

Statement of Reasons

DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS – DARWIN YOUTH JUSTICE CENTRE

PROPOSAL

The Department of Infrastructure, Planning and Logistics (DIPL) (the Proponent) submitted a Notice of Intent (NOI) for the Darwin Youth Justice Centre (the Proposal) to the Northern Territory Environment Protection Authority (NT EPA) on 31 January 2020 for consideration under the *Environmental Assessment Act 1982* (EA Act).

The Proposal is to construct a new, purpose-built Darwin Youth Justice Centre to replace the existing Don Dale Youth Detention Centre. The key principles for the design of the facility are that it is safe, secure, provides opportunities for rehabilitation and reintegration, and responds to the needs of young people in detention with a focus on health and educational programs and services.

The Proposal is located in Holtze, 20 km east of Darwin, 5 km northeast of Palmerston and about 300 m south of the existing Darwin Correctional Centre. The Proponent considered seven potential locations during site selection for the Proposal¹. The site at Holtze was chosen as it:

- has access to roads, power and water services for construction and operations
- is in close proximity to professional services including health, police and emergency services
- is reasonably close to residential areas for access by staff and visitors
- is further than 2 km from urban and industrial development
- is surrounded by government controlled Crown Land.

The Proposal includes the construction of:

- accommodation, recreation and support facilities surrounded by a perimeter barrier fence
- access roads, a bus stop, and visitor, staff and overflow carparks near the site entrance with an outer boundary fence surrounding these components
- firebreaks (to be maintained) on both sides of the outer boundary fence.

The Proposal area is approximately 14 hectares (ha) and requires up to 10 ha of land clearing.

Construction is estimated to take about two years, commencing June 2020.

CONSULTATION

The NOI has been reviewed as a notification under the EA Act in consultation with Northern Territory (NT) government advisory bodies (see Attachment 1) and the responsible Minister, in accordance with clause 8(1) of the Environmental Assessment Administrative Procedures 1984 (EAAP).

¹ Darwin Youth Justice Centre site selection fact sheets available at:

<https://www.youthjustice.nt.gov.au/initiatives/detention-centres>

JUSTIFICATION

The NOI was assessed against the NT EPA’s environmental factors and objectives. The NT EPA identified three environmental factors (Table 1) that could be potentially be significantly impacted by the Proposal. The NT EPA considered the importance of other environmental factors during the course of its assessment; however, those factors were not identified as being potentially significantly impacted.

Table 1: Key environmental factors

Theme	Key Environmental Factor	Objective
Land	Terrestrial flora and fauna	Protect the NT’s flora and fauna so that biological diversity and ecological integrity are maintained.
Water	Inland water environmental quality	Maintain the quality of groundwater and surface water so that environmental values including ecological health, land uses, and the welfare and amenity of people are protected.
People and Communities	Social, economic and cultural surroundings	Protect the rich social, economic, cultural and heritage values of the Northern Territory.

1. Terrestrial flora and fauna

Objective: Protect the NT’s flora and fauna so that biological diversity and ecological integrity are maintained.

Potential impacts from the Proposal to flora and fauna values include:

- loss and disturbance of significant vegetation from land clearing
- loss of habitat and threatened species from land clearing
- introduction and/or spread of weeds during clearing and operation
- introduction and/or attraction of pest animals during clearing and operation.

Flora and fauna surveys of the Proposal and surrounding area were conducted in 2019 and 2020 . Vegetation of the Proposal area comprises eucalypt woodland and open forest with scattered ironwood trees. No significant or sensitive riparian vegetation would be impacted by the Proposal. However, the Proposal surveys indicated that large trees, with hollows suitable for fauna, are present. These trees are considered a sensitive or significant vegetation type under the Land Clearing Guidelines (as referenced by the NT Planning Scheme) The NOI states that the Proposal cannot reasonably avoid clearing hollow bearing trees within the 10 ha disturbance area. The NT EPA considers that the impact of clearing trees with hollows suitable for fauna is not significant due to the location and size of the proposed clearing in a regional context.

Targeted threatened species surveys of the Proposal area confirmed the presence of the threatened Darwin cycad (*Cycas armstrongii*) and typhonium plants considered likely to be of the threatened species, *Typhonium praetermissum*. One threatened fauna species, the black-footed tree-rat (*Mesembriomys gouldii*), was observed within 60 m of the Proposal area. There are no threatened ecological communities within the Proposal area. Areas of high density patches of the Darwin cycad, listed as vulnerable under the *Territory Parks and Wildlife Conservation Act 1976* (TPWC Act), are located on the Proposal site. Two high density stands totalling 0.81 ha would be impacted as a result of the Proposal and the Proponent has committed to replanting salvaged individuals post construction. The Department of Environment and Natural Resources’ (DENR) Flora and Fauna Division identified that impacts from the loss of the high density cycad stands could be reduced

through the long-term management of retained native vegetation within the Proposal area. The Flora and Fauna Division confirmed that the risk to the regional population of the Darwin cycad is low.

