

# Environmental Approval

PURSUANT TO SECTION 69 OF THE ENVIRONMENT PROTECTION ACT 2019

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Approval number	EP2022/016 - 001
Approval holder	Chief Executive Officer of the NT Department of Infrastructure, Planning and Logistics
Australian Business Number (ABN)	84 085 734 992
Registered business address	Level 3, Manunda Place, 38 Cavanagh Street, Darwin, Northern Territory 0800

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## Action

Upgrade 73 km of road between Pirlangimpi and Pickertaramoor from gravel to bitumen on Melville Island, approximately 80 km northeast of Darwin including:

- **Land clearing** of up to 296.4 hectares (ha) of native vegetation including sensitive vegetation (large trees with hollows for fauna) for gravel extraction (234 ha), road widening and alignment (28 ha) and access tracks to water points (34 ha)
  - **Progressive rehabilitation of approved extent** for gravel extraction
  - Extraction of no more than 20% annual recharge of groundwater from existing (5) and new (9) bores and 20% instantaneous flow from surface waters (11)
  - Works conducted over 3 to 5 years between the months of April and October.
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## Advisory notes

Approval is granted under section 69 of the EP Act for the action to be undertaken in the manner described, including with implementation of the environmental management measures, commitments and safeguards documented in the **referral**. If there is an inconsistency between the **referral** and this environmental approval, the requirements of this environmental approval prevail.

This approval does not authorise the approval holder to undertake an activity that would otherwise be an offence under the *Planning Act 1999*, *Waste Management and Pollution Control Act 1998* or the *Water Act 1992*.

Submission of all notices, reports, documents or other correspondence required to be provided to the **CEO** or **administering authority** as a condition of this approval must be provided in electronic form by emailing [environmentalregulation@nt.gov.au](mailto:environmentalregulation@nt.gov.au)

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Address of action	Lands adjacent to and on Pirlangimpi and Pickertaramoor roads, Melville Island NT Portion 1644
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NT EPA Assessment Report number	96
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Decision maker



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Hon Lauren Jane Moss MLA,  
Minister for Environment, Climate Change and Water Security

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Date of approval

10<sup>th</sup> October 2022

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# 1 ENVIRONMENTAL APPROVAL CONDITIONS

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## 1 Limitations and extent of action

1-1 When implementing the action, the approval holder must ensure the action does not exceed the following extent:

Action element	Context	Limitation or maximum extent
Land clearing for gravel extraction	Figures 1-5 Table 1	No more than 234 ha in total to be cleared within proposed <b>gravel pits</b> of the <b>approved extent</b>
Gravel extraction	Figures 1-5 Table 1	No more than three (of 10) <b>gravel pit areas</b> are open for gravel extraction at any point in time
Rehabilitation	Figures 1-5 Table 1	In each open <b>gravel pit area</b> , no more than 3 ha in total of <b>unrehabilitated</b> land is present at any point in time

## 2 Terrestrial ecosystems

2-1 The approval holder must implement, rehabilitate and complete the action to meet the following environmental objective:

- (1) Protect terrestrial habitats to maintain flora and fauna values including biodiversity, ecological integrity and ecological functioning.

2-2 Prior to **substantial implementation**, the approval holder must conduct surveys to determine the density of **large and very large trees**. The surveys must:

- (1) include all native vegetation of the **gravel pit areas**; and
- (2) include land in a 100 m buffer around **gravel pits areas**; and
- (3) be conducted by a suitably qualified person.

