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3 January, 2025

Pastoral Land Board
Via 'Development Applications Online'

To the Pastoral Land Board,

RE: Pastoral Land Clearing Application – Dalmore Downs, NT Portion 773, Barkly District, 168.72ha hectares

We object to the application by John Thompson, representing Bronco Yards Pty Ltd to clear 168.72 hectares of native vegetation, including wetlands, for the purposes of irrigated hay production.

This is a particularly inadequate application for a poorly located proposal. It fails to acknowledge that threatened species may occur in the area, is thoroughly inadequate in its assessment of water pollution risks, does not seem to be aware of the Georgina Wiso Water Allocation Plan and fails to acknowledge that the proposed location overlies a wetland. Furthermore the level of capitalisation that has already occurred, with multiple bores already drilled and ready to be equipped as production bores, suggests the applicant regards this application process a formality. We also contend irrigated hay production should be assessed as a non-pastoral use with Native Title holders afforded a say in this decision with rights to compensation.

Context

The application has been released for comment over the Christmas period. This appears to be a cynical strategy designed to avoid scrutiny. It has clearly has reduced the opportunity for informed comment. Indeed the NTG offices were closed for the Christmas - New Year period reducing the opportunity for support during the comment period and the number of business days over which the comment period occurred. We note that it has been an especially challenging time in this region with severe heatwave conditions occurring in Barkly in the week prior to Christmas.

Reasons for our objections

In addition to and elaborating the reasons outlined in the 'context' section above we object for the following reasons:

1. The 'development' conflicts with the objects of the *Pastoral Land Act 1992* and in any case should be assessed as a non-pastoral use under 85(A) of the Act

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.

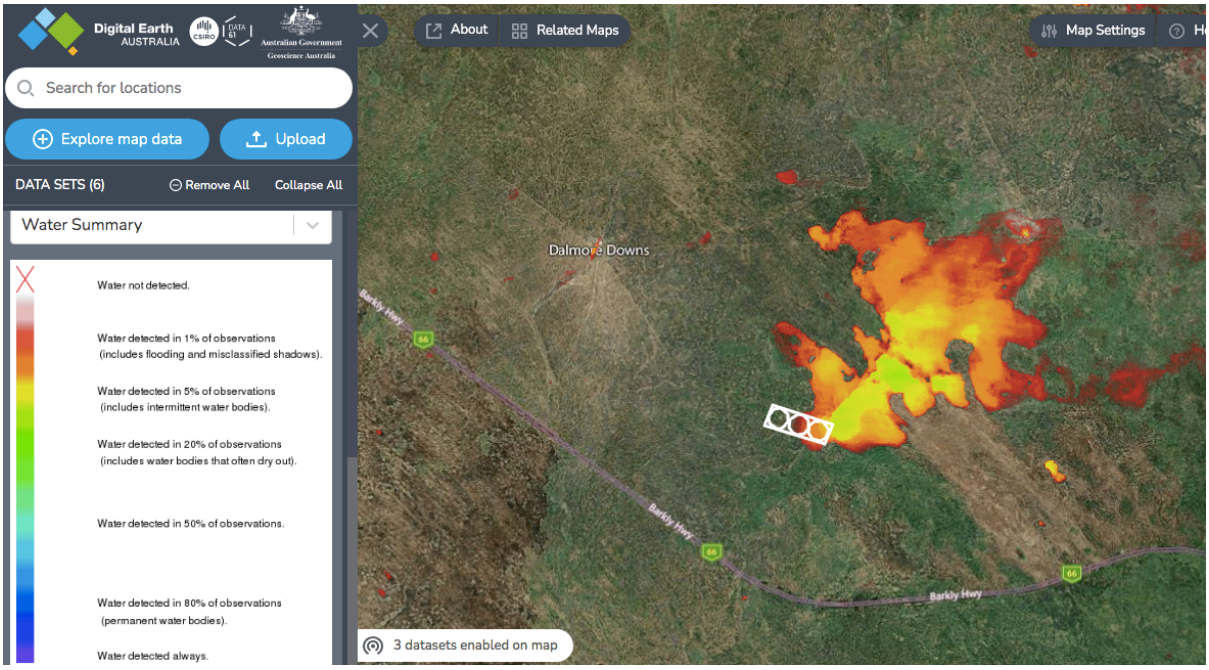
Irrigated cropping including 'feed' for cattle is incompatible with this form of land tenure and the objects of the Pastoral Land Act, as it is not a sustainable land use (it requires irrigation) and it does not prevent or minimise degradation of or other damage to the land and its indigenous plant and animal life. Irrigated hay production represents a significant extension beyond what the public should expect to be occurring on public land leased for pastoral purposes. Irrigated hay is more properly considered a form of intensive agriculture.

