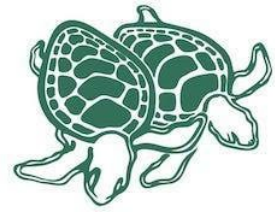


Environment Centre NT

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30 October 2025

To:

Executive Officer

Pastoral Land Board

By email: PastoralAssessment.DEPWS@nt.gov.au

Copy to:

Minister for the Lands, Planning and Environment, the Hon Joshua Burgoyne:

Minister.Burgoyne@nt.gov.au

Northern Territory Environment Protection Authority: NTEPA@nt.gov.au

Dear Executive Officers,

Application to clear 2303.3 hectares of native vegetation on Tandyidgee Station, within the Mitchell Grass Downs Bioregion, for non-irrigated forage sorghum production.

1. The Environment Centre NT (**ECNT**) is the peak community sector environment organisation in the Northern Territory of Australia, raising awareness amongst community, government, business, and industry about environmental issues, assisting people to reduce their environmental impact, and supporting community members to participate in decision-making processes and action.
2. We refer to the application by Helen Groves (the **Proponent**) for a permit to clear 2303.3 hectares of native grasses – currently interacting sustainably with each other – on pastoral land at Tandyidgee Station (the **Application**). Consolidated Pastoral Company Pty Ltd (**Proponent**). This submission is made in accordance with Part 7A of the *Pastoral Land Act 1992* (NT) (**PL Act**).
3. Having reviewed the Application ECNT submits that the Board should exercise its power to refuse the land clearing permit sought by the Proponent for the following reasons:
 - a. The Application does not provide adequate information to enable the Board to properly assess environmental impacts of the proposed clearing, and for the

Board to be satisfied that it is acting consistently with its statutory duties under the PL Act if it were to approve the permit; and

- b. Based on publicly available information the proposed clearing is likely to cause an unacceptable level of impact and cause damage and degradation to the environment due to:
 - i. The likelihood of significant impact on 16 listed threatened species due to this broad scale land clearing application (including the curlew sandpiper, Gouldian finch, red goshawk, grey falcon, night parrot, ghost bat, greater bilby, northern blue-tongued skink, Mertens water monitor) and other NT and Federally listed threatened species.
 - iii. The scale of the land clearing proposed could have landscape scale impacts affecting regional biodiversity.
 - iv. The potential impact on sensitive environmental features such as drainage depressions and streams.
 - iv. The impact of the proposed clearing cumulatively with other threatening processes in the region, especially considering that **in total Consolidated Pastoral Company has applied to clear or has a permit to clear nearly 25,000ha of native vegetation within the Northern Territory**. The cumulative impact of these land clearing events will be significant for threatened species and habitats.
 - v. The potential impacts on water, including erosion, loss of topsoil, and the spread of agricultural chemicals into sensitive ecosystems; and,
 - vi. The failure to mitigate and manage the Application's greenhouse gas (GHG) emissions – estimated to be 230,130tCO₂-e from this single proposed clearing event. Undoubtedly, the cumulative greenhouse gas emissions generated from clearing nearly 25,000ha of native vegetation should also be seriously considered.
- 4. If the Board does not refuse the Application, ECNT submits that the Board must defer determination of the Application and refer the action for assessment under the *Environment Protection Act 2019* (NT) (**EP Act**) and the EPBC Act.
- 5. ECNT is also concerned that if a permit is granted, the Proponent may (at some stage) grow cotton on the land that is the subject of this application. ECNT submits:
 - a. the Board should obtain further information from the Proponent about its intentions to crop cotton.
 - b. If the Board determines to approve the Application:

- i. there should be a condition requiring the Proponent to notify the Board if it intends to crop cotton and the purpose of the proposed cropping.
 - ii. there should be a condition that cotton cropping for commercial sale is not permitted unless a non-pastoral use permit is obtained.
6. ECNT is also concerned that if a permit is granted, the Proponent may (at some stage) pursue irrigated crop production utilizing either floodplain harvested or groundwater for irrigation. ECNT submits:
- a. the Board should obtain further information from the Proponent about its intentions to either interfere with waterways, floodplain harvest or seek a groundwater licence.
 - b. If the Board determines to approve the Application, there should be a condition prohibiting the progression to an irrigated system of cropping and requiring the Proponent to publicly report on its use of the land.

