



Nurrdalinji Native Title Aboriginal Corporation

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30 January 2025

Comment on proposal for APA SPP Pty Ltd to construct and operate a gas pipeline (Sturt Plateau Pipeline)

The Nurrdalinji Native Title Aboriginal Corporation (“Nurrdalinji”) presents this submission to the Northern Territory EPA consultation on the Sturt Plateau Pipeline.

Who we are

Nurrdalinji was incorporated in 2020 and registered with the Office of the Registrar of Indigenous Corporations on 9 October 2020, following a historic meeting of native title holders from throughout the Beetaloo Basin at Daly Waters.

The name “Nurrdalinji” means “mixed tribe” in Alawa language, reflecting the diversity of members in the Corporation. Our members come from a big area, across the Beetaloo and Barkly regions. Our members include over 60 native title holders, from 11 native title determination areas, throughout the Beetaloo Basin.

Nurrdalinji’s purpose is to support its members to be consulted about what happens on our country. It seeks to enable its members to be heard and to determine their future aspirations for their country.

Summary

We do not believe the documentation provided by the proponent has demonstrated compliance with many of the Principles of Environmental Protection and Management as set out in Part 2 of the NT *Environmental Protection Act 2019* (EP Act).

We ask the NT EPA to undertake a full environmental impact statement (EIS) in order to ensure that the proposed project does not have unacceptable impacts on country and communities now and into the future and that the benefits the project purports to provide for local communities are tangible.

Lack of information provided in documentation

There appears to be a number of contradictory statements and confusing information in terminology used in the referral and supporting documentation.

We have concerns about how stakeholders can properly understand the impact of the project if the information provided is not consistent, not clear and, in some cases, not provided at all.

An example of this relates to the description in the documentation of the Project area. This is poorly described throughout. There is a significant lack of consistency between the terminology “project corridor” “project area” “survey area” and “disturbance footprint” some of which have yet to been determined, and the maps provided do not contain sufficient detail to accurately assess the impact (no inclusion of new bores, the location of the construction camp is listed in different locations on different maps).

If APA has not yet identified where construction will take place, how can we be sure our sacred sites and cultural heritage are protected into the future? How can we be expected to understand the impact of the pipeline if the actual footprint and associated clearing are not outlined clearly?

We also have concerns about the adequacy of the environmental field survey and suggest that it does not meet best practice standards. It is not acceptable that less than one-third of the “project area” was surveyed, and then the company used this as an excuse to rule out the impact on species, saying that there was a “lack of suitable ground-truthed habitat.” How can this be allowable, and how can the NT EPA be confident that there is no impact on threatened species?

We also note that there is a lack of consistency in the threatened species listed in this referral and the threatened species listed in the referrals of other projects within close proximity. As an example, the EMP for the Shenandoah South E&A Program noted a number of species, including the Northern Brushtail Possum, Greater Bilby, Plains Death Adder and Mertens’ Water Monitor, all of which have not been considered as part of this referral.

We find it deeply concerning that a proponent is allowed to provide a referral for consultation that is not complete and contradictory.

Lack of adequate consultation and informed consent

APA acknowledge the requirement to consult with Traditional Owners as outlined in section 43 of the NT EP Act, and states that they are keen to “*foster connection and effective relationships that inform its understanding of the region and stakeholder priorities associated with developing the Beetaloo Basin.*” (page 36, referral report).

To date, our members and other Traditional Owners for this area have had no or limited engagement with the company about the pipeline and the impact of the work. There has been very

little information provided to Traditional Owners about the impact of the project from the Northern Land Council or the Top End Default (TED) PBC.

APA acknowledge this lack of consultation in their referral documentation (Appendix H) where they state: *“APA is currently engaged in a formal consultation process with the Northern Land Council as the agent for the Top End PBC. While no formal consultation with Traditional Owners has occurred outside of this engagement...”*

We do not believe that this is acceptable, and a promise of future consultation, as described in the referral report, before work commences is not sufficient for getting consent for the development of the pipeline or ensuring that the impacts of the project, including the cumulative impacts on water, country and culture, are appropriately understood and managed at this stage of the project.

There is widespread confusion and concern among native title holders in the area about the impact of the pipeline, particularly on native vegetation, fire management, and cultural heritage.

Cultural heritage concerns

The country surrounding the area where APA want to build the pipeline is rich in our cultural heritage and artefacts.

What is deeply confusing is that there appear to be significant inconsistencies in the information the company have provided in their referral documentation and associated appendix relating to the cultural significance of the area. In Appendix H - Social Impact Assessment, the report acknowledges the *“Project's location in a culturally significant area”*, however in Appendix C - Cultural Heritage Desktop Assessment Redacted the report states that without receiving the AAPA Sacred Sites Certificates, there is no way of knowing the real impact on cultural heritage.

