PERTH , 6872	68 117 264 570	50
Current	MINERALS AUSTRALIA PTY LTD Locked Bag No. 2 , WEST PERTH, 6872	47 124 475 538	50
Manager	MINERALS AUSTRALIA PTY LTD Locked Bag No. 2 , WEST PERTH, 6872	47 124 475 538	
Operator	MINERALS AUSTRALIA PTY LTD Locked Bag No. 2 , WEST PERTH, 6872	47 124 475 538	
Applicant	JACARANDA MINERALS LIMITED	68 117 264 570	50
Applicant	MINERALS AUSTRALIA PTY LTD	47 124 475 538	50

*Name Change

Transactions

Type	Effective Date	Expiry Date	Area
Area Variation	07/09/2017		82 Blocks (5'x5')
Application	11/01/2008		102 Blocks (5'x5')

TITLE REPORT: *EP353*Report run on: *09 May 2018, 1:42 PM*Department of Primary Industry and Resources
Energy.permits@nt.gov.au

**DETRIMENT REVIEW:
LOWER ROPER RIVER LAND CLAIM No. 70: REPORT No. 65**

AND

**UPPPER ROPER RIVER REGION LAND CLAIMS COMPRISING MATARANKA AREA (NT PORTION 916) LAND CLAIM NO. 129;
WESTERN ROPER RIVER (BEDS AND BANKS) LAND CLAIM NO. 141, ROPER VALLEY AREA LAND CLAIM NO. 164 AND ELSEY
REGION LAND CLAIM NO. 245: REPORT NO. 68**

**ADDENDUM TO UPDATED DETRIMENT AND PROPOSED PATTERNS OF LAND USAGE INFORMATION ON BEHALF OF
THE NORTHERN TERRITORY OF AUSTRALIA FOR CONSIDERATION BY THE ABORIGINAL LAND COMMISSIONER OF THE
NORTHERN TERRITORY DATED 22 JUNE 2018**

Key

NTP = NT Portion No.

CLP = Crown Lease in Perpetuity

PPL = Perpetual Pastoral Lease

VCL = VCL

ALT = Aboriginal Land Trust land held under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (ALRA)*

NB: This document including information in Tables 1 and 2 and any attachments comprise an addendum to the Detriment Review Table for Grouping 5 comprising the Lower Roper River Land Claim No. 70 and Upper Roper River Land Claims No. 129, 141, 164 and 245 prepared by the Solicitor for the Northern Territory dated 22 June 2018 (the Grouping 5 Detriment Review Table)

Lower Roper River Land Claim No. 70: REPORT No. 65

And

Upper Roper River Land Claims No. 129, 141, 164 and 245

The claim area arising in these claims is set out in the heading to Tables 1 and 2 to the Grouping 5 Detriment Review Table dated 22 June 2018.

Item	Olney J detriment findings and any	Additional/new detriment information
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	additional detriment per ALC letter of 16.04.2018	
1.	<p><u>DIPL</u></p> <p>Commentary regarding roads etc per former Commissioner Olney J noted in next column.</p>	<p>The Department of Infrastructure, Planning and Logistics (DIPL) was established by the NT Government on 12 September 2016. The government created the Department to bring together many of the key functions that drive land use, infrastructure and transport. These include the development, planning, construction and maintenance of government infrastructure and roads, and transport safety, policy, strategy and compliance. DIPL has advised as follows.</p> <p>PART 1: Crown Land Estate</p> <ol style="list-style-type: none"> a. The following are the adjacent parcels to the claim area commencing from the southern bank of the River: Note Attachment A, to Table 1, Grouping 5 Detriment Review Table. b. Lot 281, Town of Urapunga: this area is vacant Crown land: it is to be granted as Aboriginal Land as part of the settlement over the Town of Urapunga. The parcel effectively comprises the majority of the land in the town. There is unlikely to be any detriment concerns arising in respect of the proposed grant of the Roper River adjacent to this parcel. c. NT Portion 4717: part of the Urapunga Stock Route: to the extent that this parcel may be used for travelling stock associated with any pastoral or other properties in the region or generally be accessed by members of the public, any such persons traversing or entering or remaining on the land would not be able to access the banks or bed of the Roper River adjacent to the area without a permit. Detriment may therefore be suffered by such persons in the event of access being restricted or denied. d. NT Portion 4352: this is the parcel number allocated to the beds and banks of the Roper River as claimed in LC 70. Land information (parcel comments in NT Government Integrated Land Information System which includes Land Register and record of administrative interests maintained under the Lands Titles Act (NT)) indicate that the Roper River Police Station is located on Crown land next to the Roper Bar Crossing. e. NT Portion 1185: this parcel is subject to NT freehold title held by the NT Government and is subject to Special Purpose Lease 220 issued to Ms Veronica Januscka who is now deceased. The Department is awaiting contact from the trustees of the deceased estate as the SPL is due to expire on 7 July 2019. DPIL instruct that the original SPL issued on 19.11.1971 to Northern Shrimp Exporters Pty Ltd for the purposes of barge landing and storage depot: refer comments of Commissioner Olney in Report No. 65 re LC 70 at [96] and [109]. To the extent that this land contains infrastructure for use as a barge landing (otherwise known as the Fourmile Landing), detriment would result to any landholders including the NT Police if the use of the landing is impaired or impeded by imposition of any restrictions or denial of access to the river in the event of the grant of the land as Aboriginal land. f. Crown Lease Perpetual 346 held by the Conservation Land Corporation (CLC) since 16 June 2015 for the purpose of carrying out the functions of the CLC. This parcel comprises part of the Limmen National Park declared pursuant to NT Government Gazette S35 16.07.2012: refer Attachment 7 to Grouping 3 Detriment Review Tables for LC 71/198 and 199/198. Any detriment concerns arising in the context of this land were already addressed as part of the Department of Tourism and Culture in the Grouping 5 Detriment Review Table, Table 1, item 2, at pp.13-15.

		<p>g. NT Portion 2276: this parcel extends to the low water mark of the Roper River. The parcel comments from ILIS indicate that this parcel was excised from the grant made to the Marra Aboriginal Land Trust granted as a result of the Limmen Bight River Land Claim No. 10. It is understood that the excision was made to enable public access to the Roper River. It was understood that this parcel contains the Port Roper/No. 1 Landing Boat Ramp: refer paragraphs 101-102 of Report 65 per Commissioner Olney. NT Portion 2276 is Crown land referred to as "Government set aside" to the DIPL for public access. The exact location of the Port Roper Boat Ramp/No. 1 Landing Boat Ramp is unknown. There is conflicting information as to whether it is located on either NT Portion 2276 or NT Portion 2099, Marra Aboriginal Land Trust land: refer discussion further below at Part 2.1, paragraph (x) below.</p> <p>h. Part of NT Portion 2276 has been subject to an occupation licence no. 3745 to Mr Paul Reed. The relevant area over which the occupation licence has been granted is defined as proposed parcel number NT Portion 5660(A) for the purpose of a crabbing and fishing facility. The OL expires on 22.07.2019. Mr Reed and his family have resided at the location for numerous years and Mr Reed's father is buried on site. Note the comments of former Commissioner Olney at paragraphs 82 and 83 of Report No. 65 regarding Mr Reed's house and fishing camp on a small part of NT Portion 2276 for his commercial Barramundi fishing activities. DPIR instruct that Mr Reed holds a current commercial Barramundi fisheries licence.</p> <p>i. In relation to proposed NT Portion 5660(A), to the extent that the OL remains current, and in the event of a grant of a new OL or other land tenure to Mr Reed, he will require secure access and use of the waters in the LC 70 claim area to enable continuation of his fishing activities per the terms of his commercial fisheries licence. Detriment would be suffered by Mr Reed in the event that the effect of the grant of the LC 70 claim area were to either deprive, restrict or impose a large fee for access and use of the LC 70 waters.</p> <p>j. NT Portion 1184: is subject to SPL 219 held by NT Iron Ore Pty Ltd (NTIO) registered on 04.10.2017. The initial SPL was issued on 07.07.1969 to Northern Shrimp Exporters Pty Ltd for the purpose of Trawler Base, base airfield, accommodation. SPL 219 expires in July 2019. The Solicitor for the Northern Territory (SFNT) has seen the statement of detriment from Ward Keller Lawyers dated 11 May 2018 regarding the detriment arising for NTIO in the event of a grant of the LC 70 and LC 71/198 claim area. We have nothing further to add to these submissions.</p> <p>PART 2: Roads and Boat Ramps</p> <p><u>Roads within or adjacent to the claim areas and detriment concerns arising</u></p> <p>k. The extent of the claim areas is set out in Attachment A to Table 1 and Attachment 1 to Table 2 of Detriment Review Tables for the Northern Territory regarding LCs 70 and Upper Roper River claims dated 22 June 2018.</p> <p>l. The SFNT offers the following comments regarding roads and/or boat ramps within LCs 70 and Upper Roper claims.</p> <p><u>Part 2.1: Roads and other assets within LC 70 and LC 141:</u></p>
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		<p>Roper Bar crossing/Roper Highway</p> <p>m. The Roper Highway starting from Stuart Highway through to Ngukurr (ending at Numbulwar Road for the Ngukurr Community Access) (RIMS ID 32) is 205.98 km in length with a 100m wide road reserve through the Yutpundji-Djindiwirritj Aboriginal Land Trust land comprising NT Portion 2632 and traverses the Roper River including part of the area claimed in LC 70. The Roper Highway through the claim area is comprised of a new bridge (the Roper River Bridge) and the old bar crossing which are open to and used by the public and maintained by the NT Government Road authority: refer copy of Survey Plan S2001/195B depicting Roper Highway marked as Attachment 1. Also attached are copies of the following:</p> <ul style="list-style-type: none"> i. Survey Plan S85/163A and C: Attachment 2; ii. Survey Plan S2016/094: Attachment 3; iii. Survey Plan S2016/092: Attachment 4: and iv. ILIS map (Google image) of Roper Bar Crossing: Attachment 5. <p>n. A google map indicating the location of the New Roper Bridge Crossing and the old Roper Bar Crossing is attached as Attachment 5A.</p> <p>o. The Roper River Bridge comprises of a high level bridge over the Roper River which was negotiated and approved for construction pursuant to a deed negotiated through the Northern Land Council and executed in June 2016 (the Roper River Crossing Road Swap Deed).</p> <p>p. The Roper River Crossing Road Swap Deed provides for consent of the Northern Land Council under s68 <i>Aboriginal Land Rights (Northern Territory) Act</i> (Cth) (ALRA) and declaration of an open area over the land comprising the proposed new road corridor across the Yutpundji-Djindiwirritj Land Trust land (NT Portion 2632) through the Roper River and traversing part of the Urapunga Land Trust land (NT Portion 745) for new road alignment as part of the new Roper River Road (the New Road Alignment). Attached as Attachment 6 is a copy of the Roper River Crossing Road Swap Deed Plan. Attached as Attachment 7 is a copy of the NT Government Gazette G47 of 23 November 2016 regarding the open areas declaration over the New Road Alignment pursuant to the Roper River Crossing Road Swap Deed. As depicted on Attachment 6 referred to above, the New Road Alignment traverses through the Roper River LC 70/141.</p> <p>q. The Roper River Crossing Road Swap Deed provides for the rehabilitation and closure of part of the old Roper Highway through NT Portion 2632 (the Redundant Alignment) and subsequent grant of this road (the Redundant alignment) once the Redundant Alignment is closed under the <i>Control of Roads Act</i> (NT) and the New Road Alignment has been constructed. The New Road Alignment will be surrendered from NT Portions 2632 and 745 pursuant to s11B once the road has been constructed and the Redundant Alignment is granted to the Yutpundji-Djindiwirritj Aboriginal Land Trust. It is anticipated that the whole road swap process should be undertaken within 5 years from the date of execution of the road swap deed being 22 June 2016.</p> <p>r. The Redundant Alignment will ultimately be closed as a public road after the New Road Alignment is constructed. This area does not include Roper Bar Crossing: refer Attachment 6 Land Swap deed plan. The Roper Bar Crossing will continue to operate as a public road for tourism purposes. Exclusion of the Roper Bar Crossing would be required in the event that the grant of LC 70/141 were to proceed so as to permit use by the public and for maintenance purposes.</p> <p>s. The Roper River Crossing Road Swap Deed is not an agreement for purposes of s11A or s67B ALRA.</p>
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		<p>t. Exclusion of the New Road alignment (including bridge) would be required in the event that the grant of LC 70/1641 were to proceed so as to permit use as a public road and for maintenance purposes.</p> <p>u. Consistent with the findings of the former Commissioner it is the submission of the Northern Territory that the Roper River Highway comprising the Roper Bar crossing is a road over which the public has a right of way which is excluded from LC 70 (refer ALC report No. 65 at [9], [97]-[98], [104]-[105]).</p> <p><u>Port Roper Road and Port Roper boat ramp</u></p> <p>v. Port Roper Road (RIMS ID) commences from Nathan River Road and ends at the Port Roper Boat Ramp (also known as No. 1 Landing). It is a total of 42km in length with a 100m wide road reserve: refer to Survey Plan S82/171 marked as Attachment 8. Refer also to ILIS maps of the Port Roper Boat Ramp/No. 1 Landing marked as Attachment 9 and Google Earth Image of NT Portion 2276 indicating purple road to the Port Roper Boat Ramp/No. 1 Landing. The Port Roper Road and Port Roper Boat Ramp are maintained by the NT Government Road Authority.</p> <p>w. The Northern Territory notes the comments of the former Commissioner Olney in paragraphs 101-102 of report no. 65, which states as follows:</p> <p>101. The Port Roper boat ramp (more commonly referred to as No 1 Landing) is located on NTP 2276. It is a concrete structure last upgraded in 1999. An existing earthen boat ramp had been used by the public since prior to 1982. In his Limmen Bight report, Toohey J found that the 'high' and 'low' roads leading to No 1 Landing were public roads and he recommended to the Minister that an area of 20 hectares be set aside to provide access to the river. In the result NTP 2276 (as it became) was excluded from the land granted to the Marra Aboriginal Land Trust.</p> <p>102. There is no evidence as to whether or not No 1 Landing should properly be regarded as an extension across the riverbank of a public road and thus itself be regarded as a public road excluded from the claim area. Whatever the technical position may be it would seem entirely inappropriate at this stage, in the absence of compelling evidence, to effectively negate the decision made in 1985 when NTP 2276 was excluded from the grant then made. Such would be the result if as a consequence of the present claim the land on which No 1 Landing is erected, or a significant part thereof, were to be made the subject of a grant.</p> <p>x. It appears from Attachments 9 and 9A referred to above that the Port Roper Boat Ramp may actually fall outside of NT Portion 2276 on NT Portion 2099 (Marra Aboriginal Land Trust land). This however, is inconsistent with Survey Plan S82/171, Attachment 8 referred to above which depicts the "No. 1 Landing" as falling within the north eastern boundary of NT Portion 2276. Confirmation of the exact location of the Port Roper Boat Ramp/No.1 Landing can only be undertaken by an on-the ground survey of the area.</p> <p>y. The Port Roper Boat Ramp/No. 1 Landing, would traverse beyond the high water mark and onto the banks of the river. In the event that the Commissioner does not agree the boat ramp as an extension of the public road and the claim area including the Port Roper boat ramp is in fact located on NT Portion 2276 and is granted to a Land Trust resulting in restrictions or denial of access to the ramp and the waters of the river by any users including members of the public, then detriment would result to any such users. An access and use agreement of the Port Roper Boat Ramp would be required under either s11A or s67B ALRA prior to the grant of the claimed land or subsequently pursuant to any terms negotiated pursuant to s19 ALRA post grant to a Land Trust.</p>
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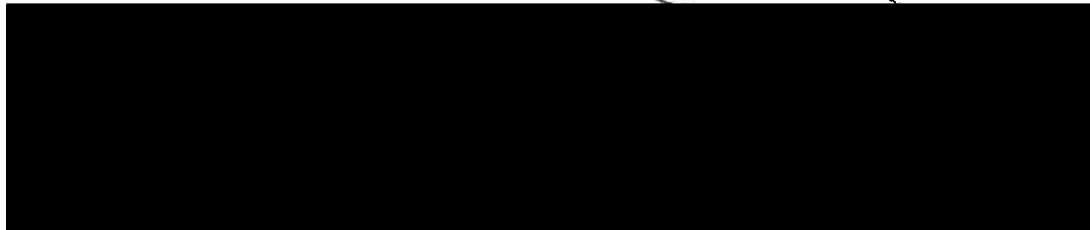
		<p>z. To the extent that the Port Roper Boat Ramp is being maintained by the NT Government Road Authority, maintenance and care of the asset would be permitted under s14 ALRA but rent would be payable under s15 ALRA given that use of the boat ramp is not for a community purpose within the meaning of s15(1) ALRA</p> <p>aa. It is the submission of the Territory that, should the Port Roper Boat Ramp/No.1 Landing actually be located on NT Portion 2276 and within an area subject to LC 70, the exclusion of the Port Roper Boat Ramp from any proposed grant of LC 70 to a Land Trust would assist to alleviate any detriment that may result in the event of a grant.</p> <p>Roper Bar Jetty Road (RIMS ID 269) and Roper Bar Jetty/Barge Landing</p> <p>bb. The Roper Bar Jetty Road starts from Roper Highway to Roper Bar Jetty and is approximately 6.2 km in length. The road is a nominal 100m road reserve width for 4.10km with the remainder traversing over Crown land that includes the Roper River (LC 70/141): refer Survey Plans S85/163 A and C marked as Attachment 2: refer also Plan A680 marked as Attachment 10. Refer also NT Atlas map of Roper Bar Jetty Road through Urapunga Township and location of Roper Bar Jetty/Barge Landing on NT Portion 1185 marked Attachment 11.</p> <p>cc. The Territory notes the comments of former Commissioner Olney at paragraphs 107-111 of Report No. 65. The Territory supports the comments of the former Commissioner Olney at paragraph 111 of Report No. 65 that serve detriment would result if any grant of title does not exclude the land on which the Landing is constructed.</p> <p><u>St Vidgeon/Tomato Island Boat Ramp</u></p> <p>dd. This boat ramp is located approximately 21 kilometres from the junction of the Roper and Hodgson Rivers. It is an extension of an unnamed access road that comes off from Nathan River Road (Refer Statement of Graham Newhouse dated 03.10.2002 in LC 70, exhibit NTG11, at paragraphs 25 and 26). The boat ramp was built at the site of a former water accessing point on the Roper River constructed by the Department of Transport and Works in 1988. The St Vidgeon/Tomato Island Boat ramp was constructed on site in March-July 1997 (refer statement G Newhouse dated 03.10.2002, Exhibit NTG11, at paragraph 27): note also paragraph 100 of Report no. 65.</p> <p>ee. The boat ramp was upgraded over the last 8 years including by extension of the reinforced concrete slab 35m* 4m* 150mm thick. Attached and marked Attachment 12 are 2 photos indicating the reinforced concrete slab works undertaken.</p> <p>ff. Attached as Attachment 13 are 2 NT Atlas Maps indicating location of the St Vidgeon/Tomato Island Boat ramp. Further, attached as Attachment 14 is a Building Asset Management System (BAMS) map depicting the Nathan River Road and St Vidgeon Camp site and the location of the St Vidgeon Tomato Island Boat Ramp and BAMS photos depicting the road to the ramp (2 x taken in 2004) and the ramp and camping groups (4 x photos taken in 2004 and 2008).</p> <p>gg. The Territory agrees with former Commissioner Olney's comments in paragraph 100 of Report No. 65 namely that the St Vidgeon Boat ramp is not a public road subject to exclusion from the claim and that the grant of title to the land in which the boat ramp is constructed would have the potential to cause some detriment to government authorities and the public who use the ramp if as a result of the grant access to the river was prohibited or restricted.</p> <p>hh. It is submitted that any detriment could be alleviated if the boat ramp were to be excluded from the grant of the LC 70 claim area in the event the land were to be granted to a Land Trust.</p>
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		<p><u>Unnamed access road A</u></p> <p>ii. Unnamed Road A to a 100m road reserve width traverses from Nathan River Road and runs parallel through to the Roper River (the claim area). This road is managed by the NT Government Road Authority. This unnamed Road does not traverse the claim area in LC 70 but runs parallel to the claim area and abuts NT Portion 1184 (SPL 219, former Prawn Farm: Now held by NTIO). Attached as Attachment 15 is a copy of survey plan S 91/245C depicting the width of the road reserve.</p> <p>jj. I am instructed that Unnamed Road A is a public road and provides access to the land adjacent to and within the claim area. Attached as Attachment 16 is a bundle of Google Earth images of the Access Road A within the vicinity of the claim area.</p> <p>kk. To the extent that users of the road may be prohibited access from and use of the Roper River adjacent to the road, detriment may be suffered.</p> <p><u>Other NT Government assets adjacent or within the claim area LC 70</u></p> <p>ll. Drainage and water supply easements on NT Portion 819 in favour of NT Portion 4249 abut the claim area. Attached and marked Attachment 17 is a copy of Survey Plan S92/304A-C depicting these easements. NT Portion 4249 is subject to an estate in fee simple held by Carpentaria Aquarium Farm Pty Ltd since it was granted in 1993. Parcel comments in the NT Government's Integrated Land Information System maintained by the registrar General under s38 <i>Land Titles Act</i> (NT), notes the parcel is a prawn farm. Detriment would be suffered by Carpentaria in the event that access to the river was restricted or prohibited given access and/or use of the river adjacent to the easements on NT Portion 819 would be required to permit prawn farming activities being undertaken on NT Portion 4249.</p> <p>mm. I am instructed that the comments made by former Commissioner Olney in Report No. 65 at paragraph 106 regarding watering points on the Roper River are still applicable.</p> <p><u>Land Claim 141: Road assets within claim</u></p> <p>Moroak Property Access Road</p> <p>nn. The Moroak Property Access Road runs from Roper Highway to Moroak Station and is approximately 18km in length to a width of 100m. The road crosses the Roper River within LC 141 to provide access to the Moroak community on Moroak pastoral lease NT Portion 1288. The road consists of a concrete bridge to the top of the bank of the Roper River. This road was excluded from the grant of NT Portion 5417 to the Elsey Aboriginal Land Trust: refer survey plan S98/152, enlargement F which depicts where the road crosses the bed of the Roper River across to Moroak Station (NT Portion 1288) marked as Attachment 18. Also attached and marked Attachment 19 is ILIS image of the Moroak Property access road through the Roper River claimed in LC 141. The Moroak Property access road was in existence at the date that PPL 1067 over NT Portion 1288 was granted in 1993 and was specifically excluded from the grant of PPL 1067.</p>
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		<p>oo. It is likely that this road existed prior to the grant of PPL 1067 over NT Portion 1288 when the parcel was subject to Pastoral Lease 571 as it is an access road for the pastoral lease and would have been established at the date of grant of PL 571 in 1970 when PL 571 was first granted.</p> <p>pp. It is the view of the Territory that section 70(4) ALRA would apply to protect the right of way for the holder of PPL 1067 to nominate a road across the area to access Moroak. This would depend on the NLC agreeing to use of the Moroak Property Access Road to cross the River in the event it were to be granted as Aboriginal land. In the event that agreement could not be reached under s70(4) ALRA and/or the grant of the LC 141 resulted in restrictions (including by requirement for permit and/or imposition of fees for access) or denial of access to the Moroak Property Access road users through the claim area, then detriment would result to the lessees and other users of the leased land requiring road access via this road. An access and use agreement of the road through the claimed land would be required under either s11A or s67B ALRA prior to the grant of the claimed land or subsequently pursuant to any terms negotiated pursuant to s19 ALRA post grant to a Land Trust.</p> <p>Goondooloo Station Road</p> <p>qq. The Goondooloo Station road is 50m in width and traverses from the Roper Highway to Goondooloo Station (NT Portion 1287, PPL 1068). This road traverses through the Elsey Aboriginal Land Trust and through the Roper River and continues through Goondooloo station on the other side of the Roper River. Survey Plan S98/152 at Enlargement G depicts the point at which the road crosses the Roper River: refer Attachment 18. The Goondooloo Station road has been in existence since at least since PPL 1068 was granted in 1993. It is likely to have existed at the time when former PL 752 over the area was granted in 1970 given it is an access road. It is used as an access road through to Goondooloo Station by the lessees of Goondooloo and their visitors.</p> <p>rr. It is the view of the Territory that section 70(4) ALRA would apply to protect the right of way for the holder of PPL 1068 to nominate a road across the area to access Goondooloo Station. This would depend on the NLC agreeing to use of the Goondooloo Station Road Access Road to cross the River in the event it were to be granted as Aboriginal land. In the event that agreement could not be reached under s70(4) ALRA and/or the grant of the LC 141 resulted in restrictions (including by requirement for permit and/or imposition of fees for access) or denial of access to the Moroak Property Access road users through the claim area, then detriment would result to the lessees and other users of the leased land requiring road access via this road. An access and use agreement of the road through the claimed land would be required under either s11A or s67B ALRA prior to the grant of the claimed land or subsequently pursuant to any terms negotiated pursuant to s19 ALRA post grant to a Land Trust.</p> <p><u>Part 2.2 transport assets within LC 164</u></p> <p>ss. There are no transport assets within LC 164 areas (i) and (ii).</p> <p>tt. The information above regarding the Roper Highway (RIMS ID 32), the Roper Bridge Crossing and the Roper Bar Crossing at part 2.1, paragraphs (c)-(k) are relevant here.</p> <p><u>Part 2.3: transport assets within or directly adjacent to LC 245</u></p>
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		<p>uu. The Old Stuart Highway with variable width (50m-100m) road reserve running north south abuts the eastern boundary of NT Portion 5604, the site of the Old Eley Homestead: refer Attachment 20 comprising photos indicating location of Stuart Highway adjacent to NT Portion 5604. Also attached as Attachment 21 is a copy of survey plan S98/242A-F depicting the Stuart Highway through NT Portion 5417, Mangarrayi Aboriginal Land Trust granted as a result of the Eley Land Claim No. 132.</p> <p>vv. This road does not appear to traverse the claim area.</p>
2.		<p>The Department of Environment and Natural Resources offers the additional following information.</p> <p>a. Attached as Attachment 22 is a copy of a letter dated 29 May 2018 received by DENR from the Managing Director of Flying Fox Station, NT Portion 4775, PPL 1179 for the Commissioner's consideration regarding the detriment that may result to this station in the event that LC 164 were to succeed and the relevant part of the Roper River were to be granted to an Aboriginal Land Trust.</p>
<p>The Territory requests the Commissioner give consideration to the evidence and submission as set out above in this table in conjunction with the evidence and submissions as set out in Tables 1 and 2 of the Detriment Review Table of the Northern Territory dated 25 June 2018.</p>		

