



PASTORAL
LAND BOARD
NORTHERN TERRITORY

Pastoral land clearing guidelines

Pastoral Land Act 1992

Document title	Pastoral land clearing guidelines
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Approved by	Pastoral Land Board
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Document control

The following table records the history of any significant changes made to this document. The version number of the document is incremented as follows:

- By 1.0 for significant changes
- By 0.1 for changes made for clarity and reading ease only

Version	Date	Changes made
10	31/03/2022	<p>Major structure review</p> <ul style="list-style-type: none"> • New sections on the amended <i>Pastoral Land Act 1992</i> commencement on 31 March 2022 • New section on how to consider a request to vary or extend permits • Schedule 1 - revised Heritage site requirements
9.1	7/09/2021	<ul style="list-style-type: none"> • Section 7 - New text re lodgement of applications • Section 8 - New text re fee payment • Section 9 - Updated information on public exhibition periods • Part E - Contact details
9	11/03/2021	<ul style="list-style-type: none"> • Structural formatting changes to document, to include numbered sections. • Section 4 - Minor updates to text. • Section 5 - New text re business unit responsible for coordination of assessment process. • Section 6.2 - New text re different types of applications, including new Simplified PLC Application. • Section 10.2 - New text re PLB meetings. • Section 11 - Addition of one new critical Matters i.e. land management; consistent with the objects of Pastoral Land Act 1992 section 4(b)(ii) the prevention or minimisation of degradation of or other damage to the land and its indigenous plant and animal life & 4(b)(iii) the rehabilitation of the land in cases of degradation or other damage. • Section 13 - Major update to reflect new Environment Protection Act 2019. • Section 19 - Minor update and new text describing variation process. • Section 21 - New section with relevant links to website resources. • Schedule 1 - Simplified PLC application criteria <p>The following sections have been updated with minor changes including departmental name change and contact details: 7, 8, 12, 20</p>
8	23/04/2020	<ul style="list-style-type: none"> • New introductory passage describing legal obligations for clearing land held under pastoral lease; • Removal of section describing where formal consent of the Board is required; • Amendments to Exemption (i) to clarify that clearing within laneways and holding paddocks does require approval of the Board (however construction of their required infrastructure such as fencing does not); • Amendments to Exemption (iii) to clarify that the exemption only applies to weeds declared under the Weeds Management Act 2001. Clearing of other plants associated with woody thickening will require approval from the Board; • Revision of existing section pertaining to lodging an application; • Revision of section pertaining to public exhibition changing exhibition duration from 2 to 4 weeks; • Amendments to 'Matters to be taken into account by Board' including reference to sufficient allocated water and definitions in the NTPS Land Clearing Guidelines for water features; • Addition of new sections; Clearing for purpose, including intended irrigation and on-pastoral use; Sacred Sites; Fee payment; Assessment process; Application determination; Rights of appeal; Public availability of permits; Terms and period of permit; Applications to vary a pastoral land clearing permit • Addition of two new sub-sections relating to delegated powers that apply to clearing applications, including variations, of less than 50 hectares in size. • Revision of existing section pertaining to environmental assessment; • Incorporation of flow chart; Clearing application process; • Additional relevant NT legislation listed; • New contacts provided for the Water Resources Division of DENR; and • Addition of reference to the <i>Agricultural and Veterinary Chemicals Code Act 1994</i>.

