

STATEMENT OF REASONS

Part 5, Division 9 of the *Environment Protection Act 2019* (EP Act): Amendment of Environmental Approval EP2023/026-001

Environmental Approval holder	NTR AG PTY LTD & THE TRUSTEE FOR MOHR-BELL FAMILY TRUST & THE TRUSTEE FOR PANCHE TRUST (trading as Pancho Beef)
Environmental Approval number	EP2023/026-002
Action	Mathison Land Clearing Proposal
Material considered	<ul style="list-style-type: none"> • Environmental Approval EP2023/026-001 • Application from the approval holder • Assessment Report 105 • Advice obtained during consultation pursuant to section 107 of the EP Act • Good Practice Guidance Review of GHG Accounting for Agricultural Land Clearing, Anthesis
Decision	In accordance with section 106(1) (a), (2), (3), (4) and section 107 of the EP Act, I have amended the conditions of Environmental Approval EP2023/026-001 and grant the amended Environmental Approval EP2023/026-002
Decision maker	Minister for Lands, Planning and Environment

Reasons for decision

This statement of reasons has been prepared in accordance with sections 106(3) and 107 of the EP Act.

In making the decision to amend EP2023/026-001, the following matters have been considered:

Background

In June 2023, Pancho Beef submitted a referral for the Mathison Land Clearing Proposal (the Action) to the Northern Territory Environment Protection Authority (NT EPA), for consideration under the *Environment Protection Act 2019* (EP Act).

The Action included clearing of 4,517 ha of native vegetation for the purpose of growing hay and fodder crops, resulting in the release of an estimated 623,714 tCO₂-e scope 1 emissions over 10 years.

On 2 January 2024, the then Minister granted EP2023/026-001 subject to conditions. Conditions included:

- a clearing extent limit of 4,060.03 hectares of vegetation (at a rate of ~450 ha/year), with the difference between the application area and the approved clearing extent to allow for two large additional wildlife corridors and a smaller area for a boundary buffer,
- the requirement to obtain an Authority Certificate under the *Northern Territory Aboriginal Sacred Sites Act 1989* (Sacred Sites Act) prior to the commencement of the Action, and

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- the requirement to implement the Approval Holders greenhouse gas abatement plan (GGAP) and mitigate the 127,773 tCO₂-e predicted to be emitted above the land use threshold in the NT Governments' 'Greenhouse Gas Emissions Management for New and Expanding Large Emitters Policy' (the large Emitters Policy) (in force at the time of approval)

Application

On 3 December 2024, the Approval Holder applied to amend EP2023/026-001 to:

- amend the Action description and Condition 1: to increase the permitted clearing area from 4,060.03 ha to 4,999 ha (later clarified on 11 February 2025 to be 4,517 ha as described in its original referral) ()
- remove Condition 2 requiring an Authority Certificate under the Sacred Sites Act
- remove Condition 3 requiring a GGAP and associated monitoring.

Procedural Matters

Section 106(3)(a) of the EP Act provides that in making a decision on request from the approval holder to amend an environmental approval, the Minister must:

- Consider:
 - the matters set out in Part 2 of the EP Act
 - the objects of the EP Act
 - the NT EPA's assessment report on the Action; and
- Be satisfied that the amendment will not prevent:
 - the significant impacts of the Action from being appropriately avoided or mitigated or from being appropriately managed; and
 - any appropriate environmental offsets from being provided for significant residual adverse impacts on the environment that cannot be avoided or mitigated

Time for determining the Application

Under section 106(2) of the EP Act, I am required to make a decision on the amendment application within 60 business days of receipt of the application. The timeframe for making a decision ceases to run during the period of consultation required by section 107 of the EP Act. Consultation with the NT EPA and other relevant decision makers occurred between 10 February and 18 March 2025. Accordingly, the date I am required to make a decision is 2 April 2025.

Assessment of the Application

In deciding to amend EP2023/026-001 upon request from the approval holder I have considered the matters set out in Part 2 of the EP Act and the objects of the EP Act. Further information considered when deciding to amend EP2023/026-001 is provided in the following sections.

Amendment 1: Change to Action description and condition 1

The approval holder requested that the permitted area of clearing be increased to align with the extent proposed in the original application (i.e. 4,517 ha). EP2023/026-001 previously authorised 4,060 ha of this area to be cleared due to the inclusion of condition 1, specifying the locations of an additional wildlife corridor and boundary buffers, upon advice from the NT EPA in Assessment Report 105.