Statutory context for the Board's decision

Board's statutory duty in making pastoral clearing permits

- 7. This part of the submission describes the statutory context for the Board's decision-making duty in relation to the Application and for referral obligations under the EP Act and EPBC Act.
- 8. The PL Act sets out a system of permits for clearing native vegetation on pastoral leases in the NT. While the permit scheme is established through Part 7A of the PL Act, this must be read in the broader context of the PL Act, and particularly its objects clause.
- 9. The objects clause (s4) states, among other things: The objects of this Act are:
 - (a) to provide a form of tenure of Crown land that facilitates the sustainable use of land for pastoral purposes and the economic viability of the pastoral industry;
 - (b) to provide for:
 - (i) The monitoring of pastoral land so as to detect and assess any change in its condition;
 - (ii) The prevention or minimisation of degradation of or other damage to the land and its indigenous plant and animal life;
 - (iii) The rehabilitation of the land in cases of degradation or other damage...

10. Section 5 of the PL Act reinforces the importance of the objects clause, stating that the Board: In administering this Act and in exercising a power or performing a function in relation to pastoral land, shall act consistently with, and seek to further the objects of the Act.
11. The word “sustainable” in section 4 is not defined in the PL Act. Sustainable use has, however, been interpreted by Australian courts, and generally includes principles of ecologically sustainable development, such as the precautionary principle, the principle of intergenerational equity, the principle of biodiversity conservation and ecological integrity¹. It is now accepted that the concept of sustainability applies to the environment as well as development, and that sustainable development should “improve the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.”² The concept of sustainable development has been further refined and includes three components – economic development, social development and environmental protection as interdependent and mutually reinforcing pillars³.
12. Considering this interpretation of sustainable use, ECNT considers the Board must take environmental principles such as the precautionary principle into account when making decisions about land clearing permits.
13. The word ‘degradation’ (as used in section 4(b)(ii)) is defined in the PL Act 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. Importantly, section 4(b)(ii) also refers to the prevention or minimisation of degradation or damage to indigenous plants and animals.
14. Native vegetation clearing at a large scale clearly poses a risk of degradation or damage to land, indigenous plants and animals. The Board, by reason of section 5 of the PL Act, is therefore bound by a strict duty to act consistently with and seek to further the aim of preventing or minimising degradation or damage to land and indigenous plants and animals. There is an objective standard to this duty that must underpin the Board’s decision in relation to pastoral land clearing permits.
15. Part 7A of the PL Act establishes the scheme for the grant of permits to clear land and provides specific matters for the Board to consider, including submissions,

¹ *Telstra Corporation Ltd v Hornsby Shire Council* [2006] NSWLEC 133

² *Telstra v Hornsby* at [109] quoting the Department of Environment and Water Resources, Australian National Strategy for Ecologically Sustainable Development (Canberra, AGPS, 1992).

³ *Telstra v Hornsby* at [112] quoting The Plan of Implementation of the World Summit on Sustainable Development, Johannesburg, 2002.

relevant guidelines and any other matters the Board considers relevant when making a decision about a clearing permit (s91H). While this Part guides the Board in relation to its decision about the grant of a permit, ultimately these provisions must be read consistently with the objects clause.

16. Under section 91H(1)(b), the Board must take into account relevant guidelines issued by the Board under section 91E, which the board has issued; the Pastoral Land Clearing Guidelines (**PLC Guidelines**). The PLC Guidelines state that the Board aims to ensure pastoral land clearing (section 3):

a. avoids impacts on environmentally significant or sensitive vegetation

b. is based on land capability and suitability for the intended use

c. avoids impacts on drainage areas, wetlands and waterways

d. avoids habitat fragmentation and impacts on native wildlife corridors

e. avoids impacts on highly erodible soils.

In deciding each application, the Board considers the extent to which the application for pastoral land clearing meets the criteria listed above, having regard to such matters as:

a. the suitability of the site for the proposed use

b. the values associated with the environmental characteristics (as applicable)

c. the significance, extent and likelihood of any potential environmental impacts

d. the measures the application proposes will be implemented to mitigate any potential impacts.

17. The PLC Guidelines also inform subsection 91H(1)(c) of the Act ('any other matters the Board considers relevant'), stating that relevant considerations for the PLB to consider include, but are not limited to:

- whether the clearing is necessary for the intended use;
- environmental issues under the EP Act;
- whether the application has demonstrated consideration of a range of other matters including the Northern Territory Planning Scheme Land Clearing Guidelines (**Planning Guidelines**), the presence of threatened wildlife, the impacts on regional biodiversity, the retention of native vegetation adjacent to waterways, and the presence of permanent and seasonable water features (see PLC Guidelines section 7).

