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15 November, 2024

Pastoral Land Board
Via 'Development Applications Online'

To the Pastoral Land Board,

RE: Pastoral Land Clearing Application – Auvergne Station, PPL 1801, NTP 2676, 4353, 5133, Victoria River District, 1455.3 hectares

We are writing to request that you reject the application by Matt Barnes, representing Clean Agriculture and International Tourism Pty Ltd. to clear 1455.3 hectares of native vegetation for the purposes of non-irrigated improved pasture, fodder for grazing and feed.

We object to this application for the following reasons:

1. The 'development' conflicts with the objects of the Pastoral Land Act 1992:

a. to provide a form of tenure of Crown land that facilitates the sustainable use of land for pastoral purposes and the economic viability of the pastoral industry;
b. to provide for:
    i. the monitoring of pastoral land so as to detect and assess any change in its condition;
    ii. the prevention or minimisation of degradation of or other damage to the land and its indigenous plant and animal life; and
    iii. the rehabilitation of the land in cases of degradation or other damage

Clearing for cropping including "feed" for cattle is incompatible with this form of land tenure and the objects of the Pastoral Land Act, as it is not a sustainable land use and it does not prevent or minimise degradation of or other damage to the land and its indigenous plant and animal life.

2. Biodiversity

a. Failure to deal with cumulative risks

Flora and Fauna branch advice in the Notice of Consent for clearing on adjacent land dated 25 November 2022, subjectively decides the areas proposed to be cleared areas being "sufficiently small so as to not pose a significant risk to these species in respect to Gouldian finch and Crack-dwelling Ctenotus.

We object to this approach to decision making as inappropriate for dealing with listed species. It is effectively facilitating extinction via "death by a thousand cuts". The issue of cumulative impact was evident to Dr Seuss (as poignantly exposed in the Lorax) but apparently is not to the Department. It suggests an extreme naivety and failure to appreciate context. This landform is being widely targeted for sorghum, cotton and intensive agriculture as evidenced by: this being second application in a couple years on the same parcel of land; the applicant's public communications

which single out Auvergne station for intensification: *"in the short term, CAIT aims to focus on growing forage crops such as sorghum, before following the lead of several other Top End stations by looking at cotton*[1]*; and* similar habitats being targeted for destruction for the proposed Keep Plain agricultural zone and similar proposals on vertisols on other pastoral leases. If it supports threatened species then they should be protected or referred under the EPBC Act, the public is being failed by these arbitrary concessions by Flora and Fauna branch.

b. *Failure to undertake threatened species surveys*

The Department's assessments in the previous application were based on desk studies and are therefore risk based/guesswork. No field data has been gathered on threatened species to support this application either. The public have a right and expectation that field data is used in assessing impacts on threatened species. If a population of an endangered species is impacted either directly or indirectly then this constitutes serious and irreversible harm and with a precautionary approach should be evaluated before such as decision is made. We should not be playing "Russian roulette" with threatened species!

This proposal involves huge shifted costs onto the public and the environment. It is the least the applicant can do is support its application with decent field data.

Given the many species records within the region and the important grassland and riverine areas nearby these surveys are absolutely necessary under principles of ecologically sustainable development

c. Misleading and understatement of the risk to the Gouldian finch.

There are multiple nearby records of Gouldian finch on the same plain close to the proposed clearing. It can be expected that this is an area on which Gouldian finch occur and rely. This is not disputed in the application.

The assessment in the application however is misleading in its description of the threats. The conservation advice[1][2] in its description of threats identifies loss of feed seed as a key threat: *Key Gouldian finch wet season grasses, such as cockatoo grass (Alloteropsis semialata) and* ***golden beard grass*** *(Chrysopogon fallax), are selectively grazed by cattle and horses leading to their seed production and extent being reduced (Crowley & Garnett 2001).* The application in Appendix A (land type descriptions) makes clear that golden beard grass occurs throughout the proposed clearing area. However in describing the risks to the Gouldian finch the application states "Literature highlights that the main threats to the Gouldian Finch include a parasitic mite and lack of suitable nest hollows."