Assessment Report 105 identified that the original application did not meet minimum standards for wildlife corridor configuration detailed in the NT Planning Scheme Land Clearing Guidelines (NTPS LCG). Wildlife corridors were identified by the NT EPA as necessary to enhance ecosystem connectivity within the wider landscape, and provide shelter, facilitate movement and promote population viability for threatened fauna species. Boundary buffers were also highlighted as best practice and necessary for a range of interconnected and complementary environmental functions (such as providing environmental services and enhancing landscape connectivity). This was important because 11 NT threatened species (10 of which are also listed under Commonwealth legislation) are likely to occur across the approved area.

As a result, the NT EPA recommended conditions for property boundary buffers and wildlife corridors to increase biodiversity resilience to climate change impacts. The implementation of a wildlife corridor and buffer would result in a reduction of the area that could be acceptably cleared from 4,517 ha to 4,060 ha.

Consultation

In accordance with section 107 of the EP Act, consultation on proposed amendment 1 was undertaken with the NT EPA between 10 February and 18 March 2025. The views of other statutory decision makers were also sought, including the Pastoral Land Board (PLB) and the Aboriginal Areas Protection Authority (AAPA). The NT EPA received copies of the PLB and AAPA advice during consultations.

The PLB noted that a clearing permit under the *Pastoral Lands Act* (PL Act) is also required to permit the development of pastoral land and that, since the time of the NT EPA assessment, the PLB has updated its 'Pastoral Land Clearing Guideline' to refer to the Northern Territory Planning Scheme 'Land Clearing Guideline' (NTPS LCG). The PLB acknowledged that the NTPS LCG is an important tool for promoting good land development practices as it establishes the standards for the management (i.e. clearing and retention) of native vegetation. The PLB acknowledged that whilst there is no statutory requirement for the PLB to consider the NTPS LCG, it does so as best practice when considering applications under the PL Act and receives detailed advice on the application of the guidelines from relevant NT Government departments and the Native Vegetation Assessment Panel (NVAP), which it balances against justification provided by the proponent.

Accordingly, the PLB advised that clearing permits are crafted to ensure they can be appropriately implemented, to support an economically viable pastoral industry, while protecting high-value environmental outcomes in accordance with the objects of the PL Act and in accordance with the advice of NVAP.

During consultation, the NT EPA considered the PLB advice and advised that the environmental approval does not need to specify the exact location and configuration of the augmented wildlife corridor(s), as the PLB is well placed to approve a clearing footprint, largely in accordance with the NTPS LCG. In its submission to the Minister, the NT EPA provided a draft condition to give effect to this.

Grounds for decision

Having regard to the above, a revised condition has been included in amended EP2023/026-002 based on the NT EPA's submission. The revised condition provides flexibility for the PLB, should it decide to grant a clearing permit, to determine the location and extent of wildlife corridors, in accordance with the NTPS LCG. Ensuring the Action is conducted in accordance with the NTPS LCG, will ensure that threatened species are protected within appropriate wildlife corridors and boundaries.

The revised condition provides the PLB flexibility to determine an exact clearing extent up to 4,517ha. This will likely result in a permitted clearing area that is less than the approval holder's requested area of 4,517 ha but possibly larger than the 4,060 ha previously approved under EP2023/026-001.

To ensure public transparency on the location and extent of clearing permitted, a condition has also been included requiring the approval holder to submit a map of the clearing area approved by the PLB (incorporating updated design and location of wildlife corridors), for publication on the Department of Lands, Planning and Environment's (Department) public register.

Overall, having regard to the above and the inclusion of the revised conditions, pursuant to section 106(3)(b)(1) I am satisfied that the amendments to the conditions of approval will not prevent the significant impacts of the Action from being appropriately avoided or mitigated or from being appropriately managed, including because:

- The NT EPA has reviewed the amendment and proposed an approach consistent with its original recommendations.
- The requirement for wildlife corridors and boundary buffers remains in place, ensuring that threatened species habitat is protected.
- The revised condition allows for the final decision on a clearing footprint to be determined by the PLB based on the NTPS LCG, including advice from NVAP on a potential clearing permit.
- The approval holder must submit the final clearing extent and wildlife corridor design for publication on the Department's public register, ensuring ongoing oversight and public scrutiny.
- The amendment **does not remove** requirements to avoid and mitigate significant impacts - it refines how they are applied.

There are no offsets relevant to this amendment that I need to consider pursuant to section 106(b)(ii).

Amendment 2: removal of condition 2 (requirement to obtain an Authority Certificate)

The approval holder requested that Condition 2 be removed from EP2023/026-001. Condition 2 required the approval holder to obtain an Authority Certificate under the Sacred Sites Act prior to the commencement of the Action. The condition was included based on the advice from the NT EPA, as detailed in Assessment Report 105.