2-3 The approval holder must ensure site selection is undertaken such that:

- (1) **gravel pits** are located in areas where the density of **large and very large trees** (determined in accordance with condition 2-2) is no greater than the surrounding area of retained native vegetation; and
- (2) native vegetation buffers are maintained so that no **gravel pits** are within:
  - (a) 100 m of nesting red goshawks (*Erythrotriorchis radiatus*)
  - (b) 100 m of pale field rat (*Rattus tunneyi*) records
  - (c) 200 m of northern brush-tailed phascogale (*Phascogale pirata*) records
  - (d) 200 m from brush-tailed rabbit-rat (*Conilurus penicillatus*) records; and
- (3) gravel pit GP\_1 is relocated within gravel pit area TIFP10 such that no gravel extraction is undertaken north of Pirlangimpi Road in gravel pit area TIFP10; and
- (4) the outcomes of site selection are reported to the **administering authority** prior to **substantial implementation** with:
  - (a) coordinate spatial data for all gravel pits
  - (b) tree density data

(c) justification for any alternative site selection of gravel pits.

- 2-4 To support achievement of condition 2-1, the approval holder must implement the action in such a manner that:
- (1) at the **completion of the action**, all areas previously subjected to **land clearing** at gravel pits and access tracks are **rehabilitated** and achieve a state that is stable and composed of **local native** plant species; and
  - (2) the introduction and spread of **declared weeds** and invasive exotic plants is controlled for the **life of the action**
  - (3) no hay bales are transported to the Tiwi Islands.

### 3 Erosion and sediment control

- 3-1 The approval holder must implement an Erosion and Sediment Control Plan (ESCP) on commencement of the action that is:
- (1) developed by a Certified Professional in Erosion and Sediment Control (CPESC), in accordance with International Erosion Control Association Australasia (IECA) 2008, *Best Practice Erosion and Sediment Control*; and
  - (2) implemented for the **life of the action**; and
  - (3) monitored by the CPESC and by the approval holder; and
  - (4) reviewed by the CPESC within 12 months of commencement of the action, or at any time if:
    - (a) ongoing monitoring identifies a failure of the ESCP; or
    - (b) an accelerated or changed work program is required.
- 3-2 The approval holder must report on its compliance with the ESCP and condition 3-1. Each report must be:
- (1) prepared by a CPESC; and
  - (2) submitted to the **administering authority** by 30 May each year during the **life of the action** unless otherwise directed by the **administering authority** in writing.

### 4 Commencement of action

- 4-1 This approval expires five (5) years after the date on which it is granted, unless **substantial implementation** has commenced on or before that date.
- 4-2 Within 10 business days of **substantial implementation** of the action the approval holder must provide notification in writing to the **administering authority**.

### 5 Completion of action

- 5-1 The approval holder must provide notification in writing to the **administering authority** within 10 business days of **completion of the action**.

### 6 Change of contact details

- 6-1 The approval holder must provide notification in writing to the **administering authority** of any change of its name, physical address or postal address for the serving of notices or other correspondence within 10 business days of such change.

## **7 Environmental Performance Report**

- 7-1 The approval holder must submit an Environmental Performance Report to the **administering authority** no later than three (3) years after **completion of the action** unless otherwise directed by the **administering authority** in writing.
- 7-2 The report required by condition 7-1 must be prepared by an **independent qualified person**.
- 7-3 The Environmental Performance Report must report on impacts of the action on the state of **Terrestrial ecosystems values**.
- 7-4 The Environmental Performance Report must:
- (1) include two (2) years monitoring data after **completion of the action**
  - (2) include a comparison of the environmental values identified in condition 7-3 at the **completion of the action** against the state of each environmental value prior to **land clearing**; and
  - (3) include a comparison of the predicted impacts of the action as identified in the **referral** and the actual impacts of the action as verified by environmental monitoring data; and
  - (4) demonstrate that all cleared areas, including roadworks, have been stabilised and **rehabilitated** with **local native** plant species; and
  - (5) demonstrate the actions undertaken at gravel pits and decommissioned roads to control introduction of weeds and exotic plant species; and
  - (6) identify all areas where rehabilitation efforts did not achieve the intended outcome; and
  - (7) recommend further works (if required) that will achieve the intent of this environmental approval; and
- 7-5 The approval holder must demonstrate that, within 12 months of submission of the Environmental Performance Report, any recommendations are fully implemented to achieve the requirements of this environmental approval.

