

Statement of Reasons

NORTH STAR PASTORAL – MARYFIELD STATION LAND CLEARING

PROJECT

An application to clear pastoral land was referred by the Pastoral Land Board (PLB) to the Northern Territory Environment Protection Authority (NT EPA) on 20 June 2017 for consideration as a Notice of Intent (NOI) under the *Environmental Assessment Act* (EA Act).

North Star Pastoral (the Proponent) proposes to clear native vegetation on Maryfield Station (the Project) in the Sturt Plateau region, about 30 km south of Larrimah and 200 km south-east of Katherine.

The Project aims to remove an estimated 20 431 ha (204.31 km²) of native vegetation for pasture improvement for the grazing of stock. The Maryfield Station pastoral lease covers 143 700 ha (1 437 km²). The proposed clearing represents approximately 14% of the pastoral lease area.

The Project is proposed to be staged over a 5 year period with aerial sowing of pasture mix followed by felling of vegetation using bulldozers and chains. Following stick-raking and windrowing, felled vegetation will be progressively burned and levelled. Regrowth is proposed to be controlled using chemical application or physical control (e.g. slashing).

The Project is not within a Beneficial Use Area, declared under the *Water Act*, or a Site of Conservation Significance.

CONSULTATION

The PLB received the application to clear pastoral land under the *Pastoral Land Act* and undertook several rounds of consultation with Northern Territory Government (NTG) advisory bodies to revise and refine the application. The application was also advertised and available for public comment. NTG advisory body and public comments received by the PLB were provided to the NT EPA as part of the referral.

The NOI has been reviewed as a notification under the EA Act. Consultation responses by NTG advisory bodies and members of the public have been considered in the NT EPA's decision, in accordance with clause 8(1) of the Environmental Assessment Administrative Procedures.

JUSTIFICATION

Review of the NOI identified potential impacts to the key environmental factors of Terrestrial Flora and Vegetation; Terrestrial Fauna and Terrestrial Environmental Quality.

Terrestrial Flora

The vegetation of Maryfield Station comprises mixed eucalypt woodlands and shrublands over perennial grasses and is representative of the wider Sturt Plateau region. This includes vegetation associated with areas of large closed depressions which are important wetland habitat for a range of aquatic and terrestrial species.

The Project will result in the direct loss of 20 431 ha (204.31 km²) of overstorey vegetation with the remaining native grasses to be augmented with introduced grasses and legumes. There may be indirect impacts through the introduction, establishment and spread of existing weed species, and/or the pasture plant species becoming weeds. Concerns about impacts to terrestrial flora and vegetation were also raised in public submissions received by the PLB.

The Sturt Plateau bioregion covers 98 575 km² and is relatively intact with cattle grazing the major land use. Limited available data suggest that broad scale land clearing throughout the bioregion is minimal and combined with the Project is likely to total less than 1% overall. The vegetation proposed to be cleared is regionally common and widespread. The Proponent, in consultation with the Department of Environment and Natural Resources (DENR), identified a number of core wetland areas, which are regarded as 'significant' vegetation types having high environmental value, and associated drainage areas and amended the clearing plan to retain all of them with buffers, consistent with the NT Land Clearing Guidelines. The NT EPA considers that high value, significant vegetation has been identified and appropriate management actions taken to retain and protect it.

The Project will require a pastoral land clearing permit under the *Pastoral Land Act*, and the NT EPA has provided recommendations to the PLB that conditions of the permit include requirements that the Proponent prepare a final clearing plan and weed management plan to the satisfaction of DENR prior to the commencement of the Project. The NT EPA has also recommended that a Biodiversity Management Plan (BMP) be prepared that addresses ongoing management actions for retained vegetation

The NT EPA is satisfied that potential impacts and risks to terrestrial flora can be adequately managed through the adoption of NT EPA recommendations and regulatory requirements and thus is likely to meet the NT EPA's environmental objective for Terrestrial Flora.

Terrestrial Fauna

The Northern Shrike-tit (*Falcunculus frontatus whitei*), listed as Vulnerable under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), and the Australian Painted Snipe (*Rostratula australis*), listed as Endangered under the EPBC Act and Vulnerable under the *Territory Parks and Wildlife Conservation Act* (TPWC Act), have been identified by the Flora and Fauna Division of the DENR as having at least a moderate likelihood of being found within the project area. Concerns about impacts to threatened species were also raised in public submissions received by the PLB.

Advice provided by the DENR identified that the potential impact to the Northern Shrike-tit was uncertain but likely to be at least moderate given the large area of suitable nesting and foraging habitat proposed to be cleared and historical records of the species within, and in close proximity to, the project area. The DENR also suggested that while the potential impact to the Australian Painted Snipe (and other EPBC Act listed waterbirds) was likely to be low in a regional context, there was at least a moderate likelihood of the species using suitable wetland habitat on site as they have been recorded using similar habitat within 10 km of the project site.