This is a classic strawman fallacy where the application highlights and defends the least relevant threat to the Gouldian finch associated with the proposal, while ignoring the obvious and indefensible threat – that the proposal is to take away a key feed source (golden beard grass seed) that is strongly associated with Gouldian finch survival and the loss of which is listed as a threat, in

[1] https://amp.abc.net.au/article/11951422

[2] http://www.environment.gov.au/biodiversity/threatened/species/pubs/413-conservation-advice-07122016.pdf

an area with significant records of Gouldian finches. This assessment calls into question both the applicant's ability to capably and even-handedly assess threats to native fauna.

Additionally the application does not justify its claim that "Gouldian Finches nest in Wooded hills with Eucalyptus sp. (e.g. Salmon gums) in the dry season and riparian areas in the wet season" . There is a strong case that nest hollows need to be available at the landscape level. Such hollows would be lost as a result of this clearing

With unpredictable and extreme changes in weather and increased wildfires (exacerbated by climate breakdown), there is a greater need to protect remaining available habitat. It is negligent to continue removing habitat in the core distribution of the species during the nature crisis.

Ebird records of Gouldian finch, all since 2020

Given the risk to this Federal threatened species this proposal must be referred to the Minister for the Environment.

d. Threat to the Australia Painted-Snipe

In 2020, the population was estimated to be 340 (range 270–410) mature individuals [1] and declining. The application states "Two records (1976) present on NT database 4.5km and 3.5km SW of polygon 7. Species may occur in area. Habitat is shallow ephemeral wetlands."

The National Recovery Plan for the Australian Painted-snipe (Rostratula australis) identifies records at locations including temporary and permanent lakes, swamps and claypans and that they also use inundated or waterlogged grassland. The Australian Painted Snipe has been recorded nesting in

flooded areas including grazing land, among tussock grasses and in ground cover of water-buttons and grasses.

The applicant acknowledges species may occur in area but diminishes the risk stating: a*necdotal evidence suggests the species is nomadic and prefers shallow ephemeral and permanent wetlands. The sighting of the species was near the West Baines River and Dick Creek.*

The image below shows parts of the clearing area are prone to inundation, and parts of the two previous applications PLC2019-1 and PLC 24/04 are also prone to inundation. These locations constitute habitat in which species has been observed, including nesting.

We are also concerned that the record the applicant refers to *near the West Baines River and Dick Creek* is at risk of pesticide, nutrient, sediment contamination and weed introductions.
For an endangered species with declining populations facing additional stresses from climate change and the threat of **H5N1 bird flu.**

This clearing is an avoidable, unnecessary and unacceptable risk. This application should not have been submitted without field surveys. It should also have been referred under the EPBC Act.