Version	Date	Changes made
7	02/2019	<p>Insert exemptions for clearing activities undertaken pursuant to a "pipeline management plan in force" as defined in the <i>Energy Pipelines Regulations 2001</i> or an approved environment management plan under the <i>Petroleum (Environment) Regulations 2016</i>.</p> <p>Amendments to environmental considerations regarding reference to the NT EPA;</p> <p>Additions to relevant legislation;</p> <p>Recognised changes to the <i>Interpretation Act 1978</i>, in that references to pieces of legislation (including subordinate legislation) include the year;</p> <p>Addition to the use of water and allocation; and</p> <p>Minor sentence structure amendments.</p>
6	12/2018	<p>Insert exemptions for clearing activities relating to infrastructure development for gas pipelines or onshore shale gas developments and minor formatting amendments</p>
5	09/2017	<p>Insert Exemption for aerial weed application, clarification when Board may refer applications to the NTEPA, insert specified permit period, web link for NTEPA guidelines for clearing pastoral land, minor amendments to formatting and correction of misspelt legislation</p>
4	10/2016	<p>Date removed from Title, Table of Contents updated to remove "Introduction" heading, Footnote references added, Amendments to application lodgement and public notification process, Changes to the NT Environment Protection Authority considerations, Update to contact information, Minor formatting amendments</p>
3	2015	<p>Logo updated, "Introduction" text removed, Requirements for Content of application removed, Descriptive amount of application fee removed</p>
2		<p>Use of Version 2 omitted</p>
1.2	12/2012	<p>Minor Formatting amendments, "Introduction" text amended, Area of clearing requiring public notification removed, Minor amendments to reflect Department name change, Environmental Impact Assessment of vegetation clearing removed</p>
1.1	02/2012	<p>Chairman's forward noting that until Native Vegetation Management legislation is introduced, applications for clearing to continue to be lodged</p>
1.0	03/2010	<p>NT Pastoral Land Clearing Guidelines 2010 implemented, (NT Planning Scheme Land Clearing Guidelines introduced, native vegetation definition adopted)</p>

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1. Purpose

The *Pastoral Land Act 1992* (the Act) provides that the Pastoral Land Board (the Board) may issue guidelines for clearing pastoral land. The Board has prepared this Pastoral land clearing guideline in accordance with the provision of the Act for pastoral lessees, consultants, who prepare applications on behalf of pastoral lessees, and for the public, who can participate in the pastoral land clearing assessment process.

2. Legislations

Pastoral Land Act 1992

The Act establishes that a pastoral lessee may apply to the Board for a clearing permit to conduct clearing of all or part of the land the subject of a pastoral lease. The meaning of clearing of native vegetation are defined under sections 91A and 91B of the Act.

91A **Meaning of *clear* in relation to land**

Clear, in relation to land, means any of the following:

- (a) the killing, destruction or removal of native vegetation;
- (b) any substantial damage to native vegetation.

91B **Meaning of *native vegetation***

Native vegetation means a plant that is terrestrial or intertidal flora indigenous to the Territory.

*Examples for definition **native vegetation***

Grasses, shrubs and mangroves.

The Board has also determined the circumstances where clearing pastoral land is permitted without a clearing permit.¹ In making these circumstances, the Board recognises the need for certain clearing activities to occur on a pastoral lease as part of regular day-to-day operations and has worked to ensure the circumstances are fit-for-purpose and reflect current expectations of reasonable clearing to support a pastoral enterprise.

Part 7A establishes the legislative requirements for making a clearing application, the matters that must be considered by the Board and the administrative functions to exhibit, register, vary, extend, suspend or revoke a clearing permit. It also provides the penalties, offences and the functions of the Board to respond to pastoral land clearing compliance matters.

Depending on the clearing activity, there are notifications or other requirements that may apply under the *Environment Protection Act 2019* and *Northern Territory Aboriginal Sacred Sites Act 1989*.

Environment Protection Act 2019

Proposals that have the potential to have a significant impact on the environment require a referral to the Northern Territory Environment Protection Authority in accordance with the *Environment Protection Act 2019*.

¹ Northern Territory Government, *Gazette*, No S11, 31 March 2022

The Board requires a pastoral lessee to self-refer, or to obtain appropriate advice from the Northern Territory Environment Protection Authority that self-referral is not required, if the proposed clearing results in a total of 5000ha to be cleared in aggregate.

The Board strongly encourages early engagement with the Northern Territory Environment Protection Authority on referral requirements to ensure compliance with the obligations of the *Environment Protection Act 2019* and to avoid delays in the assessment of a pastoral land clearing application.

Northern Territory Aboriginal Sacred Sites Act 1989

The *Northern Territory Aboriginal Sacred Sites Act 1989* is administered by the Aboriginal Areas Protection Authority (AAPA) to effect a practical balance between the need to preserve and enhance Aboriginal cultural traditions and the aspirations of the Aboriginal and all other peoples of the Territory for their economic, cultural and social advancement.

