



NORTHERN LAND COUNCIL

Our Land, Our Sea, Our Life

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Submission in relation to Muckaty Solar Precinct

1. The Northern Land Council (NLC) makes the following submissions to the Northern Territory Environment Protection Authority (NT EPA) with respect to the referral prepared by AAPowerLink Australia Assets Pty Ltd (**Proponent**) for the planned development of a large-scale solar generation and battery energy storage system precinct located on Muckaty Aboriginal Land Trust (ALT) (NT Portion 5173) (the **Proposed Action**).
2. The purpose of the public consultation is to inform the NT EPA's decision as to whether the Proposed Action requires an environmental impact assessment, and if so, what the required method of assessment should be.
3. The NLC has considered the information that the Proponent has submitted to the NT EPA in the report entitled "*Muckaty Solar Precinct, Referral under the Environmental Protection Act 2019*" dated 18 September 2025 (the **Referral Report**). For the reasons set out in this submission, it is the NLC's view that the Proposed Action requires an assessment by environmental impact statement in accordance with Division 6 of Part 5 of the *Environmental Protection Regulations 2020* (NT) (**EP Regulations**).

Background

4. The NLC was established in 1973 and following the enactment of the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* (**Land Rights Act**), became the independent statutory authority responsible for assisting Aboriginal people in the northern region of the Northern Territory to acquire and manage their traditional lands and waters. The Land Rights Act combines concepts of traditional Aboriginal law and Australian property law and sets out the functions and responsibilities of the Land Councils as follows:
 - (a) identify relevant traditional Aboriginal owners and affected people;
 - (b) ascertain and express the wishes and opinions of Aboriginal people about the management of, and legislation in relation to, their land and waters;

- (c) consult with traditional Aboriginal owners and other Aboriginal people affected by proposals;
 - (d) negotiate on behalf of traditional Aboriginal owners with parties interested in using Aboriginal land or land the subject of a land claim;
 - (e) assist Aboriginal people to carry out commercial activities;
 - (f) obtain traditional Aboriginal owners' informed consent, as a group;
 - (g) assist in the protection of sacred sites; and
 - (h) direct an Aboriginal Land Trust to enter into any agreement or take any action concerning Aboriginal land.
5. The NLC provides administrative assistance to the land trusts within its region, which includes the Muckaty ALT. Further, in accordance with its functions, the NLC consults with and assists traditional Aboriginal owners who are affected by a proposal to negotiate agreements (with informed consent).
 6. The NLC has not had sufficient time to meaningfully consult with the traditional Aboriginal owners for Muckaty ALT about the content of the Proponent's Referral Report, and therefore this submission expresses the views held by the NLC, not the individual traditional Aboriginal owners. However, the NLC has been working with the traditional Aboriginal owners of Muckaty ALT in relation to this proposal for two years now, and has a solid understanding of local opinions and concerns.
 7. The NLC has been working with the Proponent since 2019 in relation to its proposed renewable energy development in the Northern Territory. This includes the development referred to as the Australia Asia PowerLink Project (**AAPowerLink Project**) for which the NT EPA granted environmental approvals in 2024 (see NT EPA Reference: EP2020/002-001). The AAPowerLink Project has a number of components including a 12,000 hectare solar generation site on Powell Creek station (the **Powell Creek Generation Site**). The Proponent, the NLC, the Northern Territory government and the native title holders for the Powell Creek Generation Site have negotiated a land use agreement in relation to that component of the AAPowerLink Project. The NLC and the Proponent have a strong working relationship and the NLC acknowledges SunCable's ongoing commitment to work with the NLC and the traditional Aboriginal owners to enter into land use agreements for the Proposed Action in accordance with the Land Rights Act.
 8. It is the NLC's view that there are many agencies that play a critical role in the approval process for proposed developments in the Northern Territory. In particular, the NT EPA plays a critical role in assessing the environmental risks associated with such developments. As outlined in section 42 of the *Environment Protection Act 2019* (NT) (**EP Act**), the purpose of the environmental impact assessment process is to ensure that:
 - (a) actions do not have an unacceptable impact on the environment, now or in the future; and

- (b) all actions that may have a significant impact on the environment are assessed, planned and carried out, taking into account:
 - (i) the principles of ecologically sustainable development; and
 - (ii) the environmental decision-making hierarchy; and
 - (iii) the waste management hierarchy; and
 - (iv) ecosystem-based management; and
 - (v) the impacts of a changing climate; and
 - (c) the potential for less environmentally damaging alternative approaches, methodologies or technologies for actions is considered; and
 - (d) the community is provided with an opportunity to participate, and have its views considered, in decisions on proposed actions; and
 - (e) the potential for actions to enhance or restore environmental quality through restoration or rehabilitation is identified and provided for to the extent practicable.
9. The traditional Aboriginal owners of Muckaty ALT are not only key stakeholders for the Proposed Action, they hold the freehold title to Muckaty ALT. It is in their interests to ensure that the Proposed Action is subject to a comprehensive assessment process. In this regard, section 42(a) and (e) of the EP Act are the key environmental safeguards for landholders to ensure that:
- (a) there is no unacceptable and/or irreversible environmental impact to their Country as a result of the proposed action; and
 - (b) when the proposed action is finished, their Country can be rehabilitated effectively.

