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Singleton Station 'Application to Clear Pastoral Land' and 'Application for Non-Pastoral Use of Pastoral Land' submission

The Arid Lands Environment Centre (ALEC) is Central Australia's peak community environmental organisation that has been advocating for the protection of nature and growing sustainable communities in the arid lands since 1980. ALEC actively contributes to the development of pastoral and biodiversity policy through regulatory reform, written submissions, community education and advocacy. ALEC has had a long engagement with the pastoral estate and biodiversity issues, including around pastoral diversification, weeds, fire and threatened species.

ALEC welcomes the opportunity to provide comment to the Pastoral Lands Board (PLB) on Fortune Agribusiness' (Fortune) 'Application to Clear Pastoral Land' (Land Clearing Application) and 'Application for Non-Pastoral Use of Pastoral Land' (NPU Application).

ALEC's submission focuses on eleven key areas. This includes around: legal proceedings; environmental approvals; Taylor Creek; the 'Guideline: Limits of acceptable change to groundwater dependent vegetation in the Western Davenport Water Control District'; threatened species and biodiversity; groundwater dependent Aboriginal cultural values impact assessment; archaeological survey; development layout; climate change; non-pastoral use (NPU applications; and, cumulative impacts. .

1. Background

a. The development

The proponent seeks to gain approvals for a land clearing and NPU permit to grow 3300 ha of intensive, irrigated horticulture and clear 3944 ha primarily comprising two production blocks at Singleton Station. The two production blocks are separated by Taylor Creek, its flood out zone and the riparian vegetation it supports. The development is taking place upon tenosols across primarily a sandplain environment. On the 15th November 2021, the proponent was awarded a 40,000 ML water licence which is understood to be the largest water licence in the Northern Territory's history.

b. Pastoral Land Board decisions are in the public interest

It is important to reiterate that the pastoral estate accounts for 45% of the Northern Territory and lies on crown land, often in accordance with non-exclusive native title holders. As a public asset, the Act enshrines that the public have standing and that the PLB are 'to provide reasonable access for the public across pastoral land to waters and places of public interest'[1]. The state and the condition of the pastoral estate is a public interest matter for Territorians, in addition to native title holders.

[1] Pastoral Land Act 1992. p.5

c. The state and health of the arid and semi-arid lands

The health of the arid land environments continues to be in decline. Land use change is a major contributor to arid and semi arid systems undergoing environmental collapse[2]. Collapse is understood as an ecosystem which has undergone as 'a change from a baseline state beyond the point where an ecosystem has lost key defining features and functions and is characterised by declining spatial extent, increased environmental degradation, decreases in, or loss of, key species, disruption of biotic processes, and ultimately loss of ecosystem services and functions'[3].The collapse of the arid land environment should cause significant concern for the PLB. The Act is clear in s 4(b) that the PLB has a duty to minimise degradation of the land, rehabilitate land in cases of degradation and to monitor so as to detect changes[4] The Act defines degradation as 'in relation to land, means a decline in the condition of the natural resources of the land, including the capacity of the land to sustain pastoral productivity, resulting directly or indirectly from human activities on or affecting the land'[5]. The collapse of the arid land ecosystem is clearly a decline in the natural resources of the land.

Land-use change, land clearing, weeds, groundwater depletion, fire, erosion and cumulative impacts are just some of the stressors which are increasing across central Australia's diverse environments.

The impacts of climate change are going to exacerbate the impact of these issues across the arid and semi arid zone. The Northern Territory is already a place of climate extremes, and climate change is increasing the intensity, frequency and variability of climatic events such as heatwaves, floods and fires. In Central Australia this means hotter temperatures, more erratic rainfall (and aquifer recharge), drier soils, increased evapotranspiration and more wildfires[6]. In January 2019, the average daily maximum temperature in Alice Springs was 41.5℃, 5℃ above the average maximum temperature for January[7]. Under a high emissions scenario, by the end of the century we can expect every second day in Alice Springs to be above 35 degrees, nearly double the historical average[8]. It is important that greater consideration of climate impacts is integrated into how decisions around the pastoral estate are made.

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[2] Bergstrom, D.M., Wienecke, B.C., van den Hoff, J., Hughes, L., Lindenmayer, D.B., Ainsworth, T.D., Baker, C.M., Bland, L., Bowman, D.M., Brooks, S.T. and Canadell, J.G., 2021. Combating ecosystem collapse from the tropics to the Antarctic. Global change biology, 27(9), pp.1692-1703.
[3] Ibid, p.1693.
[4] Pastoral Land Act 1992, p.5.
[5] Ibid, p.2.
[6] CSIRO. 2020. 'Climate change in the Northern Territory: State of the science and climate change impacts'.
[7] Bureau of Meteorology. 2021. 'Climate data online: Monthly mean maximum temperature: Alice Springs Airport'.
[8] CSIRO. 2020, p.14. 'Climate change in the Northern Territory: State of the science and climate change impacts'.

