

NOTICE OF DECISION AND STATEMENT OF REASONS

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

Name of proposed action	Paru Road Upgrade
Proponent	Department of Infrastructure, Planning and Logistics
NT EPA reference	EP2021/007 Referral accepted 27 May 2021
Description of proposed action	<p>To upgrade the gravel Paru Road on Melville Island within NT Portion 1644, Melville Island. The existing road is the main road from the ferry terminal for transport between Melville and Bathurst Islands to townships on Melville Island. The proposal area would cover 383.8 ha, comprising:</p> <ul style="list-style-type: none"> • a new bridge or major culvert crossing of a permanent (unnamed) creek • four road realignments to smooth existing bends along Paru Road over a total length of about 3.1 km • two areas for gravel pits • a maximum clearing footprint of 74.4 ha for the gravel pits and road realignment
Nature of proposed action	Roads and transport
Decision	<p>Standard environmental impact assessment is required in accordance with section 55 of the EP Act and regulation 57(2)(b)(i) of the EP Regulations</p> <p>The method of environmental impact assessment to be by preparation of a supplementary environmental report in accordance with regulation 57(2)(b)(ii)</p>
Person authorised to make decision	Dr Paul Vogel AM – Chairperson, as delegate of the Northern Territory Environment Protection Authority (NT EPA)
Signature	
Date of decision	13 July 2021
Matters considered under EP Regulation 56	<p>The NT EPA has considered the following:</p> <ul style="list-style-type: none"> • the accepted referral (including the referral form, referral report and appendices; statement of reasons) • submissions received in relation to the referral information during the public consultation period 1 June 2021 and 29 June 2021 <ul style="list-style-type: none"> ○ government authority submissions received: 4 ○ public submissions: 0

Consultation

Submissions indicated that the proposal has the potential to have a significant impact on the environment. While it is possible to avoid this, additional information is required to increase certainty in the measures to avoid and mitigate potential significant impacts.

All submissions made during the consultation period are available on the NT EPA website.

Statement of Reasons

Overview

The NT EPA considers that the proposed action has the potential to have a significant impact on environmental values associated with five environmental factors¹. While the potential for significant impacts is low, there is insufficient information on some aspects, which if addressed would give the NT EPA confidence.

Land

- **Terrestrial ecosystems** – There is potential for significant impact to the habitat for threatened flora and fauna. The Referral does not identify all flora and fauna that could be impacted by the proposed action, including species that are threatened and data deficient. Clearing of vegetation for the gravel pits and for the Creek Road Alignment may reduce the area of occupancy of these species.

Water

- **Hydrological processes** – There is potential for the creek crossing to cause a localised change to the hydrological processes of the waterway.
- **Aquatic ecosystems** – There is potential for significant impact to the aquatic ecosystems of the unnamed creek and tributaries. No information was provided about the type of crossing that will be constructed, the method of construction, the condition and type of existing crossing, and whether this will be removed or will remain in situ.
- **Inland water quality (ground and surface)** – The quality of the groundwater and surface water is considered to be very good. Spills, dust and eroding sediment could have a significant impact.

People

- **Community and economy** – While upgrade of the existing road would be of social and economic benefit to the community, the Referral does not demonstrate consultation with local community. The referral does not address potential impacts to the local community including users of the road, or give consideration of the beneficial aspects of contributing to the local economy.

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.

Justification

A standard assessment by supplementary environmental report is required because:

- Regulation 59 (a) the significance of the potential impact of the proposed action as described above.

¹ [NT EPA Environmental factors and objectives](#)

- Regulation 59 (b) the need to improve the NT EPA's level of confidence in predicting potential significant impacts of the proposed action taking into account the extent and currency of existing knowledge, particularly in relation to the:
- impacts to land, water and people during construction and operation of the road upgrade, particularly the Creek Road Alignment section
 - significance of impacts to threatened species and habitats in the terrestrial and aquatic environments
 - significance of impacts to hydrology and quality of surface water and aquatic ecosystems
 - information required about social impacts that may arise through engagement and consultation with communities affected by the proposed action
- Regulation 59 (c) the need to develop measures to avoid, mitigate or manage potential significant impacts, and increase the NT EPA's confidence in the effectiveness of the proposed measures, with respect to:
- potential impacts to threatened species, sensitive vegetation and aquatic ecosystems from construction and operation of the road upgrade, particularly the Creek Road Alignment
- Regulation 59 (d) & (e) the limited extent of community engagement that has occurred in relation to the proposed action, and therefore, the capacity for stakeholders to engage and have a say about the proposed action. This includes:
- evidence of effective consultation with the local community
 - the avoidance of negative social and economic impacts and maximisation of benefits
 - impact assessment of social and economic values.

Conclusion

The NT EPA considers that the proposed action has potential for significant impacts on multiple environmental factors, and that environmental impact assessment is required. While the potential for significant impacts is low, there is insufficient information on some aspects for the NT EPA to be confident that the proponent has (a) adequately predicted the potential significant impacts of the proposed action, and (b) demonstrated that the proposed measures to avoid, mitigate or manage potential significant impacts are likely to be effective. Further information is required to enable the NT EPA to complete its assessment. Given the level of confidence the NT EPA has in the prediction of environmental impacts and the availability of measures to manage them, an assessment by SER is considered appropriate.

In making its decision under EP Regulation 58(1)(b), the NT EPA has considered:

- the objects of the Act in section 3 of the EP Act
- the purpose of the environmental impact assessment process in section 42 of the EP Act
- the matters under regulation 56 of the EP Regulations
- the matters relevant to a consideration of the method of environmental impact assessment in regulation 59 of the EP Regulations.