The above Table (based on information received from DIPL and DENR) was prepared by:



KALLIOPI (POPPI) Gatis
 Senior Lawyer
 Solicitor for the Northern Territory
 Department of Attorney General and Justice
 Level 1, Old Admiralty Towers
 68 the Esplanade, Darwin
 GPO Box 1722, Darwin NT 0801

Date 29 June 2018.

ATTACHMENTS TO TABLE:

Attachment 1: Survey Plan S2001/195B depicting Roper Highway marked as **Attachment 1**;

Attachment 2: Survey Plan S85/163A and C;

Attachment 3: Survey Plan S2016/094;

Attachment 4: Survey Plan S2016/092;

Attachment 5: ILIS map (Google image) of Roper Bar Crossing.

Attachment 5A: A google map indicating the location of the New Roper Bridge Crossing and the old Roper Bar Crossing

Attachment 6: is a copy of the Roper River Crossing Road Swap Deed Plan

Attachment 7: is a copy of the NT Government Gazette G47 of 23 November 2016 regarding the open areas declaration over the New Road Alignment pursuant to the Roper River Crossing Road Swap Deed

Attachment 8: Survey Plan S82/171

Attachment 9: ILIS maps of the Port Roper Boat Ramp

Attachment 9A: google map of the Port Roper Boat Ramp with road and boat ramp indicated in pink font.

Attachment 10: Plan A680

Attachment 11: NT Atlas map of Roper Bar Jetty Road through Urapunga Township and location of Roper Bar Jetty/Barge Landing on NT Portion 1185

Attachment 12: 2 photos indicating the reinforced concrete slab works undertaken at the ST Vidgeon/Tomato Island Boat Ramp

Attachment 13: 2 NT Atlas Maps indicating location of the St Vidgeon/Tomato Island Boat ramp

Attachment 14: Building Asset Management System (BAMS) map depicting the Nathan River Road and St Vidgeon Camp site and the location of the St Vidgeon Tomato Island Boat Ramp and BAMS photos depicting the road to the ramp (2 x taken in 2004) and the ramp and camping groups (4 x photos taken in 2004 and 2008).

Attachment 15: a copy of survey plan S 91/245C depicting the road reserve width of unnamed Road A.

Attachment 16: is a bundle of Google Earth images of the Access Road within the vicinity of the claim area

Attachment 17: a copy of Survey Plan S92/304A-C depicting the drainage and water easements on NT Portion 819 in favour of NT Portion 4246

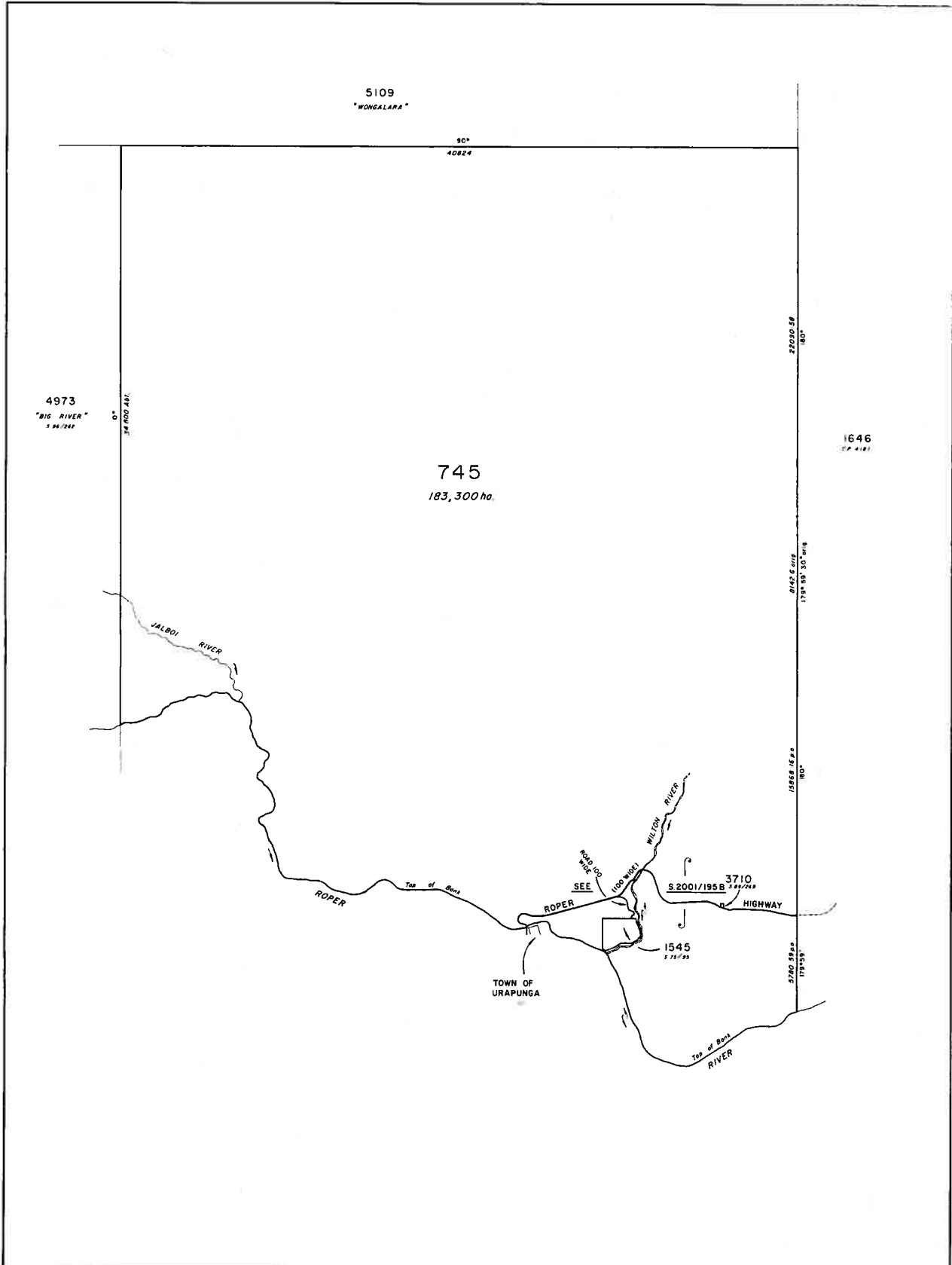
Attachment 18: refer survey plan S98/152, enlargement F which depicts where the road crosses the bed of the Roper River across to Moroak Station (NT Portion 1288)

Attachment 19: ILIS image of the Moroak Property access road through the Roper River claimed in LC 141

Attachment 20: comprising photos indicating location of Stuart Highway adjacent to NT Portion 5604.

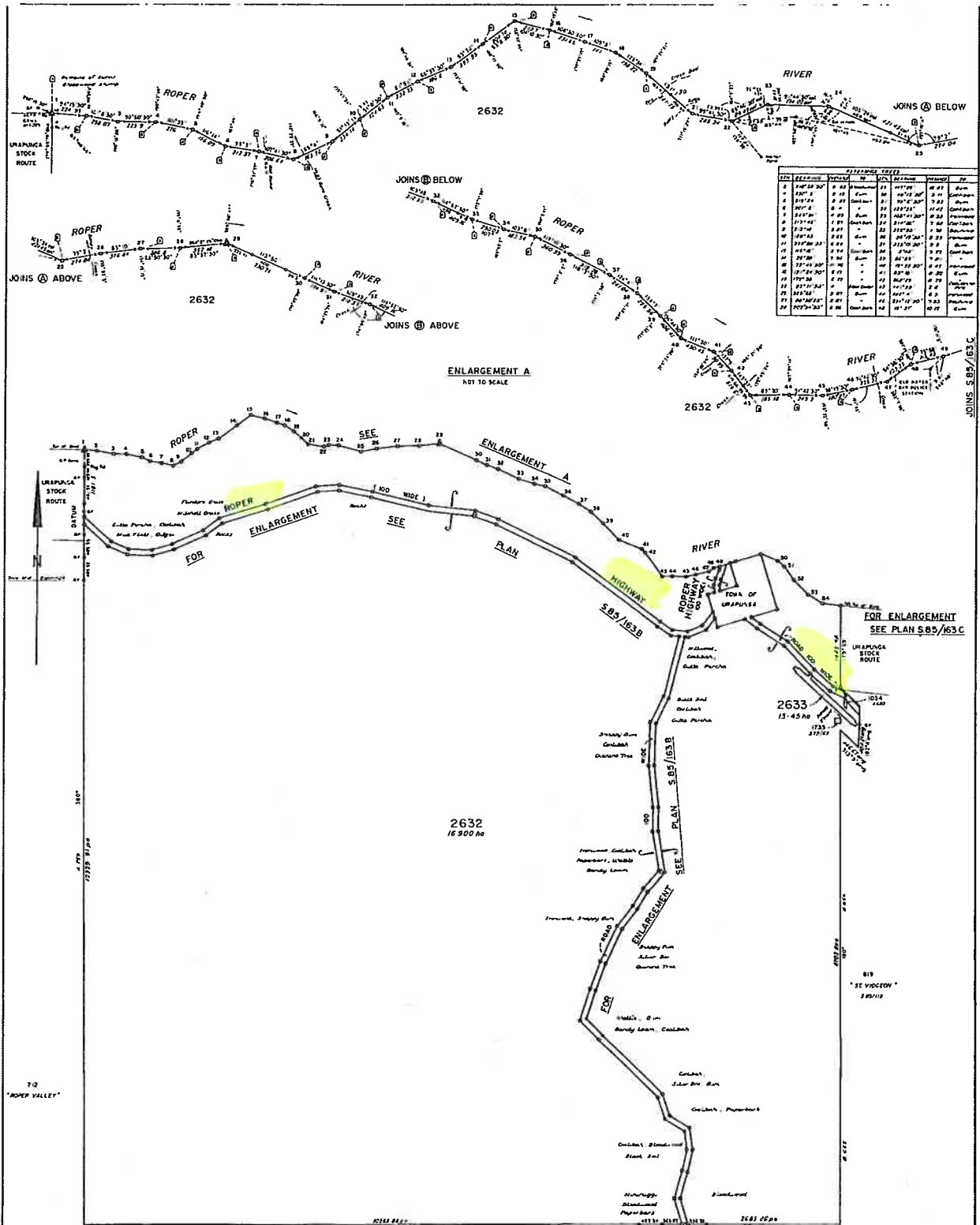
Attachment 21: a copy of survey plan S98/242A-F depicting the Stuart Highway through NT Portion 5417, Mangarrayi Aboriginal Land Trust granted as a result of the Elsey Land Claim No. 132.

Attachment 22: Letter from Mr Mark Sullivan Managing Director of Flying Fox Station NT Portion 4475, PPL 1179 regarding detriment arising in event of grant of LC 164.



<p>Card on Site</p> <p>For details of the site and the proposed development, refer to the site plan and the site plan notes.</p> <p>12/06/2018</p> <p>12/06/2018</p>	<p>Survey Approved</p> <p><i>[Signature]</i> 12/06/18</p>	<p>S.2001/195A</p>	<p>N</p> <p>True Mid</p>	<p>LEGEND</p> <p>□ Closed Box</p> <p>○ Closed Circle</p> <p>○ Open Circle</p> <p>○ Open Square</p> <p>○ Open Triangle</p> <p>○ Open Diamond</p> <p>○ Open Hexagon</p> <p>○ Open Octagon</p> <p>○ Open Star</p> <p>○ Open Circle with Dot</p> <p>○ Open Circle with Cross</p> <p>○ Open Circle with X</p> <p>○ Open Circle with Plus</p> <p>○ Open Circle with Asterisk</p> <p>○ Open Circle with Hash</p> <p>○ Open Circle with Percent</p> <p>○ Open Circle with Dollar</p> <p>○ Open Circle with Pound</p> <p>○ Open Circle with Euro</p> <p>○ Open Circle with Yen</p> <p>○ Open Circle with Rupee</p> <p>○ Open Circle with Ringgit</p> <p>○ Open Circle with Dollar Sign</p> <p>○ Open Circle with Pound Sign</p> <p>○ Open Circle with Euro Sign</p> <p>○ Open Circle with Yen Sign</p> <p>○ Open Circle with Rupee Sign</p> <p>○ Open Circle with Ringgit Sign</p> <p>○ Open Circle with Dollar Sign and Hash</p> <p>○ Open Circle with Pound Sign and Hash</p> <p>○ Open Circle with Euro Sign and Hash</p> <p>○ Open Circle with Yen Sign and Hash</p> <p>○ Open Circle with Rupee Sign and Hash</p> <p>○ Open Circle with Ringgit Sign and Hash</p> <p>○ Open Circle with Dollar Sign and Hash and Hash</p> <p>○ Open Circle with Pound Sign and Hash and Hash</p> <p>○ Open Circle with Euro Sign and Hash and Hash</p> <p>○ Open Circle with Yen Sign and Hash and Hash</p> <p>○ Open Circle with Rupee Sign and Hash and Hash</p> <p>○ Open Circle with Ringgit Sign and Hash and Hash</p>	<p>N.T. PORTION 745</p> <p>URAPUNGA LOCALITY</p>
		<p>STO 29 08 2001</p> <p>NA 200551</p> <p>SEM P/L 16 30 09 200</p> <p>Plan File: M2000</p>			

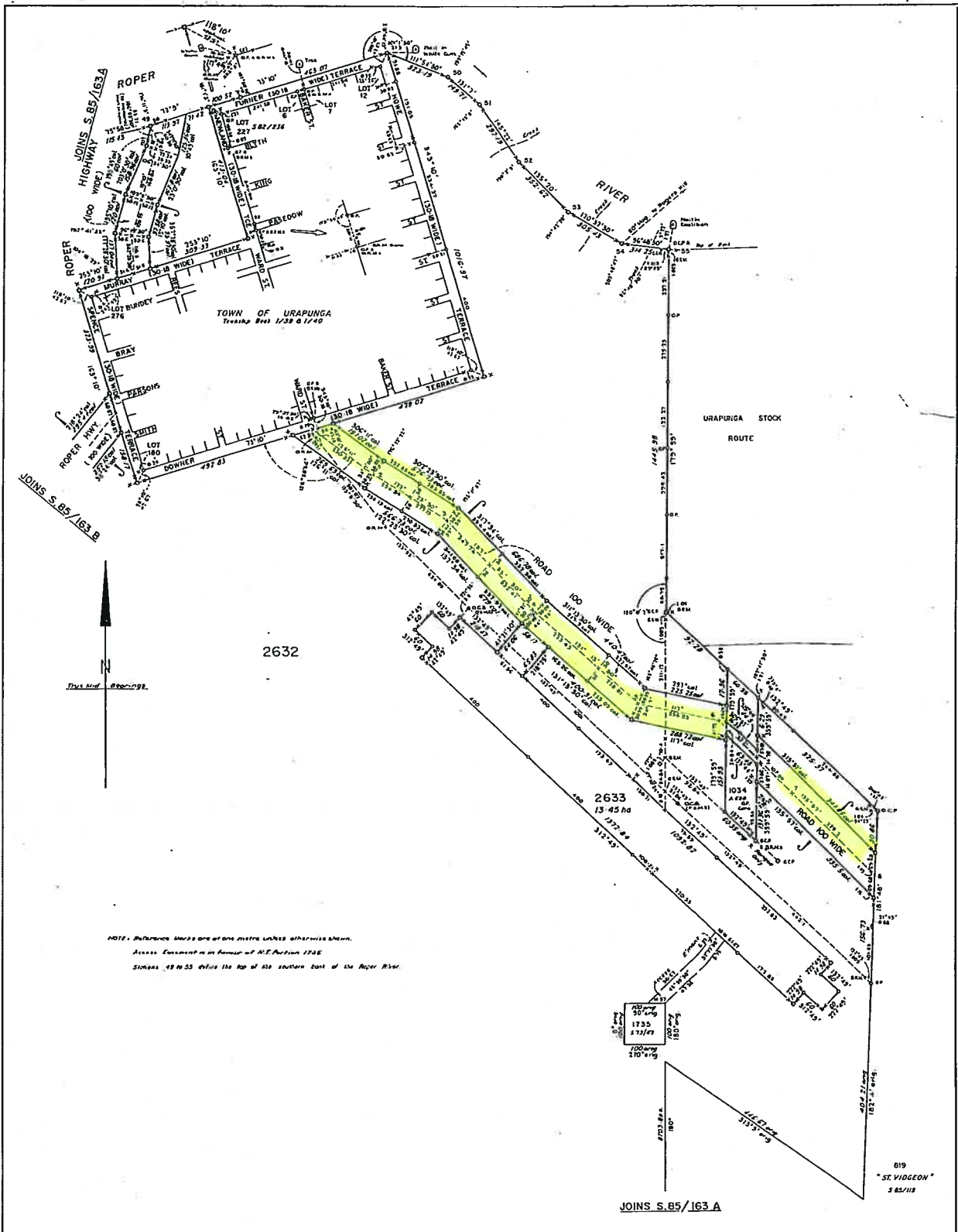
Survey Plan S85/163



STATION	BEARING	DISTANCE	AREA	PERIMETER
1	135° 15' 00"	100.00	10000.00	400.00
2	135° 15' 00"	100.00	10000.00	400.00
3	135° 15' 00"	100.00	10000.00	400.00
4	135° 15' 00"	100.00	10000.00	400.00
5	135° 15' 00"	100.00	10000.00	400.00
6	135° 15' 00"	100.00	10000.00	400.00
7	135° 15' 00"	100.00	10000.00	400.00
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16	135° 15' 00"	100.00	10000.00	400.00
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19	135° 15' 00"	100.00	10000.00	400.00
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21	135° 15' 00"	100.00	10000.00	400.00
22	135° 15' 00"	100.00	10000.00	400.00
23	135° 15' 00"	100.00	10000.00	400.00
24	135° 15' 00"	100.00	10000.00	400.00
25	135° 15' 00"	100.00	10000.00	400.00
26	135° 15' 00"	100.00	10000.00	400.00
27	135° 15' 00"	100.00	10000.00	400.00
28	135° 15' 00"	100.00	10000.00	400.00
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43	135° 15' 00"	100.00	10000.00	400.00
44	135° 15' 00"	100.00	10000.00	400.00
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46	135° 15' 00"	100.00	10000.00	400.00
47	135° 15' 00"	100.00	10000.00	400.00
48	135° 15' 00"	100.00	10000.00	400.00
49	135° 15' 00"	100.00	10000.00	400.00
50	135° 15' 00"	100.00	10000.00	400.00

NOTE: Reference to the Roper River is made in the Survey Plan S85/163. The Roper River is shown in the Survey Plan S85/163. The Roper River is shown in the Survey Plan S85/163.