Considerations for the NT EPA

10. In determining the type of assessment that is required for a proposed action, regulation 59 of the EP Regulations requires the NT EPA to consider the following criteria:
- (a) the significance of the potential impact of the proposed action;
 - (b) the level of confidence in predicting potential significant impacts of the proposed action taking into account the extent and currency of existing knowledge;
 - (c) the level of confidence in the effectiveness of any proposed measures identified in the referral to avoid, mitigate or manage potential significant impacts of the proposed action;
 - (d) the extent of community engagement that has occurred in relation to the proposed action; and
 - (e) the capacity of communities and individuals likely to be affected to access and understand information about the proposed action and its potential significant impacts.
11. The NLC has structured its submissions to address these criteria.

(a) Significance of potential impact of the proposed action

12. At present, there is limited industrial development in the Barkly region and minimal development on Muckaty ALT in particular. The current developments on or over Muckaty ALT include a gas pipeline, a haulage road and low-intensity pastoral grazing activities. By contrast, the NLC understands that, if fully developed, the Proposed Action would be the largest solar development in Australia.
13. The Referral Report states that the total project area is 105,000 hectares, with a “Preliminary Disturbance Footprint” (being land within the project area where early studies have indicated may be suitable for solar development) of 49,300 hectares (see page 23 of the Referral Report). The NLC understand that if approved, this would be the largest area of land clearing in the Northern Territory. Based on approved pastoral land clearing applications, the largest area of land clearing that has been approved in the Northern Territory is 18,126 hectares at Tipperary East station. The “Preliminary Disturbance Footprint” is approximately three times this size and the total project area (if developed) is approximately six times this size.
14. Further, Muckaty ALT covers an area of approximately 221,100 hectares. Therefore the “Preliminary Disturbance Footprint” represents 22.3% of Muckaty ALT and the total project area (if developed) represents 47.48% of the Muckaty ALT. This is a very significant area of land clearing.
15. The NLC considers that the cumulative impact of this large-scale land clearing needs to be considered carefully. When assessing the cumulative impact, it is also important to include the Powell Creek Generation Site totalling 12,000 hectares only a few kilometres north of the “Preliminary Disturbance Footprint”. The Referral Report also refers to cumulative impacts of other approved pastoral land clearing totalling 9,164 hectares on Helen Springs (NT Portion 1512) and Powell Creek (NT Portion 2094) (see page 108 of the Referral Report). However, the Referral Report does not mention other development occurring in the Barkly region, specifically in the Beetaloo Basin where further land clearing may be required. The cumulative impact of this intensive development and land clearing needs to be assessed for the region as a whole with many traditional Aboriginal owners living close to these developments in Elliott.
16. Finally, the NLC notes that there are many different types of impacts of the Proposed Action including indirect impacts. The Proponent notes in the Referral Report that the reason for the Proposed Action is “to respond to forecast and emerging growth in renewable energy demand” (see page 17 of the Referral Report) signalling the possibility that data centres may be co-located with the Proposed Action. There are currently no known proposals for data centres in the Barkly region and no known data centres operating in remote parts of the Northern Territory. Therefore, the NLC anticipates that a cumulative and indirect impact of the Proposed Action includes the impacts connected with data centre development.

17. SunCable describes the Proposed Action as being a “sustainable use of the land” (see page 37 of the Referral Report) however a sustainable output is different to a sustainable use.

(b) Level of confidence in predicting potential significant impacts of the proposed action taking into account the extent and currency of existing knowledge

18. As stated above, the NLC considers that this will be the largest land clearing approved in the Northern Territory and the largest solar development in the Northern Territory (and in Australia). This is also in a region that currently has limited industrial development.

19. The Proponent has previously prepared an environmental impact statement in relation to the AAPowerLink Project. This proponent-initiated EIS referral was accepted by the NT EPA on 16 October 2020 and approval was granted on 14 July 2024. Part of that environmental impact statement related to the Powell Creek Generation Site which is to be located less than 5 km north of “Preliminary Development Footprint”.