18. Lastly, section 91H(2) of the Act grants power to the Board to either approve or refuse to grant the clearing permit. Section 91H, read together with the objects clause, provides a clear mandate on the Board to take a precautionary approach and to consider environmental impacts, including damage and degradation to land and indigenous plants and animals, in performing its functions under Part 7A.

Referral to the NT EPA under the EP Act

19. A proponent must refer a proposal to the Northern Territory Environment Protection Authority (**NTEPA**) for environmental assessment under the EP Act if it has the ‘potential to have a significant impact on the environment’ (s48).
20. A significant impact is defined as an impact of major consequence, having regard to the context and intensity of the impact; and the sensitivity, value and quality of the environment impacted on and the duration, magnitude and geographic extent of the impact (s11).
21. The NTEPA takes a broad view of the threshold test for referral, with its guidance stating: *“It is important for proponents to examine all potential impact sources that relate to the proposal, and the potential impact pathways between the source of an impact and environmental values and sensitivities that may be impacted. These need to be considered for the life of the proposal and after the proposal ceases, both in isolation and cumulatively”*.⁴
22. Importantly, the definition of ‘impact’ specifies that ‘an impact may be a cumulative impact and may occur over time’ (s10(2)). The *Environment Protection Regulations 2020* provide further context as to how cumulative impacts are considered during an environmental impact assessment. Cumulative impact assessment includes the combined impact of the action and other actions: for which environmental approval has been granted; is the subject of environmental impact assessment; for which an approval under another Act has been given or for which an application is being assessed under another Act; or that are occurring or proposed in or near the area of the proposed action (cl 79).
23. As a result, the Proponent and the Board must consider the potential impacts of the Application on a cumulative basis with the Clearing Actions, in the context of referral to the NTEPA and any assessment carried out under the EP Act.
24. The Board has statutory obligations for referral in circumstances where it believes an application before it should be referred to the NTEPA, that is, where it

⁴ https://ntepa.nt.gov.au/_data/assets/pdf_file/0009/805167/referring-a-proposal-to-the-nt-epa.pdf at p7

has the potential to have a significant impact on the environment. In these circumstances, the Board (s50):

- a. may refuse to consider the application until the action is referred to the NTEPA and a decision is made on that referral, and
- b. must take all reasonable steps to encourage the Applicant to refer the action to the NTEPA, and
- c. may refer the action to the NTEPA.

Referral to the Commonwealth Minister under the EPBC Act

25. Under the EPBC Act, it is an offence for a person to take an action that ‘will or is likely to have a significant impact on a listed threatened or migratory species, if that person does not have approval for the action (ss18,20).

26. An agency of a self-governing Territory may refer an action to the Minister for a decision whether the action is a controlled action if it has administrative responsibilities relating to the action (s69).

27. The Commonwealth has issued *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*⁵ (**Significant Impact Guidelines**) which provide overarching guidance on whether an action is likely to have a significant impact on a matter protected under the EPBC Act. They provide that:

a ‘significant impact’ is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment, which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. You should consider all of these factors when determining whether an action is likely to have a significant impact on matters of national environmental significance (p2).

28. The Significant Impact Guidelines also provide that when considering whether an action requires referral, the action must be considered at its ‘broadest scope’ including ‘all stages and components of the action, all related activities, and all related infrastructure’ (p5).

⁵ Department of the Environment, Water, Heritage and the Arts, 2013. *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* <https://www.dcceew.gov.au/environment/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>

Relevant background

Proposed and permitted land clearing by Consolidated Pastoral Company

29. It is relevant to highlight that within the past 12 months, permits have been granted for land clearing at Bunda and Kirkimbie Stations. They are both owned by Consolidated Pastoral Company, are neighbours with a shared landscape, utilize the same agronomists, and benefit from economies of scale.
30. If this Tandyidgee land clearing application is approved, Consolidated Pastoral Company will be permitted to clear nearly 25,000 of native vegetation.
31. The rush to clear and develop these stations increases the risk of adverse outcomes for the environment and is in direct contravention of expert advice provided by Northern Tropical Agriculture in 2021, that recommended incremental clearing of 300ha stands to avoid risk.