NT EPA Assessment Report 105

Assessment Report 105 noted that no anthropological research or on ground archaeological surveys had been undertaken across the 4,517 ha original application area. Furthermore, no information about the approval holder's engagement with Aboriginal stakeholders was included in the original application referral. The NT EPA concluded that the consequence of damaging a previously unrecorded sacred site was a potentially significant impact to culture and heritage.

As a result, the NT EPA recommended the inclusion of a condition requiring the approval holder to obtain an Authority Certificate under the Sacred Sites Act, to ensure the protection of cultural heritage, in consultation with custodians, prior to the commencement of the Action.

Consultation

In accordance with section 107 of the EP Act, consultation on proposed amendment 2 was undertaken with the NT EPA between 10 February and 18 March 2025. The views of other statutory decision makers were also sought, including the PLB and AAPA. The NT EPA received copies of the PLB and AAPA advice during consultations.

The PLB advised that in February 2024, the Pastoral Land Board Clearing Guidelines were amended to strengthen the sacred sites information required to be provided for land clearing permit applications. The PLB advised that, in consultation with AAPA, the process now requires an Authority Certificate to be provided with the land clearing application or that the applicant provide an explanation for not applying for one. The PLB also advised that they can require an authority certificate as a condition of a clearing permit.

AAPA advised, consistent with its advice during the original assessment, that the area of the proposed land clearing activity has not been surveyed for the existence of sacred sites. Accordingly, it is not known whether sacred sites exist in the area and, consequently, it is unknown whether or not the land clearing activity will have a significant impact on sacred sites. AAPA noted that the Sacred Sites Act provides a regime whereby it is an offence to enter or use a sacred site without an Authority Certificate. The consequences of damage, desecration or interference with sacred sites are serious,

with AAPA able to prosecute when offences are identified. In relation to the amendment, AAPA advised that the proposed amendments alone will *not* prevent the potential significant impacts to sacred sites (if present) from being avoided or mitigated or from being appropriately managed, as the approval holder can still, at any time, apply for an Authority Certificate under the Sacred Sites Act. However, AAPA also advised that in its view the only way to appropriately avoid, mitigate or manage the impacts is for the approval holder to obtain an Authority Certificate.

The NT EPA considered the positions of the PLB and AAPA during consultation and advised that in March 2024, amendments were made to the EP Act to include section 55(4): *In determining whether a referred action or strategic proposal has the potential to have a significant impact on the environment, the NT EPA may consider other statutory decision-making processes that may mitigate the potential environmental impact of the referred action or strategic proposal.* This provision was not in force during referral of the original application, limiting the NT EPA's ability to consider the role of other statutory decision makers in preventing significant impacts.

Grounds for decision

Under section 88(2) of the EP Act, the Minister must not impose a condition to manage the potential cultural impact identified in the assessment report, if a similar condition could be imposed on a licence, permit or other authority issued or granted under another enactment. As there is the ability for a similar condition to be imposed on any land clearing permit(s) issued by the PLB for the activity, I am of the opinion that condition 2 of EP2023/026-001 should be removed.

In any case, having regard to the above, pursuant to section 106(3)(b)(1), I am satisfied that the amendments to the conditions of approval will not prevent the significant impacts of the Action from being appropriately avoided or mitigated or from being appropriately managed, including because:

- A regime exists to deter damage to sacred sites by providing offences and a process for obtaining a certificate, removing this condition does not change the deterrent effect of that regime, nor the approval holder's ability to obtain an Authority Certificate;
- The PLB has a new process for considering the risks of damage to sacred sites, and it can require an authority certificate as a condition of any clearing permit

There are no offsets relevant to this amendment that I need to consider pursuant to section 106(b)(ii).

Amendment 3:

The approval holder requested that condition 3 (and consequently associated conditions 4 and 5) be removed from EP2023/026-001. Condition 3 required the approval holder to develop and implement a monitoring plan for greenhouse gas emissions (GHG) prior to commencement of the Action, and to implement its own greenhouse gas abatement plan (GGAP) submitted as part of the original application referral. Condition 4 of EP2023/026-001 required routine reporting on the status and success of monitoring required under the GGAP. Condition 5 required submission of (and compliance with) any revised monitoring plans required under EP2023/026-001 (i.e. the GGAP). The conditions were included in EP2023/026-001 upon advice from the NT EPA in Assessment Report 105.

