



Northern Territory Environment Protection Authority (NT EPA)
Department of Land, Planning and Environment
PO Box 496, Palmerston, NT 083

Submitted via online portal: [Draft environmental factor guidance: Landforms | NTEPA](#)

16 March 2026

Dear NT EPA

Central Land Council Submission

Environmental Factor Guidance: Landforms (Draft for Consultation)

A. Introduction

1. The Central Land Council (**CLC**) welcomes the opportunity to provide feedback on the Northern Territory Environment Protection Authority (**NT EPA**) draft Environmental Factor Guidance on Landforms (**Landforms Guidance**), which has been prepared pursuant to section 291 of the *Environment Protection Act 2019* (NT (**EP Act**)).
2. CLC is a statutory authority established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**ALRA**) and is a native title representative body under the *Native Title Act 1993* (Cth) (**NT Act**). One of CLC's statutory functions under the ALRA is to ascertain and express the wishes of Aboriginal people living in CLC region regarding the management of Aboriginal land and appropriate legislation concerning that land. As such, CLC has a longstanding mandate to ascertain, and advocate for the rights, interests, and aspirations of Traditional Owners¹ across 780,000 km² of Aboriginal land in the southern half of the Northern Territory.
3. As this guidance will shape how environmental impact assessments (**EIA**) are conducted for proposals affecting Aboriginal land, it is directly relevant to the rights and interests of Traditional Owners, and by extension, to CLC's statutory responsibilities.

B. Overview of CLC's position

4. The Landforms Guidance's intended purpose is to provide proponents with clear, practical, advice on when to refer proposals with potential impacts to land and soil to the NT EPA, and how to address these impacts as part of the proponents' EIA. Therefore, it will have a direct impact on land-use and development decisions concerning Aboriginal land.
5. Given this, CLC is disappointed that the NT EPA does not appear to have sought early input from Aboriginal groups (including Land Councils), on the drafting of the Landforms Guidance.

¹ The use of the term 'Traditional Owners' is used to include all types of Aboriginal landowners including traditional Aboriginal owners as defined in ALRA and native title holders as defined in the *Native Title Act 1993* (Cth)



6. The lack of early engagement is reflected in the content of the Landforms Guidance, which does not:
 - a. meaningfully recognise that, for Traditional Owners, ‘landforms’ and ‘landscapes’ do not exist solely in physical terms, and instead can also be living cultural systems with ecological, cultural, and spiritual values;
 - a. recognise the interplay between the ecological, cultural, and spiritual values of landforms, and that impacts to cultural and spiritual values can be irreversible;
 - b. encourage proponents of proposals on Aboriginal or native title land to consult with Land Councils as part of the EIA process specifically in relation to landforms;
 - c. facilitate the involvement of Traditional Owners, as on-Country knowledge-holders, in the design, and implementation of an EIA, including, for instance, in the conduct of any baseline surveys, impact monitoring, adaptive management and rehabilitation planning; and
 - d. recognise the value of Indigenous Ecological Knowledge (**IEK**) as a primary source of baseline data in assessing impacts to landforms.
7. CLC’s recommendations outlined below are intended to address these gaps and thereby provide proponents with practical guidance on how to fulfil their general duties under section 43 of the EP Act, which relevantly requires proponents to (among other things):
 - a. consult with affected communities, including Aboriginal communities, in a culturally appropriate manner;²
 - b. seek and document community knowledge and understanding (including scientific and traditional knowledge and understanding) of the natural and cultural values of areas that may be impacted by the proposed action or strategic proposal;³
 - c. address Aboriginal values and the rights and interests of Aboriginal communities in relation to areas that may be impacted by the proposed action or strategic proposal;⁴ and
 - d. consider the principles of ecologically sustainable development (ESD) in the design of the proposed action or strategic proposal.⁵
2. CLC welcomes the opportunity to work with NT EPA on a further draft of the Landforms Guidance.

C. Summary of Recommendations

Recommendation 1

Embed Indigenous co-design and consultation requirements

Recommendation 2

Redefine “Landforms” to more broadly reflect the cultural essence and living values of Indigenous Country

² EP Act, section 43(b).

³ EP Act, section 43(c).

⁴ EP Act, section 43(d).

⁵ EP Act, section 43 (e).



Recommendation 3	Recognise cultural values of land and soil and require holistic impact assessments that include cultural impact assessments
Recommendation 4	Recognise IEK and require compliance with Indigenous Data Sovereignty (IDS) Principles
Recommendation 5	Encourage Indigenous involvement in monitoring, rehabilitation and remediation activities

D. Key Issues

Consultation and co-design requirements

8. The EP Act mandates that proponents engaged in the EIA process consult with affected Aboriginal communities (section 43(b)). However, the *Landforms Guidance*, which is intended to provide proponents with advice on their EP Act obligations is silent on consultation expectations with respect to Traditional Owner groups.
9. CLC acknowledges the NT EPA is preparing a Factor Guidance on culture and heritage matters (**Culture Guidance**) which may address consultation matters.⁶
10. However, it is uncertain when the Culture Guidance will be published.
11. CLC also submits that unless consultation requirements matters are also included in this Landforms Guidance, there is a risk that proponents' consultation with Traditional Owners and Land Councils (and their consideration of the cultural dimensions of landforms – more on this below) will be ad hoc and tokenistic.
12. Embedding consultation requirements within this Landforms Guidance will provide proponents clarity on expectations, while ensuring Traditional Owners are appropriately involved in all aspects of the EIA process, in line with the objects of the EP Act.⁷

Recommendation 1: Embed Indigenous co-design and consultation requirements within the Landforms Guidance

- Proponents of proposed actions or strategic proposals on Aboriginal or native title land should be encouraged to engage early with the appropriate Land Councils at each stage of the EIA process, including pre-referral; referral; EIA documentation preparation; and implementation.
- Traditional Owner input in relation to (or, if possible, co-design of) rehabilitation, remediation and monitoring plans, should be encouraged. The objectives of these plans should be aligned with Traditional Owner requirements, particularly for proposals concerning Aboriginal or Native Title land. These typically include the restoration of cultural functionality; access to Country; ecological relationships supporting cultural practice, and long-term land use aspirations.