2. Key areas of focus:

a. The Pastoral Land Board should not make a decision on these applications until matters are settled in the Northern Territory Supreme Court;

On the 16th February 2022, the Arid Lands Environment Centre and the Central Land Council both independently served proceedings against Fortune Agribusiness and the Northern Territory Government in the Northern Territory Supreme Court relating to the approval of water licence WDCP10358 at Singleton Station. These proceedings question whether the granting of the water licence was in fact lawful, which raises uncertainty about the future of the development.

Given the uncertainty that these proceedings create, it is prudent for the PLB to let these matters take their course before decisions are made around the Land Clearing Application and NPU Application.

Recommendation 1: The PLB does not make a decision on the NPU or Land Clearing Application until proceedings relating to the Singleton Station water licence in the Northern Territory Supreme Court are resolved.

b. The proponent should gain environmental assessment approvals before gaining land clearing and NPU permits;

Environmental approvals and the completion of an environmental impact assessment (EIA) are the most rigorous and comprehensive regulatory assessments in the Northern Territory. For a proposal of this scale, an EIA is the best tool to understand the broad range of impacts that may occur. It is critical that these impacts are understood in full before other approvals are granted. It makes no sense for Land Clearing Applications to be approved when the full impact is not known. Furthermore, it is particularly stark as environmental approvals override other approvals such as those around water, NPU and land clearing. If the proponent does not gain their environmental approval, the other approvals are superseded. As a result, placing the environmental approval last extends the uncertainty for the proponent.

Under s. 48 of the *Environment Protection Act* 2019 the proponent can self refer their project to the Northern Territory Environment Protection Authority. Under s. 50 the statutory decision maker - in regard to this Application, the PLB - can refer the proposed action to the Northern Territory Environment Protection Authority. ALEC notes that on p.37 that the proponent has an intent to refer their application to the NT EPA, stating ‘the NT EPA and regulatory bodies are aware of Fortune Agribusiness’ intent to lodge a referral, which is expected the occur around March 2022’[9] Considering the more comprehensive and rigorous nature of an EIA and the uncertainty surrounding this development (which is outlined below), the PLB should use their rights under s.50(2)(a) and refer the application to the NT EPA and not process the Applications until environmental approvals are granted.

[9] Fortune Agribusiness, 2022, p.37. ‘Application to Clear Pastoral Land S.3’.

Recommendation 2: Under s. 50(2)(a) of the *Pastoral Land Act* 1992, the PLB should refer the proponent to undergo an EIA. As a result, The PLB should not make a decision on the Land Clearing Application and NPU Application until after environmental approvals are granted.

c. The proponent has has incorrectly defined the Taylor Creek stream order without justification;

The proponent states in their application that:

> *Taylor Ck flood-out NR Maps classifies Taylor creek floodout as a five order creek. However, due to the broad drainage of the creek and the difficulty in applying the Strahler System for identifying stream order in the arid zone, it is problematic to apply the stream order concept to this situation. Therefore, Taylor creek is likely a one or possibly a 2-3 stream order. Taylor creek does not host riparian vegetation and rarely floods past the southern extent of the proposed development – it can be described as an 'intermittent broad drainage floor.'*[10]

Fortune Agribusiness does not justify or provide any evidence why Taylor Creek should be considered stream order 1, or possible '2-3'. Despite the proponent's own uncertainty around what order Taylor Creek is, they adopt the lowest buffer option of the considered options of 50 metres. This is despite recognising that larger buffers are required for third and fourth stream orders (100 metres) and fifth or high stream orders (250 metres). It is unclear whether any field assessments have been completed to verify the stream order of Taylor Creek or what advice was received from the Department or third parties as no evidence is provided by the proponent.