Registered sacred sites are sites that Aboriginal custodians have asked AAPA to register. They have been comprehensively documented and evaluated by AAPA, including information on their locations and boundaries (refer Section 27 of the Sacred Sites Act).

Recorded sacred sites are sites that have been made known to AAPA from a variety of sources. In many cases, these sites have not been comprehensively documented and evaluated, and they have not gone through the formal registration process.

An **Abstract** of AAPA's Records (an Abstract) shows both Registered and Recorded sites. An Abstract can be purchased from AAPA, however it is not a definitive way of knowing if there are sacred sites in a given area. In providing an Abstract, AAPA has not spoken with custodians about the area and has not provided a 'go-ahead'. An Abstract is merely a snapshot of AAPA's register at a moment in time. There is a risk that a sacred site previously unknown to the AAPA may be identified after the commencement of works, leaving no option but to cease works or possibly breach the offence provisions of the Sacred Sites Act. An Abstract will not provide a pastoral lessee with a defence against prosecution in the event a sacred site is damaged or interfered with.

An applicant proposing to clear native vegetation may apply to AAPA for an **Authority Certificate** to cover their proposed activities. Authority Certificates are based on consultations with custodians and provide clear instructions on what can and cannot be done in and around sacred sites.

Unlike an Abstract, an Authority Certificate provides a defence against prosecution in relation to the works or uses covered by the Certificate, provided the applicant complies with any conditions imposed to protect sacred sites.

3. Duty of the Board

The Board has a duty to act consistently with and seek to further the objects of the Act. It recognises that Object 4(b) provides for the prevention or minimisation of degradation of or other damage to the land and its indigenous plant and animal life. The Board aims to ensure that pastoral land clearing:

- (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.

4. How to apply

Clearing application templates² are available to assist with the preparation of an application. It includes the minimum information required to make an application. Should the applicant not be the pastoral lessee, there is an owners/lessee authorisation form available, which authorises a person to act for the pastoral lessee during the assessment process.

Step 1. Submit your application

Submit a clearing application through the Development Applications Online website, <https://www.ntlis.nt.gov.au/planning/>, which is the central location to lodge and track pastoral applications made under the Act. Requests to vary or extend a permit are also made through this website.

To lodge an application, a proponent will be required to log into their account. If they are a first time user, they will need to create an account. A step-by-step lodgement guide is available to assist with lodging an application.

Step 2. Pay the fee

Once an application is accepted for lodgement, the applicant will receive an email notification that payment of the appropriate fee is required. The application fee is required to be paid before the application will be accepted formally and exhibited publically.

Should an invoice be required, contact the Vegetation Assessment Unit via telephone (08) 8999 4454 or email PastoralAssessment.DEPWS@nt.gov.au.

All payments are to be made via the Receiver of Territory Monies (RTM), who will be able to provide details regarding payment options i.e. via EFT, cheque or credit card. Applicants will need to provide RTM with the following details:

Matter:	Station Name – clearing application
Expenditure Code:	504D2D101 131132
Fee:	Call 8999 4454 for current fee.

The RTM can be contacted via telephone 08 8999 1606 or email RTMDarwin@nt.gov.au.

The application fee is non-refundable, even if the application is withdrawn or unsuccessful.

² Available at: <https://nt.gov.au/property/land-clearing/pastoral-land/pastoral-land-clearing-applications-and-permits>

5. After an application is lodged

Clearing applications are usually processed within six months of lodgement, which includes mandatory notification and exhibition requirements. This period can vary depending on:

- the complexity of the application
- the length of exhibition required
- if additional information is required to allow the Board to determine an application
- if the application is made under the Simplified Pastoral Land Clearing Application Policy³, where a shortened timeframe for a decision may be possible, if the rules and criteria (Schedule 1) have been satisfied.

Public exhibition

Applications are available for public viewing on the Northern Territory Government's Pastoral Notices webpage <https://www.ntlis.nt.gov.au/planning-notices-online/notices/#/pastoral>.