SURVEYORS CERTIFICATE I, the undersigned, being a duly qualified Surveyor, do hereby certify that the above is a true and correct copy of the Survey Plan as shown to me by the Surveyor in Charge of the Survey. Signed: _____ Date: 12.1.1986	AMENDMENTS <table border="1"> <tr> <th>NO.</th> <th>REFERENCE</th> <th>DETAILS</th> <th>APPROVED</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REFERENCE	DETAILS	APPROVED	DATE						LEGEND 1. Boundary 2. Centre Line 3. Survey Line 4. Survey Station 5. Survey Point 6. Survey Line 7. Survey Point 8. Survey Line 9. Survey Point	N.T. PORTIONS 2632 AND 2633 URUPUNGA LOCALITY	SCALE 1: 25 000 S.85/163 A SHEET 1 OF 3 11/1/86
		NO.	REFERENCE	DETAILS	APPROVED	DATE								
SURVEY APPROVED _____ 12.1.1986	PASSED _____ 12.1.1986													

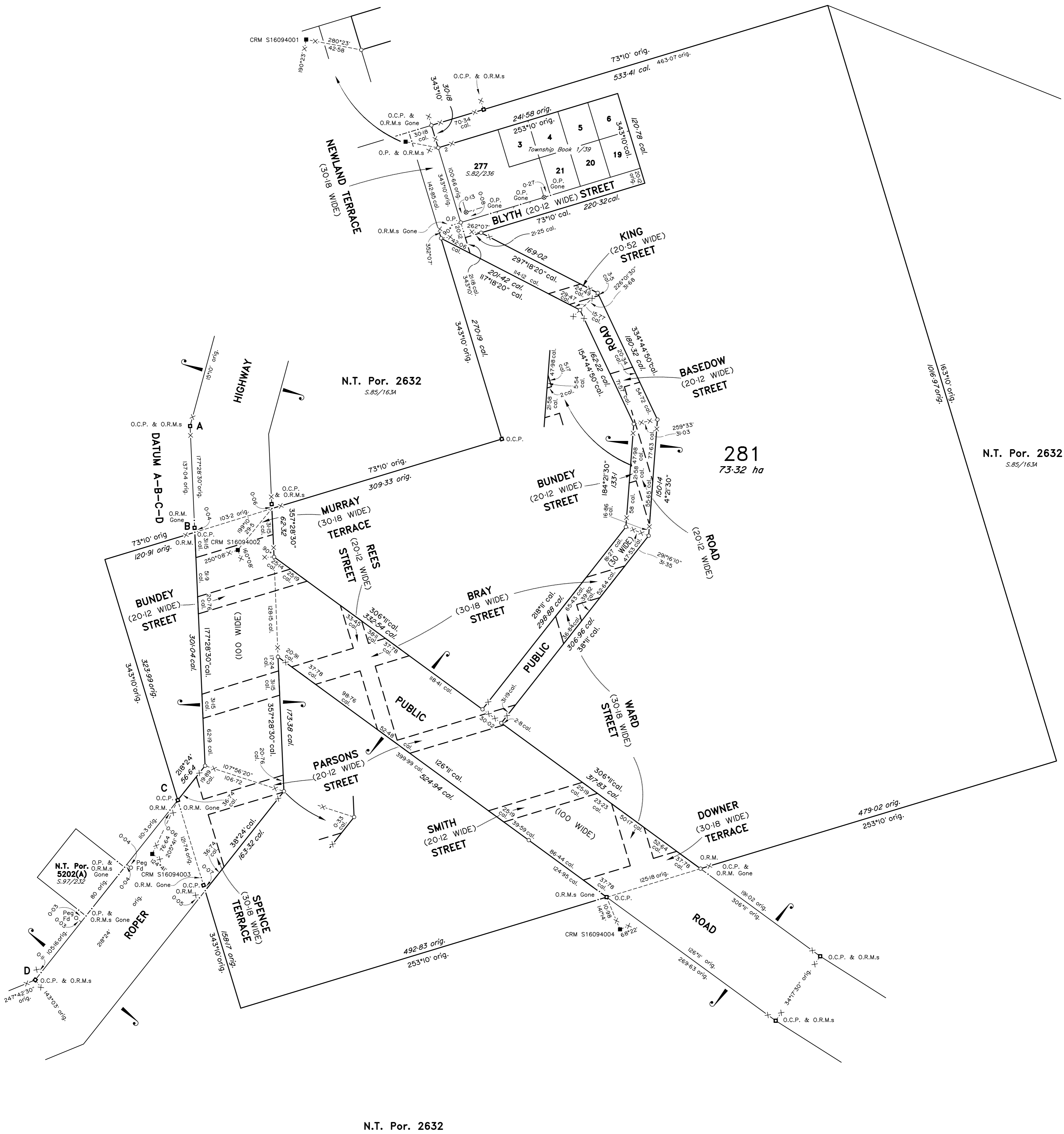


SURVEYOR'S CERTIFICATE I, <u>ALAN BRUCE SPALMER</u> , hereby certify that the survey represented on this plan was carried out by me or under my personal supervision and was completed in accordance with the Land Survey Act and the Regulations thereunder. Dated: <u>21/10/86</u> Alan Bruce Spalmer Licensed Surveyor		File No. <u>S.85/163</u> Field Book No. <u>S85/163 A, B</u> Drawn by <u>S.M.C. 18.8.83</u> Checked on 17.10.1983 Licensed by <u>SP</u> 29/11/83 Checked on 17.10.1983		AMENDMENTS <table border="1"> <thead> <tr> <th>No.</th> <th>REFERENCE</th> <th>DETAILS</th> <th>APPROVED</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Field Book S85/163 B</td> <td>Incorrect Bearings 6m 2 116°10' and 117°45' parts</td> <td><i>[Signature]</i></td> <td>24/11/86</td> </tr> </tbody> </table>		No.	REFERENCE	DETAILS	APPROVED	DATE	1	Field Book S85/163 B	Incorrect Bearings 6m 2 116°10' and 117°45' parts	<i>[Signature]</i>	24/11/86
No.	REFERENCE	DETAILS	APPROVED	DATE											
1	Field Book S85/163 B	Incorrect Bearings 6m 2 116°10' and 117°45' parts	<i>[Signature]</i>	24/11/86											
SURVEY APPROVED Dated: <u>12.2.98</u> <i>[Signature]</i> Surveyor General		PASSED Dated: <u>11.7.96</u> <i>[Signature]</i> Supervising Draftsman (E)		N.T. PORTION 2633 AND PART BOUNDARIES N.T. PORTION 2632 URAPUNGA LOCALITY LEGEND Control Mark ———— Control Post ———— 3 metre Post, 100 mm Stake ———— Reference Mark ———— Lockup ———— Force Post ———— ASPECT A. Assumed from A.742 B. Observed C. Station Datum SCALE NOT TO SCALE S.85/163 C SHEET 3 OF 3											

N.T. Por. 4352

ROPER

RIVER



N.T. Por. 2632
S.85/1634

281
73.32 ha

N.T. Por. 2632
S.85/1634

I, Norbert Raymond Zahra, hereby certify that the survey represented on this plan was carried out by me or under my supervision and was completed on 29 July 2016, and that this survey has been executed in accordance with the Licensed Surveyors Act and the Directions thereunder.

16/08/2016
Date
Licensed Surveyor

NOTE:
• Offsets from boundaries are at 90°, unless otherwise shown.
• Reference Marks are at one metre, unless otherwise shown.
• GNSS was used on this survey for measurements greater than 100 metres.
• Public Roads are vested in the Territory.
• This plan is Version 1.0

Drawn
DTA 11.08.2016
IW126800

Examined
Jacobs Group Aust. Pty Ltd
(16.08.2016)

True Mid Bearings
AZIMUTH
Assumed from S.85/163B & C
Observed at

LEGEND
Concrete Post
Concrete Block
Peg or Wooden Post
Reference Mark
Lockspit
Fence Post

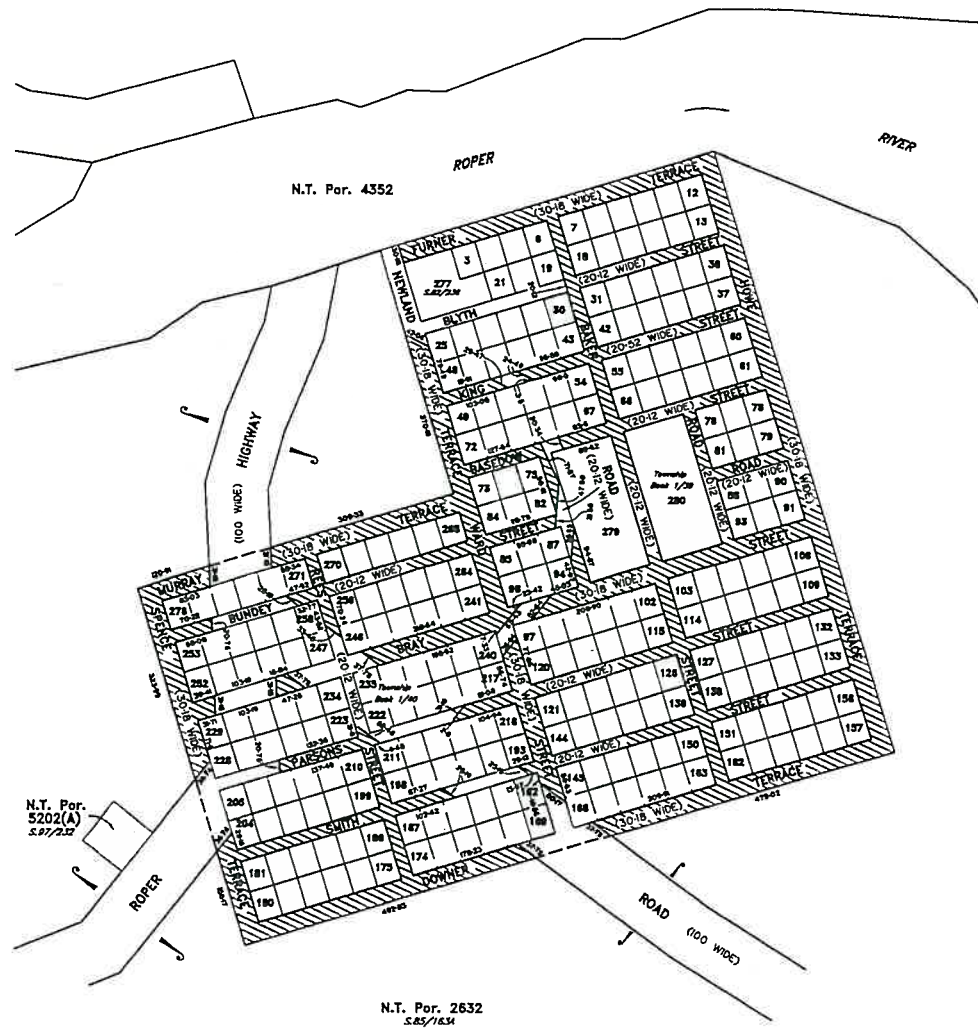
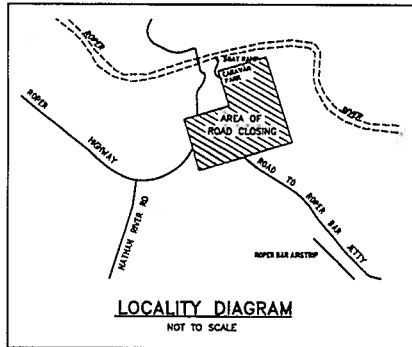
LOT 281
TOWN OF URAPUNGA

SCALE 1:2500 AT A1
0 50 100 150 metres

S.2016/094



SURVEY APPROVED
7 April 2017
Date
Surveyor-General



ROADS TO BE CLOSED SHOWN HATCHED

Northern Territory Government SURVEY APPROVED <i>[Signature]</i> 28 December 2018 Surveyor-General	AMENDMENTS Outside		NOTE: • Parcels are lots in the Town of Urupunga unless otherwise shown. • Dimensions substituted from S.2016/092. • This plan is Version 1.0	Drawn DTA 12.08.18 W126800	 Bearings AZIMUTH Assumed from Observed at	LEGEND Concrete Post Concrete Block Peg or Wooden Post Reference Mark Lockup Fence Post	PROPOSED ROAD CLOSING TOWN OF URUPUNGA SCALE 1:4000 AT A1 S.2016/092
	Approved Date	Approved Date		Examined Jacobus Deeg Ass. Pty Ltd (08.01.2016)			

ATTACHMENT 4

Land claim 70



Created by TNAVJ

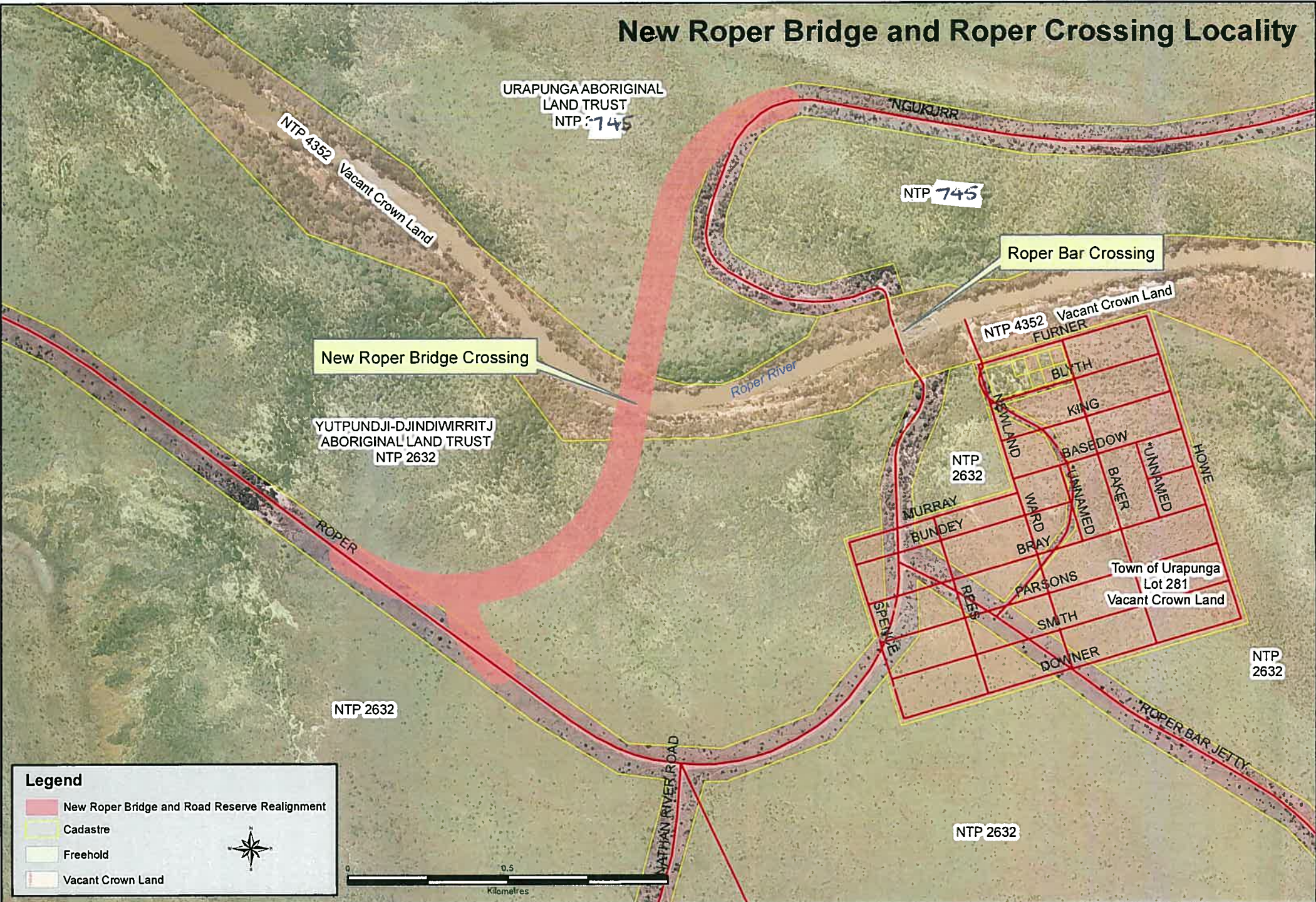
Bottom Left: -14° 42' 58", 134° 29' 58" Top Right: -14° 42' 31", 134° 30' 50" Approximate Scale: 1:5,500 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia



ATTACHMENT S

New Roper Bridge and Roper Crossing Locality

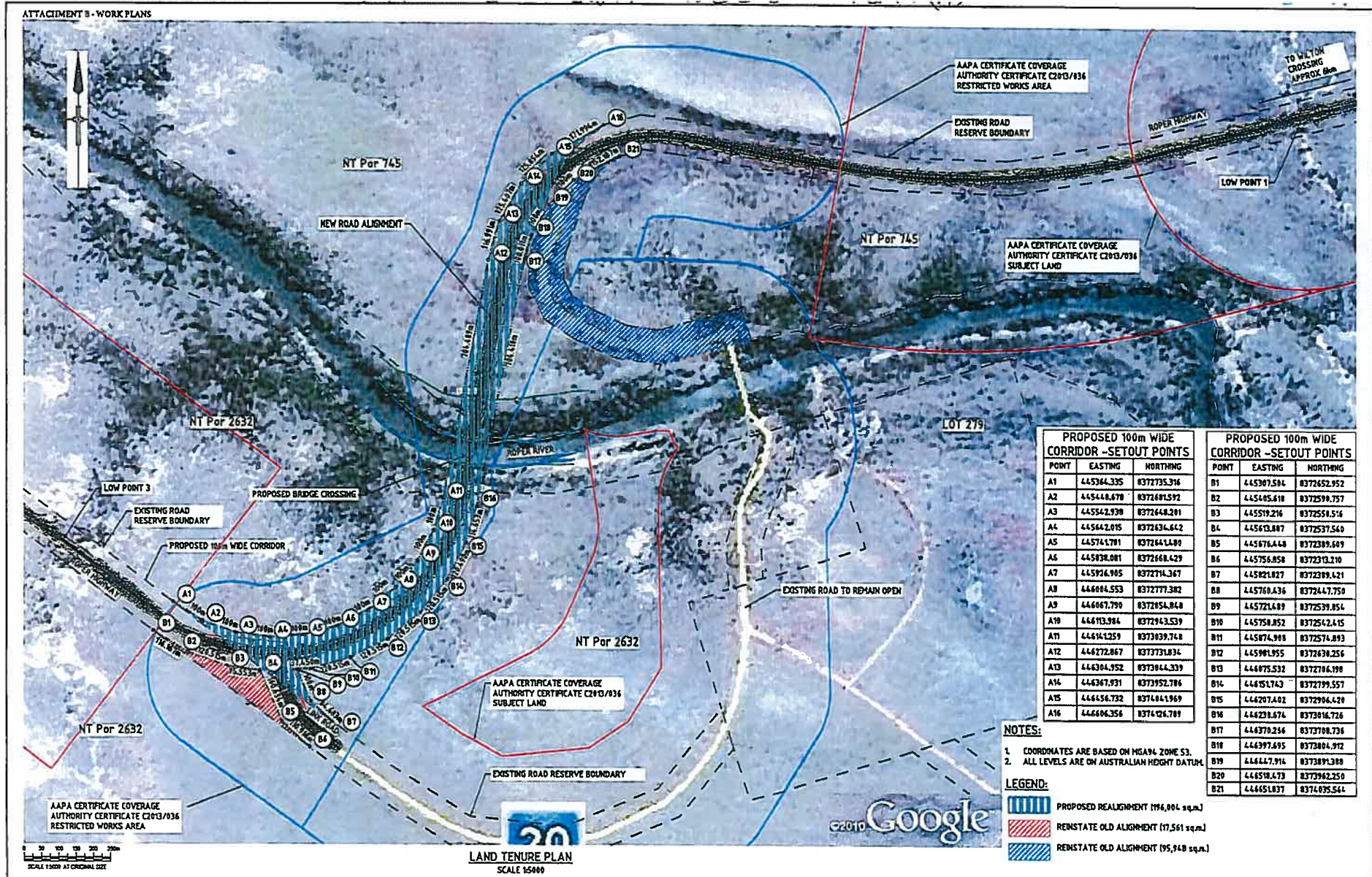


Legend

- New Roper Bridge and Road Reserve Realignment
- Cadastre
- Freehold
- Vacant Crown Land

- Roper River Crossing Road Swap Deed Plan



PROPOSED 100m WIDE CORRIDOR -SETOUT POINTS			PROPOSED 100m WIDE CORRIDOR -SETOUT POINTS		
POINT	EASTING	NORTHING	POINT	EASTING	NORTHING
A1	445364.335	8372735.316	B1	445307.504	8372652.952
A2	445444.678	83724815.92	B2	445405.618	8372599.757
A3	445542.930	8372448.201	B3	445519.216	8372551.514
A4	445642.015	8372434.642	B4	445613.887	8372537.540
A5	445741.781	8372441.890	B5	445676.448	8372389.609
A6	445838.081	8372408.429	B6	445756.858	8372313.210
A7	445924.905	8372271.367	B7	445821.827	8372309.421
A8	446004.553	8372177.382	B8	445769.436	8372447.750
A9	446067.790	8372054.848	B9	445721.489	8372539.854
A10	446113.984	8372943.539	B10	445758.852	8372542.115
A11	446161.259	8373039.748	B11	445874.988	8372574.893
A12	446272.867	8373183.4	B12	445981.955	8372636.256
A13	446304.952	8373044.339	B13	446075.532	8372706.198
A14	446367.931	8373152.786	B14	446151.743	8372799.557
A15	446456.732	8374041.969	B15	446207.402	8372904.420
A16	446466.356	8374126.781	B16	446239.574	8373016.726
			B17	446370.266	8373708.736
			B18	446397.695	8373804.912
			B19	446447.916	8373891.380
			B20	446518.473	8373962.250
			B21	446651.837	8374035.544

NOTES:
 1. COORDINATES ARE BASED ON MGA94 ZONE 53.
 2. ALL LEVELS ARE ON AUSTRALIAN HEIGHT DATUM.

LEGEND:
 PROPOSED REALIGNMENT (196,004 sq.m.)
 REINSTATE OLD ALIGNMENT (17,561 sq.m.)
 REINSTATE OLD ALIGNMENT (95,948 sq.m.)

