



13 September, 2023

NT EPA
Via email: eia.consult@nt.gov.au

To whom it may concern,

RE: Singleton Horticulture Project

Thank you for the opportunity to comment on the draft Terms of Reference for preparation of an environmental impact statement.

I support the Tier 3 Environmental Impact Assessment approach. Ultimately however the proposal just takes too much water and must be found to be environmentally unacceptable. It is extraordinary that Australia's largest groundwater licence should occur in an area of shallow groundwater, including extensive groundwater dependent ecosystems (GDEs). Especially as it involves a massive untested escalation from past groundwater extraction levels and is opposed by the Traditional Owners.

I have followed this project as an administrator of Letters for the Environment Central Australia. In 2021 we ran a petition¹ opposing the proposal, which ultimately garnered 23,343 responses.

Prior to the Controller's Notice of Decision (date ending 08/04/2021) the petition received:

- Signatures:
 - 22,031 signatures
 - 21,845 from Australians
 - 480 from Territorians (the actual number may be higher as 810 Australian signatories (including myself) had no state/territory recorded)
- Comments:
 - 222 comments
 - 214 from Australians
 - 50 from Territorians

The petition called for the following:

¹ <https://www.change.org/p/nt-water-controller-refuse-the-current-40-billion-litre-year-fortune-agribusiness-ground-water-licence-application>

1. Refuse the current Fortune Agribusiness Funds Management Pty Ltd (FAFM) ground water licence application.
2. Ensure a comprehensive environmental impact assessment is completed and made available for public consultation prior to assessment of future groundwater extraction licence applications.
3. Dismiss the departmental guidance that 30% of groundwater dependent vegetation may be ‘negatively impacted’ by FAFM or any future groundwater extraction licensees

The strong response to the petition highlight that proposal is vastly out of step with public attitudes. The petition was not considered by the Controller of Water Resources in her Notice of Decision.

The inappropriateness and opposition to destruction of GDEs in the arid zone needs to be recognised now by finally and explicitly dismissing the departmental guidance that 30% of groundwater dependent vegetation may be ‘negatively impacted’ by FAFM or any future groundwater extraction licensees.

Changes needed to the TOR

Groundwater dependent ecosystems are a vital part of arid lands. The TOR and particularly the measures in Table 5 in the middle of page 17 do not provide adequate assurance that groundwater dependent ecosystems will be protected.

Avoidance, mitigation and management	<p>updated adaptive management plan.</p> <p>Provide an updated adaptive management plan¹⁸ that includes measures for avoiding, mitigating and managing impacts on GDEs, sensitive and significant vegetation, and wetlands.</p> <p>Demonstrate the application of the environmental decision-making hierarchy to avoid and minimise impacts on GDEs. This should include consideration of alternative borefield designs and consideration of alternative cropping.</p> <p>Demonstrate that mitigation measures align with best practice and advice from relevant government advisory agencies.</p>
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The following changes are needed:

1. In the first sentence "managing impacts" should be removed

GDEs should be protected and risks to GDEs avoided. This reflects the clearly stated priorities of the Traditional Owners and the public along with GDE’s value as ecological refuges, specialised habitat and areas of high indigenous cultural importance.²

2. In the third sentence "Demonstrate that mitigation measures align with best practice and advice from relevant government advisory agencies", the words "with best practice and advice from relevant government advisory agencies." should be removed and replaced by "align with public expectation to protect groundwater dependent ecosystems".

My reasons are:

² <https://territorystories.nt.gov.au/10070/868537>

A. “Relevant government advisory agencies” should be removed because the relevant government agency has shown itself to be completely out of step with environmental and cultural importance of GDEs and public wishes in respect to protecting arid zone GDEs through the secretly developed and retrograde GDE guidance document³.

This document is clearly at odds with principles of ecologically sustainable development espoused under Part 2 Division 1 of the NTEPA Act. Please refer to Attachment A. This GDE guidance document was not considered under the Under the EP Act Division 3 Subdivision 1 (49) (a) as a strategic proposal despite it having the potential to have a significant impact on the environment.

There is strong evidence from the powerful submissions and statements by the Traditional Owners⁴ which also highlight the importance of protecting GDEs.