The minimum exhibition periods are:

- 14 days for applications made under the Simplified Pastoral Land Clearing Application Policy⁴
- 28 days for all other applications.

Submissions

During the exhibition period, submissions may be received from:

- the public
- service authorities.

A submission is a written objection or supporting comment about a clearing application. All valid submissions will be sent to an applicant at the end of the exhibition period. In some cases, an applicant may be asked to provide additional information and be given an opportunity to address specific matters raised in a submission.

Government departments and service authorities typically provide comments on clearing applications to raise with the applicant. This includes a requirement under different legislation or to inform the technical assessment of the application in accordance with the Act and these Guidelines. All comments received and technical assessment findings are provided to the applicant with an opportunity to make a written response addressing any issues raised.

6. Meetings/Proceedings of the Board

Once the exhibition period has ended, a clearing application may be discussed at a meeting of the Board. The Board may invite the applicant and anyone who made a submission on the application to attend and speak to the applicant and/or submission.

³ Department of Environment, Parks and Water Security, 2021. *Simplified Pastoral Land Clearing Applications Policy*. Northern Territory Government; published on the Department of Environment, Parks and Water Security website in February 2021, as amended from time to time

7. Decision of the Board

In making a decision on a clearing application, the Board considers the following:

- a. any submission received by the Board
- b. these guidelines
- c. Schedule 1 of these guidelines if the application made under the Simplified Pastoral Land Clearing Application Policy
- d. any other matters the Board considers relevant.

Those other matters the Board considers relevant include, but are not limited to:

- a. any matters the Minister may have directed the Board to consider
- b. whether the proposal complies with the requirements of the Large Emitters Policy⁴
- c. reports of relevant government agencies
- d. an assessment and report from the Native Vegetation Assessment Panel
- e. whether the clearing is necessary for the intended use
- f. whether there is sufficient and allocated water for the intended use
- g. whether the soils are suitable for the intended use
- h. whether the slope is suitable for the intended use;
- i. any environmental issues under the *Environment Protection Act 2019* or the *Environment Protection and Biodiversity Conservation Act 1999 (Cwth)*, which may require referral to the Northern Territory Environment Protection Authority
- j. whether the application has demonstrated consideration of the:
 - a. Northern Territory Planning Scheme Land Clearing Guidelines⁵
 - b. presence of threatened wildlife as declared under and/or essential habitats, within the meaning of, the *Territory Parks and Wildlife Conservation Act 1976*
 - c. presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation
 - d. impact of the clearing on regional biodiversity
 - e. presence of permanent and seasonal water features such as billabongs and swamps
 - f. the retention of native vegetation adjacent to waterways, wetlands and rainforests
 - g. the retention of native vegetation buffers along boundaries
 - h. the retention of native vegetation corridors between remnant native vegetation
 - i. the presence of declared heritage places or archaeological sites within the meaning of the *Heritage Act 2011*
 - j. the presence of any sacred sites within the meaning of the *Northern Territory Aboriginal Sacred Sites Act 1989*.

⁴ Department of Environment, Parks and Water Security, 2021. *Greenhouse Gas Emissions Management for New and Expanding Large Emitters*. Northern Territory Government.

⁵ Department of Environment, Parks and Water Security, 2021, *Land clearing guidelines – Northern Territory Planning Scheme*. Northern Territory Government.

Once the Board has considered the above-mentioned matters, and any matters raised at its meeting, if relevant, it may make a decision to:

- approve the application and grant a clearing permit
- alter the proposal and grant a clearing permit
- refuse to grant a clearing permit
- defer making a decision to request additional information.

The applicant and any submitters will be notified of any decision, and any permits issued will be made available on the pastoral land clearing public register (<https://nt.gov.au/property/land-clearing/pastoral-land/pastoral-land-clearing-applications-and-permits>) and NR Maps (<https://nrmaps.nt.gov.au>).

8. Clearing permit conditions

A clearing permit is made up of parts, which may include:

- permit number

The permit number is the reference number of a permit and typically begins PLC for pastoral land clearing. It is annexed with the year it was originally granted and reflects any variations and extensions granted to that permit.