Relevant matters for the Board to consider in assessing the Application

29. ECNT submits that the following are relevant matters that must be considered by the Board in carrying out its duty under the PL Act with regards to the Application, and when considering referral obligations under the EP Act and EPBC Act.

Bioregion and soils

30. The Mitchell Grass Bioregion only occurs in the Northern Territory and Queensland and contains limited protected areas.
31. Mitchell Grass Plains are dominated by brown vertosols (self-mulching cracking clay or “black soil”.
32. ‘Mitchell grasses are deeply-rooted, long-lived, perennial grasses; individual tussocks are typically 50-60cm tall (although flowering stems of *A. squarrosa* may be 1.5m) and have a leafy crown 30-60cm in diameter’⁶.

⁶ Fisher, A, Baker, B, Woinarski, J, 2002, p.4. ‘Mitchell Grass Downs, Northern Territory: Biodiversity Audit - bioregional case study’.

33. Grasslands are the ‘most threatened and least protected biome’⁷. According to the International Union for Conservation of Nature (IUCN), the most significant threat to grasslands is human land use, especially agriculture and mining.

Climate and ecosystem health

34. This region is in the semi-arid zone. In addition, this region is identified as part of Australian rangelands, which are ‘areas where the rainfall is too low or unreliable and the soils too poor to support regular cropping. They cover about 80% of Australia and include savannas, woodlands, shrublands, grasslands and wetlands’⁸. In this context it is important to consider the state of these environments.
35. The health of the arid and semi-arid land environments continues to be in decline. Land use change is a major contributor to arid and semi-arid systems undergoing environmental collapse⁹. 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’¹⁰.
36. The collapse of the arid land environment should cause significant concern for the Pastoral Land Board. 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 changes¹¹. 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’¹². The collapse of Central Australia’s ecosystem is clearly a decline in the natural resources of the land.

⁷ Scholtz, R. and Twidwell, D., 2022. The last continuous grasslands on Earth: Identification and conservation importance. *Conservation Science and Practice*, 4(3), p.e626.

⁸ Department of Climate Change, Energy, the Environment and Water. ‘Australian Collaborative Rangelands Information System. Accessed: 9th September 2022.

⁹ 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.

¹⁰ Fisher, A, Baker, B, Woinarski, J, 2002. ‘Mitchell Grass Downs, Northern Territory: Biodiversity Audit - bioregional case study’. p.ii.

¹¹ Pastoral Land Act 1992, p.5

¹² Fisher, A, Baker, B, Woinarski, J, 2002. ‘Mitchell Grass Downs, Northern Territory: Biodiversity Audit - bioregional case study’. p.i

37. Land-use change, land clearing, weeds, groundwater depletion, fire, erosion and cumulative impacts are just some of the stressors which are increasing across the arid and semi-arid zone. We understand that land clearing has significantly increased in the last five years, with land clearing increasing markedly in this region.

38. 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. This means hotter temperatures, more erratic rainfall (and aquifer recharge), drier soils, increased evapotranspiration and more wildfires¹³.

Greenhouse gas emissions

32. The Applicant has estimated the greenhouse gas (GHG) emissions from the clearing to be 230,130tCO₂-e. ECNT believes this may be an underestimate and this has not been considered cumulatively with the Proponent's other land clearing actions and subsequent GHG emissions.

36. The emissions of this activity must also be assessed cumulatively with respect to other LULUCF emissions and activities under the same proponent, to come to a more accurate understanding of the acceptability or not of the GHG emissions. Further, these emissions estimates do not include the emissions generated by the proposed land use itself (i.e. grazing), and so the activity can be indirectly enabling even greater emissions than acknowledged in the application.

37. In the absence of a GGAP provided by the Applicant to identify management and reduction of emissions in this Application, we submit that there is inadequate information before the Board to assess the impacts of the Application in relation to its climate impacts.

Cultural Heritage and sacred sites

38. The cultural heritage work on this site appears to be incomplete.

40. There is no documentation provided to indicate that the applicant has consulted with the Traditional Owners for this area.

41. According to the AAPA:

¹³ CSIRO. 2020. 'Climate change in the Northern Territory: State of the science and climate change impacts'

- I. there are registered sacred sites located on the parcel of land.
- II. there are recorded sacred sites located on the parcel of land.
- III. there are restricted work areas in the parcel of land which are provided for in a previously issued Authority Certificate.

42. ECNT states that even with an Authority Certificate, this land clearing proposal is likely to disturb these sacred sites, and the Proponent should consult with Traditional Owners in relation to this clearing action.