## **8 Provision of environmental data**

- 8-1 All environmental monitoring data required to be collected or obtained under this environmental approval and the approval holder's commitments, standards and management plans must be retained by the approval holder for a period of not less than 10 years commencing from the date that the data is collected or obtained.
- 8-2 The approval holder must, as and when directed by the **administering authority**, provide any validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (such as maps)) relevant to the assessment of the action and implementation of this environmental approval, to the **administering authority** in the form and manner, and at the intervals specified, in the direction.

## 2 DEFINITIONS

The terms used in this approval have the same meaning as the terms defined in the *Environment Protection Act 2019* and *Environment Protection Regulations 2020*.

<b>administering authority</b>	<p>The Regulation Branch of the Department of Environment, Parks and Water Security [or another name for that department or branch, which may vary from time to time], administering the <i>Environment Protection Act 2019</i>.</p> <p>The <b>administering authority</b> is appointed under Administrative Arrangements Order by the Northern Territory Government.</p>
<b>approved extent</b>	<p>The extent identified in Figures 1 to 5 and Table 1 of this approval which includes equipment, plant and structures, whether stationary or portable, and the land on which the action is situated.</p>
<b>CEO</b>	<p>The Chief Executive Officer of the Department of Environment, Parks and Water Security [or another name for that department, which may vary from time to time], or their delegate.</p>
<b>completion of the action</b>	<p>The point in time that the approval holder has finished construction and rehabilitation activities for the action, including removing all equipment, plant and structures.</p>
<b>declared weeds</b>	<p>A plant declared as a weed or potential weed under the <i>Weeds Management Act 2001</i>.</p>
<b>EP Act</b>	<p><i>Environment Protection Act 2019</i>.</p>
<b>gravel pits</b>	<p>Any area of land listed in Table 1 or the site selection report to the <b>administering authority</b> from which gravel extraction will occur in accordance with the approved extent.</p>
<b>gravel pit areas</b>	<p>The ten (10) larger areas of land listed in Table 1, surveyed for extractive material and environmental values within which all <b>gravel pits</b> are located.</p>
<b>independent qualified person</b>	<p>A qualified person as defined under section 4 of the <b>EP Act</b>; and who also meets the following requirements:</p> <ol style="list-style-type: none"> <li>a) was not involved in the preparation of the approval holder's <b>referral</b>; and</li> <li>b) is independent of the personnel involved in the design, construction and operation of the action; and</li> <li>c) is independent of the approval holder; and</li> <li>d) has obtained written approval from the <b>CEO</b> to be the qualified person to satisfy the <b>independent qualified person</b> reporting requirements under this approval.</li> </ol>