For example, PLC12/01 reflects that the permit was originally granted for clearing in 2012 and it was the first permit of that year; it was later superseded by PLC12/01A, which was granted after either a variation or extension of the clearing period of the permit.
- details of the land on which the clearing may be conducted
- clearing period

The time in which clearing is allowed to be conducted, any clearing not completed within the clearing period is presumed abandoned.
- term of the permit

The length of time the permit is in force, allowing for maintenance of the cleared area
- conditions precedent

Some permits include conditions precedent. These are requirements that must be met before works can commence.
- general conditions

General conditions are conditions that must be met during work and for the life of the permit.
- notes

Notes provide important information that may assist with satisfying a condition of a permit or alerting the permit holder to obligations under other legislation.
- endorsed drawings.

9. Request to extend the clearing period of a permit

The Act allows for the Board to specify the clearing period. If the Board does not determine a clearing period, the Act provides that the clearing must be completed within ten years from the date of issue of the clearing permit.

A pastoral lessee may apply to extend the clearing period of a permit, provided the application is made at least three months prior to the expiry of the clearing period.

In making a decision on a request to extend the clearing period of a permit, the Board considers the following:

- a) these guidelines
- b) any other matters it considers relevant.

It may also take into account:

- a) whether there has been a change of government policy – each case would depend on its own facts and circumstances, including whether and how the proposal may undermine or offend the change government policy
- b) intervening circumstance as bearing upon grant or refusal
- c) the total elapse of time to undertake clearing
- d) whether the clearing period originally imposed was adequate
- e) the economic burden imposed on the permit holder
- f) the probability of a permit being issued should a fresh application be made.

Once the Board has reviewed the above-mentioned matters, it will make a decision to:

- approve the application and extend the clearing period of a permit for a period specified by the Board
- extend the clearing period of a permit for a different period as decided by the Board
- refuse the application.

The applicant will be notified of any decision, and any permits issued with altered clearing periods will be made available on the pastoral land clearing public register (<https://nt.gov.au/property/land-clearing/pastoral-land/pastoral-land-clearing-applications-and-permits>) and NR Maps (<https://nrmaps.com.au>).

10. Request to vary a permit

The Act allows for either the Board or a pastoral lessee to vary a clearing permit. A pastoral lessee may apply to vary the permit, and any request made must include the reasons supporting the request.

The variation assessment process is similar to the standard application assessment process and may include public exhibition and a hearing of the Board.

In making a decision on a request to vary a permit, the Board must have regard to the following:

- a) the clearing permit and any conditions of the permit
- b) the nature of and justification for the variation
- c) any other matters it considers relevant.

Once the Board has reviewed the above-mentioned matters, it will make a decision to:

- vary the permit as specified in the application
- vary the permit as requested in the application, but with specified changes made by the Board
- refuse the application.

The applicant will be notified of any decision, and any varied permits will be made available on the pastoral land clearing public register (<https://nt.gov.au/property/land-clearing/pastoral-land/pastoral-land-clearing-applications-and-permits>) and NR Maps (<https://nrmaps.com.au>).

11. Registration of permits on title

Permits are granted by way of a registrable instrument against the lease. This is so that the permit runs with the lease and is not personal to the lessee. The Board will lodge the required forms and copies of the permit with the Registrar-General for registration, including any variations or extensions of the original permit.

12. Contact

Please contact the Department of Environment, Parks and Water Security if you have any questions about this guideline or require assistance with a clearing application.

Telephone: 08 8999 4454

Email: PastoralAssessment.DEPWS@nt.gov.au

13. SCHEDULE 1 – Simplified clearing application assessment policy – application criteria

Simplified clearing applications must meet the criteria outlined below. Applicants are encouraged to read the **Simplified Clearing Applications Policy** before lodging an application.