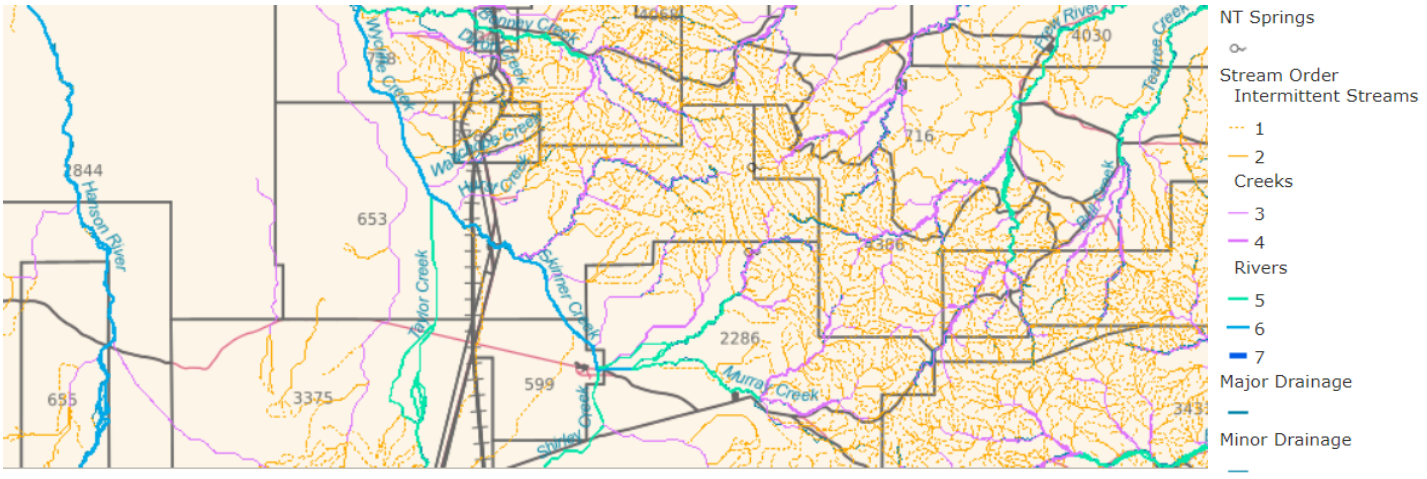

Figure 1. The Taylor Creek stream order is identified as stream order 5 across NT Portion 653 on NR Maps (NR Maps, 2022).

The Land Clearing Guidelines (LCG) are clear that 'where different environmental matters overlap, the precautionary principle should be adopted by default and the most conservative recommendation applied'[11]. Contention and uncertainty around the identification of stream order is sure to be an instance where precaution should be applied, if verifiable evidence is not available. The LCG states that the precautionary principles 'generally defines actions on

[10] Fortune Agribusiness, 2022, p.21-22. 'Application to Clear Pastoral Land S.3'.
[11] Ibid, p.17.

issues considered to be uncertain, for instance applied in assessing risk management. The principle is used to justify discretionary decisions in situations where there is the possibility of harm from making a certain decision (e.g. taking a particular course of action) when extensive scientific knowledge on the matter is lacking'[12].

In addition to assertions around stream order identification without evidence, the proponent does not support their statement that 'Taylor creek does not host riparian vegetation'. It is confounding to state that the flood out zone can be defined, but to simultaneously state that it does not host riparian vegetation. Vegetation along Taylor Creek is most certainly drainage dependent. ALEC has considered what other jurisdictions define riparian to be, examples are provided below:

- Water NSW states that a 'riparian zone is land alongside creeks, streams, gullies, rivers and wetlands'[13];
- Water Victoria considers it that 'riparian land is the land that runs along rivers, creeks, estuaries, lakes and wetlands. Riparian land can vary in width from a narrow strip to a wide corridor'[14];
- The Federal Government has stated that 'riparian vegetation has been defined as the ecosystem directly adjacent to rivers and streams that comprises assemblages of plant and animal communities whose presence can be directly or indirectly attributed to the presence of rivers or streams (Kauffman and Krueger, 1984) and as the area from the low water mark of the stream channel to the portion of the terrestrial landscape where the vegetation may be influenced by elevated water tables or flooding (Naiman and Decamps, 1997)'[15];
- Most importantly, the Northern Territory Government states that 'native vegetation within and immediately surrounding a waterway is known as riparian vegetation. Riparian vegetation plays a critical role in the maintenance of instream ecological processes as well as providing physical stability to the waterway, ameliorating water quality and providing critical habitat or resources for a range of plant and animal species not available elsewhere within the savanna landscape mosaic'[16].

Interpreting the Northern Territory Government's definition and considering the position from other jurisdictions, it is clear that a defined waterway in Taylors Creek and its flood out area - as supported by *Figure 1* and other research (e.g. McGrath 2020) - that a riparian zone is present. The waterway is clearly defined by satellite imagery as captured by McGrath in *Figure 2*. Being an ephemeral creek does not exclude Taylors Creek from hosting riparian vegetation. This statement is misleading when it is not supported by any evidence.