<b>land clearing</b>	The removal or destruction, by any means, of native vegetation on an area of land. <b>Land clearing</b> includes the selective removal of a species of plant, a group of species of plants, a story or group of storeys in whole or in part.
<b>large and very large trees</b>	Represent a significant vegetation type under the NT Planning Scheme 2020 and Land Clearing Guidelines 2021.  Large trees with a diameter (at 1.3 m above ground level) greater than or equal to 40 cm) and very large trees (diameter greater than 50 cm) are likely to contain hollows suitable for fauna.
<b>life of the action</b>	The period of time from <b>substantial implementation</b> until the issue of a closure certificate under section 213 of the <b>EP Act</b> , or revocation of the environmental approval by the Minister at the request of the approval holder under section 114 of the EP Act.  The criteria for a closure certificate may consider the Environmental Performance Report.
<b>local native</b>	Refers to native plant species with Tiwi provenance, where seed is collected directly from Bathurst or Melville islands.
<b>NT EPA</b>	Northern Territory Environment Protection Authority.
<b>progressive rehabilitation</b>	The sequence of actions as they relate to <b>rehabilitation</b> of gravel pits. Progressive rehabilitation must be completed, so that new or further <b>land clearing</b> may not commence until the previous cleared area is <b>rehabilitated</b> .
<b>referral</b>	The approval holder's <b>referral</b> to the <b>NT EPA</b> under section 48 of the <b>EP Act</b> ;  Environmental Impact Assessment Melville Island Road Upgrades – NT Portion 1644, Melville Island, dated 21 February 2022.
<b>rehabilitation, rehabilitated</b>	The actions undertaken as they relate to stabilisation of cleared areas resulting from the action, these include extraction areas, detours and access tracks, at a minimum: <ul style="list-style-type: none"> <li>• spread unused rock and gravel material over exposed soil</li> <li>• rip area (to depth of 100 to 200 mm) along contour lines to reduce erosion</li> <li>• spread and scarify top soil and overburden to encourage regrowth from the soil's seed store</li> <li>• broadcast of <b>local native</b> seed if assisted revegetation is specified by the approval holder</li> <li>• spread cleared vegetation across the site in a manner representative of the surrounding area to assist the recolonisation of flora and fauna across the site.</li> </ul> Rehabilitation must occur progressively during the implementation of the action and may be required for the life of

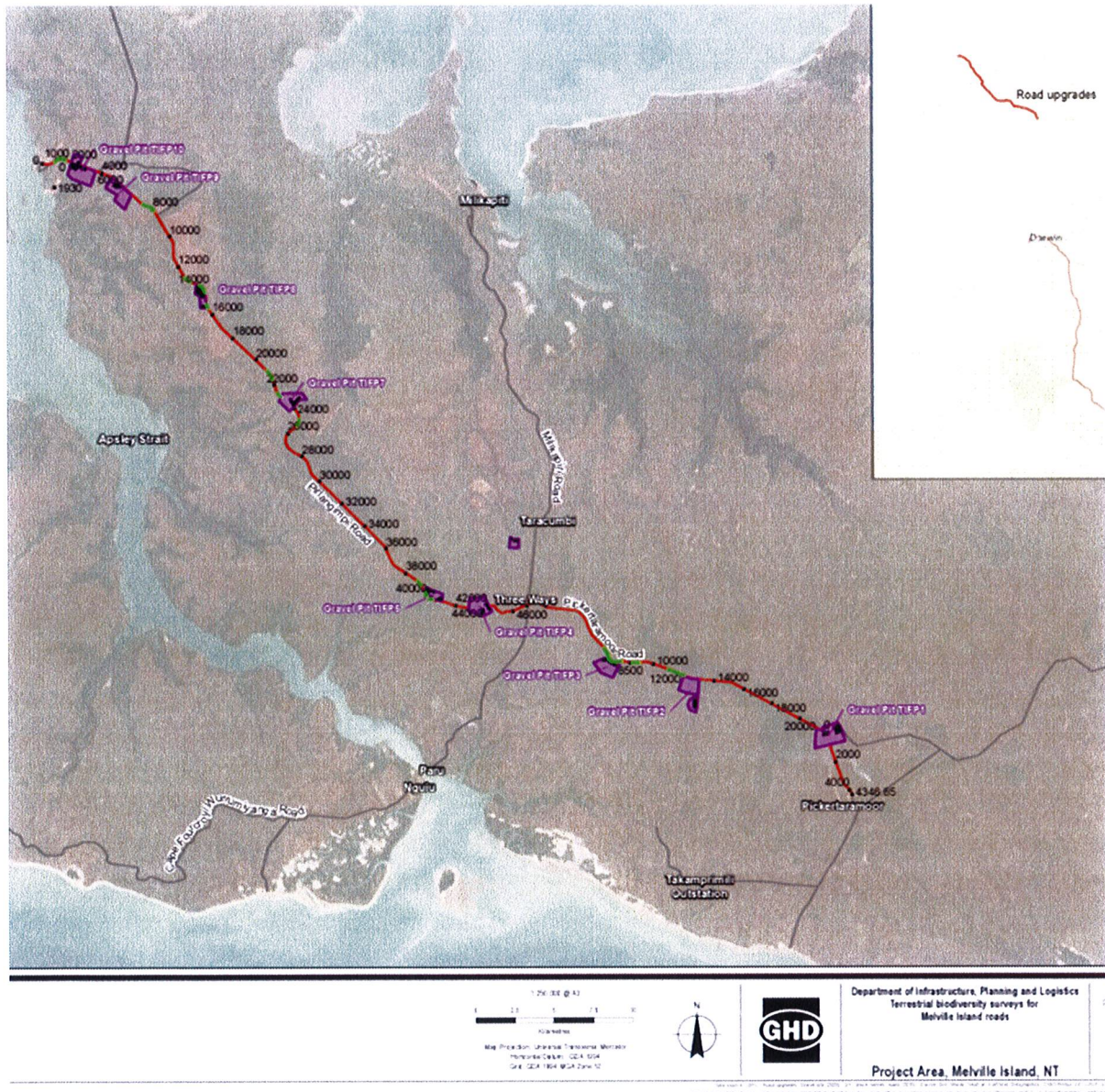
	<p>the action until the issue of the closure certificate under section 213.</p> <p>See <b>unrehabilitated land</b>.</p>
<b>substantial implementation</b>	<p>The first works of the proposed action defined as any ground disturbing activity relating to the <b>action</b> within the <b>approved extent</b>, including, but not limited to, <b>land clearing</b>, civil works or construction works. <b>Substantial implementation</b> does not include preliminary works such as geotechnical investigations and other preconstruction activities where no <b>land clearing</b> is required.</p>
<b>Terrestrial ecosystem values</b>	<p>The values as defined and quantified in the NT EPA's Assessment Report 96 include, but are not limited to: presence and occurrence of threatened plant and animal species and their habitat, <b>local native</b> plant species diversity and low weed and invasive species occurrence.</p>
<b>unrehabilitated land</b>	<p>The land that has been subject to <b>land clearing</b> in accordance with this approval and has not yet been <b>rehabilitated</b>.</p> <p>See <b>rehabilitated, rehabilitation</b>.</p>