If the applicant seeks to pursue irrigated hay production then they should apply for a non-pastoral use permit under section 85A(1) of the *Pastoral Lands Act 1992*. This requires explicit assessment of impact on the environment 87(2) and specifies that granting of such permits is a future act to which Part 2, Division 3, Subdivision G of the *Native Title Act (Commonwealth) 1993* applies and the Pastoral Land Board must comply with the requirements of Part 2, Division 3, Subdivision G of the NTA in considering the application 87(2A). This includes requirements for compensation to the Native Title holders, who in this case established through the Dalmore Downs determination[1]. It appears the support of the Native Title Holders has not been obtained, nor is any arrangement to provide compensation is in place.

2. The location is unsuitable with respect to water resources (because of concerns relating to its situation within a wetland, water quality risks, failure to acknowledge regulations arising from its location within the Georgina Wiso Water Allocation plan and lack of catchment wide considerations).

2a. Wetlands

The bulk of the application is situated on and adjacent to a wetland, yet the applicant states in the application "No sensitive features identified."



[1] https://www.nntt.gov.au/Maps/NT_Southern_NTDA_Schedule.pdf

2b. Groundwater contamination (the applicant is focused on sinkholes which may be present but there are also other pollution pathways)

1. The assessment of sinkholes and the groundwater contaminations is inadequate and concerning. The application down plays the risk of groundwater contamination by stating there are no registered sinkholes and mentioning in the application that the closest registered sinkhole is 75km away.

The set of registered sinkholes is not exhaustive and can therefore not be used to downplay the risk of there being sink holes. Google Earth shows numerous depressions in the vicinity of the clearing which may in fact be sinkholes. ***The applicant should determine via field assessment whether sinkholes occur in the area.***

2. We are concerned by the applicant's statement *"the risk of contamination of the aquifer due to sedimentation or erosion is mitigated due to proximity of known sinkholes to the planned irrigation site, and implementation of best management practices in farming practices*" because:

Regardless of the presence of sinkholes irrigated agriculture can and does cause groundwater contamination. The statement in italics betrays an inadequate understanding of groundwater contamination risks and pathways as dissolution of pesticides and fertilisers leaching to the groundwater table is the primary pathway rather than "sedimentation or erosion". ***The proponent has not acknowledged the relevant risks/risk pathways with sufficient accuracy to evaluate the risk, let alone mitigate it***.

Given the above, the applicant's claim that groundwater pollution risks are adequately mitigated cannot be considered meaningful. Although the depth to groundwater is around 40m, the unsaturated sediments are of the Anthony Lagoon Formation which provides a viable pathway for water and contaminants introduced via cropping and irrigation to leach to the groundwater table or indirectly via infiltration from the wetland. The risk of groundwater pollution therefore needs to be properly assessed, both from a water quality and threat to sensitive receptors including stygofauna.

2c. Water Extraction Licence

The information presented in 6.2 of the application on the water extraction licence is wrong. ***The applicant falsely claims "Note this is an unregulated area". This is incorrect, the proposed site is within the Daly Roper Beetaloo Water Control District where water extraction is guided by the Georgina Wiso Water Allocation Plan***.

Misleading extract from the application:

6.2 Provide details regarding the proposed water requirements for each proposed crop/use.

Note: If the proposal requires irrigation and a Water Extraction Licence (WEL) has not been issued, refer to https://nt.gov.au/environment/water or contact the Water Resources Division, DEPWS by email waterresources@nt.gov.au or telephone: (08) 8999 4455.