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[12] Department of Environment, Parks and Water Security, 2021, p.68. 'Land clearing guidelines: Northern Territory Planning Scheme'. Northern Territory Government.
[13] Water NSW. 'Riparian Zones'. Accessed 17th February 2022.
[14] Department Environment, Land, Water and Planning. 'Riparian land'. Victorian Government. Accessed 17 February 2022.
[15] Geological and Bioregional Assessment Program, 2021. 'Riparian vegetation extent and condition: Endpoint node description for the Beetaloo GBA region'. Australian Government. Accessed 17 February 2022.
[16] Department of Environment, Parks and Water Security, 2021, p.47. 'Land clearing guidelines: Northern Territory Planning Scheme'. Northern Territory Government.

Figure 3 The distribution of land types within the survey area. Note: 'Not assessed' areas are likely to be sand plain land types but require further investigation.

Figure 2. Land types and the adjacent Taylors Creek (McGrath 2020).

Furthermore, the proponent states that the 'frequency of inundation of the Taylor Creek floodout is unknown but flood model data obtained from a third-party consultant indicate that it is more in the order of 1 in 2-10 years, making it unsuitable for all crop groups' and that there is an 'unknown flood frequency'[17]. The uncertainty around the creek system should increase the level of precaution taken around buffer zones, not sideline these risks and assume the impacts will not be significant. It is necessary for the buffer zone to increase to 250 metres with the current level of information provided.

The lack of research conducted and information available defining the stream order and the vegetation community, reiterates why it is so important that for developments that may have a significant impact upon the environment, that environmental approvals such as an full environmental impact assessment are conducted first and prior to other approvals around land clearing, water licences and NPUs are granted (see section 2b above). The lack of information makes it substantially more difficult for decision makers such as the PLB in this instance to be informed as key information is not available. It perpetuates a cycle of uncertainty, defined by risk.

Recommendation 3: The PLB asks the proponent to re-do their application to provide evidence supporting their claims around stream order and the riparian vegetation at Taylors Creek. Otherwise, the PLB emphasises that a 250 metre buffer zone is required around the development site due to the knowledge deficit, the need to take a precautionary approach and alignment with NR Maps

[17] McGrath, N, 2020. 'Land types and land suitability on part of Singleton Station. Prepared for Fortune Agribusiness'.

d. The proponent has not acknowledged the existence of the 'Guideline: Limits of acceptable change to groundwater dependent vegetation in the Western Davenport Water Control District';

The LCG define land clearing as 'the removal or destruction, by any means, of native vegetation on an area of land'[18]. ALEC contends that the 'Guideline: Limits of acceptable change to groundwater dependent vegetation in the Western Davenport Water Control District' (Guideline) which permits up to 30% of groundwater dependent ecosystems (GDE) to be destroyed within the Western Davenport Water Control District is a form of land clearing. Groundwater depletion and subsequent death of GDE's constitutes the 'removal or destruction, by any means, of native vegetation on an area of land'. ALEC considers it vital that all forms of land clearing are included in the proponent's Land Clearing Application as it is under the jurisdiction and responsibility of the PLB.

The Guideline states that '70% of the current extent of GDEs in the Western Davenport Water Control District should be protected from negative impact'[19]. This document was central to the Minister and the Department to justify the approval of the water licence at Singleton Station and ensures the destruction of GDEs. The Guideline hasn't been cited across the 234 pages of the Land Clearing Application and supporting documents, although the 70% protection rule is mentioned once[20].

Recommendation 4: the PLB requires the proponent to resubmit their land clearing application which includes all forms of land clearing. This includes GDEs that are going to be impacted from groundwater depletion in addition to land clearing through mechanical processes.

e. There is a research deficit around biodiversity and threatened species across the development site;

This is a region with very limited sampling and is clouded in uncertainty. There is a research deficit around biodiversity and threatened species.

Desktop research and advice from the Department guided the proponent's determination around the potential impacts upon threatened species. 10 Threatened species under the *Territory Parks and Wildlife Conservation Act* 1976 (TPWC) or the *Environment Protection and Biodiversity Conservation Act* 1999 (Cth) (EPBC) were identified as a result of a literature review through desktop research. This review was based upon 11 references, with only 3 references published within the last 10 years, and with the majority (6/11) of the documents from 2006. The proponent identifies the 10 threatened species and attributes a 'likelihood of occurrence within the development area'. This is captured below with that likelihood of occurrence in brackets:

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[18] Department of Environment, Parks and Water Security, 2021, p.65. 'Land clearing guidelines: Northern Territory Planning Scheme'. Northern Territory Government.
[19] Department of Environment and Natural Resources, 2020, p.2. 'Guideline: Limits of acceptable change to groundwater dependent vegetation in the Western Davenport Water Control District'. Northern Territory Government
[20] Fortune Agribusiness, 2022, p.26. 'Application to Clear Pastoral Land S.3'.