### 3 LOCATION AND EXTENT OF ACTION

Spatial data depicting information provided in Figures 1 to 5 and Table 1 are held by the Department of Environment, Parks and Water Security as follows:

NTEPA2022/0070-005: 05 Spatial files - Melville Island Road Upgrades - DIPL.

All coordinates are provided in the Universal Transverse Mercator map projection, Map Grid of Australia Zone 52 (MGA Zone 52) and datum Geocentric Datum of Australia 1994 (GDA94).



**Figure 1 Location and approved extent of road works and gravel extraction.** Road upgrades (red), road alignments (green x13), potential gravel pit areas (purple x10) and proposed gravel pits (black x23)



**Table 1** Name and size of gravel pit areas (10) and gravel pits (23) of the approved extent

Gravel pits	Extent (ha)	Gravel pit areas	Extent (ha)	Gravel pits per gravel pit area (ha)
GP_1	3.5	TIFP10	184.4	33.9 (18.4%)
GP2_1	10.9			
GP2_2	19.5			
GP3_1	13.4	TIFP9	134.3	13.4 (10%)
GP4_1	13.8	TIFP8	58.5	42.5 (72.7%)
GP4_2	7.3			
GP4_3	5.9			
GP4_4	15.5			
GP5_1	19.1	TIFP7	111.1	19.1 (17.2%)
GP6_1	7.7	TIFP5	57.1	28.6 (50.1%)
GP6_2	7.9			
GP6_3	5.3			
GP6_4	7.7			
GP7_1	11.0	TIFP4	128.6	20.2 (15.7%)
GP7_2	5.7			
GP7_3	3.5			
GP8_1	9.8	TIFP3	115.5	18.7 (16.2%)
GP8_2	8.9			
GP9_1	16.0	TIFP2	148.1	16.0 (10.8%)
GP10_1	4.7	TIFP1	200.0	32.9 (16.5%)
GP10_2	4.5			
GP10_3	23.7			
GP11_1	9.1	TIFP	32.0	9.1 (28.4%)
<b>TOTAL</b>	<b>23</b>	<b>10</b>	<b>1169.6</b>	<b>234.4 ha (23.8%)</b>