Cumulative impacts with other threatening processes

43. Land clearing is a fundamental pressure on the environment, resulting in the loss, fragmentation and degradation of native vegetation, a variety of impacts on soils (for example, erosion, salinity, loss of nutrients and acidification), and the disruption of essential ecosystem processes. Threats to biodiversity from land clearing and habitat loss are one of the greatest threats to threatened species in Australia, and to the environment more generally. Land clearing is recognised as a key threatening process to threatened species (including in the Northern Territory) under the EPBC Act. Habitat loss and fragmentation, including due to land clearing, has long been recognised by the NT Government as a key threat to the NT's biodiversity.

44. Northern Australia tropical savannas are recognized as meeting the criteria of being under collapse.¹⁴ As habitats become increasingly fragmented, populations become more vulnerable to other threatening processes, such as climate change, changes in stream flow regimes, predation by invasive species and destructive fires.

45. The NT Government's own published material on 'Habitat Loss and Fragmentation' makes clear that, while Northern Australia has the largest and most intact tropical savanna system in the world, this value could be "readily compromised by excessive removal of native vegetation".¹⁵ Further, it makes clear that the highly seasonal environment of Northern Australia means that it is more important to retain a higher proportion of native vegetation in the landscape than for a less seasonal environment. The material also refers to research undertaken for the Department in 2009, which showed significant impacts on biodiversity at a landscape scale (defined as approximately 3000 ha)

¹⁴ Bergstrom et al. 2021. "Combating ecosystem collapse from the tropics to the Antarctic." *Global change biology* 27(9):1692-1703.

¹⁵ https://nt.gov.au/__data/assets/pdf_file/0009/204210/vegetation-management-habitat-loss-fragmentation-english.pdf

if more than 50% of native vegetation is cleared. In particular, the research notes that clearing of this extent “may reduce the diversity of plants and animals to a point where some populations may fall to unsustainable levels”.¹⁶

46. ECNT submits that the Board should consider cumulative threatening processes that impact biodiversity at a regional scale.

Biodiversity impacts

47. The Application identifies 16 threatened species that are listed under the TPWC Act and/or under the EPBC Act that may be impacted by the proposal.
48. According to NR Maps, 16 threatened species have been recorded within 10-30km of the proposed clearing, including the curlew sandpiper, Gouldian finch, red goshawk, grey falcon, night parrot, ghost bat, greater bilby, northern blue-tongued skink, and Mertens water monitor.
49. The Proponent suggests that the proposed sites do not contain suitable habitat for these species or that “the area of habitat that is proposed to be cleared is small in comparison to the area of potentially suitable foraging at a regional scale”. ECNT submits that the proponent has provided inadequate evidence to support these assertions, and that proper site surveys and biodiversity assessments are required to determine the impact on threatened species.
50. Furthermore, research undertaken for the Department in 2009 showed significant impacts on biodiversity at a landscape scale (defined as approximately 3000 ha) if more than 50% of native vegetation is cleared. In particular, the research notes that clearing of this extent “may reduce the diversity of plants and animals to a point where some populations may fall to unsustainable levels”.
51. The Application refers to several threatened species that may be impacted by the Application. Of particular concern is the Greater Bilby (*Macrotis lagotis*). This species once occurred across 70% of Australia’s mainland but now only occurs in only 20% of its former range; the proposed clearing area occurs at the northern edge of the current area of occupancy for bilbies in the NT. The clearing area is suitable Bilby habitat; however, no biodiversity surveys appear to have been undertaken by the Applicant to ascertain the occurrence of bilbies.

¹⁶ https://nt.gov.au/_data/assets/pdf_file/0009/204210/vegetation-management-habitat-loss-fragmentation-english.pdf, referring to: “Landscape design for maintaining ecosystem services in tropical agricultural landscapes: the response of fauna and flora to landscape mosaics and implications for land clearing policy” Griffiths, A.D, Stewart, A.J., Calnan, T, Venn, S, Brooks, K, & Rankmore, B, (2009) Report to Land and Water Australia. Department of Natural Resources, Environment, the Arts and Sport, Darwin

52. The Greater bilby is a Nationally listed Vulnerable species under the Environment Protection Biodiversity Conservation Act 1999 and also listed as Vulnerable under the Northern Territory's Territory Parks and Wildlife Conservation Act 1976. The Greater bilby is included in Australia's Threatened Species Action Plan as a priority species. The greater bilby is the only surviving member of the subfamily Thylacomyinae (*Family Peramelidae*), with the Lesser bilby was made extinct in the 1960s.