We are concerned that the Cultural Heritage Field Assessment report has been kept secret as part of this consultation. How are Traditional Owners and other relevant stakeholders supposed to provide comments on the impact if they are not provided with all of the relevant documentation? We note that the company acknowledges that *“Traditional Owners/Site Custodians are engaged in heritage management decision making”* however we dispute this is occurring.

Traditional Owners have requested for some time that a cultural heritage management plan be put in place for this work and the associated fracking projects in this area, and that an independent archeologist review the reports before any additional work goes ahead.

We are aware that several Traditional Owners have written to the NT Heritage Branch asking for this cultural heritage assessment to be released so that they can judge whether it was adequate and what the risks are to cultural heritage and so appropriate consultation can occur.

Water concerns

One of our key concerns relates to the risk of contamination of ground and surface water from the construction of the pipeline. Water is life, and the project will interact with sensitive ecosystems and precious waterways, including Newcastle Creek, which is protected under the *NT Sacred Sites Act*. Water flows across our country, particularly during the wet, and any contamination or damage will have an impact throughout the region. The documentation does not provide enough detail on how risks to water are assessed or will be managed.

This country floods. The impact of this flooding on the earth and the pipeline, which also creates a risk that gas will escape, is of big concern to us. We are seeing that flooding is becoming more intense with climate change, and we worry that the steps outlined to deal with this risk will not prevent accidents from happening.

This pipeline connection will help to expand fracking operations across our country. Exploration wells have already led to pollution and the overuse of water. APA should be required to properly assess how all the gas development across the Beetaloo Basin will impact water. We have long called for cumulative assessments to be done and will continue to do so - not just for water but also to judge climate change impacts, which are making it hotter and harder to live here, and the impact on plants, animals, communities and cultural heritage.

Explosion and fire concerns

We are concerned that overseas and in Australia pipelines have exploded. In the dry we have strong winds that blow across the Territory. The mix of spinifex, highly flammable gum trees and speargrass could turn similar events that have happened elsewhere into a catastrophe. We know climate change is making the NT's fire risks even higher. In 2023, during the dry, the fires in the Barkly were terrible. We cannot afford to put countrymen, cattle stations, plants and animals at risk this way. We are worried that this proposal does not properly assess and account for this risk and the fire risk assessment in the documentation is not adequate.

Social impact

The social impact assessment provided in Appendix H describes the impact of the proposed pipeline on local communities.

The report acknowledges that the local communities that would be affected by the pipeline are mostly First Nations people, however, it appears that no effort has been made to ensure that the information provided to stakeholders is appropriate and meets the needs of Aboriginal people in the affected communities. The consultation meetings outlined in the Appendix were not in any way designed to encourage Traditional Owners to attend and appeared mainly designed to consult with government agencies and other regional stakeholders (including local businesses and pastoralists).

The pre-referral screening documentation (Appendix A) acknowledges that the pipeline is likely to have a significant impact on the community due to community division over project benefits and impacts and uncertainties over the rights and interests of Native Title holders. The social impact assessment (SIA) agreed that the pipeline “could have a noticeable and significant effect on community cohesion and social dynamics.” While the proponent recognises “the diverse perspectives and the potential for fractured relationships among Traditional Owners and the broader community,” no mitigation measures have been proposed other than an ongoing community grants program and maintaining a “proactive and adaptive approach” to community engagement and benefit-sharing.

We question how this can be acceptable.

We are also concerned that the lack of benefits to the community have not been properly explained to Traditional Owners living in communities near the pipeline corridor. The social impact assessment finds that the “local community is not likely to benefit from employment opportunities or training opportunities due to the skills shortages and the short duration of the construction phase”. The company also predicts that there could be a worsening of community division and increasing impacts on traditional land use and access as part of this project. This **has not** been communicated to relevant Native Title parties. How can Traditional Owners appropriately give consent if we do not properly understand the social, environmental and economic impacts of these projects?

Conclusion

For all of the reasons set out in this submission, we urge the Northern Territory Government to listen to our people and undertake a full environmental impact statement (EIS) to ensure that the proposed project does not have unacceptable impacts on country and communities now and into the future.

Traditional Owners have not been appropriately consulted or given information about the impact of the pipeline on the environment or cultural heritage.

We would be happy to discuss this submission with you in further detail.

Yours sincerely,



Samuel Janama Sandy
Chair, Nurrdalindi Native Title Aboriginal Corporation