Crop/Use & Polygon	Area (ha)	Water required (ML/yr)	Water source	Licence required (yes/no)	Licence No. or application status
Pivot Improved pasture hay production	168.72 ha	10ml/ha 400ml/year for single pivot	Bore	Yes	L10014 approved Note: this is an unregulated area.
TOTAL:					

☒ Attach a copy of any relevant licences or bore reports.

Attachment No: 4a & 4b

2d. Need for a catchment wide approach to land use decisions and management of catchment risks

Land use decisions in the catchment need to seek to protect wetlands, waterways and Cambrian Limestone Aquifer recharge water quality. The current *ad hoc* regime of clearing approvals is unable to do this. This is especially significant as we are confronted with the prospect of more contaminating land uses, including for irrigated agriculture given the large water allocations in the Georgina Wiso water allocation plan and the increasing amount of land clearing proposals. We urgently need a moratorium on *ad hoc* proposals like this while there is no strategy to protect the public interest and the region's environmental assets.

2e. Surface Water contamination

As noted the proposed clearing footprint includes an area that is frequently inundated and should be considered a wetland. This provides unacceptable risk to contamination of aquatic ecosystems with pesticides, nutrients etc. Use of pesticides in this location would frequently be against manufacturers' guidance.

3. The establishment plan / land management plan is inadequate, unclear and diminishes the extent of pesticide and fertiliser use required during establishment and annually – these pose risks to wetlands including Bundara wetland and the quality of recharge to the Cambrian Limestone Aquifer

Applications of this nature 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.

The establishment plan should have quantified what, when and how pesticides and fertilisers will be used. We understand that proposals of this nature would involve at least two broad scale applications of herbicide at the outset - one post clearing once the seed bank has germinated with a follow up application prior to sowing. This would occur in the early wet season when the risks of offsite loss are significant. The proposed location means there are no buffers will not prevent contaminants in solution moving to sensitive wetland receptors. As noted previously, use of pesticides including herbicides, in a wetland areas is especially troubling as this would in most cases be against manufacturers' guidance.

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 ongoing pollution activity.

4. Weeds, including weeds that could impact downstream wetlands and biodiversity

It is highly inappropriate to be introducing invasive grasses like Rhodes grass to wetlands. Additional weed pressure will be introduced due to the intensification of use. This introduces avoidable herbicide use with risk of spray drift into wetland areas.

5. Biodiversity risks

5a. **Section 8 of the application is unacceptable**.

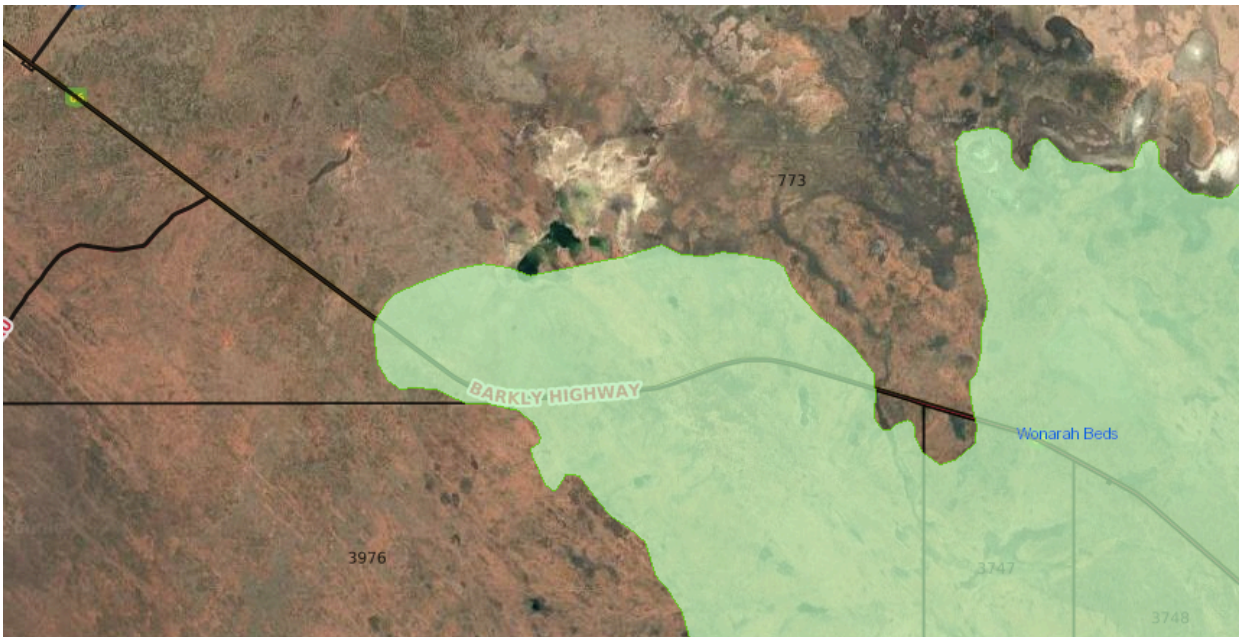
The application fails to acknowledge that threatened species occur in the area and hence does not address the risk posed to these species. Contrary to the applicant's claims of no threatened species a cursory search of NR Maps shows records of threatened Grey Falcon, sharp-tailed sandpiper, Common greenshank, Australian Painted-snipe, and Greater Bilby in the area.