<p>AMENDMENTS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>NAME</th> <th>DEPT/COMPANY</th> </tr> </thead> <tbody> <tr> <td>C</td> <td>ISSUED FOR MANAGING CONTRACTOR</td> <td>11/04/2015</td> <td>KSA</td> <td>GHD</td> </tr> <tr> <td>B</td> <td>ISSUED FOR 95% CLIENT REVIEW</td> <td>22/04/2015</td> <td>KSA</td> <td>GHD</td> </tr> <tr> <td>A</td> <td>ISSUED FOR 89% CLIENT REVIEW</td> <td>17/01/2015</td> <td>KSA</td> <td>GHD</td> </tr> </tbody> </table>		No.	DESCRIPTION	DATE	NAME	DEPT/COMPANY	C	ISSUED FOR MANAGING CONTRACTOR	11/04/2015	KSA	GHD	B	ISSUED FOR 95% CLIENT REVIEW	22/04/2015	KSA	GHD	A	ISSUED FOR 89% CLIENT REVIEW	17/01/2015	KSA	GHD	<p>Level 1, 80 Smith Street Darwin NT 0800 Australia PO Box 251 Darwin NT 0801 T 08 8362 6100 F 08 8364 1075 C Darwin@ghd.com.au NT Darwin@ghd.com</p>	<table border="1"> <tr> <td>DRAWN</td> <td>K.ADRAS</td> <td>CHECKED</td> <td>E.CASILE</td> </tr> <tr> <td>DATE</td> <td>JUNE 2015</td> <td>DATE</td> <td>JUNE 2015</td> </tr> <tr> <td>DESIGNED</td> <td>S.TERCENO</td> <td>CHECKED</td> <td>B.JONES</td> </tr> <tr> <td>DATE</td> <td>JUNE 2015</td> <td>DATE</td> <td>JUNE 2015</td> </tr> <tr> <td>DESIGN PROJECT LEADER</td> <td>B.JONES</td> <td>PROJECT OFFICER</td> <td>J.B.O'BRIEN</td> </tr> <tr> <td>DATE</td> <td>JUNE 2015</td> <td>DATE</td> <td>JUNE 2015</td> </tr> </table>	DRAWN	K.ADRAS	CHECKED	E.CASILE	DATE	JUNE 2015	DATE	JUNE 2015	DESIGNED	S.TERCENO	CHECKED	B.JONES	DATE	JUNE 2015	DATE	JUNE 2015	DESIGN PROJECT LEADER	B.JONES	PROJECT OFFICER	J.B.O'BRIEN	DATE	JUNE 2015	DATE	JUNE 2015	<p>Department of Infrastructure</p>	<p>KATHERINE REGION - ROPER HIGHWAY ROPER & WILTON RIVER HIGH LEVEL CROSSINGS & ROAD UPGRADE ROPER CROSSING - PROPOSED LAND TENURE PLAN SHEET 1 OF 1</p> <table border="1"> <tr> <td>FILE No.</td> <td>ASSET No.</td> <td>SHEET No.</td> <td>DRAWING No.</td> <td>APPROV.</td> <td>SCALE</td> </tr> <tr> <td>RLK00041</td> <td>00032</td> <td>8 of 123</td> <td>R15-1092</td> <td>C</td> <td>A1</td> </tr> </table>	FILE No.	ASSET No.	SHEET No.	DRAWING No.	APPROV.	SCALE	RLK00041	00032	8 of 123	R15-1092	C	A1
No.	DESCRIPTION	DATE	NAME	DEPT/COMPANY																																																									
C	ISSUED FOR MANAGING CONTRACTOR	11/04/2015	KSA	GHD																																																									
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RLK00041	00032	8 of 123	R15-1092	C	A1																																																								

ATTACHMENT 6

Northern Territory of Australia

Aboriginal Land Act

Declaration of Open Areas

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council and on the recommendation of the Northern Land Council, under section 11(1) of the *Aboriginal Land Act*, declare each area of Aboriginal land described in Schedule 1 and depicted on the map in Schedule 2 to be an open area.

Dated 14 November 2016

J. L. Hardy
Administrator

By His Honour's Command

N. Manison
Minister for Infrastructure, Planning and Logistics

Schedule 1

NT Portion 7590(A) All that parcel of land in the Locality of Limmen of the Northern Territory of Australia containing an area of 2.18 hectares more or less being that part of NT Portion 4352 designated NT Portion 7590(A) and bounded by straight lines connecting in succession the Map Grid of Australia (Zone 53), Datum GDA 94 co-ordinates listed hereunder:

Point	Easting (metres)	Northing (metres)
1	446142	8373047
2	446188	8373290
3	446268	8373243
4	446280	8373240
5	446244	8373049
1	446142	8373047

Note: these coordinates are approximate and will be subject to survey.

NT Portion 7591(A) All that parcel of land in the Locality of Limmen of the Northern Territory of Australia containing an area of 9.78 hectares more or less being that part of NT Portion 2632 designated NT Portion 7591(A) and bounded by straight lines connecting in succession the Map Grid of Australia (Zone 53), Datum GDA94 co-ordinates listed hereunder:

Point	Easting (metres)	Northing (metres)
1	445364	8372735
2	445448	8372681
3	445542	8372648
4	445642	8372634
5	445741	8372641
6	445838	8372668
7	445926	8372714
8	446004	8372777
9	446067	8372854
10	446113	8372943
11	446141	8373039
12	446142	8373047
13	446244	8373049
14	446238	8373016
15	446207	8372906
16	446151	8372799
17	446075	8372706
18	445981	8372630
19	445874	8372574
20	445758	8372542
21	445721	8372539
22	445760	8372447
23	445821	8372389
1	445364	8372735

Note: these coordinates are approximate and will be subject to survey.

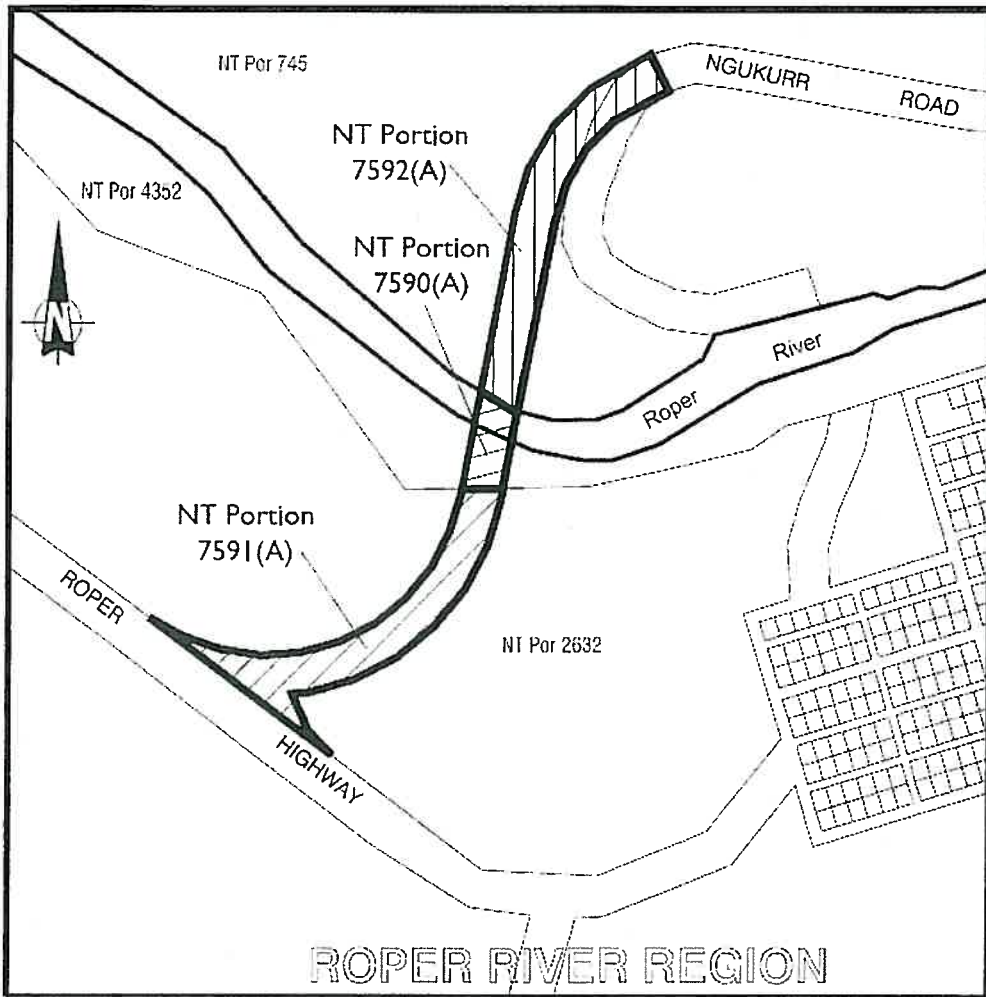
NT Portion
7592(A)

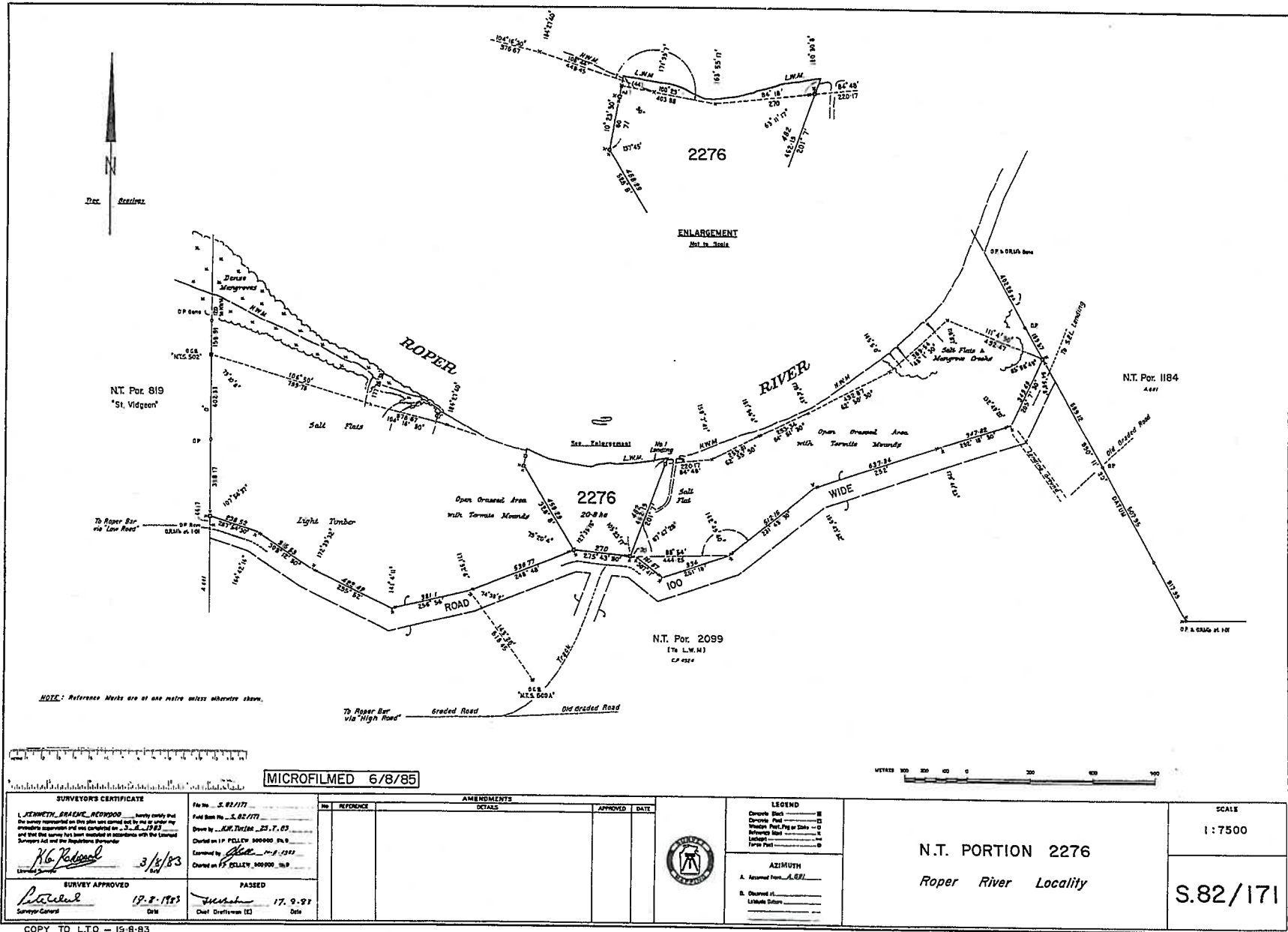
All that parcel of land in the Locality of Wilton of the Northern Territory of Australia containing an area of 9.63 hectares more or less being that part of NT Portion 745 designated NT Portion 7592(A) and bounded by straight lines connecting in succession the Map Grid of Australia (Zone 53), Datum GDA94 co-ordinates listed hereunder:

Point	Easting (metres)	Northing (metres)
1	446188	8373290
2	446272	8373731
3	446304	8373844
4	446367	8373952
5	446456	8374041
6	446606	8374126
7	446651	8374035
8	446518	8373962
9	446447	8373891
10	446397	8373804
11	446370	8373708
12	446280	8373240
13	446268	8373243
1	446188	8373290

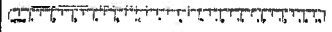
Note: these coordinates are approximate and will be subject to survey.

Schedule 2






NOTE: Reference Marks are of one metre unless otherwise shown.



MICROFILMED 6/8/85



SURVEYORS CERTIFICATE I, JENNETH BRADY, RODDOD hereby certify that the survey represented on this plan was carried out by me or under my immediate supervision and was completed on 31.10.1983 and that this survey has been conducted in accordance with the Landward Surveyors Act and the Regulations thereunder. <i>J. Brady</i> 3/8/83 Licensed Surveyor		File No. S. 82/171 Field Book No. S. 82/171 Drawn by J.M. TULLOCH, 23.7.83 Checked on 17 FEBRUARY 1984 by J.M. TULLOCH Checked on 15 JULY 1984 by J.M. TULLOCH	<table border="1"> <thead> <tr> <th>NO.</th> <th>REFERENCE</th> <th>AMENDMENTS</th> <th>APPROVED</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REFERENCE	AMENDMENTS	APPROVED	DATE							LEGEND Concrete Block ———— B Concrete Pile ———— C Wooden Post, Peg or Stake ———— D Reference Mark ———— E Landmark ———— F Corner Post ———— G AZIMUTH A. Assumed From A.G.P. B. Observed C. Magnetic Station	SCALE 1:7500 N.T. PORTION 2276 Roper River Locality S.82/171
NO.	REFERENCE	AMENDMENTS	APPROVED	DATE												
SURVEY APPROVED <i>J. Brady</i> 17.9.84 Surveyor General		PASSED Date 17.9.84 Chief Draftsman (C)		COPY TO L.T.O. - 19-8-83												

ATTACHMENT 8

LC 70



Created by TNAVJ

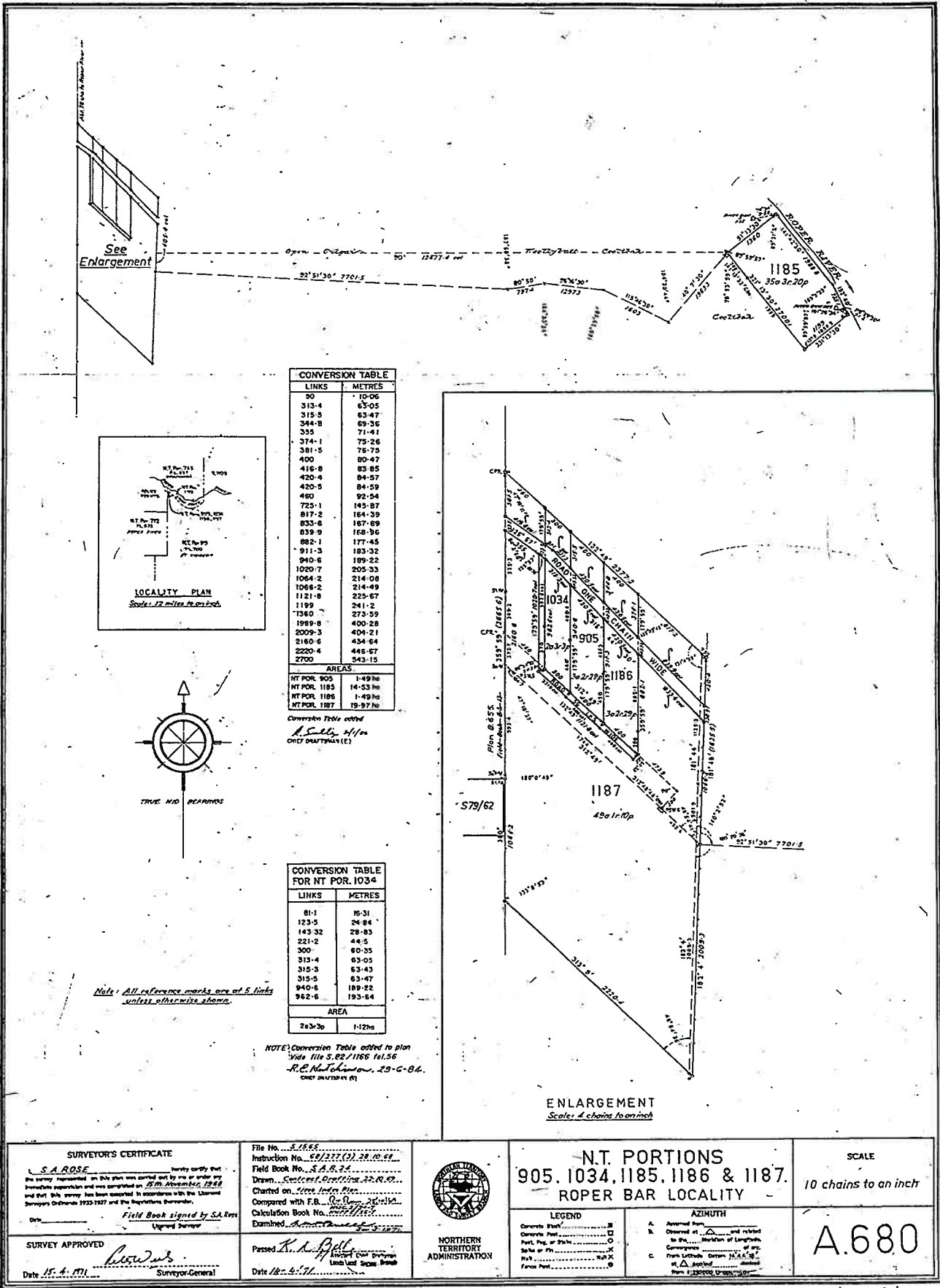
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Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia

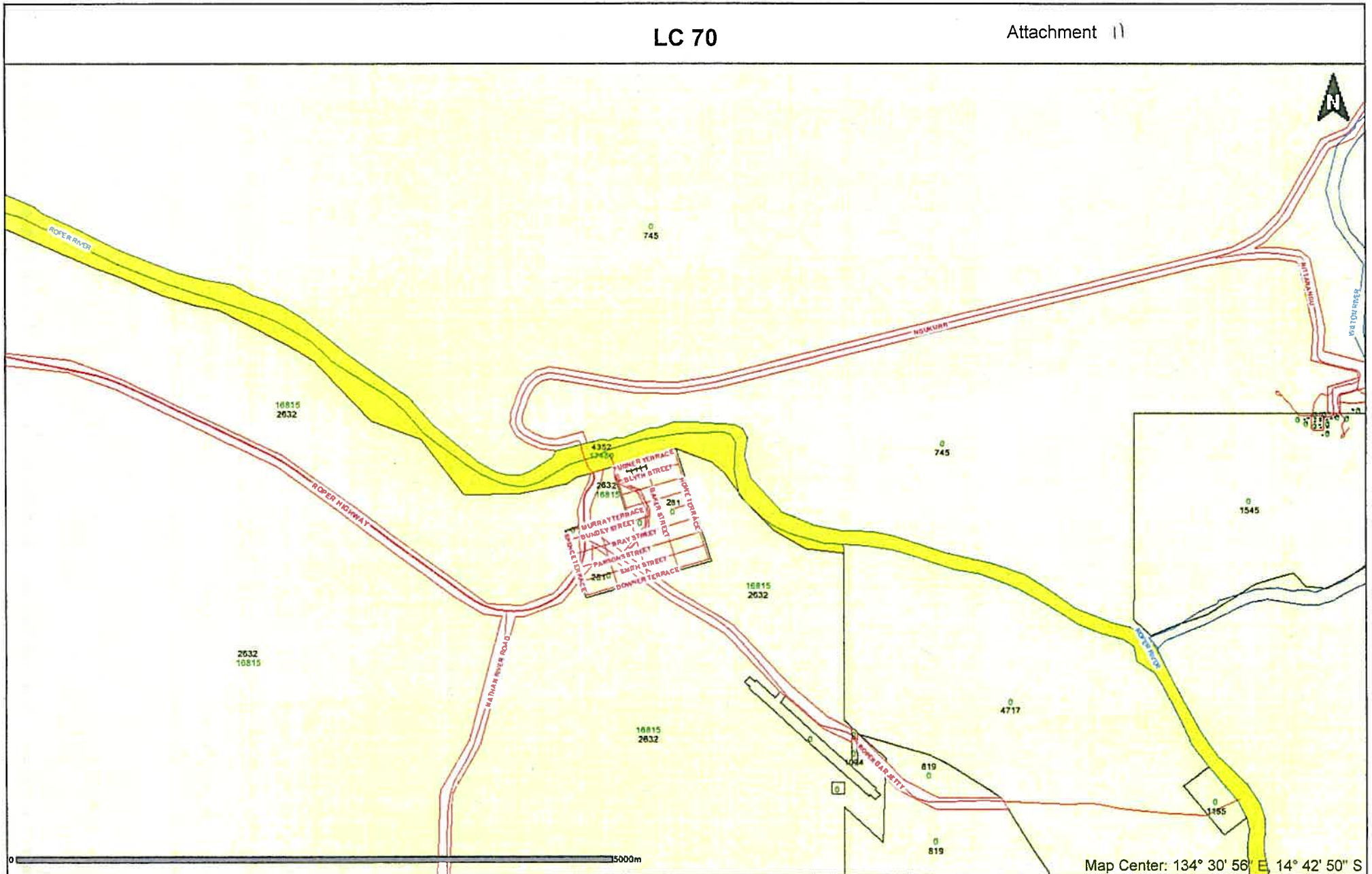
Map Center: 135° 19' 31" E, 14° 45' 19" S