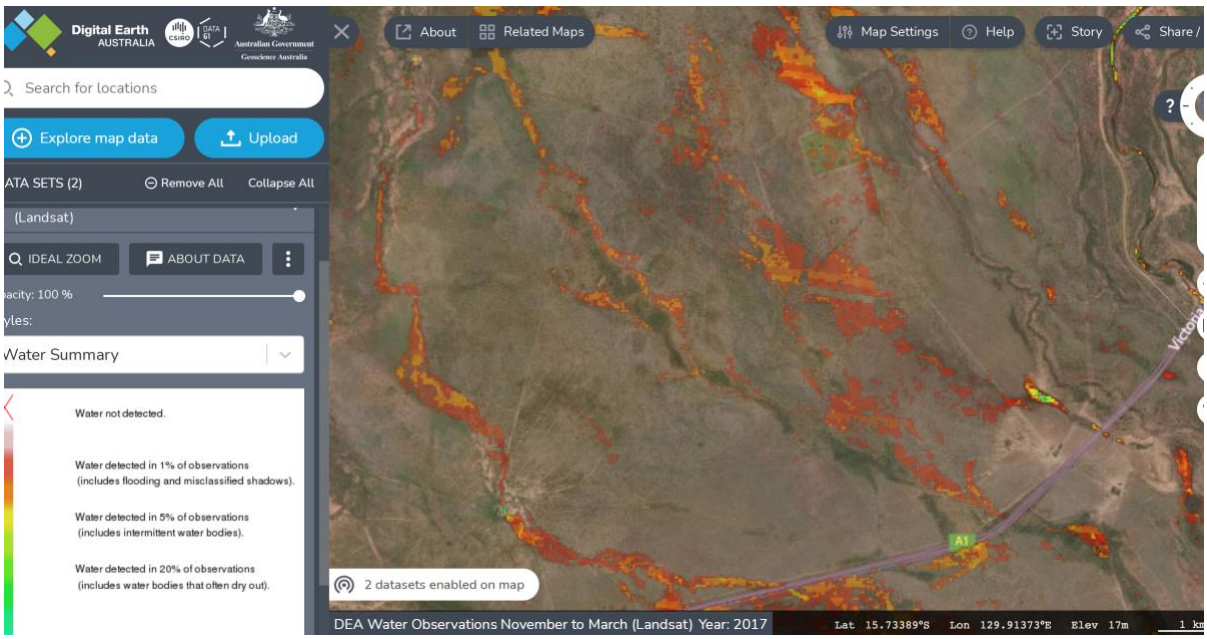

Figure: extensive indundation during wet wet seasons occurs beyond channels

e. Risks to Crack-dwelling Ctenotus

The Crack-dwelling Ctenotus (Keep-Ord Rivers) is restricted to grasslands, including those with a sparse woodland overstorey, on cracking clay soils. It forages on the ground and shelters within soil cracks. Its diet comprises a range of invertebrates.

The most significant threat to the Crack-dwelling Ctenotus (Keep-Ord Rivers) is potential broadscale clearing associated with conversion of native grassland to horticulture in the lower Ord and Keep River systems. The species is also subject to a pervasive threat from grazing by livestock and feral

herbivores. Grazing likely has a negative impact on the Crack-dwelling Ctenotus (Keep-Ord Rivers) habitat through decreasing vegetation cover and altering the composition of the ground layer[3].

This is clearly suitable habitat, and the proposal which involves clearing and removal of deep rooted grasses constitutes its greatest threat. This proposal clearly reduces the overall prospects of an NT listed species with a very limited range, which is already threatened by climate change, widespread cattle grazing and NTG's aspirations for intensive agriculture on the Keep River Plain.

f. Threats to other listed species

In addition to the Gouldian finch, Crack dwelling ctennotus and Australian Painted-snipe we object to the clearing as it introduces avoidable and unacceptable risks to significant and threatened species occurring that have been observed close the Masked owl, Grey falcon and Purple-Crowned Fairy-wren.

g. Inappropriateness of introduction of unnecessary risks when bird populations are at risk H5N1

Given the significant risk of severe impacts on bird populations and the Australian Government's investment to mitigate these risk it is inappropriate to be introducing additional pressures, especially in areas with an abundance of birds onsite and down-gradient that are potentially remote from other populations.

3. Establishment plan is inadequate, unclear and diminishes the extent of pesticide and fertiliser use required during establishment and annually

Applications of this nature will introduce significant herbicides and fertilisers, which would otherwise not be required. The application is completely inadequate in the details provided about the extent of use and mitigations. This should have been addressed in the establishment plan in Appendix C.

It should have quantified what, when and how will be used. We understand that proposals of this nature would involve at least two broadscale applications at the outset - one post clearing once the seed bank has germinated with a follow up Glyphosate application prior to sowing. This would occur in the early wet season when the risks of offsite loss are significant. The proposed buffers will not stop contaminants in solution moving to sensitive wetland receptors.

Similarly establishment of pasture or will introduce nutrients and risks eutrophication of adjacent water features. Other applications typically describe that fertiliser is applied to crops at around 100kg/ha. For a 1,455ha application this amounts to application of at least 145 tonnes of fertiliser close to sensitive environmental receptors. It is wholly inadequate to not describe this and to gloss over the risks associated with this level of use close to sensitive environmental receptors which support or may support threatened species and to which Native Title holders maintain use rights.