- Grey falcon - *Falco hypoleucos* (possible);
- red goshawk - *Erythrotriorchis radiatus* (highly unlikely);
- greater bilby - *Macrotis lagotis* (possible);
- brush tailed mulgara - *Dasycercus Blythi* (possible);
- black-footed rock-wallaby - *Petrogale lateralis* (highly unlikely);
- night parrot - *Pezoporus occidentalis* (unlikely);
- princess parrot - *Polytelis alexandrae* (unlikely);
- southern marsupial mole - *Notoryctes typhlops* (possible);
- australian painted snipe - *Rostratula australis* (highly unlikely);
- painted honeyeater - *Grantiella picta* (possible).

The proponent used a 4-tier scale for defining the likelihood of occurrence[21]:

1. Present – previously observed within 10 kms of the development;
2. Possible - suitable habitat occurs within the development area, and site is within species' normal range;
3. Unlikely - suitable habitat does not occur within the development area, or suitable habitat present but substantially modified or degraded;
4. Highly unlikely – no suitable habitat within the development area and site is outside species' normal range.

However, the proponent then disregards their own scale as ignoring the previous sightings of the brush-tailed mulgara, greater bilby and marsupial mole which have all been observed within the 10km of the proposed Fortune development. Instead they are all described as 'possibly' occurring. This is despite the:

- **Brush-Tailed Mulgara**: 'detected within 10km of the proposed Fortune development area during the Mapping the Future Surveys' which was a project that has lasted between 2018-2022[22][23].
- **Greater Bilby**: 'NT distribution highly fragmented across central and western NT. Development lies within confirmed distribution range. Nine sightings recorded within 10 kms of development area, most recently in 2009'[24].
- **Marsupial Mole**: One historical record (circa 1990) occurs in the western section of the study area where soft deep sands occur'[25]

Despite these three threatened species having been observed within 10kms of the development zone they are not recognised as 'present' in the proponents framework. ALEC considers it that they have applied their own criteria incorrectly. Specifically to the Greater Bilby, despite acknowledging the number of times it has been sighted, the proponent states that there are 'historical records in the area but recent surveys found no evidence that the species currently occurs in or around the proposed development area'. No information has been provided of what surveys are referred to, as it is likely that this information is not publicly available.

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[21] Fortune Agribusiness, 2022, p.14. 'Application to Clear Pastoral Land S.3'
[22] Fortune Agribusiness, 2022, p.16-17. 'Application to Clear Pastoral Land S.3'.
[23] Department of Environment, Parks and Water Security. 'Mapping the Future'. Northern Territory Government. Accessed 18 February 2022.
[24] Fortune Agribusiness, 2022, p.12. 'Application to Clear Pastoral Land S.3
[25] Ibid, p.17.

ALEC notes that the Department provided its advice to the proponent on the 18th of September 2020, which implies that research from the Mapping the Future Surveys was completed sometime between then and 2018. ALEC does not know the extent of these surveys or their results as they are not publicly available. However, we would like to reiterate that 2018, 2019 and 2020 were the hottest, third hottest and fourth hottest years on record in that region, with 2018 experiencing 170 mm and 2019 experiencing 400mm less than the median annual rainfall for that region[26]. ALEC questions whether the results from this survey period are representative. Particularly, if several other surveys had not been conducted in the years prior.

Considering that central Australia's arid and semi-arid ecosystems are understood as collapsing, ALEC emphasises the need for caution and for more research to be conducted to understand potential impacts.