ATTACHMENT 9



COPY TO LTO...12-1-81 AMENDED COPY TO LTO 29-6-84, 2-1-86

B/NEG 1687



Created by TNAVJ

Bottom Left: -14° 44' 29", 134° 27' 45" Top Right: -14° 41' 09", 134° 34' 07" Approximate Scale: 1:41,000 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia

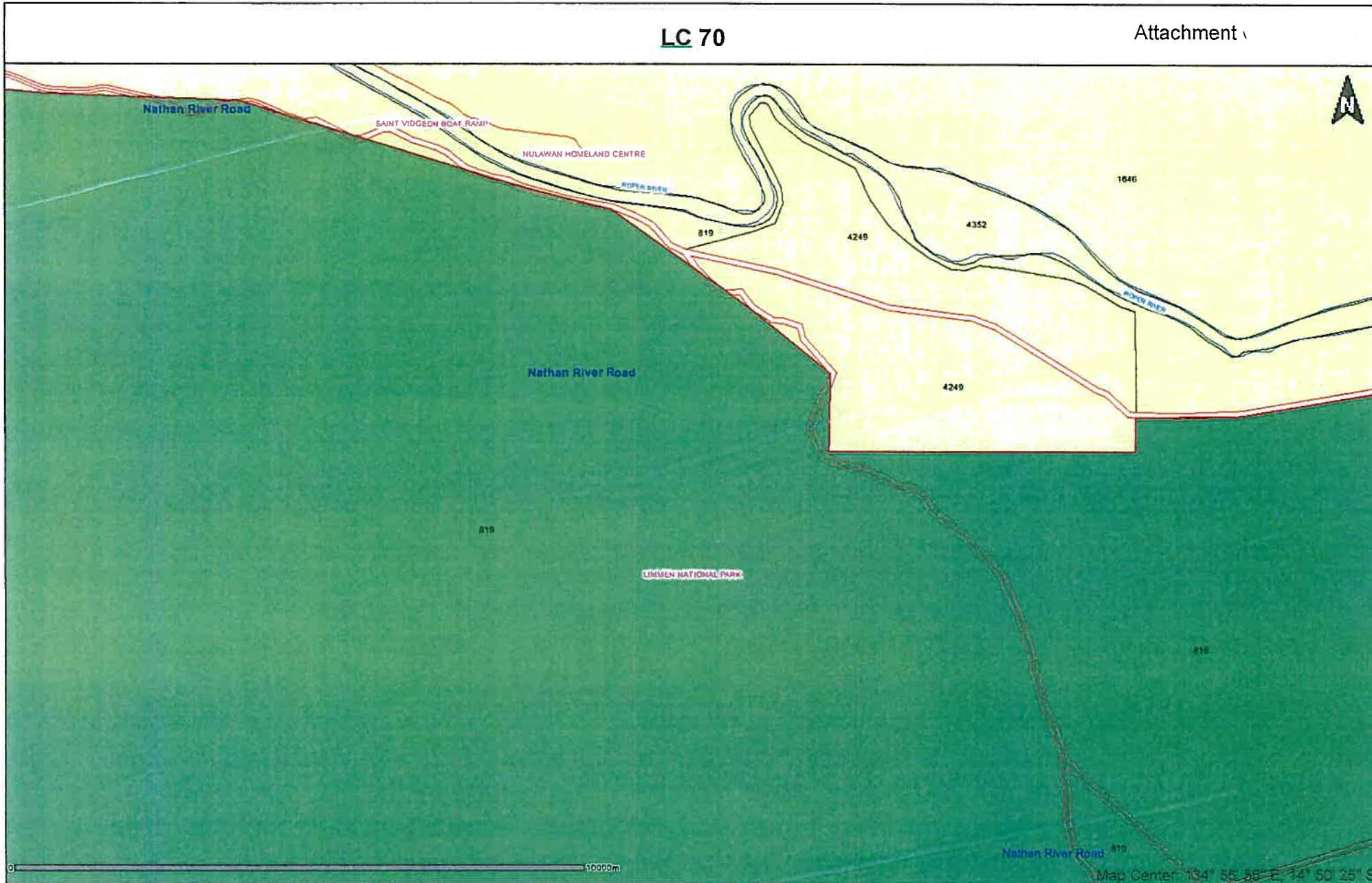
Map Center: 134° 30' 56" E, 14° 42' 50" S

ATTACHMENT 11



ATTACHED





Created by TNAVJ

Bottom Left: -14° 54' 26", 134° 50' 27" Top Right: -14° 46' 22", 135° 03' 24" Approximate Scale: 1:86,000 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia

Map Center: 134° 56' 58" E, 14° 50' 25" S

ATTACHMENT 13

Land claim 70

Attachment



Created by TNAVJ

Bottom Left: -14° 48' 23", 134° 51' 44" Top Right: -14° 45' 23", 134° 57' 29" Approximate Scale: 1:37,000 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia



ROPER RIVER

02
RAMP

01
CAMP SITE

NATHAN RIVER ROAD



LIMMEN NATIONAL PARK
ST VIDGEON
TOMATO ISLAND GROUNDS AND RAMP.

Limmen National Park
Address:
part site plan

01150BP
Lot:
AMS NUMBER
NTB-01150-0B-00P



01150BF2 - ACCESS ROAD 2004



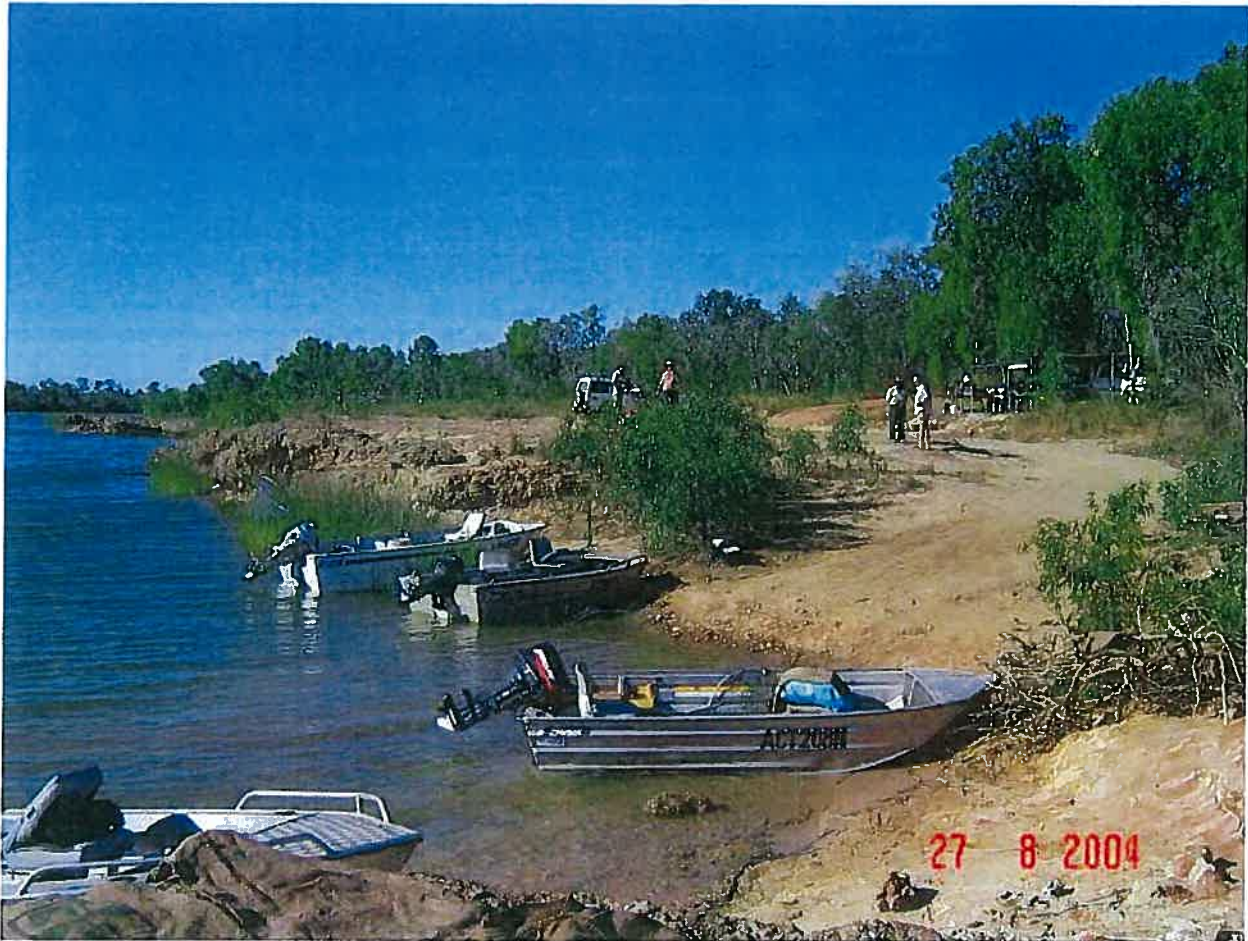
001150BF2 ACCESS ROAD TO BOAT RAMP



001 SOB F2 BOAT RAMP - 2008



01150BF2 - BOAT RAMP CAMPSITE



0 1150BF2 BOAT RAMP EAST VIEW



01150BF2 BOAT RAMP

Unnamed Road (A) part 4 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon



Unnamed Road (A) part 5 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon



Unnamed Road (A) part 6 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon

Unnamed Road A



Unnamed Road (A) part 7 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon

Unnamed Road A



Unnamed Road (A) part 8 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon

Unnmaed Road A



Unnamed Road (A) part 9 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon

Unnamed Road A

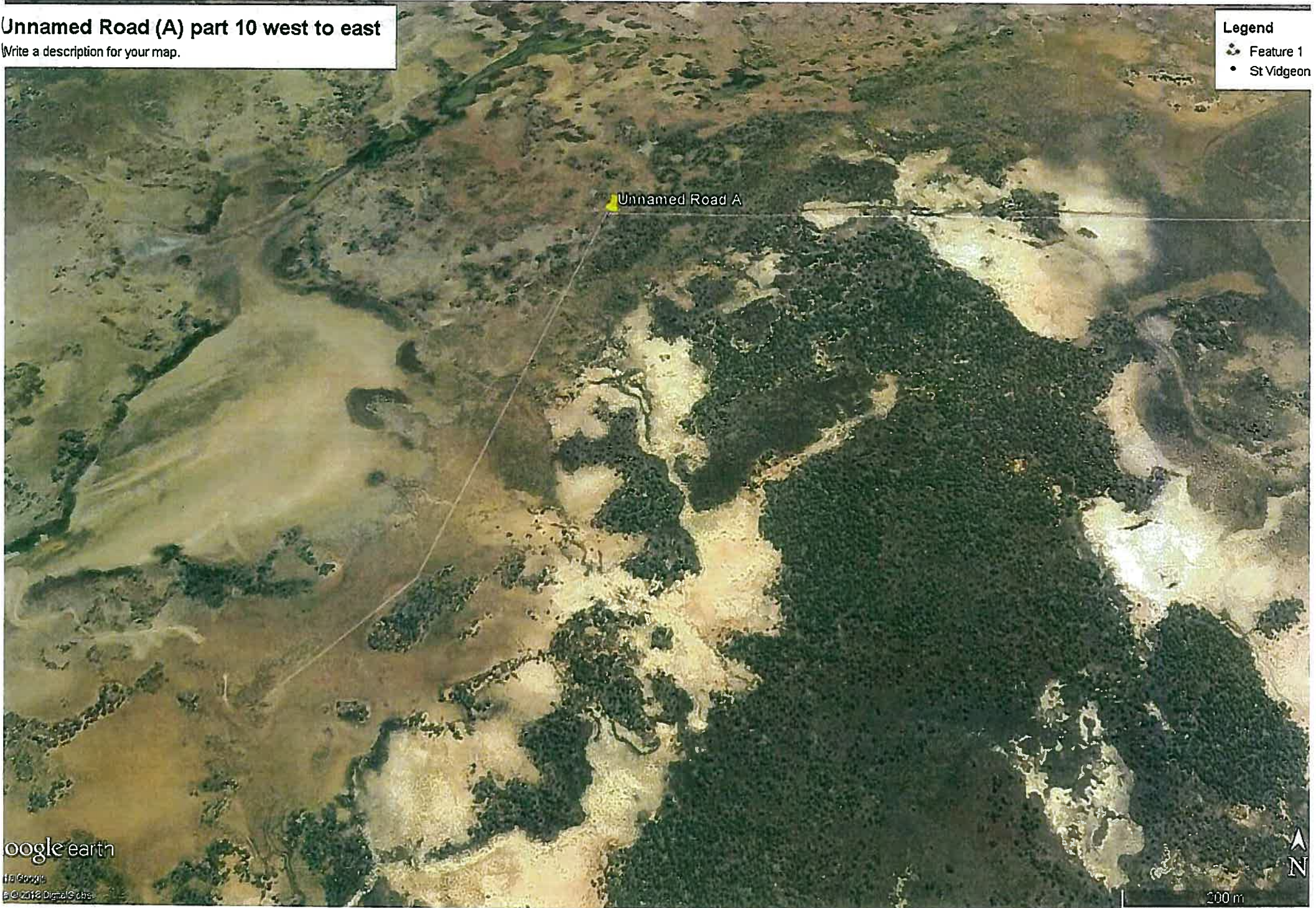


Unnamed Road (A) part 10 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon



Unnamed Road A

google earth

© 2018 DigitalGlobe

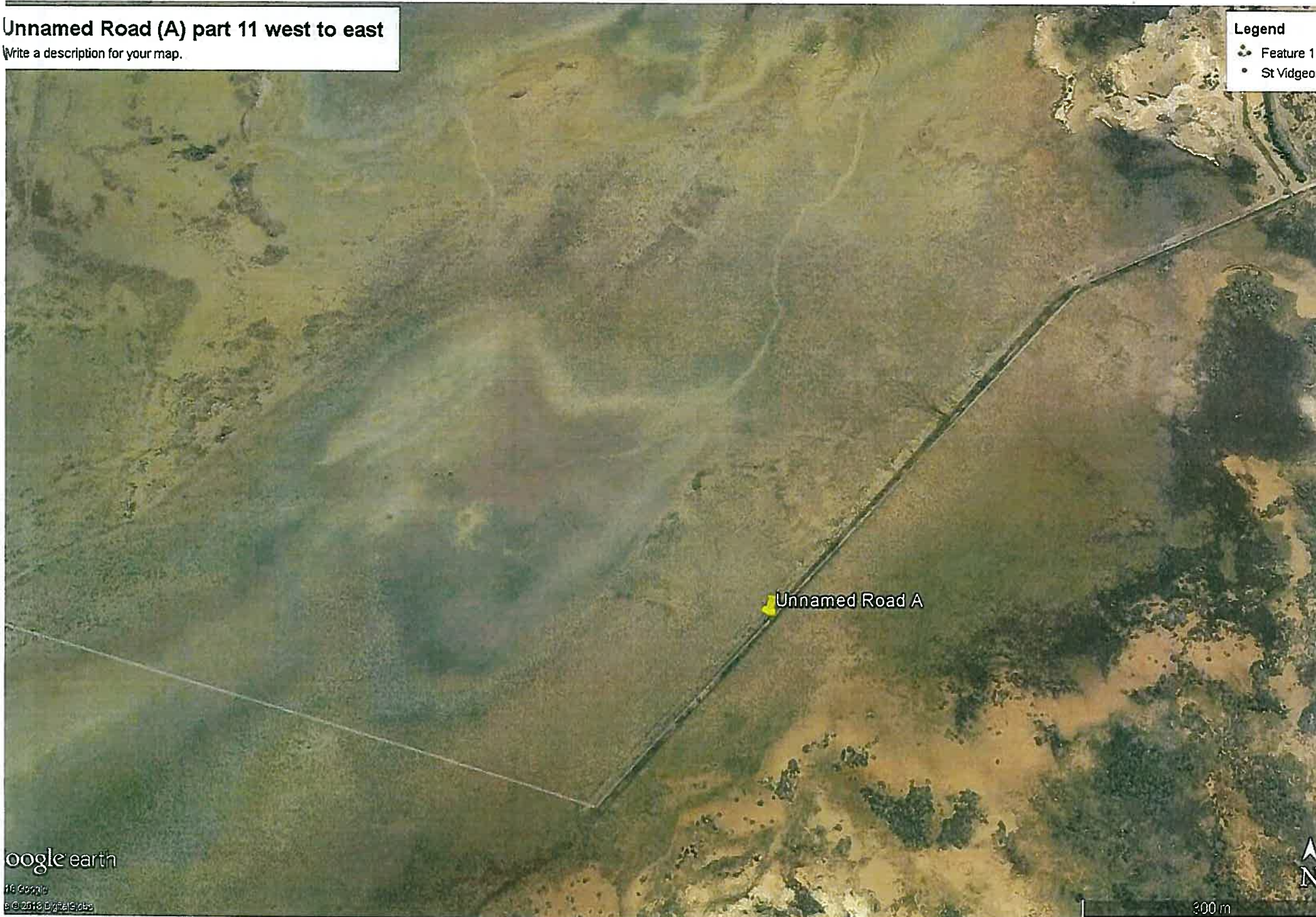
200 m

Unnamed Road (A) part 11 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon



oogle earth

© 2013 DigitalGlobe

© 2013 DigitalGlobe

300 m

Unnamed Road (A) part 12 west to east

Write a description for your map.

Longitude: 151° 00' 00" E Elevation: 000

Legend

- Feature 1
- St Vidgeon



google earth

© 2018 Google
© 2018 DigitalGlobe
© 2018 CNES / Airbus

1 km

Unnamed Road (A) part 13 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon



google earth

© 2018 DigitalGlobe

400 m



Unnamed Road (A) part 14 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon

Unnamed Road A

Google Earth

© 2018 Google
© 2018 DigitalGlobe

200 m

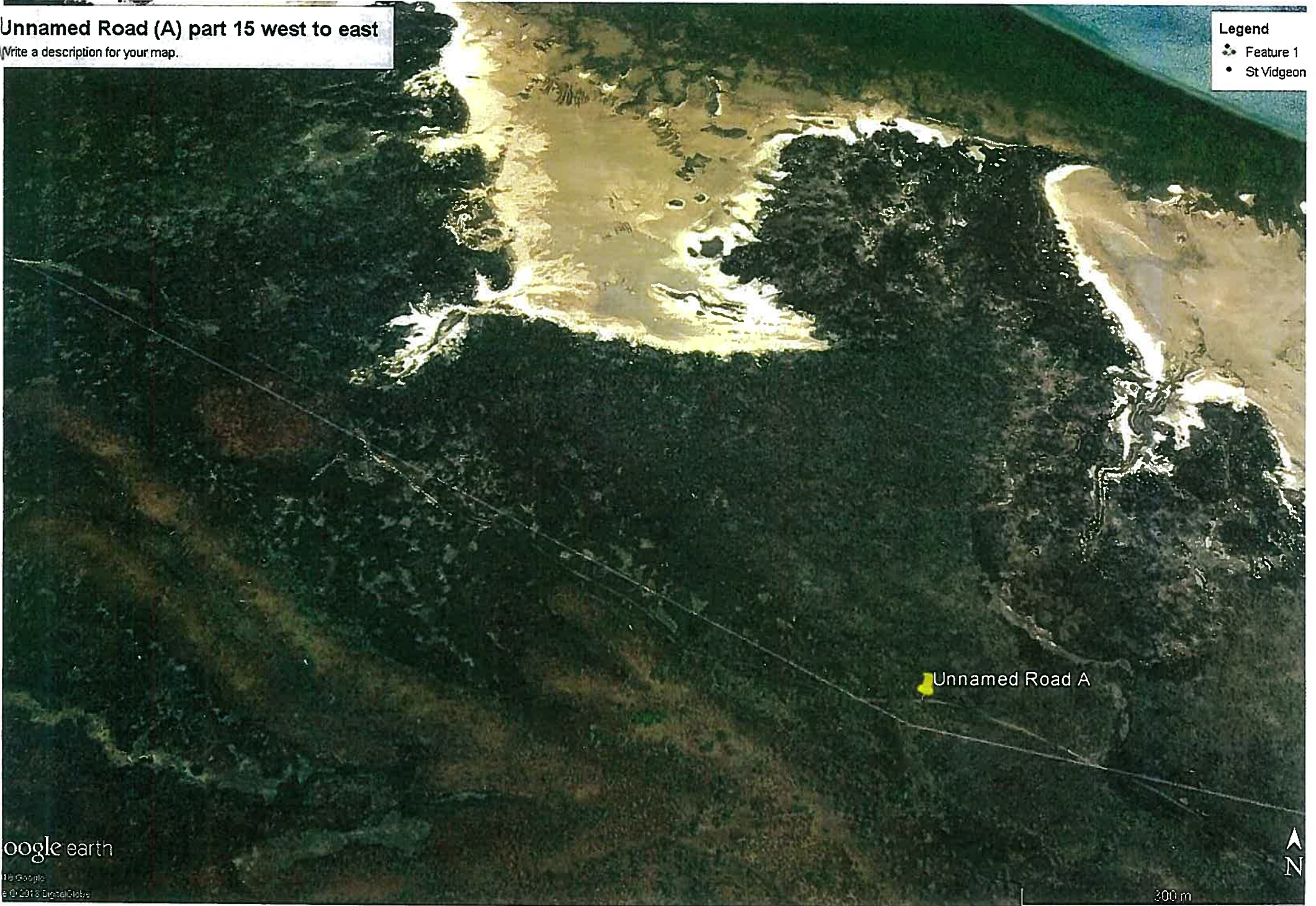


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Write a description for your map.