Consideration of cultural values of "Landforms"

⁶ CLC refers the EPA to its submission to the NT EPA on the Culture Factor Guidance.

⁷ EP Act, section 3(e).



13. CLC is concerned that the Landforms Guidance does not meaningfully recognise the cultural values associated with landforms:
- The term ‘landforms’ is defined in Eurocentric terms by reference to the *‘distinctive, recognisable physical features of the earth’s surface... defined by the combination of its geology (composition) and morphology (form)’*.⁸ Similarly, the ‘integrity’ of landforms is defined in purely physical terms. This ignores the Indigenous perspective of landforms as living cultural entities, and just one part of a broader cultural system that comprises of water systems, cultural law, story, and custodial responsibility.
 - While there are ad hoc references to the cultural values of landforms, there is no meaningful recognition of the inherent interrelationships that exist, for Indigenous people, between: (1) landforms and other ecological systems; and (2) the ecological, social, cultural, heritage, and spiritual values of landforms.
14. Additionally, while the Landforms Guidance does acknowledge, at a high level, that impacts to landforms may have associated impacts to cultural values, this is not translated into practical advice to proponents on whether, and how, to address these impacts. Cultural values are mentioned as one of several environmental values to be identified, but the document does not clearly integrate them into the core assessment criteria, impact analysis, or decision-making framework.
15. Nor is there any recognition that impacts to cultural values could potentially be irreversible – and as such, where possible, should be avoided, in accordance with the principles of ecologically sustainable development which the proponent must have regard to during the EIA process.⁹
16. Proponents would benefit from guidance that clearly recognises the cultural dimensions of landforms and outlines, at a practical level, how these dimensions are to be contended with as part of the EIA process. In its current form (and contrary to its intended purpose), the Landforms Guidance does not do either. If it remains as drafted, there is a live risk of cultural impacts being underestimated or unidentified and by extension, that permanent harm could be done to Indigenous culture and heritage.

Recommendation 2: Redefine “Landforms” to more broadly reflect the cultural essence and living values of Indigenous Country

- Environmental objective of the Landforms Guidance (section 3) should be amended to recognise cultural integrity, as well as physical integrity.
- The cultural significance of a landform should more clearly be identified as a relevant factor of whether that landform is ‘distinctive’.

Recommendation 3: Recognise cultural values of land and soil and require holistic impact assessments that include cultural impact assessments

⁸ Landforms Guidance, section 3.

⁹ EP Act, sections 17 to 24, and section 43(e).



- Landforms Guidance should more clearly require consideration of: (1) the severity of impacts to cultural values associated with a particular landform; and (2) whether the impacts are irreversible, and non-commensurable.
- Cultural impact assessments should be required as part of any environmental impact assessments required of proponents. These assessments should, where possible, be conducted with, and endorsed by, traditional owners so that the relational cultural systems such as songlines, ceremonial pathways and estate boundaries remain intact in generations to come.
- As part of cumulative impact assessments, proponents should be encouraged to address cumulative impacts to cultural values and demonstrate consultation with Traditional Owners on this point.

Use of IEK and application of Indigenous Data Sovereignty (IDS) principles

17. The Landforms Guidance does not require, or even encourage, proponents to incorporate IEK as part of their EIA.
18. This is the case notwithstanding that the EP Act explicitly requires proponents to seek and document traditional knowledge of the natural and cultural values that might be affected by a particular proposal or strategic action. Additionally, emerging best practice requires consideration of IEK, where appropriate, in recognition of Indigenous knowledge of biodiversity and conservation matters as they relate to landforms– including, relevantly, of ecological processes, the interrelationships between environmental factors, environmental protection factors, and culturally significant landscape indicators.¹⁰
19. The Landforms Guidance therefore ought to recognise, and require incorporation of, IEK into the EIA process.

Recommendation 4: Recognise IEK and require compliance with IDS principles

- IEK should be explicitly referenced as a valid and relevant evidentiary input (to be given equal weight as Western science) in the EIA process.
- Proponents should be encouraged to integrate IEK (where appropriate) into baseline assessments, impact analysis, impact predictions, significance thresholds, mitigation planning and monitoring.
- Proponents should be required to apply IDS principles where IEK is used, including culturally appropriate consent, attribution, and governance of information collected on Aboriginal land.

Indigenous involvement in EIA activities

20. The Landforms Guidance does not recognise Indigenous stewardship in conservation of Country, or the role that Indigenous groups (e.g. Ranger groups) can and should play in the conduct of EIA activities, such as baseline surveys, monitoring, rehabilitation, or remediation activities – including with respect to proposals relating to Aboriginal or Native Title land.

¹⁰ For example, see the Samuels Review of the Commonwealth environmental laws, which recognised the value of IEK and Indigenous environmental management and protection practices.



21. This is a missed opportunity to facilitate partnerships, and potential benefit-sharing arrangements, with Indigenous groups

Recommendation 5: Encourage Indigenous involvement in EIA activities

- Require proponents to demonstrate engagement that they have: (1) identified any relevant ranger groups; and (2) engaged with those groups to determine whether and how they could participate in baseline surveys, monitoring, rehabilitation and remediation activities.

Next steps

22. We would be very happy to work with the NT EPA on the next draft of the Landforms Guidance.

Yours sincerely

Les Turner

CHIEF EXECUTIVE OFFICER