On the advice of the DENR, the Proponent amended its application to include retention of core wetland habitat and associated drainage areas with buffers in accordance with the NT Land Clearing Guidelines. A network of wildlife corridors linking those areas together and/or to intact native vegetation outside of the project area has also been developed and this is likely to include suitable nesting and foraging habitat for the Northern Shrike-tit. According to the DENR the likelihood of other threatened species occurring within the project area is considered to be low. The NT EPA considers that relevant threatened fauna species have been identified and appropriate management actions taken to protect them. The NT EPA recognises that a substantial area of

habitat used by a variety of terrestrial fauna species is proposed to be cleared for the Project and considers that the widespread availability of representative habitat types throughout the remainder of the Sturt Plateau bioregion, and the Proponent's commitment to avoid critical habitat for threatened species, limits the impact of the Project on terrestrial fauna at the bioregional level. The cumulative impact on terrestrial fauna as a result of habitat loss within the Sturt Plateau bioregion will need to be carefully considered for any future land clearing applications.

The NT EPA has recommended to the PLB that conditions of the pastoral land clearing permit include the requirement that the final clearing plan be prepared to the satisfaction of the DENR prior to any ground-disturbing activities. The NT EPA has also recommended that a Biodiversity Management Plan (BMP) be prepared and implemented that identifies and maps suitable habitat for the Northern Shrike-tit and addresses ongoing management actions for retained habitat.

The NT EPA is satisfied that potential impacts and risks to terrestrial fauna can be adequately managed through the adoption of NT EPA recommendations and regulatory requirements such that the NTEPA's environmental objective for Terrestrial Fauna is likely to be met

Terrestrial Environmental Quality

The soils of the project area comprise a mix of Kandosols and Vertosols and the Rangelands Monitoring Branch of the DENR has assessed Maryfield Station as being in good condition overall. Digital Elevation Modelling and ground truthing surveys show that slopes through the majority of the project area are 0-2% but areas with slope greater than 2% exist. Advice from the DENR is that clearing of slopes greater than 2% is generally not supported due to the risk of erosion. Concerns about impacts to terrestrial environmental quality were also raised in public submissions received by the PLB.

The Proponent amended the clearing plan to either exclude areas of increased slope from clearing altogether or have them included within buffers and/or vegetation corridors. The proposed methods of aerial sowing the pasture mix, using soil moisture conditions to achieve a 'clean pull' of vegetation, and stick-raking of post-clearing debris are aimed at minimising soil disturbance and are broadly in line with the NT Land Clearing Guidelines. The NT EPA considers that areas susceptible to erosion have been identified and appropriate management actions taken to prevent soil loss.

The NT EPA has recommended to the PLB that conditions of the pastoral land clearing permit include the requirement that the final clearing plan and an Erosion and Sediment Control Plan (ESCP) be developed to the satisfaction of DENR prior to the commencement of the Project. The NT EPA has also recommended that the Proponent be required to establish a trial area in consultation with the Department of Primary Industry and Resources (DPIR) and the DENR to establish the likely effectiveness of the methods proposed and to inform future timing and staging of the Project.

The NT EPA is satisfied that potential impacts and risks to terrestrial environmental quality can be adequately managed through the adoption of NT EPA recommendations and regulatory requirements such that the NT EPA's environmental objective for Terrestrial Environmental Quality is likely to be met.

Air Quality and Greenhouse Gases

Greenhouse gas emissions have not been considered in the Proponent's application. The Project is likely to make a considerable contribution to the NT's annual greenhouse gas emissions as a result of vegetation clearing, and in the context of the Northern Territory as a low emissions jurisdiction. In the absence of Government policy to guide decision making, the NT EPA considers

that the Project's contribution to greenhouse gas emissions in the national context, does not constitute a 'significant impact' on the environment. The NT EPA will continue to monitor large-scale land clearing proposals to inform its assessment of greenhouse gas emissions and cumulative impacts in the longer term.

Conclusion

The NT EPA considers that the Project does not require further assessment under the EA Act and has provided recommendations to the PLB to ensure that potentially significant environmental impacts can be appropriately managed such that the NT EPA's environmental objectives are likely to be met.

However the proposal does raise important strategic policy issues in relation to broad scale land clearing in the agricultural and pastoral regions of the NT, not only from a biodiversity and natural resource impact perspective (including cumulative impacts), but also in the context of climate change policy. Project environmental impact assessment is an inefficient tool for dealing with these broader, important policy issues. As such, the NT EPA will be raising these matters with the PLB and the Chief Executive Officer of the DENR in the first instance.

The NT EPA has committed to reviewing its guidance on when a land clearing application should be referred for consideration under the *Environmental Assessment Act*. The matter of when a development application should be referred for assessment is also being considered under the Northern Territory Government's environmental regulatory reform agenda.

DECISION

The proposed action, which was referred to the NT EPA by the Pastoral Land Board, 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*. However, the proposed action will require assessment and approvals under the *Pastoral Land Act* to ensure potential environmental impacts associated with the proposed action are effectively managed.

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.



DR PAUL VOGEL
CHAIR

NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY

25 October 2017