Legend

- Feature 1
- St Vidgeon



oogle earth

© 2018 DigitalGlobe

300 m

Unnamed Road (A) part 16 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon



Google earth

© 2018 DigitalGlobe

500 m

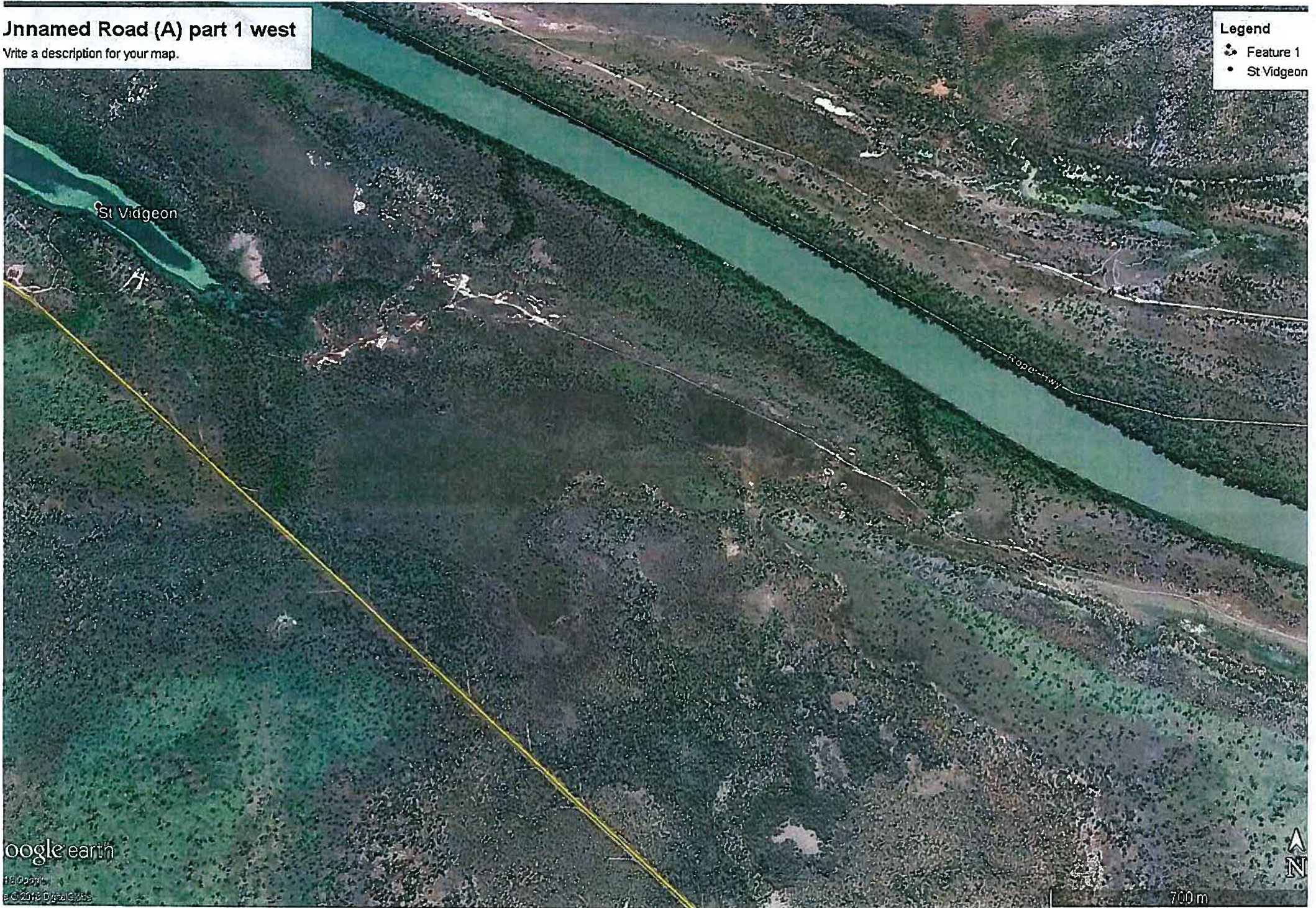


Jnnamed Road (A) part 1 west

Write a description for your map.

Legend

- Feature 1
- St Vidgeon



Google Earth

© 2018 DigitalGlobe

700 m

Unnamed Road (A) part 2 west to east

Write a description for your map.

Legend

- Feature 1
- St Vidgeon



google earth

© 2016 Google
© 2016 DigitalGlobe

900 m



Unnamed Road (A) part 2 west to east

Write a description for your map.

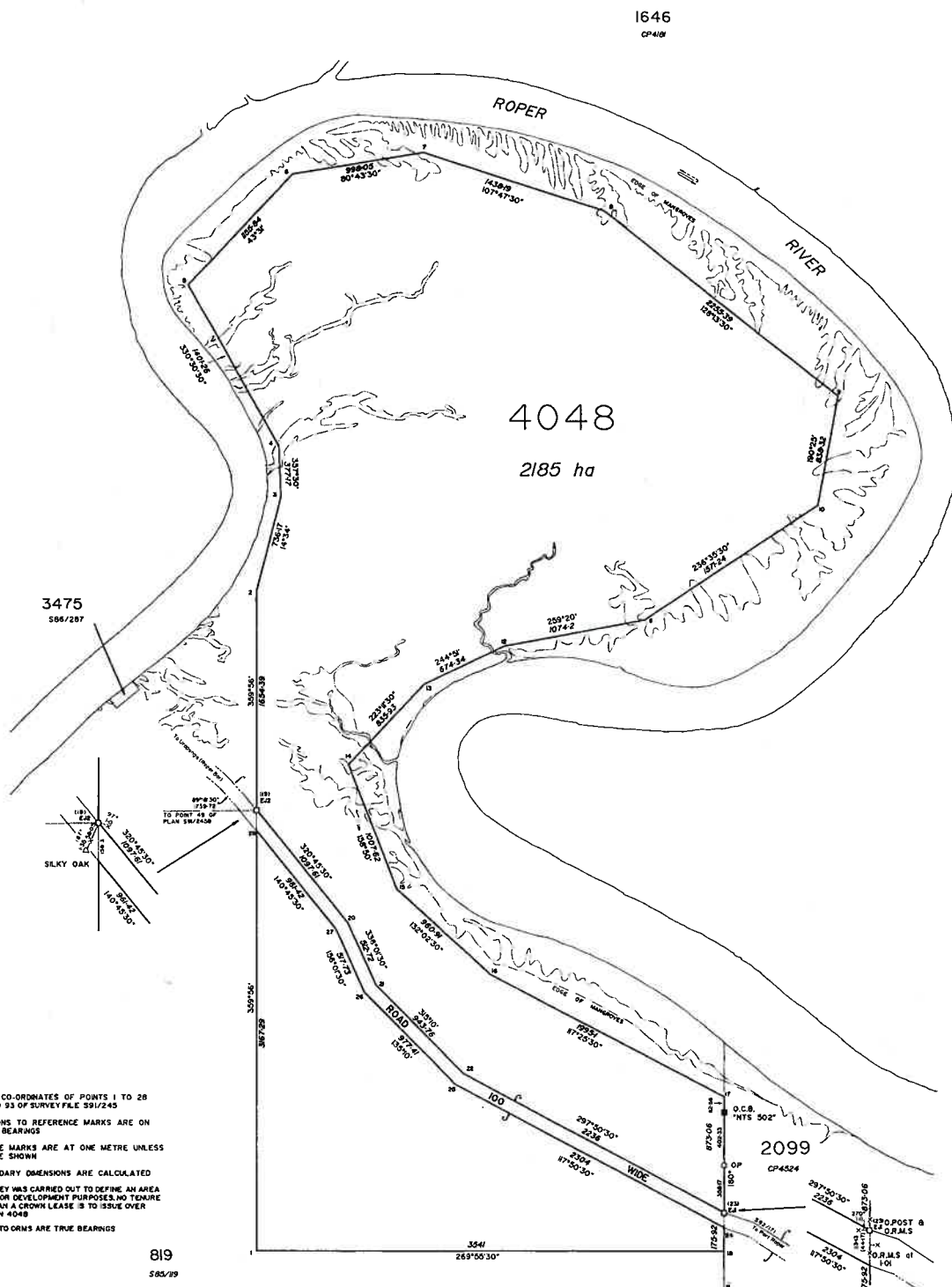
Legend

- Feature 1
- St Vidgeon

Unnamed Road A



Supersedes Part of Plan S85/119



NOTES
 FOR AMG CO-ORDINATES OF POINTS 1 TO 28
 SEE FOLIO 93 OF SURVEY FILE S91/245
 CONNECTIONS TO REFERENCE MARKS ARE ON
 MAGNETIC BEARINGS
 REFERENCE MARKS ARE AT ONE METRE UNLESS
 OTHERWISE SHOWN
 ALL BOUNDARY DIMENSIONS ARE CALCULATED
 THIS SURVEY WAS CARRIED OUT TO DEFINE AN AREA
 OF LAND FOR DEVELOPMENT PURPOSES, NO TENURE
 OTHER THAN A CROWN LEASE 3 TO ISSUE OVER
 NT PORTION 4048
 BEARINGS TO ORNS ARE TRUE BEARINGS



KEYVIN DOOD
 Licensed Surveyor
 Date: 3.6.02
 SURVEY APPROVED
 Date: 3.6.02

Notes:
 This survey was carried out by me or under my
 immediate supervision and was completed on 14th AUGUST 1992
 and that this survey has been conducted in accordance with the Land
 Surveyors Act and the Director's Regulations (Class 42 (1) app 1(a))

Field Book
 S91/245
 Drawn
 EARL JAMES & ASSOC 22/11/91
 Date of Issue 19-5-1992
 Map Reference
 SHEET 9 PELLEW
 1:500000 SERIES

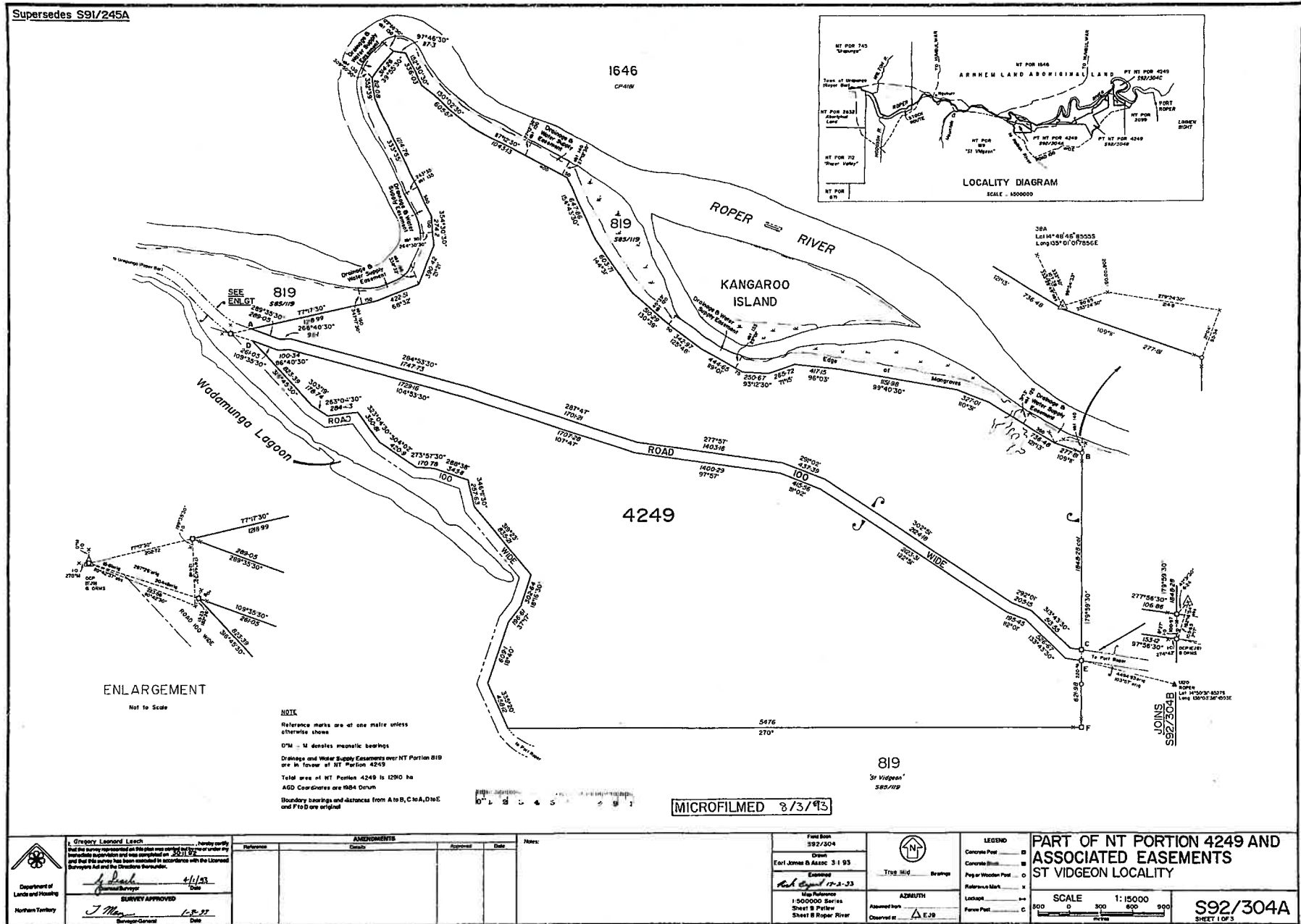
TRUE MID _____ Bearings
 Assumed from OBSERVATIONS
 Observed at U 120 RM 1

LEGEND
 Concrete Post
 Concrete Block
 Flag or Wooden Post
 Reference Mark
 Lock Hole
 Fence Post

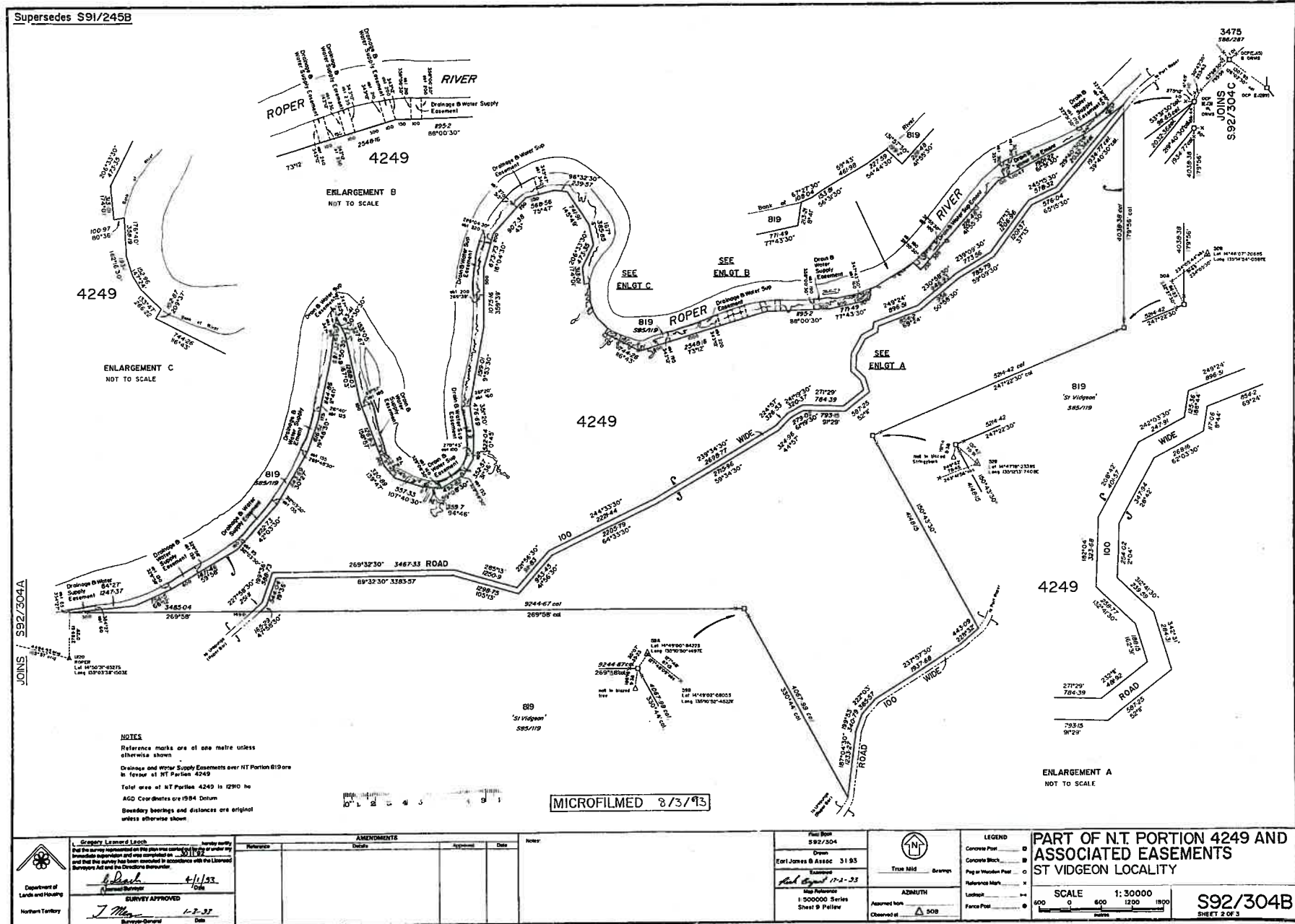
N.T. PORTION 4048
 ST VIDGEON LOCALITY
 SCALE 1:15000
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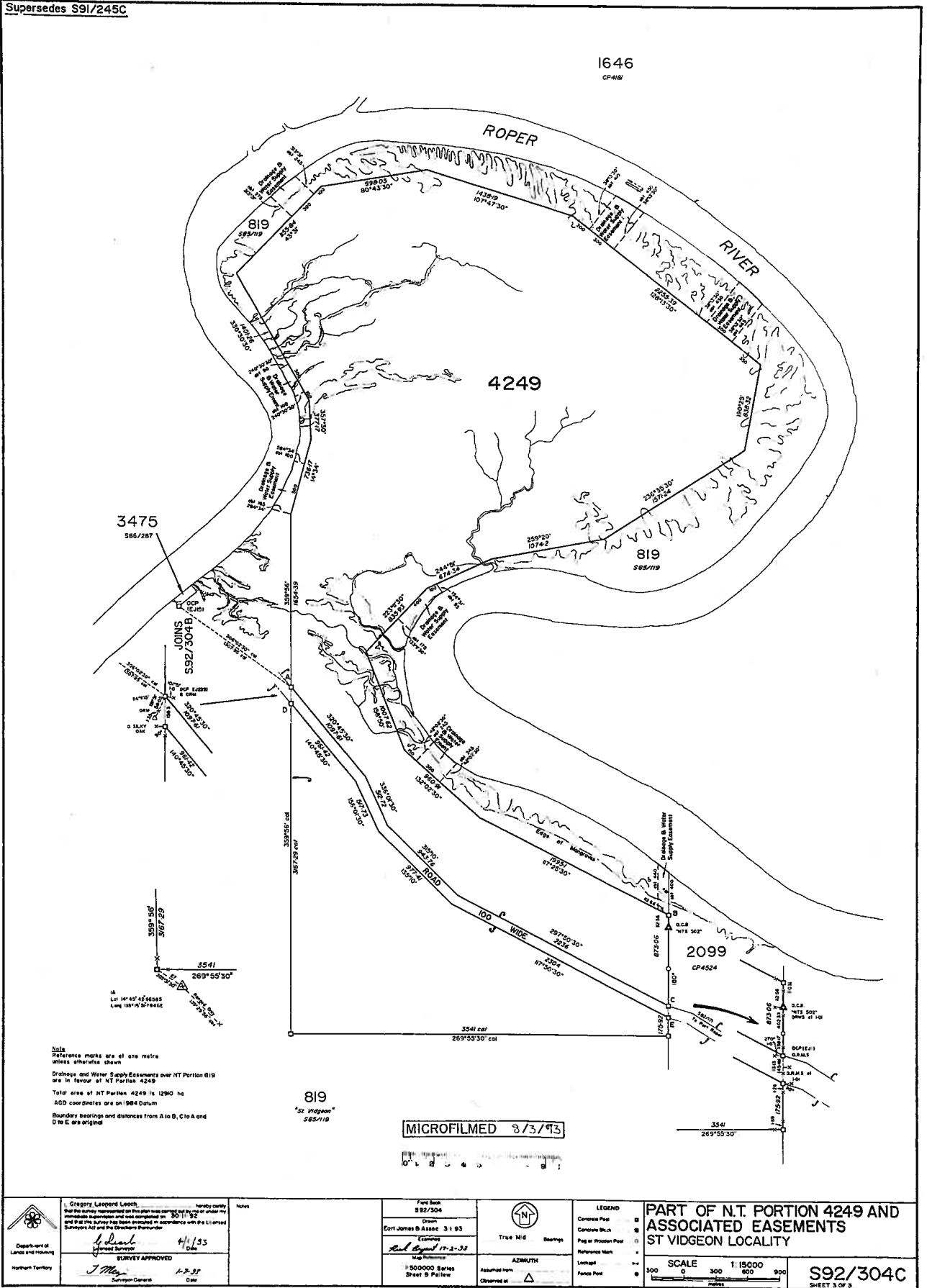
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 SHEET 3 OF 3