20. Throughout the Referral Report for the Proposed Action, the Proponent seeks to leverage the work completed in relation to the earlier environmental impact statement, and in particular the parts of the assessment that relate to the Powell Creek Generation Site. The NLC acknowledges that significant work was undertaken to prepare the environmental impact statement for the AAPowerLink Project and that it may include comparative data that could be useful for an assessment of the Proposed Action.

21. However, it is the NLC’s view that a separate report and assessment should be undertaken for the Proposed Action. The Proposed Action differs from what was considered for the Powell Creek Generation Site in a number of ways. As set out above, the scale of the Proposed Action is significantly larger. Furthermore, the photovoltaic technology proposed in the draft environmental impact statement for the Powell Creek Generation Site referred to solar arrays “made up of PV modules mounted on a Maverick (MAV) structure or tracker rows” with the design arranged in an east-west facing direction (see page 2-30 of March 2022 Draft EIS). In the Referral Report, the Proposed Actions’ concept design “has progressed for a single axis tracker solar precinct, comprised of modularised 325-megawatt peak capacity solar fields connected to inverters” (see page 26 of the Referral Report). The NLC’s understanding is that this technology is different to what was contemplated by the Proponent and assessed for the AAPowerLink Project environment approvals because the panels will pivot to follow the sun.

22. The technology for Solar and Battery Energy Storage Systems (**BESS**) is advancing rapidly and the NLC anticipates that there may be new information to support an assessment of this technology since the first environmental impact statement for the AAPowerLink Project were prepared.

23. Finally, as noted above at paragraph 16 the Proponent has noted the possibility that data centres may be co-located with the Proposed Action. As stated, this would be one of the first data centres the NLC is aware of to be based remotely in the Northern Territory. Therefore, an assessment of that type of development needs to be considered by the NT EPA.

(c) Level of confidence in the effectiveness of any proposed measures identified in the referral to avoid, mitigate or manage potential significant impacts of the proposed action

24. The Referral Report has identified “Avoidance Areas” which protect known environmental and heritage values (including habitats of threatened species and Aboriginal Sacred Sites).

25. In relation to the protection of Aboriginal Sacred Sites, the Avoidance Areas are based on an abstract from the Aboriginal Areas Protection Authority (AAPA). The NLC notes that there are limitations to an abstract provided by the AAPA because, as noted on the AAPA’s website, it is not a definitive way of determining the location of all sacred sites in a given area, it only indicates sacred sites currently known to the AAPA. In the Referral Report the Proponent does state that it will request an Authority Certificate through the AAPA however until such time, the accuracy of the Avoidance Areas in relation to Sacred Sites cannot be verified. The Proponent has also noted this in the Referral Report (see page 24).

26. In relation to cultural heritage, the project is at such a preliminary stage of design that there is no work program or clarity around the ground disturbing activities. This limits the ability to assess and adequately mitigate risks to cultural values. In order to apply best practice, effectively consult and engage with traditional Aboriginal owners and strategically plan for the future, the work program and adequately defined footprint are essential for developing a Cultural Heritage Management framework.

27. Further, the descriptions of the requirements for the Proposed Action in the Referral Report, such as the proposed water requirements (see 2.2.7 on page 28 of the Referral Report), are vague and lack specificity. Water is a key concern for traditional Aboriginal owners and for communities in semi-arid environments. Further studies would be needed to determine the level of water required and the level of water available. Similarly, in the recommendations set out in “Appendix C – Muckaty Station Flood Study”, it is noted that “[t]he modelling undertaken for this study should be considered as preliminary and concept stage only” (see page 18 of Appendix C of the Referral Report).

28. The Referral Report also refers to a number of possible impacts on local fauna including loss of habitat through land clearing, fragmentation of habitat, and the ‘Lake Effect Hypothesis’. These impacts need to be considered both individually and cumulatively. There are species of animals which are important to traditional Aboriginal owners and further consultation is required to assess the impact on each of these species. Section 43(c) of the EP Act sets out the general duty of the Proponent in undertaking an environmental impact assessment which requires the

Proponent “to 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.” Once further information is known about the location of the development, the Proponent needs to invest more time in addressing particular concerns of the affected traditional Aboriginal Owners.

29. Finally, the Proponent notes in the Referral Report that it is required to pay an Environmental Protection Bond for the AAPowerLink Project (see page 38 of the Referral Report). The NLC agrees with this statement, but any bond for that project should be separate to a bond paid for the Proposed Action on Muckaty ALT. The environmental approval (NT EPA Reference: EP2020/002-001) does not specify the amount of the proposed bond, and the NLC is concerned that the Proponent is seeking to leverage earlier approvals.
30. Further details are required before there can be confidence in the proposed avoidance, mitigation and management strategies.

