

Statement of Reasons

DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS – KEEP RIVER PLAINS ROAD UPGRADE

PROJECT

The Department of Infrastructure, Planning and Logistics (DIPL, the Proponent), submitted the Notice of Intent (NOI) for the Keep River Plains Road Upgrade (the Project) to the Northern Territory Environment Protection Authority (NT EPA) on 22 March 2017 for consideration under the *Environmental Assessment Act* (EA Act).

The Proponent is proposing to upgrade the Keep River Plains Road to improve access to outstations/stations and mitigate the risk of flooding at two key crossings. The road is located on the WA/NT Border approximately 47 km north east of Kununurra and 160 km west of Timber Creek. The upgrades will occur along a 27 km section and will involve the realignment and sealing of the existing road as well as the construction of two new bridges over the Keep River and Sandy Creek (8.5 km and 22.5 km east of the border, respectively). Ancillary works associated with the Project include water and gravel extraction, and the establishment of temporary construction camps and laydown areas.

Works are expected to be undertaken in the 2017 and 2018 Dry seasons and the 2017/2018 Wet season.

Approximately 15 km of works, including the new bridge across the Keep River, will occur within the Keep River Area Site of Conservation Significance (SOCS). The Legune Coastal Floodplain SOCS is located approximately 8 km north (downstream) of the proposed works. No works are proposed within the Legune Coastal Floodplain SOCS.

Keep River National Park is located approximately 700 m south of the Sandy Creek crossing. Access to the National Park is via the Victoria Highway (65 km south of the works). No project work will occur within the National Park.

CONSULTATION

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

JUSTIFICATION

Review of the NOI identified potential impacts to threatened species, water quality and cultural heritage as the key environmental factors.

Threatened Species

The skink *Ctenotus rimacola camptris* (Victoria River District (VRD) Blacksoil Ctenotus) is listed as Vulnerable under the *Territory Parks and Wildlife Conservation Act* (TPWC Act). It has restricted geographic range and is known only from the blacksoil floodplains of the lower Ord and Keep rivers. Impacts from the Project include the removal of up to 115 hectares of potential habitat for this species. The Proponent has recognised that measures to avoid or mitigate impacts and risks

may be required, and is considering measures including a narrower clearance corridor through potential habitat, and pre-clearing surveys and relocation by experts.

The NT EPA agrees that the Project is unlikely to have a significant impact on the VRD Blacksoil Ctenopus if it is conducted in accordance with avoidance, mitigation and management measures to reduce risk to a low level. However it is recommended that the Proponent improves certainty around implementation of specific mitigation measures, and subsequently verifies its assessment of residual risk to ensure the residual risk is not under-reported. The NT EPA recommends that specific mitigation measures should be developed and implemented to reduce direct and indirect impacts to the skink to a level that is as low as reasonably practicable.

The fish *Pristis pristis* (Largetooth Sawfish) is the largest fish found in freshwater in Australia and is listed as Vulnerable under the TPWC Act and the *Environmental Protection and Biodiversity Conservation Act 1999*. It is a protected species under the *Fisheries Act* and must be released unharmed if caught. Possible impacts from the Project include interruption to migration, a reduction in water quality during bridge construction, and an increase in recreational fishing pressure. The Proponent has committed to measures to avoid or mitigate risks, including measures to reduce impacts of sedimentation on water quality, pre-construction surveys and relocation by experts of any individual Largetooth Sawfish found to other suitable habitat, and the provision of permanent signage near both bridge locations regarding the species protected status. The NT EPA considers that the proposed measures are adequate and the risk to the species is low.

Water Quality

There is potential for a reduction in water quality to occur from sedimentation and pollution incidents resulting from soil erosion and/or the spill of fuels, lubricants and chemicals. The Proponent has committed to measures to avoid or mitigate impacts, including the development of a Contractor's Environmental Management Plan (CEMP) and Erosion and Sediment Control Plan (ESCP).

The NT EPA is satisfied that potential environmental impacts and risks to water quality can be adequately managed through the implementation of measures proposed in the NOI and compliance with regulatory requirements and standards.

Cultural Heritage

Sites of cultural significance have been identified within, or in close proximity to, the Project area. There are a number of recorded sacred sites in the vicinity, and proposed works at the Keep River crossing have the potential to impact an archaeological artefact (considered to be of low significance). The Proponent has obtained an Authority Certificate issued by the Aboriginal Areas Protection Authority (AAPA) under the *Northern Territory Aboriginal Sacred Sites Act*. The Certificate includes a number of conditions and specifies numerous Restricted Work Areas. The Proponent has committed to obtain a 'permit to disturb' under the *Heritage Act* for the artefact at the crossing site. The NT EPA is satisfied that adherence to certificate and permit conditions and actions consistent with the NOI will adequately and appropriately manage the potential for impact on cultural heritage.

The NT EPA has provided recommendations to the Proponent to ensure that potential impacts on the environment are further minimised. The NT EPA considers that the Project can be appropriately and adequately managed through addressing those recommendations and implementing the mitigation measures detailed in the NOI which includes the development of a detailed CEMP and ESCP.

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 under provisions of the *Environmental Assessment Act*. The environmental risks will be managed by a detailed CEMP and ESCP administered by the Department of Infrastructure, Planning and Logistics for the Project.

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



JANICE VAN REYK
ACTING CHAIR

NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY

5 JUNE 2017