WARNING - Damaged or crossed plan will be rejected



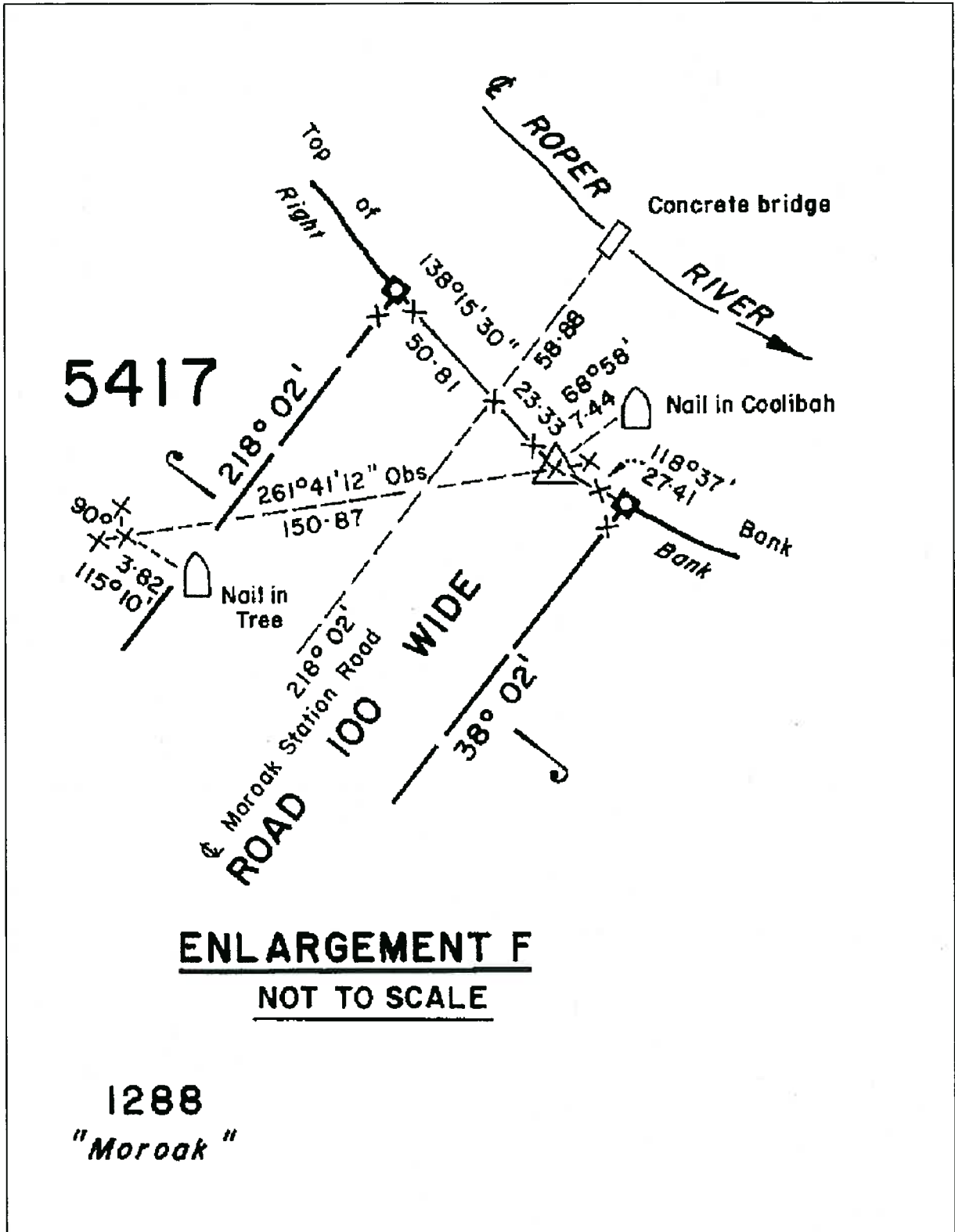
ATTACHMENT 17

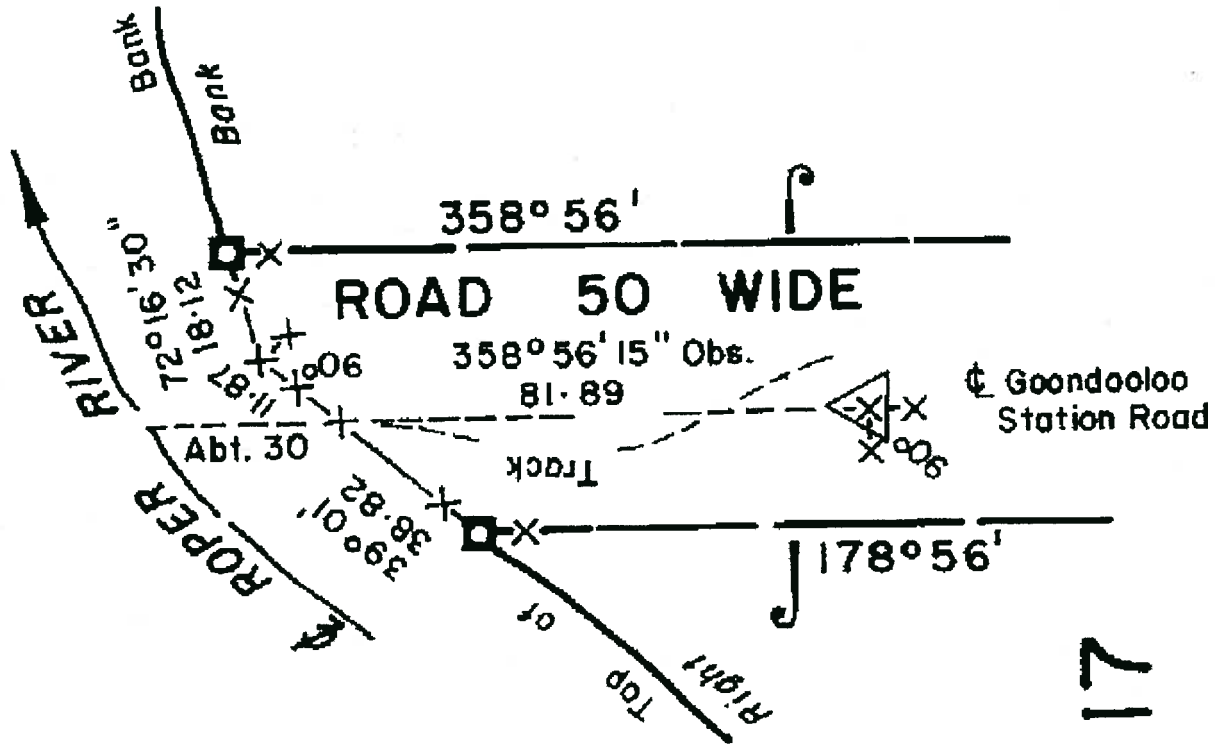




Land Claim 141 – Western Roper River

Close up of "Enlargement F" from survey s98-152





5417

Land Claim 141

Attachment 19



Created by TNAVJ

Bottom Left: -14° 49' 49", 133° 40' 29" Top Right: -14° 49' 00", 133° 42' 01" Approximate Scale: 1:9,900 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

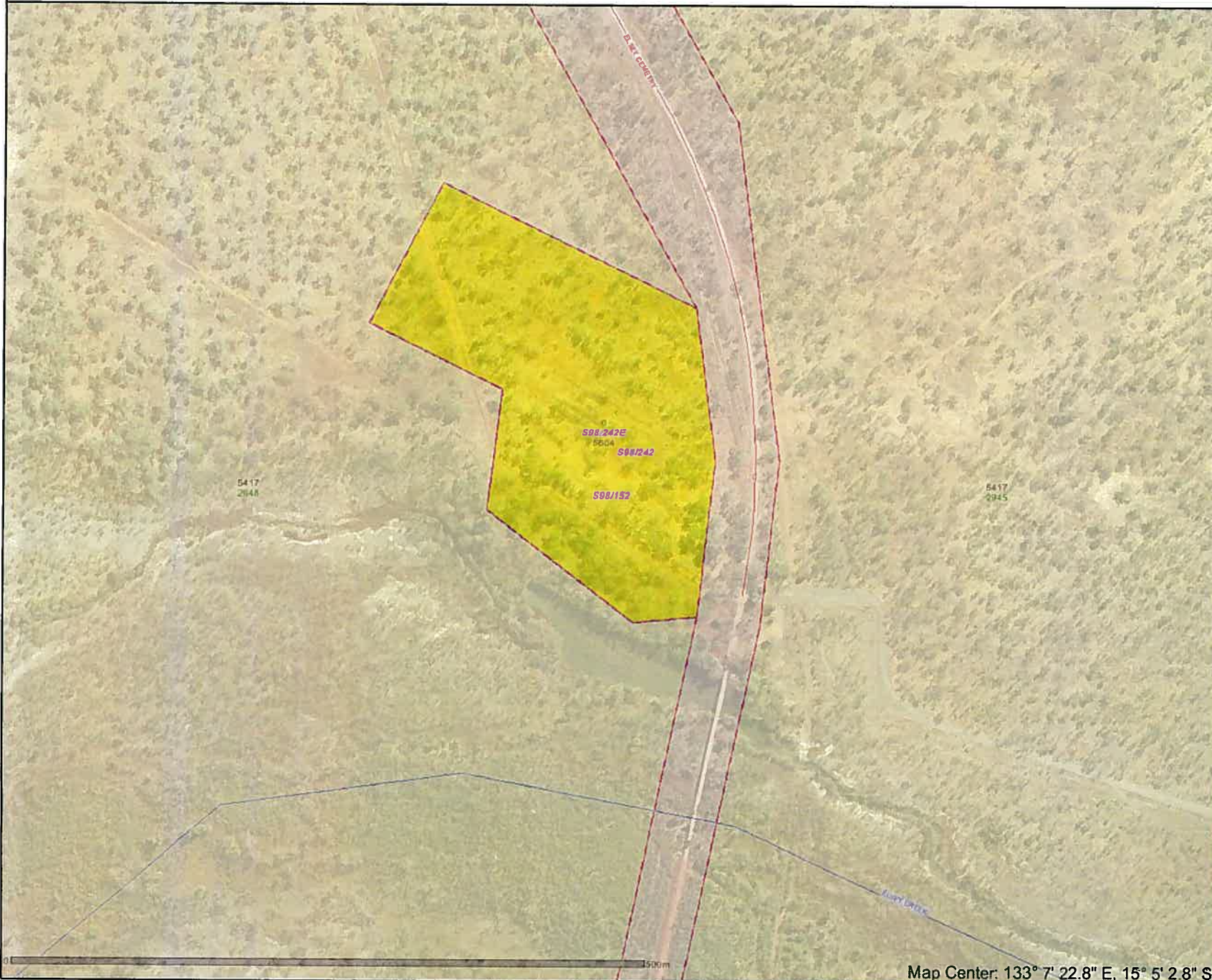
N.T. Land Information System Copyright Northern Territory of Australia

ATTACHMENT 19

Map created Mon Jun 18 15:35:55 CST 2018

Legend

-  Gravel Pits
-  Placenames
-  Recorded
-  Historical
-  Registered
-  Assigned
-  Revoked
-  Registered - Historical
-  Rivers Lakes
-  Railways
-  General Lines
-  Road Boundaries
-  Survey Plan Index
-  Road Labels
-  Road Centrelines
-  Highway
-  Other Road
-  Street Numbers
-  Parcel Numbers
-  Cadastre
-  Coastline



Created by RFULL

Bottom Left: 133° 07' 06", -15° 05' 12"

Top Right: 133° 07' 38", -15° 04' 52"

Approximate Scale: 1:4,200

Datum: GDA 1994

Data for information purposes only

- accuracy not guaranteed

N.T. Land Information System

Copyright Northern Territory of Australia



5604

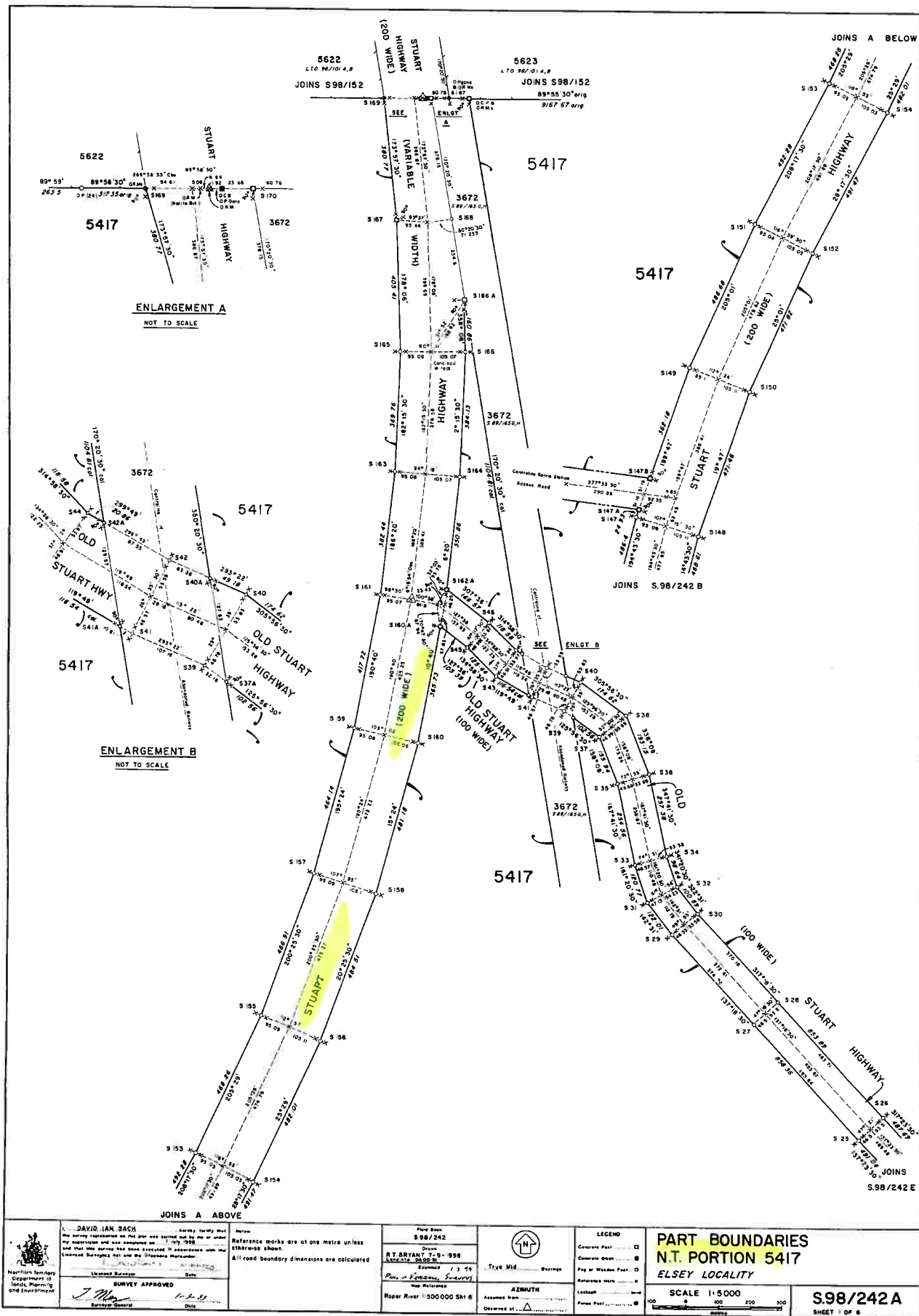
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5417

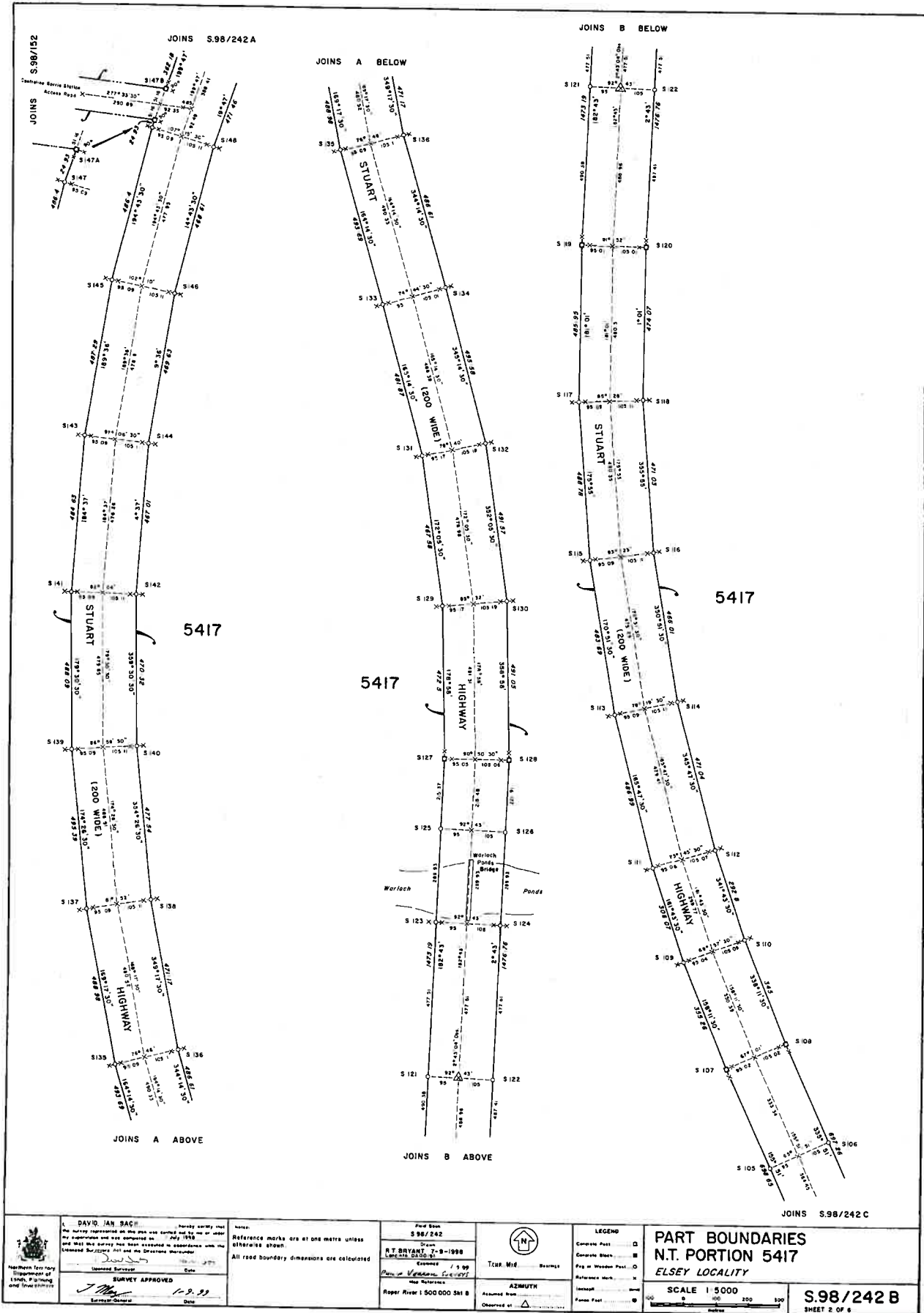
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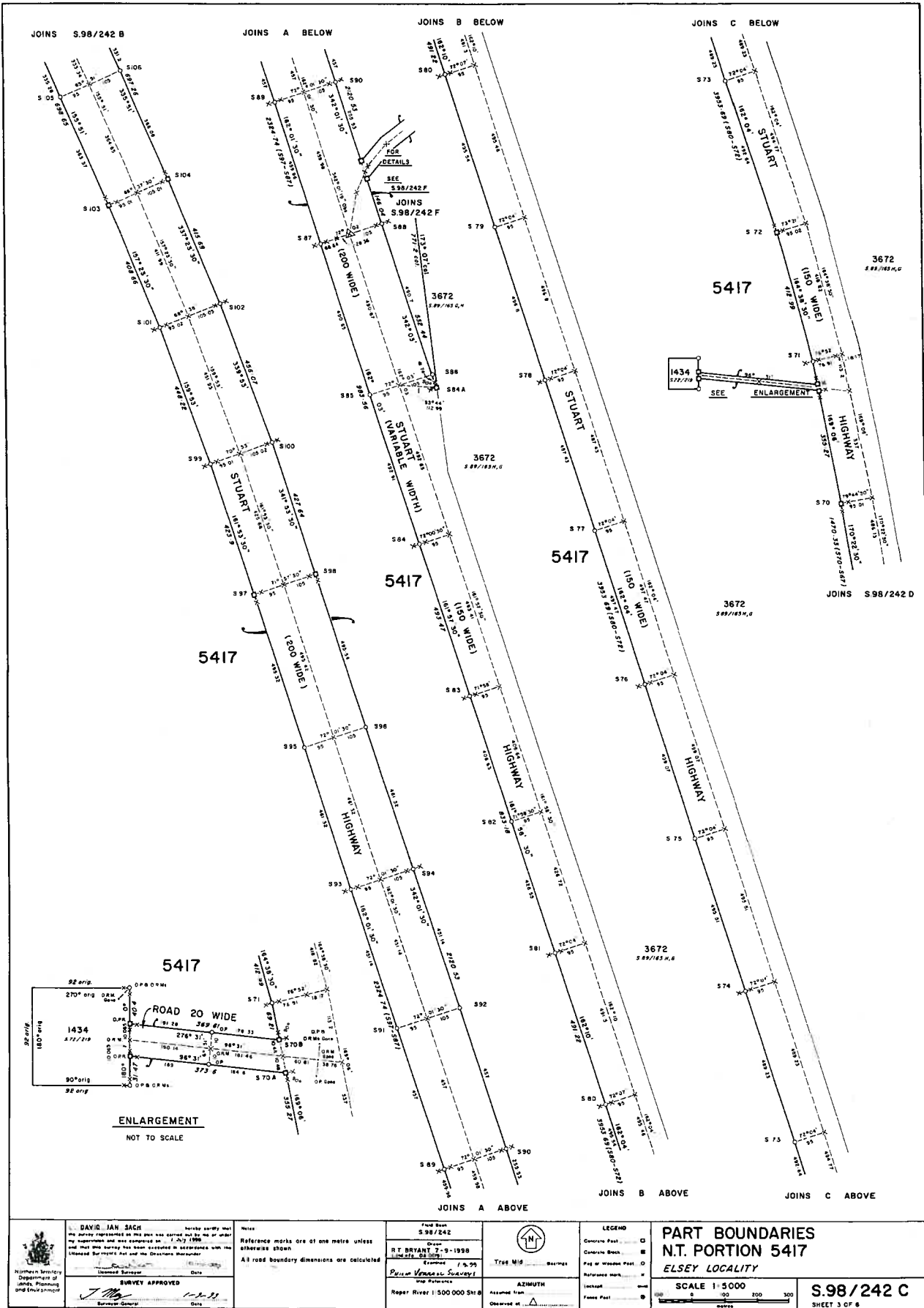
EL BEY CEMETERY