We emphasise that this proposal is especially bad because it involves cropping which means the pesticides and fertilisers are not a one-off but represent an annualised pollution activity.

This risk eutrophication of nearby wetlands is heightened as fertiliser will be applied in the wet season when the risk of offsite export is greatest and highly uncertain.

[3] https://nt.gov.au/__data/assets/pdf_file/0020/206453/crack-dwelling-ctenotus.pdf

Furthermore there will be other ongoing risks. For example we are aware that proposals such as this typically involve ongoing broadleaf selective herbicide (to mature plants) such as 2,4-D Amine and even more extensive chemical use if this changes to dryland cotton cropping which as it stands would not require any further approvals

Risk of export of herbicides and pesticides is especially troubling given the site's proximity to Dick Creek and Baines River which contains extensive permanent or persistent open water areas which presumably are important ecological refuges and prone to eutrophication.

5. Weeds including weeds that could impact the Dick Creek and downstream rivers and conservation areas.

As per above, the site is in close proximity to the Victoria River, its tributaries and the Judbarra / Gregory National Park Introduction of environmental weeds specifically:

2. Cotton if the applicant's long-term stated plans are realised (which we object to)
3. Jarra
4. Tully
5. Cavalcade
6. Callide Rhodes Grass
7. Sorghum which is proposed to be planted can persist as environmental weeds https://www.ogtr.gov.au/sites/default/files/files/2021-07/the_biology_of_sorghum.pdf

6. Cultural Heritage

The applicant has provided an abstract of records for registered sacred sites and heritage assessment and reports approval for clearing from a community meeting and subsequent visit by Traditional Owners.

Unfortunately the report on the Traditional Owner visit relates to the previous clearing application and does not appear to mention this application.

While this report is irrelevant given it pertains to different land, and we note the Traditional Owners' support of the previous application, procedurely it is concerning as:

- This additional clearing which is the subject to this application was not discussed.
- The report has been prepared by the applicant and not a third party
- It appears an advocate for the Traditional Owners was not present during the consultation and it is unclear whether the legal rights were fully conveyed and Traditional owners had access to legal support.
- The discussion appears to have gone in some odd tangents with Traditional Owners' support based upon spurious and untrue assumptions about the health benefits of beef and seeking to be neighbourly. (While grass fed beef is a source of protein and provides other nutrients such as iodine, zinc, vitamins and essential fatty acids[i][4] diets high in beef contribute substantially to burden of chronic disease[5]. The weekly consumption of red meat by Australians is estimated at 24% higher on average than maximum suggested by the

[4] Binns, C. (n.d.). *Guidelines Dietary*. Eat For Health. Retrieved August 19, 2024, from https://www.eatforhealth.gov.au/sites/default/files/files/the_guidelines/n55_australian_dietary_guidelines.pdf

[5] EAT-Lancet Commission *Healthy Diets From Sustainable Food Systems*. (n.d.).. Retrieved August 19, 2024, from https://eatforum.org/content/uploads/2019/07/EAT-Lancet_Commission_Summary_Report.pdf

Australian Dietary Guidelines[6].) It is concerning also that the applicant may be inadvertently currying favour and creating a sense of obligation by gifting occasional carcasses. This should not be a consideration.

- There also seems to have been an inverted power dynamic. It is written "*Laurie, Stan and Roy all made the point that they appreciated the opportunity to come and visit the station and talk with us on these issues"*. The Native Title agreement preserves many rights including the right to hunt and to fish on the land and waters of those areas; and the right to gather and to use the natural resources of those areas such as food, medicinal plants, wild tobacco, timber, stone and resin[7]. These rights are clearly being eroded by clearing proposal. It was an immense act of generosity on behalf of the Traditional Owners to attend this meeting not the other way around.

While consultation is absolutely necessary there need to be prescribed methods for how these occur.

8. Atmospheric emissions

We object to this proposal on grounds of its fundamental non-compliance with the NTG carbon offsets framework.

The offsets framework makes clear offsets *cannot be used to make an unacceptable impact acceptable.* This proposal has unacceptable climate change impacts (i.e. massive carbon emissions) which are avoidable. Under the policy this proposal should therefore be illegal.