Consideration	Requirement																																	
Proposed use	Pastoral purpose only																																	
Water	Non-irrigated only																																	
Land capability	<p>Must satisfy all of the following criteria:</p> <table border="1"> <thead> <tr> <th>Criteria</th> <th>Threshold</th> <th>Comment</th> </tr> </thead> <tbody> <tr> <td>Acid sulfate soils</td> <td>Not present</td> <td>Class 1 & 2</td> </tr> <tr> <td>Flooding</td> <td>Extremely rare (<1 in 30 years)</td> <td>Class 1-2</td> </tr> <tr> <td>Microrelief</td> <td>Vertical interval <0.3m</td> <td>Class 1-2</td> </tr> <tr> <td>Salinity</td> <td><4 ECe (dS/m) or no potential to be greater >4dS/m</td> <td>Class 1-2</td> </tr> <tr> <td>Sodicity</td> <td><6% (or field test equivalent)</td> <td>Class 1</td> </tr> <tr> <td>Slope</td> <td>≤2%</td> <td>Class 1-2</td> </tr> <tr> <td>Soil depth</td> <td>>0.5m</td> <td>Class 1-2</td> </tr> <tr> <td>Drainage</td> <td>Moderately well drained or better.</td> <td>Class 1-2</td> </tr> <tr> <td>Surface rock</td> <td>≤2%</td> <td>Class 1-2</td> </tr> <tr> <td>Wind erosion</td> <td>Low to Moderate hazard</td> <td>Class 1-2</td> </tr> </tbody> </table>	Criteria	Threshold	Comment	Acid sulfate soils	Not present	Class 1 & 2	Flooding	Extremely rare (<1 in 30 years)	Class 1-2	Microrelief	Vertical interval <0.3m	Class 1-2	Salinity	<4 ECe (dS/m) or no potential to be greater >4dS/m	Class 1-2	Sodicity	<6% (or field test equivalent)	Class 1	Slope	≤2%	Class 1-2	Soil depth	>0.5m	Class 1-2	Drainage	Moderately well drained or better.	Class 1-2	Surface rock	≤2%	Class 1-2	Wind erosion	Low to Moderate hazard	Class 1-2
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Property boundary buffers	Minimum 210m wide (except where adjoining a stock route).																																	
Slope	Must not exceed 2%. (NR Maps layer available for >2%. Note - this requires ground-truthing)																																	
Erosion	Application must demonstrate absence of significant sheet, gully or tunnel erosion within or adjacent to the proposed clearing extent. Must include georeferenced photos.																																	
Sensitive and or significant vegetation	<p>Must apply the following buffers:</p> <p>Low value: 100m Medium value: 100m High Value: 250m Note: response from Flora and Fauna Division must specify value of vegetation.</p>																																	
Streams	<p>Must apply the following buffers:</p> <p>Drainage depression: 100m Stream order 1: 100m (measured from centre line) Stream order 2: 100m (measured from centre line) Stream order 3 and higher: as per the NTPS Land Clearing Guidelines</p>																																	
Wetlands and Groundwater Dependent Ecosystems (GDE)	<p>Must apply the following buffers:</p> <p>Low value: 100m Medium value: 100m High value: 250m Note: response from Flora and Fauna Division must specify value of the wetland or GDE</p>																																	
Sinkhole Buffer	100m																																	
Additional information to be provided with the application																																		
Proposed use	Response from the Agricultural Division, Department of Industry, Tourism and Trade stating proposed use is suitable.																																	
Threatened species	Response from the Flora and Fauna Division, Department of Environment, Parks and Water Security (DEPWS) stating the proposal has a low likelihood of impacting threatened species.																																	
Regional Biodiversity	Response from the Flora and Fauna Division, DEPWS stating the proposal has a low likelihood of impacting regional biodiversity.																																	
Wildlife corridors	Response from the Flora and Fauna Division, DEPWS stating the proposed wildlife corridors meet the requirements of NTPS Land Clearing Guidelines or a variation that is considered acceptable.																																	
Heritage sites	Response from the Heritage Branch, Department of Territory Families, Housing and Communities stating that there are no declared heritage places or recorded archaeological sites within the proposed clearing extent, and a low likelihood of unrecorded archaeological sites present.																																	
Sacred sites	Abstract of records or an Authority Certificate from the Aboriginal Areas Protection Authority																																	
Impact on the environment	A completed Northern Territory Environment Protection Authority pre-referral checklist demonstrating consideration of the potential for the proposal to have a significant impact on the environment.																																	