(d) Extent of community engagement that has occurred in relation to the proposed action

31. While the "Preliminary Disturbance Footprint" has been defined as discussed above, the detailed design of the Proposed Action and associated infrastructure has not. There is a lack of clarity therefore around the specific areas that will be developed and what will be built on that Country. This makes it difficult to engage meaningfully with the affected traditional Aboriginal owners about the proposed impact. The NLC refers to the findings of the Land Commissioner in the Muckaty Land Claim. The Land Commissioner identified seven groups who are connected with the Muckaty ALT. These are the Milwayi, Ngapa, Ngarrka, Wirntiku, KurraKurraja, Walanypirri and Yapayapa groups. As the Land Commissioner notes, “[t]he areas on which the separate groups focus are not necessarily completely separate... Sharply defined boundaries between the estate groups are unusual... There is a tendency for different groups to share some sites, with a consequent overlap between the areas claimed by those groups” (see page 38 Land Commissioner Report No. 51 – Warlmanpa Mucakty PL). Each of these groups will be affected and impacted differently depending on the final detailed design.
32. Section 43(d) of the EP Act sets out the general duty of the Proponent in undertaking an environmental impact assessment which requires the Proponent “to address Aboriginal values and the rights and interests of Aboriginal communities in relation to areas that may be impacted by the proposed action.” It is challenging for these values, rights and interests to be considered when the detailed design is not sufficiently progressed.
33. In their Referral Report, the Proponent notes that traditional Aboriginal owners and the NLC were consulted during the initial site selection process culminating in a meeting in November 2024 (see page 33 of the Referral Report). The NLC agrees that a meeting took place in November 2024, however it disagrees that it was involved in any site selection processes, rather

Cultural Managers were involved in considering the placement of some equipment to monitor wind and solar resources on country.

34. Generally, the NLC has observed that parts of the Referral Report relate to other components of the AAPowerlink Project, such as the transmission infrastructure. While this is relevant to the extent that it demonstrates the method that electricity generated by the Proposed Action may be transmitted to customers, this is not otherwise directly relevant (including comments about the number of consultations with landowners).
35. The Proponent has also taken this approach in “Appendix D – Stakeholder Engagement Report” which includes all engagement by SunCable in connection with the AAPowerLink Project and the Proposed Action. The NLC first learnt of the Proposed Action from SunCable in August 2024, and therefore the NLC considers it is unlikely that any consultations prior to that date involved a discussion of the Proposed Action.
36. The NLC can confirm that there have been two consultations with traditional Aboriginal owners from Muckaty ALT in November 2024 and October 2025, as well as a few days of fieldwork that involved traditional Aboriginal owners for Muckaty ALT assisting as Cultural Monitors.
37. The NLC acknowledges that it will continue to work with the Proponent to engage with traditional Aboriginal owners and to explain the Proposed Action. As stated above at paragraph 7, the Proponent is committed to working with traditional Aboriginal owners to negotiate land use agreements. However, further community consultation is required.

(e) Capacity of communities and individuals likely to be affected to access and understand information about the proposed action and its potential significant impacts

38. Given the uncertainty around the Proposed Action as set out above, it is difficult for traditional Aboriginal owners to understand the potential impacts (direct, indirect and cumulative) at this stage. The NLC submits that an environmental impact statement would assist to achieve this objective.
39. Further, it is understood that this is the largest proposed solar farm in the Northern Territory on land where the predominate use is for pastoral activity only. The NLC considers that significant time needs to be invested in explaining the proposal and the potential impacts to the landowners – being the seven traditional Aboriginal owner groups.
40. Notably, if the Proposed Action is intended to provide renewable energy to data centres, the impacts of remote data centres are not generally understood in communities at this time.

Further comments on the Referral Report

41. Finally, the NLC notes that the Referral Report discusses the engagement with thirty-five private landowners in relation to the proposed Transmission Line route (see Table 3-1 on page 41). It is

the NLC's view that the NLC and native title holders have been left off the list as key stakeholders for this element of the proposal. The transmission infrastructure is to be built on freehold Aboriginal Land Trusts as well as land where there have been native title determinations or where there are native title claims on foot. Again, the NLC acknowledges that SunCable has communicated to the NLC that it will negotiate land use agreements in relation to that component of the AAPowerLink Project and the NLC considers this is an accidental omission.

Conclusion

42. For the reasons set out in this submission, it is the NLC's view that the Proposed Action requires an assessment by environmental impact statement in accordance with Division 6 of Part 5 of the *Environmental Protection Regulations 2020 (NT) (EP Regulations)*.
43. Please direct any queries you have in relation to this matter to Sophie McLeod at McLeoS@nlc.org.au.

Yours sincerely



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