NT EPA Assessment Report 105

Assessment Report 105 highlighted that 554,716.72 tCO₂-e would be emitted from the clearing of vegetation across a footprint of 4,060.03 ha (reduced to account for wildlife corridors and buffers), based on the Department's emissions calculator. The Assessment Report noted that as the NT EPA's 'Environmental Factor Guidance on Atmospheric Processes' (Atmospheric Guidance) referred to the NT Government's 'Greenhouse Gas Emissions Management for New and Expanding Large Emitters Policy' (the large Emitters Policy), any land clearing proposals exceeding 500,000 tCO₂-e were required to be referred to the NT EPA with a GGAP to demonstrate how emissions would be avoided, mitigated or offset.

Assessment Report 105 acknowledged that the proponent's GGAP included measures to reduce GHG emissions by reducing late season hot wildfires and increasing soil organic carbon sequestration

from improved pasture productivity, concluding however, that the proposed measures did not account for the remaining 497,227 tCO₂-e of emissions.

As a result, the NT EPA recommended the inclusion of conditions to ensure the approval holder's GGAP would be revised within 5 years of commencement; before clearing reaches 3,500 ha; or when monitoring results indicate the targets within the GGAP need to be revised. The condition was recommended based on the environmental decision-making hierarchy, suggesting the approval holder could take reasonable measures to avoid and/or mitigate impacts.

Consultation

In accordance with section 107 of the EP Act, consultation on proposed amendment 3 was undertaken with the NT EPA between 10 February and 18 March 2025. The views of other statutory decision makers were also sought, including the PLB and AAPA. The NT EPA received copies of the PLB and AAPA advice during consultations.

The NT EPA also received a copy of a Departmental report titled "Good Practice Guidance Review of GHG Accounting for Agricultural Land Clearing" drafted by Anthesis, which included information on the feasibility of options to avoid, mitigate and offset GHG emissions from land clearing in the NT.

In its submission, the NT EPA noted that the NT Government had rescinded the Large Emitters Policy, which had previously required a GGAP for land use proposals emitting GHG emissions above the threshold of 500,000 tCO₂-e. The NT EPA advised that it had also withdrawn its Atmospheric Guidance for review in light of NT and Commonwealth policy and regulatory changes.

The NT EPA acknowledged that avoiding emissions from a clearing proposal is only possible by not clearing at all, (or by reducing the area to be cleared), which is often not practical when the proposal is to clear for productive purposes. The NT EPA advised that there are limited options available to mitigate GHG emissions from land clearing proposals in the NT and in applying the environmental decision-making hierarchy, proposed that: it is not practicable to avoid emissions from clearing; emissions are already being mitigated to the greatest extent practicable; and it is not appropriate to require GHG emissions offsets for this project.

As such, the NT EPA submitted that in consideration of new advice and better information about the practicability and feasibility of abatement options, the requirement for a GGAP and associated monitoring could be amended. In its submission to the Minister, the NT EPA provided a draft condition to give effect to this.

Grounds for Decision

Having regard to the above, a revised condition has been included in EP2023/026-002 based on the NT EPA's submission. The revised condition will require the approval holder to the greatest extent practicable to:

- utilise renewable energy;
- reduce late season, hot fires; and
- implement further GHG emission reduction opportunities (selected by the approval holder) to avoid, minimise, mitigate and/or abate GHG emissions associated with the Action.

To ensure ongoing oversight and public transparency, a condition has been included requiring the approval holder to provide routine reports, detailing emission reduction strategies implemented, and an evaluation of the effectiveness of implemented measures to reduce emissions, for publication on the Department's public register.

Overall, having regard to the above and the inclusion of amended conditions, pursuant to section 106(3)(b)(1), I am satisfied that the amendments to the conditions of the approval will not prevent the significant impacts of the Action from being appropriately avoided or mitigated or from being appropriately managed, including because:

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- The NT EPA has reviewed the amendment and proposed an approach that remains consistent with its original recommendations.
 - The approval holder must, to the greatest extent practicable, do all things feasible to mitigate emissions, including utilising renewable technology and reducing late season fires.
 - The approval holder must submit a routine report on the emission reduction measures implemented for publication on the Department's public register, ensuring ongoing oversight and public scrutiny.
 - The amendment **does not remove** requirements to avoid and mitigate significant impacts—it only refines how they are applied.

EP2023/026-001 did not impose the requirement to offset emissions as a condition.

In consideration of the above, there are no offsets relevant to this amendment that I need to consider pursuant to section 106(b)(ii).



Hon. Joshua Burgoyne

Minister for Lands, Planning and Environment

DATE 31 MAR 2025