B. “Best practice” should be removed because best practice protection of GDEs in much of Australia relates to compromised systems under freehold or historical groundwater use, developed in a pre-climate change world. This area is a crucial refuge not subject to significant extraction and its destruction is proposed with climate change advancing. It is an essential safe haven. It is incredibly mean spirited to allow these lands to be destroyed against the Traditional Owners' wishes. It clearly risks loss of plants and animals in some of the most resilient ecosystems, putting at risk the opportunities to navigate climate change.

Thank you for considering my submission.

Sincerely,

Attachment 1

Table: Review of compatibility of the GDE Guidelines with the principles for ecological sustainable development in the NT EP Act

Clause	Text	Comment
18	<p>Decision-making principle</p> <p>(1) Decision-making processes should effectively integrate both long-term and short-term environmental and equitable considerations.</p>	<p>1. No compensation for ecosystem loss</p> <p>2. The GDV guideline does not require community consultation and does not cite any consultation in its</p>

³ https://denr.nt.gov.au/data/assets/pdf_file/0006/904758/GDE-Guidance-document-Western-Davenport-2.pdf

⁴ <https://www.youtube.com/watch?v=uwY1KYugPac>

Table: Review of compatibility of the GDE Guidelines with the principles for ecological sustainable development in the NT EP Act

Clause	Text	Comment
	(2) Decision-making processes should provide for community involvement in relation to decisions and actions that affect the community.	development. Submissions on the NOI such as from CLC (refer NOD pages 170-171) express strong dissent to its use.
19	<p>Precautionary principle</p> <p>(1) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.</p> <p>(2) Decision-making should be guided by:</p> <p style="padding-left: 40px;">(a) a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and</p> <p style="padding-left: 40px;">(b) an assessment of the risk-weighted consequences of various options.</p>	<p>(1) N/A</p> <p>(2) The GDV guideline does not seek to avoid serious or irreversible damage to the environment, especially when applied in such a way that field assessment does not occur until after the approval.</p>
20	<p>Principle of evidence-based decision-making</p> <p>Decisions should be based on the best available evidence in the circumstances that is relevant and reliable.</p>	No evidence is presented to suggest 30% loss of GDVs is appropriate
21	<p>Principle of intergenerational and intragenerational equity</p> <p>The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of present and future generations.</p>	Up to 30% less GDVs for future generations is not equitable
22	<p>Principle of sustainable use</p> <p>Natural resources should be used in a manner that is sustainable, prudent, rational, wise and appropriate.</p>	Up to 30% less GDV for future generations is not sustainable
23	Principle of conservation of biological diversity and ecological integrity	No evidence is provided to suggest up to 30% less GDEs will maintain ecological integrity. It contains no mechanism to

Table: Review of compatibility of the GDE Guidelines with the principles for ecological sustainable development in the NT EP Act

Clause	Text	Comment
	Biological diversity and ecological integrity should be conserved and maintained.	ensure the integrity of remaining GDEs.
24	<p>Principle of improved valuation, pricing and incentive mechanisms</p> <p>(1) Environmental factors should be included in the valuation of assets and services.</p> <p>(2) Persons who generate pollution and waste should bear the cost of containment, avoidance and abatement.</p> <p>(3) Users of goods and services should pay prices based on the full life cycle costs of providing the goods and services, including costs relating to the use of natural resources and the ultimate disposal of wastes.</p> <p>(4) Established environmental goals should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms, which enable persons best placed to maximise benefits or minimise costs to develop solutions and responses to environmental problems</p>	The GDV guideline does not consider any of this.

Under the EP Act Division 3 Subdivision 1 (49) (a) strategic proposals which will have the potential to have a significant impact on the environment should be considered. Section 13 of the Act describes strategic proposals as meaning a policy; program, plan or methodology. The guideline would certainly seem to constitute a methodology and thus I believe it should have been considered under the EP Act before it was applied.

It is noted however that the standard for acceptability of strategic proposals includes compliance with the principles of ecologically sustainable development as outlined in NT EP Act 2019 Part 2 Divisions 17, 18, 19, 20, 21, 22, 23 and 24.

These principles are listed in the table below. At face value it would appear the guideline contradicts each of the principles where they apply.