Recommendation 5: The PLB considers the lack of research that has been conducted in the region, applies a precautionary approach due to this scientific uncertainty and recognises that three threatened species have been identified within 10kms of the development site when making a decision on these Applications.

f. The groundwater dependent Aboriginal cultural values impact assessment should be completed before a decision on these Applications are made by the PLB;

ALEC emphasises that the PLB should not make a decision around the Land Clearing Application and NPU Application until after the condition precedent 10 (CP10) of the Minister Worden's decision to approval Fortune's water licence at Singleton Station. CP10 states:

> 'The licence holder must develop and submit to the Controller a groundwater dependent Aboriginal cultural values impact assessment. The assessment must:
>
> a) Be prepared by a suitably qualified professional;
> b) identify , map and document (as appropriate) the cultural values of Aboriginal people that will be impacted by the groundwater extraction under this licence;
> c) Identify reference points to be used in modelling the impacts of groundwater extraction under this licence on the identified Aboriginal cultural values; and
> d) Specific monitoring parameters, trigger values and limits for the reference points which can be used to initiate actions under an adaptive management framework.'[27]

The Land Clearing Application states that there is 2.7 ha of groundwater dependent vegetation within the clearing extent[28]. Although this may be viewed, and as stated in the application as 'relatively very little GDV within the clearing extent', there is also an absolute research deficit around Aboriginal cultural values where 'no archaeological surveys have been conducted of that particular area' (see 2g for further information)[29][30]. Furthermore,

[26] ALEC has used Tennant Creek as a reference point as it is the closest weather station with a complete historical dataset.
[27] Minister for Territory Families and urban Housing, 2021. 'Section 30 review of a water extraction licence decision: Fortune Agribusiness'.
[28] Fortune Agribusiness, 2022, p.22. 'Application to Clear Pastoral Land S.3'
[29] Ibid.
[30] Bensley, D, 2019. 'Re: heritage Inquiry'. Email exchange, p.186 of Land Clearing Application.

considering the ongoing role states and territories across Australia have had in the destruction of Aboriginal culture and heritage (e.g. Juukan Gorge), and the direction from the Minister that a groundwater dependent Aboriginal cultural values impact assessment must be completed before water can be accessed, ALEC considers it entirely appropriate that a decision on these applications is not made until that cultural values assessment has been completed.

Recommendation 6: A decision on these applications is not made by the PLB until the CP10 of the water licence approval to complete a groundwater dependent Aboriginal cultural values impact assessment is accepted by the Northern Territory Water Controller.

g. Archaeological assessment is far from best-practice;

The archaeological assessment conducted by Ellengowan Enterprises – archaeological consultant is overly simplistic in its approach. The assessment used a helicopter and completed a survey across the development site with transect lines going east to west with 1km intervals in between. There was no input from Traditional Owners or representative institutions. Using 1km spacing ensures that the survey was covering a tiny proportion of the area of the development site. There is much to gain from walking the survey area, and completing the process along with Traditional Owners.

The lack of rigour in the existing archaeological assessment, places greater emphasis that no decision should be made by the PLB regarding these Applications until the groundwater dependent Aboriginal cultural values impact assessment is completed. We reiterate the need for recommendation 6 to be applied by the PLB.

h. The proponent's changes to the development layout and use of 'draft' material make it procedural unfair for respondents;

ALEC notes that major changes have occurred to the development layout since the Water Licence was substituted and approved by Minister Worden on the 15th November 2021. As part of their notice of decision, the Minister attached the development layout (*Figure 3*). This is compared with the updated development layout that is provided in the Land Clearing Application (*Figure 4*).

It is clear between the two figures that the development layout and subsequently the borefield design has been drastically altered. Figure 4 is a more advanced version and takes into consideration the landscape and localised environmental factors. However, why wasn't this considered before the granting of the water licence? What impact will this borefield design have upon extraction? Why is the proponent making major changes to their layout design between regulatory hurdles? While these are questions appropriate for the Water Controller not the PLB, it again emphasises the need again for the more comprehensive approvals to be conducted first, so that major changes to the design of the project aren't made after approvals have already been granted.