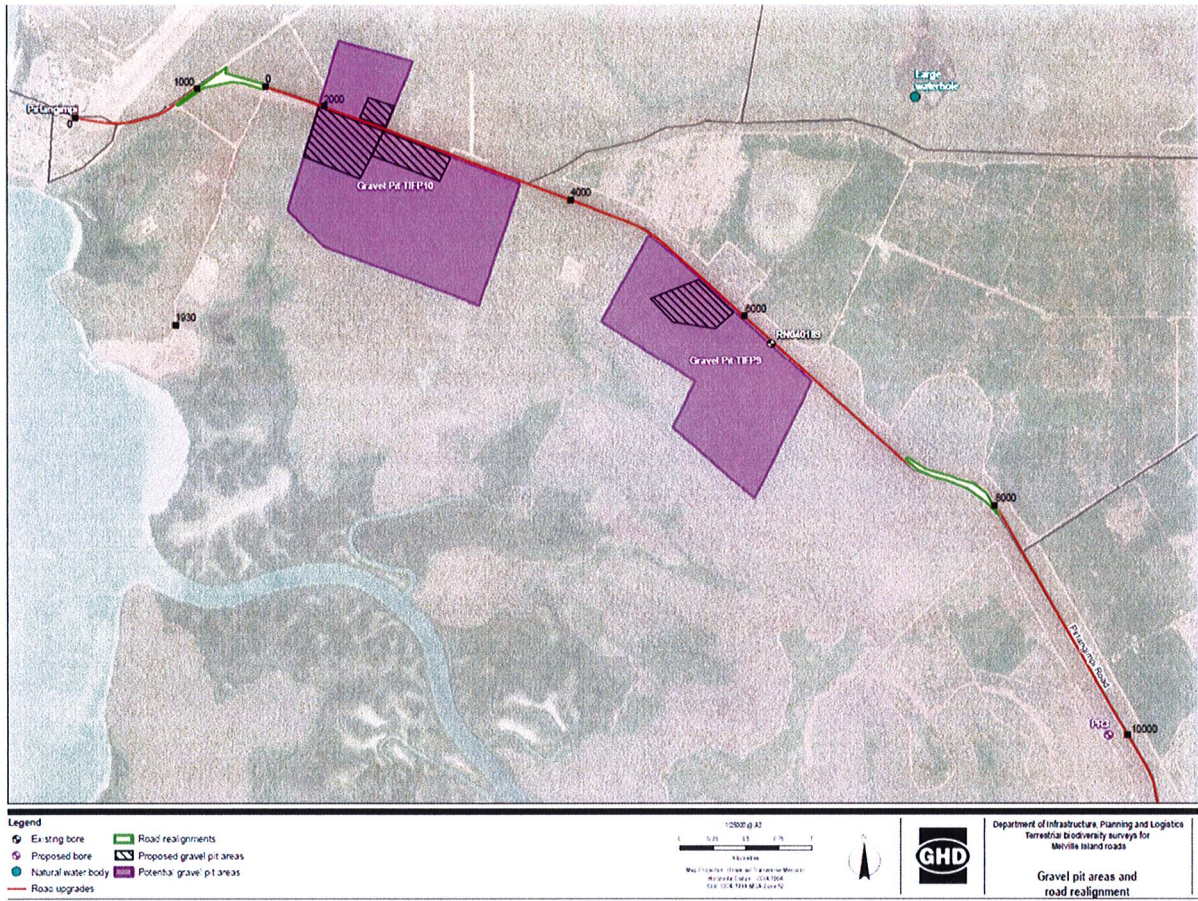


Figure 2 Location and extent of gravel pits (black) within gravel pit areas (purple) TIFP10 and TIFP9