Forty five typhonium plants were identified on the Proposal site. These plants are likely to be *T. praetermissum* of the Palmerston and Holtze sub-population². Eighteen of these typhonium plants are located within the clearing footprint and would be directly impacted by the Proposal. The Proponent has committed to developing and implementing a DENR Flora and Fauna Division approved translocation plan for the 18 individual typhonium plants that occur within the clearing footprint. The Flora and Fauna Division recognises that translocation success of *T. praetermissum* is not yet demonstrated and therefore does not mitigate the potential loss of the 18 individuals. The Flora and Fauna Division considers that the risk to the sub-population of *T. praetermissum*, and the species as a whole, is low. The NT EPA recognises the value of the translocation program to inform future viability of translocation as a management technique for reducing impacts of development on the species.

Targeted fauna surveys confirmed the presence of the black-footed tree-rat in suitable habitat, with hollow bearing trees, within 60 m of the clearing footprint. The Flora and Fauna Division confirmed that this species is also likely to use suitable habitat within the clearing footprint, and confirmed that while the risks to the species from the Proposal are low from a local or regional perspective, it would result in a net loss of black-footed tree-rat habitat overall. The Proponent has committed to reducing the loss of individual black-footed tree-rats by timing the land clearing to avoid peak breeding times and through the use of a fauna spotter and catcher during land clearing. To further reduce potential impacts on black-footed tree-rats, the Flora and Fauna Division advised that the Proponent should commit to managing the retained vegetation on site in a manner that maintains and/or improves the habitat quality for this species. The NT EPA supports this approach.

The Flora and Fauna Division identified a further three mammal species (fawn antechinus, pale-field rat and northern quoll) and three reptile species (floodplain monitor, Mitchell's water monitor and Mertens' water monitor) that could be impacted by the Proposal; however, advised that the risk to these species from the proposed localised clearing is low.

Biodiversity surveys detected Gamba grass (*Andropogon gayanus*), declared under the *Weed Management Act 2001*, within the Proposal area. There is potential for construction works to introduce and spread declared weeds. To mitigate this potential impact, the Proponent committed developing and implementing a Weed Management Plan during construction that includes weed free certification of machinery and control of scheduled weeds.

In addition to weeds, machinery and equipment inspections would also target yellow crazy ants which may be introduced onsite via machinery. Feral animals may be attracted to the site if waste is not managed appropriately during construction. Weed and pest animal management would be implemented during construction and include weed surveillance for six months post construction.

The NT EPA is satisfied that the potential impacts and risks to terrestrial flora and fauna can be mitigated through implementation of the management measures presented in the NOI. The NT EPA considers that its objective for Terrestrial flora and fauna is likely to be met.

2. Inland water environmental quality

Objective: Maintain the quality of groundwater and surface water so that environmental values including ecological health, land uses, and the welfare and amenity of people are protected.

² DENR 2019. Known Extent of Occurrence Map for Threatened Species of the Greater Darwin Region – *Typhonium praetermissum*. Available at: http://www.ntlis.nt.gov.au/mpds/get_file?file_id=7085

The Proposal area is characterised by moderately well to rapidly draining land³ with no wet season surface water and no streams or drainage depressions within 700 m. There are no onsite bores. Groundwater levels fluctuate with seasonal rainfall and in 2019 varied between 7.4 m and 19.4 m below ground level⁴.

Water would be sourced externally during construction and once operational the Proposal would be connected to existing Power and Water Corporation infrastructure. The Proposal is located within the Darwin Rural Water Control District; however, no water extraction is proposed, so a water licence is not required under the *Water Act 1992*.

The Proposal has the potential to influence surface and groundwater quality as a result of sedimentation, hydrocarbon or other chemical spills and contamination from septic system wastewater.

The Proponent has committed to implementing an Erosion and Sediment Control Plan (ESCP) in accordance with the International Erosion Control Association best practice erosion and sediment control guidelines and DIPL Standard Specification for Environmental Management⁵. The ESCP would be prepared by a suitably qualified professional with experience in erosion and sediment control. Water quality impacts from soil erosion and sedimentation would be managed through commitments made by the Proponent in its ESCP. The NT EPA considers that impacts from sedimentation on surface water quality are not significant.

To mitigate impacts from hydrocarbon spills, the Proponent has committed to ensuring all fuels are stored and handled appropriately, spill kits are kept on site and weekly inspections of fuel storage and refuelling areas and spill kit contents are undertaken.

The Proposal would not be connected to reticulated sewerage with wastewater management and disposal of effluent to be via a septic system. The Proponent is working with the Public Health Directorate of the NT Department of Health to ensure wastewater management is in accordance with appropriate standards⁶.