53. Land clearing is a key threatening process that impacts bilbies, through direct mortality and destruction of habitat. This clearing application that covers 4803ha of native, mostly perennial grasses, will undoubtedly have a significant local and regional impact on the extant bilby population, and other species, within this region of the NT. Bilbies are often sparsely distributed across large areas, and populations can move across the landscape. A single survey may not be enough to detect bilby presence. However, this does not mean that bilbies will not use this habitat in the future, particularly if there are database records and suitable habitat.¹⁷

54. Section 39 (b) of the Pastoral Land Act requires that all reasonable measures to conserve and protect features of environmental, cultural, heritage or ecological significance are taken. The NT Conservation management objectives for the Greater Bilby include the development and implementation of a monitoring program, and; to maintain or expand the current distribution¹⁸. The facts that must be considered by the Pastoral Land Board pertaining to ensuring all reasonable measures to protect ecologically significant features include:

- That the entire clearing area is known to be suitable habitat for bilbies,
- That the proposed clearing area covers an extensive area of 2303.3ha, which is highly significant in terms of local and regional populations of species being able to utilise the landscape and,
- 2303.3ha is a significant area of suitable habitat for the Vulnerable Greater Bilby to be destroyed.

Targeted bilby surveys by a suitably qualified ecologist using approved bilby survey methods must be undertaken as the necessary bare minimum to demonstrate that 'all reasonable measures to conserve and protect features of ecological significance' have been taken, prior to the approval of any clearing.

¹⁷ Guidelines for surveys to detect the presence of bilbies, and assess the importance of habitat in Western Australia

¹⁸ Threatened Species of the Northern Territory – the Greater Bilby
(https://nt.gov.au/__data/assets/pdf_file/0017/205514/greater-bilby.pdf)

55. Furthermore, the Application does not refer to any biodiversity surveys having taken place in relation to the area proposed to be cleared. Given the lack of biodiversity data in the NT and the reality that species records are limited in remote areas, particularly on pastoral and unzoned land, it is incumbent on proponents to conduct proper site surveys and biodiversity assessments for land clearing permit applications such as this.
56. The Application does not include any information about the regional impacts on biodiversity. The proposed scale of land clearing planned at Tandyidgee Station is well beyond the level that research shows will have a significant impact on regional biodiversity, especially considering Consolidated Pastoral Company's other clearing events, which (including Tandyidgee) amount to a total of nearly 25,000ha.

Water and other sensitive environmental features

54. Land clearing has the potential to significantly impact the health of rivers, creeks and other aquatic environments such as wetlands and groundwater dependent ecosystems (GDEs), particularly where cleared land borders rivers and creeks. It is a direct cause of erosion, sediment and chemical runoff and other pollutants entering into waterways – affecting in-stream habitat and the viability of aquatic wildlife populations.
55. In the case of Toudinny Creek (a second-order stream), the Applicant has only proposed the minimum buffer distance.
56. Despite the clear risk that 2303.3ha of clearing poses to these sensitive features and their functioning, the Applicant has failed to provide a water impact assessment examining the potential impacts and risks of the clearing and future land use on these features.

Conclusion

65. In our view, the Application presents a clear risk of serious harm to and degradation of the environment.
66. First, the Application does not provide adequate information to enable the Board to properly assess the environmental impacts of the proposed clearing as required by the PL Act.
67. The Application demonstrates very limited on-ground environmental investigations, minimizes risks to listed threatened species, contains limited engagement with the potential risks of the proposed clearing, and proposes very

limited, or no, management actions. A rational decision by the Board in this context requires further information about the potential environmental impacts for it be able to grant a clearing permit according to law (i.e. consistently with the PL Act) and reason. As such, the Board cannot rationally grant the clearing permit based on the information contained in the Application.

68. Alternatively, if the Board does not determine to refuse the Application, ECNT submits that it must defer determination of the Application and:

- a. refer the action for assessment under Part 4, Division 3 of the Environment Protection Act 2019 (NT) (EP Act); and
- b. refer the action for assessment to the Commonwealth Minister for the Environment and Water (Commonwealth Minister) to determine whether it is a controlled action under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act).

Yours sincerely



Kirsty Howey

Executive Director, Environment Centre NT