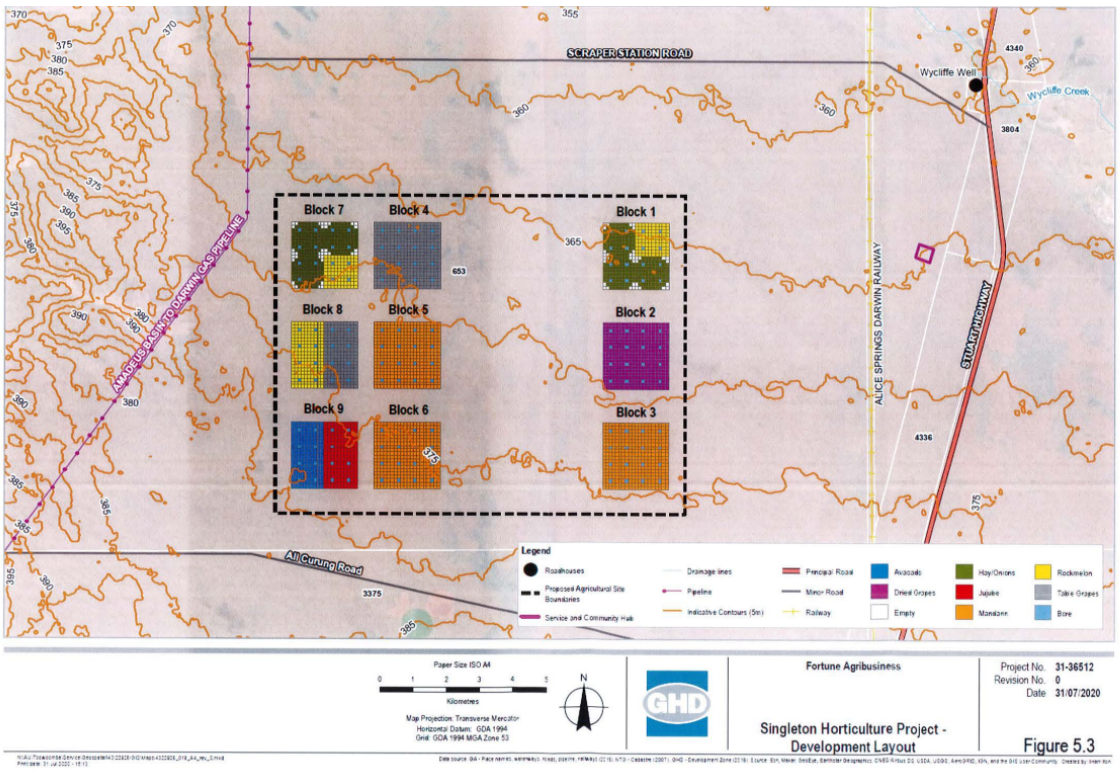

Figure 3. The development layout that accompanied Minister Worden's decision to approve the water licence at Singleton Station on the 15th November 2021.

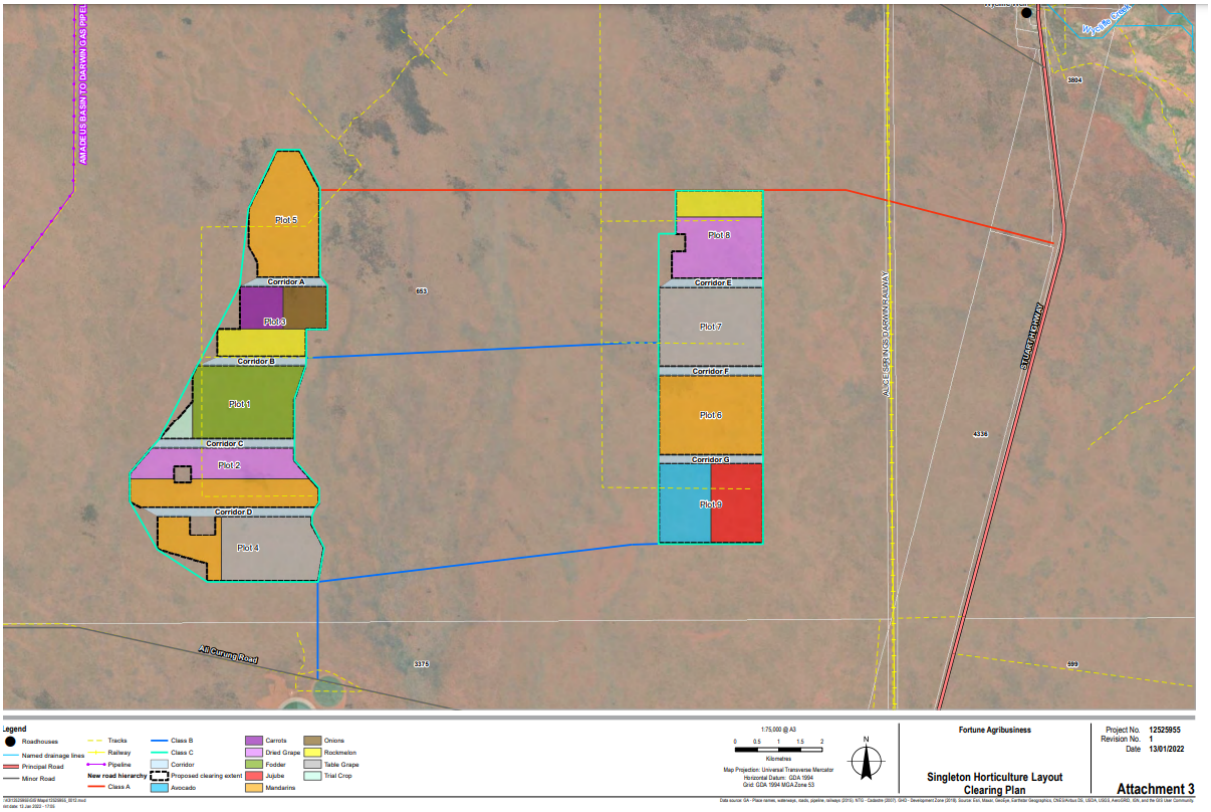

Figure 4. Development layout as provided as part of the proponents Land Clearing Application in 2022.