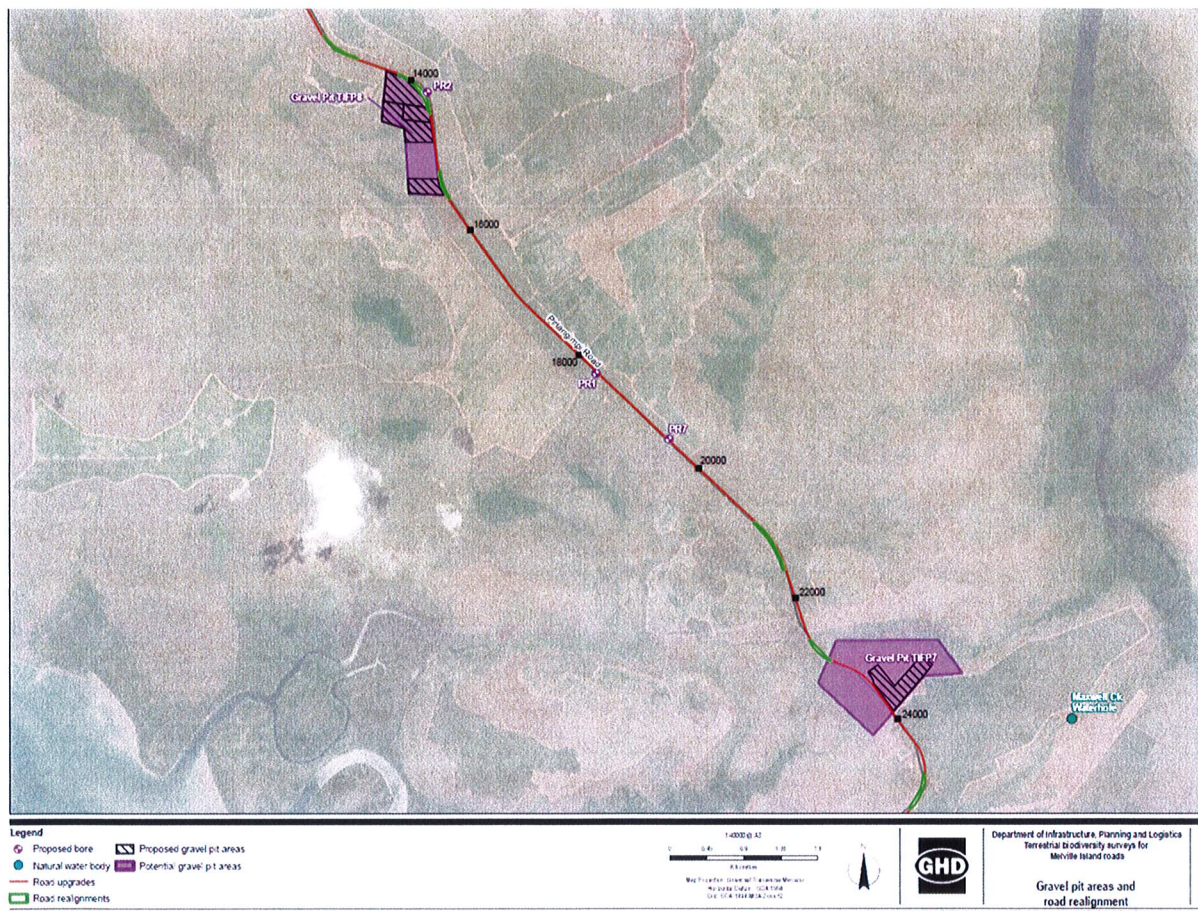


Figure 3 Location and extent of gravel pits (black) within gravel pit areas (purple) TIFP8 and TIFP7