Given the location on and close to a wetland, these areas are significant to the prospects of threatened species continuing in the region.

We also note extensive material is presented on stygofauna. However this just seems to be information prepared for other reasons. It is not bespoke to the risks associated with this proposal.

5b. The proposed clearing is over an area designated as an area of botanical significance (Wonarah Beds)

The project area overlies the Wonarah beds site, which is identified in NR Maps as an area of botanical significance. We understand this area was classified as significant on a bioregional scale in the NT Parks and Conservation Masterplan (Baker et al., 2005).



6. Cultural Heritage and Traditional Owner consultation

The application does not include any consultation with Traditional Owners and Native Title Holders about impacts on cultural values or how the application may impinge on the rights of the Native Title Holders.

As noted earlier we object to this not being assessed as a non-pastoral use permit, which would requires consultation with and compensation to the Native Title holders.

7. Atmospheric emissions

The proponent states the estimated emissions from the clearing are 1934 tCO2-e, yet the attached carbon emissions calculator states the total emissions are 9152.26 tonnes.

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. carbon emissions) which are avoidable. Under the policy this proposal should therefore be illegal. We also object to the proponent not being required to offset the atmospheric emissions.

8. Bores already drilled before obtaining all permissions

We are very concerned that the applicant has drilled a very large number of 200mm diameter bores which are described in NR Maps as "Bore left for possible future development'. These bores include RN042561, RN042562, RN042563, RN042564, RN042566 and RN042567. It is hard to imagine any reason why the applicant needs to drill so many exploratory bores, or indeed why so many bores are needed at all. It appears either this clearing application should have been lodged earlier or the applicant does not respect the Pastoral Land Board's ability to refuse this application.

9. Environmental impact statement needed

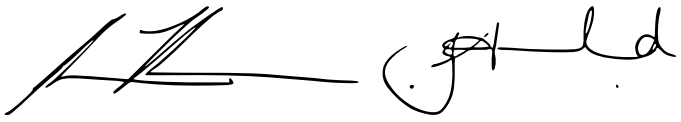
We disagree with the applicant's assessment that referral to the NTEPA is not warranted. This is a very large application with a variety of impacts in an environmentally significant location, on a wetland in an area of botanical significance (Wonarah Beds).

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***.

Regards,

Adrian Tomlinson and Jacqueline Arnold



Copies to:

- Chairman NT EPA: Dr Paul Vogel
- Environment Centre NT: Dr Kirsty Howey
- Arid Lands Environment Centre: Roz Walden
- Northern Land Council: Attention: Diane Brodie
- Biodiversity Council
- NT Chemical Coordinator