The estimated emissions from the clearing are 342,643.51 tCO2-e. The NTG offsets policy for large emitters outrageously does not require these emissions to be offset. While we object to these emissions, we also object to the principle that the cost of atmospheric emissions is shifted onto the public. We are suffering the enormous cost of global warming's catastrophic impacts. The enormity of this internalisation of benefits and socialising of costs is especially remarkable given the clearing can be expected to increase the sale value of the pastoral lease.

We also object that this offset is being gifted to the same company for each pastoral lease. It is also releasing greenhouse gases through its applications for clearing on Newry station.

8. Significant soil types and majestic landscapes

The vertosol plains west of Timber Creek, framed by the Pinkerton Ranges and other ranges, are a magnificent natural and cultural landscape, maintained for millennia by the traditional custodians of this land. The drive from the WA border to Timber Creek is iconic one of the most memorable trips to be had in Australia. It will be fundamentally degraded by clearing and cropping. This landscape and vital ecosystem should be preserved.

9. Risks to significant vertosol soils from the removal of native vegetation

These soils appear to be relatively rare in the vicinity of Timber Creek. The application does not consider risks associated with removal of deep-rooted grasses. It does not demonstrate these soils can be preserved. An EIS is needed to evaluate the risk to these soils from clearing and cropping.

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[6] Commonwealth of Australia. Australian Bureau of Statistics. - *Australian Health Survey: Consumption of Food Groups from the Australian Dietary Guidelines, 2011- 12*. Retrieved August 19, 2024from https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.012~2011-

[7] http://www6.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2011/571.html

11. Environmental impact statement needed

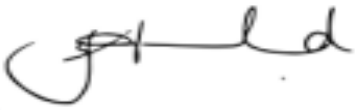
We disagree with the applicant's assessment in Appendix 17 that referral to the NTEPA is not warranted because:

1. The statement "No important habitat for any of the threatened species recorded within 30km of the proposed" is not true. As discussed previously the proposed clearing is of golden beard grass which is a primary food source for the Gouldian finch and the loss of which is identified as a cause of population decline in the conservation advice. The proposal also threatens Crack-dwelling Ctenotus.
2. Other threatened species such as the Australian painted-snipe have occurred in the area and suitable habitat (occasionally inundated grasslands and downgradient wetlands which could be impacted)
3. No field surveys have been undertaken for the Australian painted snipe or other listed species. Given the many species records within the region and the important grassland and riverine areas nearby these surveys are absolutely necessary under principles of ecologically sustainable development
4. The application poses risks from fertiliser and pesticide but offers no meaningful quantification or description of the extent of use, mitigations or impacts on sensitive environmental receptors is provided.
5. The statement in attachment 17 "*At 1,455 ha, the area proposed for clearing is very small relative to the size of the property…"* is irrelevant to the risk posed by the proposal of for the outcome of a species, especially as the applicant's stated aspirations to intensify land uses elsewhere. If anything this highlights that conservation of these areas is less important to the lessee and highlights the risks of poor oversight given the vast tracts of land they work on.
6. Other problems outlined elsewhere in our submission.

Conclusion

For the reasons outline we object to this pastoral clearing application. ***We request that the Pastoral Land Board refuse this application. The application should first by referred to the Environment Protection Agency under the Environment Protection act for a full and thorough assessment*** and the Federal Minister for the Environment for consideration of the impacts to federally listed species including the Australian Painted-snipe and Gouldian finch

Regards,



Jacqueline Arnold and Adrian Tomlinson

Copies to:

- Federal Minister for the Environment: Hon Tanya Plibersek
- Threatened Species Commissioner: Dr Fiona Fraser
- Chairman NT EPA: Dr Paul Vogel
- Environment Centre NT: Attention Dr Kirsty Howey
- Professor John Woinarski, Charles Darwin University

[i] Binns, C. (n.d.). *Guidelines Dietary*. Eat For Health. Retrieved August 19, 2024, from https://www.eatforhealth.gov.au/sites/default/files/files/the_guidelines/n55_australian_dietary_guidelines.pdf