The NT EPA is satisfied that the potential impacts and risks to inland water environmental quality can be mitigated through implementation of the management measures presented in the NOI. The NT EPA considers that its objective for Inland water environmental quality is likely to be met.

3. Social, economic and cultural surroundings

Objective: Protect the rich social, economic, cultural and heritage values of the Northern Territory.

The Proponent has obtained an Authority Certificate from the Aboriginal Areas Protection Authority (AAPA) which indicates that there are no restricted work areas that would be impacted by the Proposal. The Heritage Branch of the Department of Tourism, Sport and Culture confirmed that no heritage values are known to occur on or near the Proposal area.

The nearest sensitive receptors include Darwin Correctional Centre (600 m north), rural residential blocks (2 to 4 km in multiple directions from southwest to east), Palmerston Hospital (3.5 km

³ AEC Environmental Pty Ltd 2011. Vegetation Community Assessment. Prepared for: NT Department of Construction and Infrastructure. Available online.

⁴ DENR 2019. Howard Springs – Mount Partridge Formation groundwater levels. Available at: <https://denr.nt.gov.au/water/water-management/darwin-rural-groundwater-watch>

⁶ NT Department of Health (DoH) 2014. Code of Practice for small onsite sewage and sullage treatment systems and the disposal or reuse of sewage effluent https://nt.gov.au/_data/assets/pdf_file/0008/228833/code-of-practice-onsite-wastewater-management.pdf

southwest) and Palmerston Indigenous Village (4 km south). Sensitive land uses with intermittent human occupation include Howard Springs Nature Reserve (2 km east) and pine forest recreational cycling tracks (1 km south). Site selection for the Proposal is consistent with the NT EPA Guideline for Recommended Land Use Separation Distances⁷.

Damage to cultural values has been adequately mitigated through consultation with the appropriate authorities (AAPA and Heritage Branch). No heritage and sacred sites are known from the Proposal area and the NT EPA is satisfied that all cultural matters have been adequately addressed for the Proposal.

Construction of the Proposal is not expected to impact significantly on the amenity of existing land uses through visual, dust, noise and traffic impacts. Construction noise and dust impacts would be short term, with appropriate separation distances from sensitive receptors and management measures to minimise impacts on nearby residents and recreational activities. Minor operational aspects of the Proposal do not change the significance of traffic impacts from the Proposal which the NT EPA does not consider to be significant.

The NT EPA is satisfied that the potential impacts and risks to social, economic and cultural surroundings can be mitigated through implementation of the management measures presented in the NOI. The NT EPA considers that its objective for Social, cultural and economic surroundings is likely to be met.

Conclusion

The NT EPA considers that the potential environmental impacts and risks associated with the Proposal are not significant and that the Proposal does not require assessment under the EA Act.

Comments from NTG advisory bodies have been provided to the Proponent and the NT EPA has provided advice to the Proponent to ensure that potential impacts on the environment are minimised and responsibilities under legislation can be met.

⁷ NT EPA 2017. Recommended Land Use Separation Distances. Available at: <https://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>

DECISION

The proposed action, which was referred to the NT EPA by DIPL, has been examined by the NT EPA and preliminary investigations and inquiries conducted. The NT EPA has decided that the potential environmental impacts and risks of the proposed action are not so significant as to warrant environmental impact assessment by the NT EPA at the level of a Public Environmental Report or Environmental Impact Statement, under provisions of the *Environmental Assessment Act 1982*.

The proposed action will require assessment and approval under the *Planning Act 1999* to ensure the environmental issues associated with the proposed action are effectively managed.

Environmental management of the potential environmental impacts is the responsibility of DIPL through preparation and implementation of procedures and management plans specified in the NOI.

This decision is made in accordance with clause 8(2) of EAAP, and subject to clause 14A the administrative procedures are at an end with respect to the proposed action.



DR PAUL VOGEL AM MAICD
CHAIRPERSON

NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY

10 APRIL 2020

Attachment 1: Northern Territory Government Advisory bodies consulted on the Notice of Intent

Department	Division
Department of Environment and Natural Resources	Flora and Fauna Water Resources Weeds Branch Environment Bushfires NT Rangelands
Department of Infrastructure, Planning and Logistics	Lands Planning Infrastructure Transport
Department of Primary Industry and Resources	Fisheries Mining Compliance Petroleum Primary Industry
Department of Tourism, Sport and Culture	Parks and Wildlife Heritage Tourism NT Arts and Museums
NT Police, Fire and Emergency Services	Business Improvement and Planning
Department of Health	Environmental Health Medical Entomology
Department of Trade, Business and Innovation	Economics and Policy Strategic Policy and Research
Department of Local Government, Housing and Community Development	Maintenance Planning Housing supply
Power and Water Corporation	
Aboriginal Areas Protection Authority	Technical
Department of the Attorney-General and Justice	Commercial Division NT Worksafe
Land Development Corporation	
Department of the Chief Minister	Economic and Environmental Policy