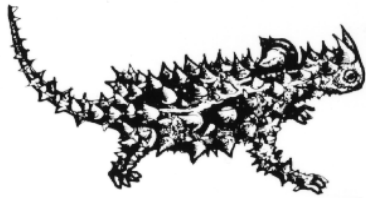


Arid Lands Environment Centre, Inc.



Office 90 Gap Rd, The Gap
PO Box 2796 Alice Springs
Mail NT 0871 Australia
Phone +61 (08) 8952 2497
Fax +61 (08) 8953 2988
E-mail info@alec.org.au
ABN 50 100 640 918

Arid Lands Environment Centre Submission on development application PA 2018/0192: Tanami-Newmont Gas Pipeline Land Clearing

The Arid Lands Environment Centre (ALEC) is central Australia's peak environmental organisation that has been advocating for the protection of nature and ecologically sustainable development of the arid lands since 1980.

ALEC objects to the development proposal in its current form. The proposal fails to adequately address the multitude of environmental risks involved in the clearing, particularly impacts on flora and fauna. We submit that the applicant has not demonstrated compliance with land clearing guidelines and regulation under the *Northern Territory Planning Scheme* or the provisions of the *Planning Act*. The proposal is contradictory and uncertain providing no clear rehabilitation process.

This proposal does not fulfill the objectives of Northern Territory Land Clearing policy and should therefore be refused.

Assessment

The Northern Territory Environment Protection Authority (NT EPA) has determined that the proposal does not pose a significant environmental impact and will therefore not be assessed at the level of an environmental impact statement. Having bypassed thorough environmental assessment by the EPA, the development proposal is therefore assessed at a lower level of scrutiny. Further, the project is only assessed on the impact to aboriginal freehold land, while other land tenures will be cleared. This means there are parcels affected by the project which are not captured in the current vegetation clearing plan.

The cumulative impacts of the clearing across the entire route are not considered through assessment by the Department of Environment and Natural Resources (DENR). We are concerned that this reduced level of assessment means the project poses significant environmental risks that are not adequately mitigated through the listed management plans. A complete risk matrix should be developed that captures each impact and assesses the cumulative impact of the proposed clearing.

ALEC is concerned that the quality and extent of flora and fauna surveys fall short of industry best practice and will not be able to prevent significant adverse impacts on local biodiversity. Surveys of the Desert-Dwarf Spike Rush are inadequate. There is a lack of detail about protective measures to reduce the risks to the Golden Bilby and Great Desert Skink, particularly at Sangsters Bore. There is no evidence to demonstrate industry best practice trenching procedure will be applied which raises serious animal welfare concerns.

The development proposal states that the rehabilitation sub-plan is listed in sections 6.13 and 7.3 of Attachment 2 EMP Vol 1. Those sections note rehabilitation criteria and procedure but there is no substantive rehabilitation plan. In the absence of a substantive rehabilitation plan the proposed clearing would cause permanent environmental harm. This is an unacceptable impact and is inconsistent with principles of sustainable land use planning.

Land Clearing Guidelines

Land clearing on un-zoned land is regulated by a complex and discretionary framework of regulations and guidelines. There are clear policy expectations that clearing will be conducted in a way that promotes sustainable development, prevents inappropriate land use and improves resilience to climate change.¹ This is not demonstrated in the vegetation clearing plan.

The *Planning Scheme* guidelines require that “Applicants who wish to clear native vegetation must demonstrate how they have considered the guidelines”. The applicant has not clearly demonstrated consideration of the guidelines in the supporting documents. The planning scheme is not mentioned in the *Environmental Management Plan*. We therefore have serious reservations about the capability of the Applicant to undertake the proposal in an environmentally responsible manner.

As there are differing land tenures across the project area, the environmental management plan does not account for the cumulative impacts of the entire project. There will be inconsistencies in the management actions taken as ‘The proposed clearing delineated in the Clearing Plans will therefore appear discontinuous across different land tenure types’.² Neglecting the cumulative impact of the clearing is a key flaw that leaves significant risk unmitigated.

Regulatory issues

The website and process for engaging in planning assessment decisions is not conducive to broad public participation. It is a convoluted and difficult task to understand which department is responsible for assessing and approving land clearing applications. It is difficult to determine the relevant considerations that a decision maker must take into account when making such a determination.

Supporting documentation of the proposal is not presented in a way that would allow a general member of the public to make a meaningful submission. The list of project documents are not intuitively titled, consider the application itself which is titled ‘VCP application Aboriginal freehold parcels v5’. If the process is not intuitively accessible there will continue to be low levels of public participation. Development proposals should be published in a way that facilitates access and engagement rather than leading the general public through a maze of links, regulations and documents.

The development portal lists the consent authority as the Development Consent Authority but we understand that DENR will be assessing the application and a final approval decision will be made by the Minister. This confusion should be rectified in order to make the process more transparent.

Conclusion

The applicant’s proposal does not meet expected standards of environmental protection as it does not fully comply with land clearing regulations, poses unacceptable risks to threatened species and does not include an adequate rehabilitation plan. The proposal should be rejected in its current form and returned to the applicant to be reviewed and amended. Our comments on the regulatory process should be considered within a broader process of review and reform to encourage greater integrity and accountability in the assessment of land clearing applications.

Until notification and assessment processes are reformed there will continue to be low levels of public participation which reduces accountability and transparency. This undermines the legitimacy of development assessment and public confidence in land use planning across the Northern Territory.

¹ *Land Clearing Guidelines: Northern Territory Planning Scheme* pg 9.

² *Development Application* pg 8.