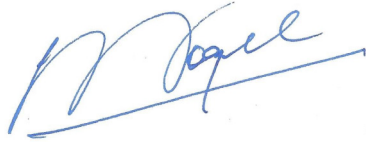


NOTICE OF DECISION AND STATEMENT OF REASONS

Section 55 of the *Environment Protection Act 2019* (EP Act)
Regulations 57(2)(a) and 63 of the *Environment Protection Regulations 2020* (EP Regulations)

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| Name of proposed action | Clearing of Native Vegetation on Ucharonidge Station |
| Proponent | Ucha Pty Ltd |
| NT EPA reference | EP2021/009 accepted 2 September 2021 |
| Description of proposed action | The proponent is proposing to clear 4,898.52 hectares (ha) of native vegetation (grasslands) on Ucharonidge Station, ~65 km east of Elliott. The land will be converted from its current use of grazing to non-irrigated production of forage crops for grazing, hay production and cotton seed for on-farm stock use. In combination with other recently issued clearing approvals at Ucharonidge, the proposal would result in a total of 10,132.43 ha of native vegetation clearing. |
| Nature of proposed action | Pastoral |
| Person authorised to make decision | Northern Territory Environment Protection Authority (NT EPA) |
| Decision | The proposed action does not have the potential to have a significant impact on the environment (section 55 of the EP Act) Environmental impact assessment is not required in accordance with regulation 57(2)(a) of the EP Regulations |
| Signature |  Dr Paul Vogel AM - Chairperson, NT EPA (as a delegate of the NT EPA) |
| Date of decision | 4 November 2021 |
| Matters considered under EP Regulation 56 | The NT EPA has considered the following: <ul style="list-style-type: none">• the accepted referral (including the referral form, referral report and appendices)• additional information provided by the proponent in response to a direction from the NT EPA under regulation 40, incorporated into the referral• submissions received in relation to the referral information during the public consultation period (20 business days, 3 September 2021 to 30 September 2021 inclusive)<ul style="list-style-type: none">○ public submissions received: 4○ government authority submissions received: 5 |

Consultation

Submissions identified potential impacts including:

- from greenhouse gas emissions
- to culture from preventing access to Native Title holders
- to sacred sites
- on aquatic ecosystems
- cumulative impacts in general

Submissions also expressed concern about the lack of consultation with Native Title holders.

Statement of Reasons

Overview

The NT EPA considers that the proposed action has the potential to impact environmental values associated with three environmental factors¹; however, with the implementation of standard controls and mitigation measures consistent with Department of Environment, Parks and Water Security advice to the Pastoral Lands Board, the potential impacts are not considered to be significant and the NT EPA has decided that environmental impact assessment is not required. The reasons for the decision are outlined below.

The NT EPA is of the view that the potential impacts can be adequately managed through the implementation of the proposed action in accordance with the referral information, the proponent's obligations and duties and the proponent's proposed avoidance and mitigation measures.

Land

Air

Terrestrial ecosystems – The proposed action would reduce the extent of native tussock grassland within the Barkly Tableland, Nicholson and Newcastle Subregions by 4,898.52 ha, or 0.09% of the vegetation community. This would result in a cumulative total extent of clearing of that vegetation community to approximately 11,138 ha or approximately 0.2% of its total extent within the subregions.

The proposed action allows for retention of 300 m corridors between clearing areas, which is consistent with the Land Clearing Guidelines.

Three threatened species, (Gouldian finch, grey falcon and floodplain monitor) may occur within or immediately adjacent to the area proposed to be cleared.

Foraging habitat for the Gouldian finch potentially occurs within the proposal area, although it is expected to be of low quality due to sustained grazing. The Flora and Fauna Division indicates the proportion of habitat being removed is not significant in a regional context, and the proposal is not expected to have a significant impact on the species.

The grey falcon may forage over open grassland areas within the proposal area, however the proportion of habitat being removed is not significant in a regional context, and the proposed action is not expected to have a significant impact on the species.

The floodplain monitor potentially uses habitat in the proposed clearing area, including agricultural and modified environments. Due to the large area of intact suitable habitat in the surrounding region and the low number of individuals likely to use the area, the risk to floodplain monitor from the clearing and future land is low.

- **Atmospheric processes** – The proponent's referral concluded the proposal would result in an overall carbon sink through the sequestration of carbon in soils leading to an increase in soil organic carbon.

The NT EPA has applied a precautionary approach by using the proponent's estimated greenhouse gas emissions for 2021 and 2023 without sequestration, reported to be ~20,000 and ~30,000 t CO₂e respectively. The emissions are considerably less than

¹ NT EPA Environmental factors and objectives

0.0001% of the 2019 Northern Territory Emissions. The NT EPA finds that even without the purported soil organic carbon improvement, the cumulative greenhouse gas emissions from clearing of 10,132.43 ha is not expected to have a significant impact on the NT EPA's 'atmospheric processes' factor, and falls well below the Northern Territory Government's Large Emitters Policy threshold of 500,000 t CO₂e.

People

- **Culture and heritage**

The *Environment Protection Act 2019* defines 'environment' to include cultural aspects of the surroundings of humans. 'Culture' is defined in the Macquarie Dictionary as "the sum total of ways of living built up by a group of human beings, which is transmitted from one generation to another...".

Native title for the area of Ucharonidge Station proposed for clearing is held by the Warrananku group Traditional Owners. Native title coexists with the rights of the pastoral lessee and the proposed action is consistent with these rights. Nonetheless the native title holders have a right to protect cultural areas under the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRNT Act) and the *Northern Territory Aboriginal Sacred Sites Act 1989* (NTASS Act). Both the Native Title Representative Body (the Northern Land Council (NLC) and the Aboriginal Areas Protection Authority (AAPA) are aware of this proposed action.

The AAPA has informed the proponent that unauthorised work on any sacred site is prohibited and subject to criminal prosecution. Further AAPA has advised the proponent that no official surveys of sacred sites have been conducted within the area proposed to be cleared.

The NLC and AAPA both recommended that the proponent should obtain a formal approval (Authority Certificate) under the NTASS Act for the proposed works to ensure any undocumented sacred sites are not affected by the proposed action.

The proponent is required by law to undertake the proposed clearing in accordance with the ALRNT Act and the NTASS Act. The NT EPA considers that these Acts provide strong protections to Aboriginal rights and interests and sacred sites. Taking into account that the NLC and AAPA are aware of the proposal and are mandated to protect sacred sites (AAPA) or assist Traditional owners to protect sacred sites (NLC), and the legislative protections that are in place, the NT EPA considers that potential significant impacts to culture, as defined above, can be appropriately avoided.

The NT EPA considered other environmental factors during its consideration of the referral, however, the impact on those factors was not considered to be significant.

Conclusion

The NT EPA considers that with implementation of standard controls and mitigation measures consistent with Department of Environment, Parks and Water Security advice to the Pastoral Lands Board, and the continuing oversight of the NLC and AAPA on cultural aspects, the proposed action does not have the potential to have a significant impact on the environment. The proposed action area represents a small proportion of a widespread grassland, to be modified for cultivating and cropping a largely degraded grassland for stockfeed.

In making its decision under EP Regulation 57(2)(a), the NT EPA has considered:

- the objects in section 3 of the EP Act
- the purposes of the environmental impact assessment process in section 42 of the EP Act
- the matters under regulation 56 of the EP Regulations