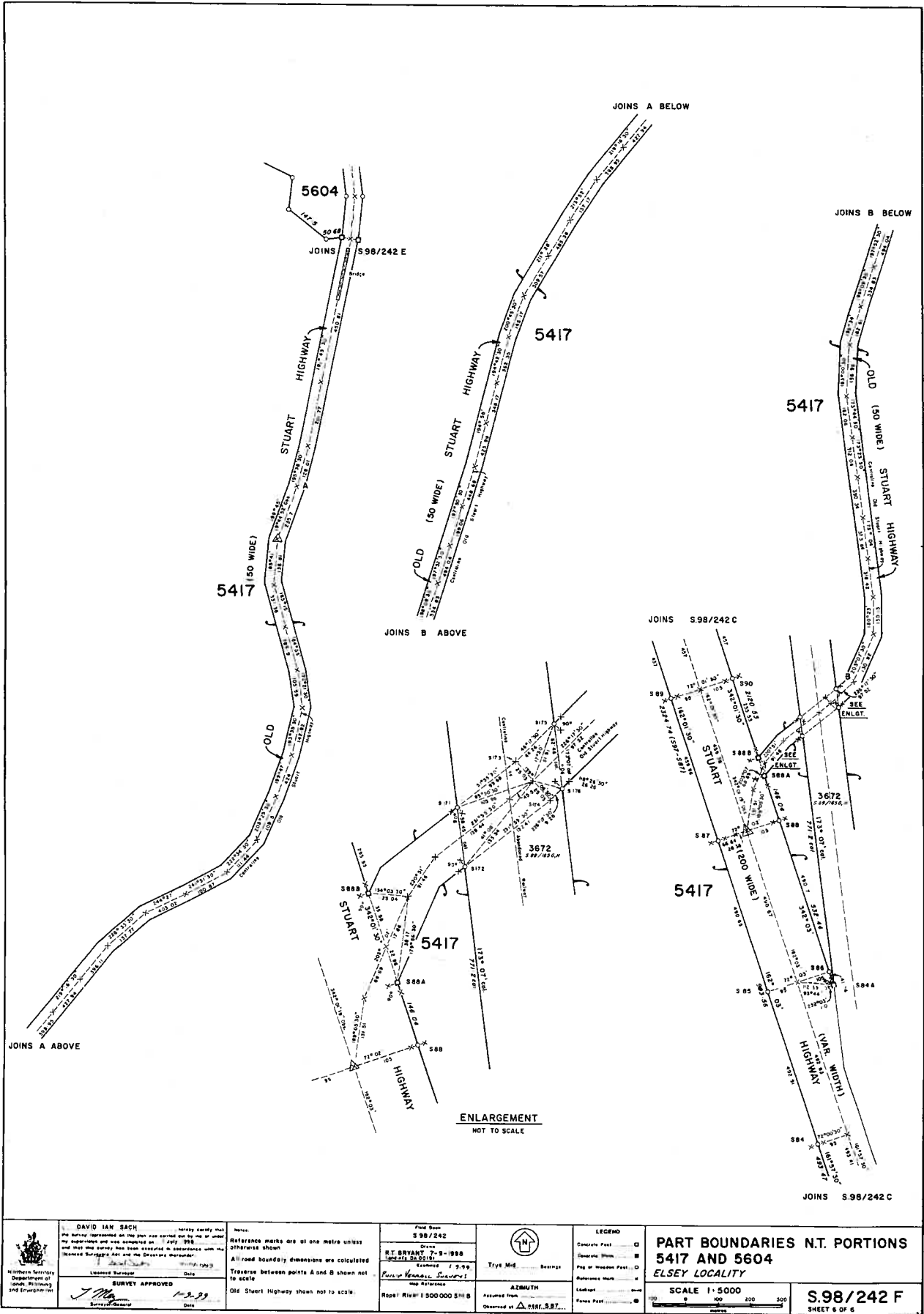
EL BEY PARK











[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Aboriginal Land Rights (Northern Territory) Act

Review of Detriment Issues

Aboriginal land claims recommended for grant but not yet finalised

The Lower Roper River Land Claim No.70

and

The Upper Roper River Land Claims including LC 129 141, and 164

Submissions of the Northern Territory dated 1 October 2018 in Reply

to the Claimant's Submissions of 1 September 2018

1. The Aboriginal Land Commissioner ("ALC") invited the Northern Territory ("NTA") to participate in the review of detriment issues in the following land claims being conducted by the ALC under Terms of Reference issued by the Federal Minister pursuant to section 50(1)(d) of the *Aboriginal Land Rights (Northern Territory) Act* ("ALRA") by letter dated 18 April 2018 in relation to the following:
 - a. Lower Roper River Region Land Claim No. 70 ("Land Claim 70"); and
 - b. The Upper Roper River Land Claims comprising the following:
 - i. Mataranka Area (NT Portion 916) Land Claim No. 129;
 - ii. Western Roper River (Beds and Banks) Land Claim No. 141; and
 - iii. Roper Valley Area Land Claim No. 164;

herein referred to as the "Upper Roper River Land Claims".

2. On 22 June 2018, the NTA lodged with the Office of Aboriginal Land Commissioner (OALC) a document entitled "Detriment Review: Lower Roper River Land Claim No. 70; and Upper Roper River Region Land Claims comprising Mataranka Area Land Claim No. 129; Western Roper River (Beds and Banks) Land Claim No. 141; and Roper Valley Area Land Claim No. 164: Updated Detriment and Proposed Patterns of Land Usage Information on behalf of the Northern Territory of Australia for consideration of the Aboriginal Land Commissioner" and dated 30 April 2018 and **Attachments 1-7** ("the First NTA Submissions").
3. On 29 June 2018, the NTA lodged with the OALC a document entitled "Detriment Review: Lower Roper River Land Claim No. 70; and Upper Roper River Region Land

Claims... Addendum to Updated Detriment and Proposed Patterns of Land Usage Information on behalf of the Northern Territory of Australia for consideration of the Aboriginal Land Commissioner dated 22 June 2018” and **Attachments 1-22** to same (“the Second NTA Submissions”).

4. It is noted that six other parties also lodged submissions with the OALC in respect of the Land Claims detriment review, namely: (i) the NT Cattlemen’s Association of the Northern Territory; (ii) the Amateur Fishermen’s Association of the Northern Territory (AFANT), (iii) NT Seafood Council (NTSFC), (iv) NT Iron Ore Pty Ltd; (v) Mr Simon Hoar as owner of Goondooloo and Moroak Stations; (vi) Mr Mark Sullivan as owner of Flying Fox Station; and DK Pastoral Company Pty Ltd as proprietor of Lonesome Dove Station.
5. On 1 September 2018, Mr David Avery as Solicitor for the Claimants in the Land Claims lodged with the OALC a document entitled “Review of Detriment – Aboriginal land claims recommended for grant but not yet finalized – Lower Roper River Land Claim No. 70; Mataranka Area (NT Portion 916) Land Claim No. 129; Western Roper River (Beds and Banks) Land Claim No. 141; Roper Valley Area Land Claim No. 164” (the Claimants’ Submissions).
6. By email dated 17 September 2018, the Office of ALC advised that the ALC had agreed to the NTA providing a reply to the Claimants’ Submissions by 1 October 2018. As noted above, the Claimants’ Submissions are filed on behalf of the claimants in the Land Claim (rather than the NLC) and these submissions of the NTA in Reply are made on that basis.
7. The Submissions of the NTA in Reply below address specific numbered paragraphs of the Claimants’ Submissions. Where a specific paragraph of the Claimants’ Submissions is not addressed it is either on the basis that the respective paragraph relates to another party or the NTA has nothing further to add from what was contained within the First or Second NTA Submissions.

NTA SUBMISSIONS IN REPLY RESPONDING TO NUMBERED PARAGRAPHS OF THE CLAIMANTS’ SUBMISSIONS

The following numbering refers to the paragraph number in the Claimants’ Submissions.

Land Claim 245: Old Elsey Homestead

- 3-6. The Aboriginal Land Commissioner has requested the NTA’s response to these paragraphs. The NTA offers the following response:

Paragraphs 3 and 4:

Visitors often go to historic sites and ruins to gain a sense of place, and do not always expect to see an old building or a physical structure.

At this historic place, a plaque provides a place for information and contemplation and the old footings of the Elsey Homestead are visible giving an overview of where the Homestead stood.

We are informed that Mataranka Tourist Park promote visitation to the site to guests who watch their 'We of the Never Never' film, as well as to any visitor who wants to know what to see in the area.

The site is well visited by travelers from Alice to Darwin (particularly older travelers) who go to both the Cemetery and the old Elsey Homestead location.

Paragraph 5:

The lack of access to Wi-Fi at or near the site to enable a permit to be granted almost instantly would mean spontaneous visitation would not be possible, and is likely to mean fewer visitors are able to access and experience the site. The Department of Tourism and Culture contends that 'possible small delay or modest cost' is a highly uncertain term and 'modest' or 'small' would be relative to those bearing the costs (time and money).

Mataranka Area (NT Portion 916) Land Claim No. 129

8. The NTA offers the following response to the proposition outlined in paragraph 8 of the Claimants Submissions:

This statement is correct, as part of the river is land locked in NT Portion 5417 being the land held by the Mangarrayi Aboriginal Land Trust and NT Portion 916 and does not adjoin the pastoral leases. The NTA, is however, not able to comment on whether any pastoral lessees in the area draw water from the river traversing adjacent to NT Portion 916.

The NTA notes that Attachment 3 to the Claimants Submissions being the letter dated 10 March 2017 from David Avery of the NLC to the Executive Officer of the Office of Aboriginal Land Commissioner regarding this claim which comprises a larger scale map of the claim area has not been attached (refer p.2, final paragraph of letter). The NLC letter explains that this map has a slight inaccuracy. On this basis the NTA has not sought to attach a copy of same but notes, as set out in the NLC letter, the relevant map of land claims 141 and 129 is attached to the Upper Roper River Land Claims Report No. 68.

Recreational Fishing

19. The NTA offers the following response to the proposition set out in paragraph 19 of the Claimants Submissions.

The survey in question was not designed or undertaken by the NTA, nor were any of the comments (pejorative or otherwise) authored by the NTA.

The NTA takes no responsibility for any comments made in relation to the survey.

The NTA understands that AFANT undertook the survey to gather the views of recreational fishing stakeholders in order to inform their evidence provided to the ALC.

22. In response to paragraph 22 of the Claimants Submissions, the NTA offers the following:

The survey in question was not designed or undertaken by the NTA, nor were any of the comments (pejorative or otherwise) authored by the NTA.

It is noted that the claimants assert that survey respondents 'assumed there would be an objectionable cost'. Equally, the claimants go on later in the paragraph to refer to a 'possible modest cost'. The NTA contends that 'possible modest cost' is a highly uncertain term and 'modest' would be relative to those bearing the costs in any case.

24. The NTA offers the following in response to the statements in paragraph 24 of the Claimants Submission.

The NTA assert that the claimants cannot guarantee that all traditional owners will be happy to automatically grant permits to waters overlying Aboriginal Land.

The NTA contend that it is not a matter of whether traditional owners will or will not be reasonable in terms of allowing recreational fishing. Rather, that traditional owners have a **right** to control access to their lands and waters – equally, traditional owners have **every right not to** grant (or to rescind) a permit for any reason.

The NTA respects those rights, and do not assume that all permit applications will be supported by traditional owners, which is fundamental to the detriment information supplied to date.

The NTA also note that The Northern Territory Government's open access offer remains on the table for traditional owners in high value fishing areas. If supported by the Northern Land Council, traditional owners would be able to properly consider the benefits of an open-access agreement in comparison to a permit system, to allow them to make an informed decision.

Pastoral

28. The NTA adopts its general remarks in paragraphs 42-53 of its submissions in respect of the Lower Daly Land Claim No. 68 dated and filed on 26 July 2018.
- 30-31: The NTA offers the following response to these paragraphs, which is consistent with the First NTA Submissions (refer Detriment Review Table No. 2 regarding Upper Roper River Claims at pp.21-22, item 2(g)-(i).

While the lessees of Moroak and Goondooloo Stations do not currently undertake any non-pastoral uses on the pastoral lease under the Pastoral Land Act, there is the potential to do so. Future diversification activities may require the use of the bed and banks of the river and any restrictions imposed on accessing this area may impede on the pastoralists future to generate an alternative form of income, which could include tourism, horticulture, agriculture (taking water from the river for irrigation) etc. The non-pastoral use provisions have been allowed under the Pastoral Land Act since 1992.

The lessees have the right to graze and water cattle in their land adjoining waterways pursuant to the *Water Act*. Lessees may seek to take water for domestic purposes, drinking water for grazing stock on the land etc, and may wish to put down pipes/pumps etc in future in the claim area adjoining the river for accessing the water supply. Under the *Water Act* (section 13) cattle have the right to access the banks of a boundary waterway.

The lessee's, their staff and visitors may access the waterways, including the beds and banks of the river for recreational purposes which is common practice. Under the *Pastoral Lands Act*, Part 6 section 79, the general public also has the right to access waterways.

Roper Bar Store and Caravan Park

- 36-40. The NTA advises that a search of the Integrated Land Information System indicates that the affected parcels still belong to the estate of Ms Veronica Januschka.

Brief comments on aspects of NT Submissions

Crown Land Estate

41. NT Addendum
- c. The NTA has no comment to offer regarding the Urapunga Stock Route (NT Portion 4717).

- d. The NTA offers the following comment regarding the Roper River Police Station:

Whilst there is no active police station at the location the remains of the historical police station are on site and it is a declared heritage place. The administrative parcel comprising proposed NT Portion 7475 encroaches into the Roper River: refer ILIS map depicting NT Portion 7475 marked **Attachment 1** to these NTA submissions in reply.

Set out below is a link to the Heritage Register that sets out details of what the site comprises and depicts photos of the remnants of the police station.

http://www.ntlis.nt.gov.au/heritageregister/f?p=103:302:1010104824768357::NO::P302_SITE_ID:190179

- e. The NTA offers the following in response to the comments regarding the bridge at Roper Bar and Fourmile Landing (NT Portion 1185):

The Roper River Road Swap Deed entered into between the NT Government and the Yutpundji-Djiniwirritj Aboriginal Land Trust (NT Portion 2632) reflects the agreed terms and conditions for that part of the road north of the Roper River bank as depicted on the Plan attached to that deed.¹ This part of the corridor is the redundant alignment which is to be closed. That portion of road including the bar crossing over the Claim Area remains open to and used by the public and there is no intention to close this road corridor.² That part of the old Roper Highway alignment, to the required road reserve width that includes the crossing, should be excluded from grant on the basis that it is a road over which the public has a right of way.

The comments regarding all weather access to the communities north of the river and use of the Roper Bar Barge landing/Fourmile Landing is incorrect for the following reasons.

Whilst the newly constructed Roper River and Wilton bridges have improved community connections within the region and have provided an increased level of flood immunity, they are still subject to inundation and flooding.

In this context, the Roper Bar Barge/Fourmile Landing on NT Portion 1185 is an important piece of infrastructure to enable access to and from the river to assist in delivery of essential provisions and services and assist with the necessary community resilience in emergency situations.

¹ Refer pp.4-5, item 1(p)-(u) of the Addendum to Detriment Review Table dated 29 June 2018 and Attachment 6 being Road Swap Deed Plan. Refer to dark blue diagonally hatched area labelled "Reinstate Old Alignment (95,948)" as referred to in the legend to the plan.

² Refer Attachment 6 Road Swap Deed Plan to Addendum to Detriment Review Table which depicts the (old) Roper Highway and Roper Bar Crossing labelled as "Existing road corridor to remain open".

Roads and Boat Ramps

The NTA offers the following in response to the issues raised in the Claimants Submissions at pp.9-10:

The boat ramps at Roper Bar, Tomato Island/St Vidgeon and Port Roper/No. 1 Landing and the Roper Bar Crossing are well used by members of the public. Attached as **Attachment 2** is a map depicting the location of the Roper Bar Crossing, the Roper Bar boat ramp, and the Roper Bar/Fourmile Barge Landing referred to above.

The NT Government has spent considerable funding on these ramps and has an ongoing maintenance program to ensure these public facilities accessed as extensions of the public roads are fit for purpose and meet Australian Standards.

The Second NTA Submissions failed, in error, to address the Roper Bar Boat Ramp which also falls within the claim area. The NTA therefore seeks to address Roper Boat Ramp in these Submissions.

The NTA supports the comments of Justice Olney in the Lower Roper River Land Claim No. 70, Report No. 65 at [98] which provides as follows:

The Roper Bar boat ramp is an extension across the river bank of a road which Toohey J in the Roper Bar claim (Report No 15 at paras 111, 112 and 114) and O'Loughlin J in the Urapunga Township native title claim (186 ALR 124 at para 28) found to be a public road. The present claimants do not seek to argue to the contrary. In these circumstances, in the absence of any other evidence, it is reasonable to conclude that the Roper Bar boat ramp is part of a public road and as such is excluded from the area of land that is claimed and if that be so no question of detriment arises. If as a matter of law the contrary view is correct, then there is potential for detriment to result to members of the public who use the ramp to gain access to and from the river in the event that a grant of title should result in access to the boat ramp being prohibited or restricted.

The Roper Bar Boat Ramp is accessed by the public via Newland Road. The width of the road corridor leading to the boat ramp is 30.18m wide.³ The boat ramp is a continuation of the public road as it provides public access for vehicles and trailers to launch boats into the water.

The boat ramps and Roper Bar Barge/Fourmile Landing are Crown owned infrastructure for access to and from the water and are an important part of community resilience in providing essential provisions and services and assist in community resilience in emergency situations. The primary reasons for maintenance of this Crown infrastructure is to enable continued use by the members of the public including persons within the local community whether in emergency situations or otherwise.

³ Refer Survey Plan S2016/094, enlargement at top, middle of plan: being Attachment 3 to Addendum to Detriment Review Table dated 29 June 2018.

It is the NTA's primary submission that the Port Roper boat ramp/No. 1 Landing, the Roper Bar Boat Ramp and the Roper Bar Crossing should be excluded from any grant as public roads and the St Vidgeon/Tomato Island Boat Ramp, whilst not a public road for the purpose of ALRA, should nonetheless be excluded from any grant to alleviate any detriment that may arise in the event of a grant. In the alternative, it is the position of the Territory that the boat ramps and the Roper Bar crossing are assets of the Crown occupied within the meaning of section 14 ALRA by way of use and maintenance and for which rent may be payable under s15 ALRA (in the event these assets are not solely for a community purpose within the meaning of the Act) (see for example by analogy former Commissioner Gray J's comments regarding s14 ALRA application to Alcoota Airfield; Alcoota Land Claim No.146, Report No. 69, at paragraph 6.9).

Consistent with the findings of former Commissioner Olney J in the Lower Roper River Land Claim Report No. 65, at paragraph 98, the NTA submits that detriment is likely to result to the community and "members of the public who use the ramp to gain access to and from the river in the event that a grant of title should result in access to the boat ramp being prohibited or restricted."



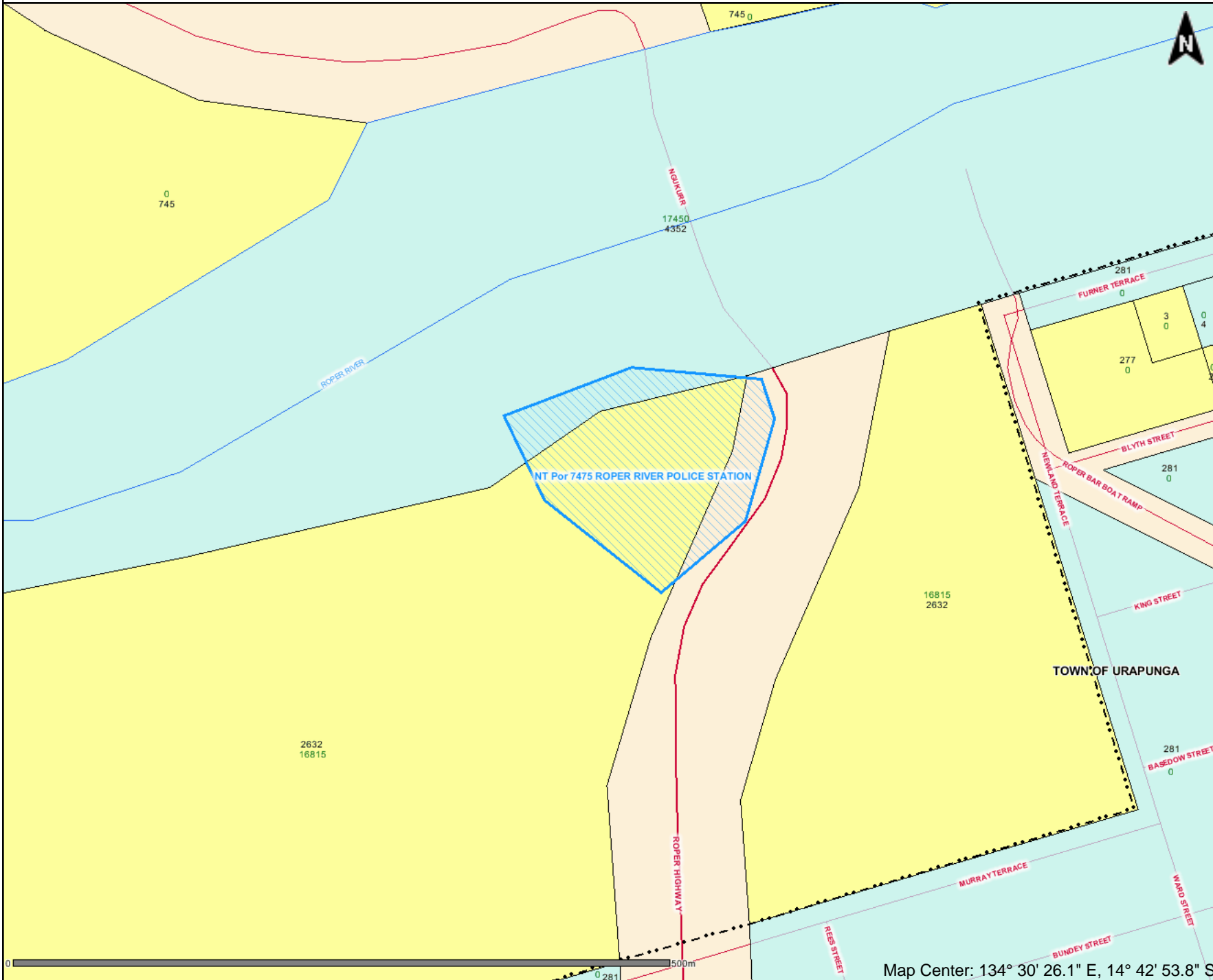
KALLIOPI (POPPI) GATIS

Solicitor for the Northern Territory
1 October 2018

Enclosed:

Attachment 1: ILIS map depicting NT Portion 7475

Attachment 2: ILIS map depicting the location of the Roper Bar Crossing, the Roper Bar boat ramp, and the Roper Bar/Fourmile Barge Landing.



- Rivers Lakes
- General Lines
- Notations**
- Active
- Proposed
- Town Boundaries
- Tenure Types**
- Freehold
- Vacant
- Perpetual Pastoral Lease
- Reserve
- Government
- Crown Lease Term
- Crown Lease Perpetual
- Right to Freehold Title
- Special Purpose Lease
- Pastoral Lease
- Registered Mining Lease
- Other Lease
- Road Labels**
- Road Centrelines**
- Highway
- Other Road
- Street Numbers**
- Parcel Numbers**
- Cadastre Proposed
- Cadastre
- Coastline

Created by QSB

Bottom Left: 134° 30' 10", -14° 43' 03"
 Top Right: 134° 30' 41", -14° 42' 43"
 Approximate Scale: 1:4,000
 Datum: GDA 1994
 Data for information purposes only
 - accuracy not guaranteed
 N.T. Land Information System
 Copyright Northern Territory of Australia