In addition, there are procedural fairness issues raised from the use of draft documents. Appendix C - Appendix F, and the Archaeological Survey 'Cultural heritage Impact Assessment Report' are all in draft form. It is inappropriate and procedurally unfair for draft documents to be used to support and justify the Land Clearing Application and NPU Application. The severity is raised as the approvals relate to a 30-year project which clearly has the potential to cause significant environmental harm.

Recommendation 7: To ensure procedural fairness, the PLB asks the proponent to resubmit their Land Clearing Application and NPU Application with final versions of the appendix documents attached.

i. The proponent has failed to consider the climate impacts upon the development;

The proponent across their 234 page Land Clearing Application did not refer to climate impacts once. Considering the development layout is on the edge of a creak and floodplain, ALEC considers it important that climatic impacts are considered. It is naive to completely ignore the role the changing climate may have across the environment over the 30-year life of the project.

Recommendation 8: the PLB asks the proponent to provide more information upon how climatic impacts may affect their development.

j. S. 87(3)(a) of the *Pastoral Land Act* 1992 states that NPU applications may be open to the public;

S. 87(3A) *Pastoral Land Act* 1992 says that 'the meeting of the Board at which the application is considered may be open to the public[31]. S.87 of the Act makes clear that this is in relation to 'a permit to use pastoral land for a non-pastoral purpose'[32] ALEC requests notice when these PLB meetings are open to the public, including for the upcoming meeting regarding Fortune Agribusiness' NPU application. If the applicant, in this case Fortune Agribusiness, is invited to these meetings, then it is understood that the PLB has decided to make these meetings public. If this occurs, then notice should be made so other stakeholders can also attend.

Recommendation 9: The PLB ensures that when their meetings are open to the public, that the public are appropriately informed and invited.

k. Cumulative impacts

ALEC requests that the PLB consider the cumulative impacts of this land clearing in conjunction with other developments in the Western Davenport region.

Recommendation 10: the PLB considers the cumulative impacts of land clearing in the region.

[31] *Pastoral Land Act* 1992, p.60.
[32] Ibid, p.61.

3. Recommendations

Recommendation 1: The PLB does not make a decision on the NPU or Land Clearing Application until proceedings relating to the Singleton Station water licence in the Northern Territory Supreme Court are resolved.

Recommendation 2: Under s. 50(2)(a) of the *Pastoral Land Act* 1992, the PLB should refer the proponent to undergo an EIA. As a result, The PLB should not make a decision on the Land Clearing Application and NPU Application until after environmental approvals are granted.

Recommendation 3: The PLB asks the proponent to re-do their application to provide evidence supporting their claims around stream order and the riparian vegetation at Taylors Creek. Otherwise, the PLB emphasises that a 250 metre buffer zone is required around the development site due to the knowledge deficit, the need to take a precautionary approach and alignment with NR Maps.

Recommendation 4: the PLB requires the proponent to resubmit their land clearing application which includes all forms of land clearing. This includes GDEs that are going to be impacted from groundwater depletion in addition to land clearing through mechanical processes.

Recommendation 5: The PLB considers the lack of research that has been conducted in the region, applies a precautionary approach due to this scientific uncertainty and recognises that three threatened species have been identified within 10kms of the development site when making a decision on these Applications.

Recommendation 6: A decision on these applications is not made by the PLB until Condition Precedent 10 of Fortune Agribusiness' water licence approval to complete a 'groundwater dependent Aboriginal cultural values impact assessment' is accepted by the Northern Territory Water Controller.

Recommendation 7: To ensure procedural fairness, the PLB asks the proponent to resubmit their Land Clearing Application and NPU Application with final versions of the appendix documents attached.

Recommendation 8: the PLB asks the proponent to provide more information upon how climatic impacts may affect their development.

Recommendation 9: The PLB ensures that when their meetings are open to the public, that the public are appropriately informed and invited.

Recommendation 10: the PLB considers the cumulative impacts of land clearing in the region.

Kind Regards,

Alexander Vaughan