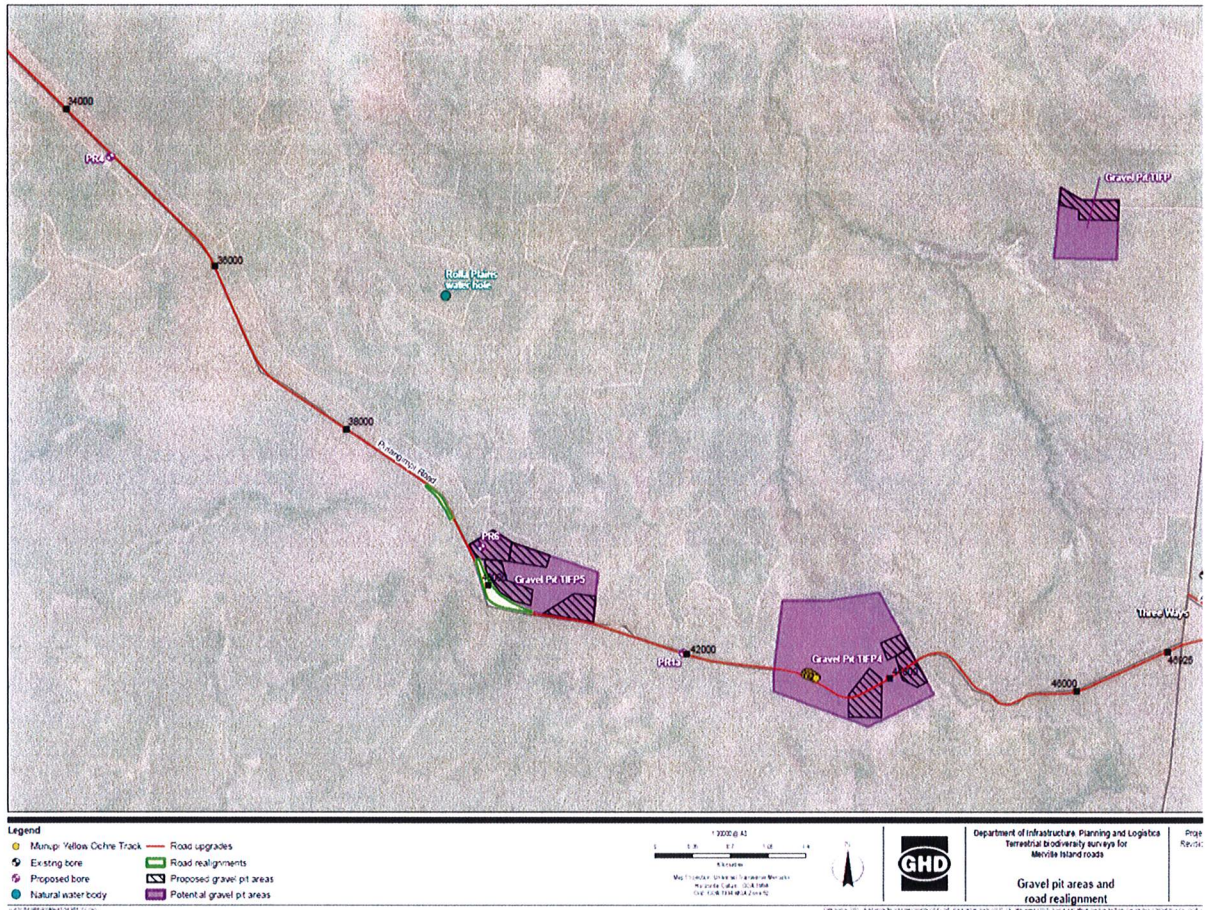


Figure 4 Location and extent of gravel pits (black) within gravel pit areas (purple) TIFP5, TIFP4 & TIFP

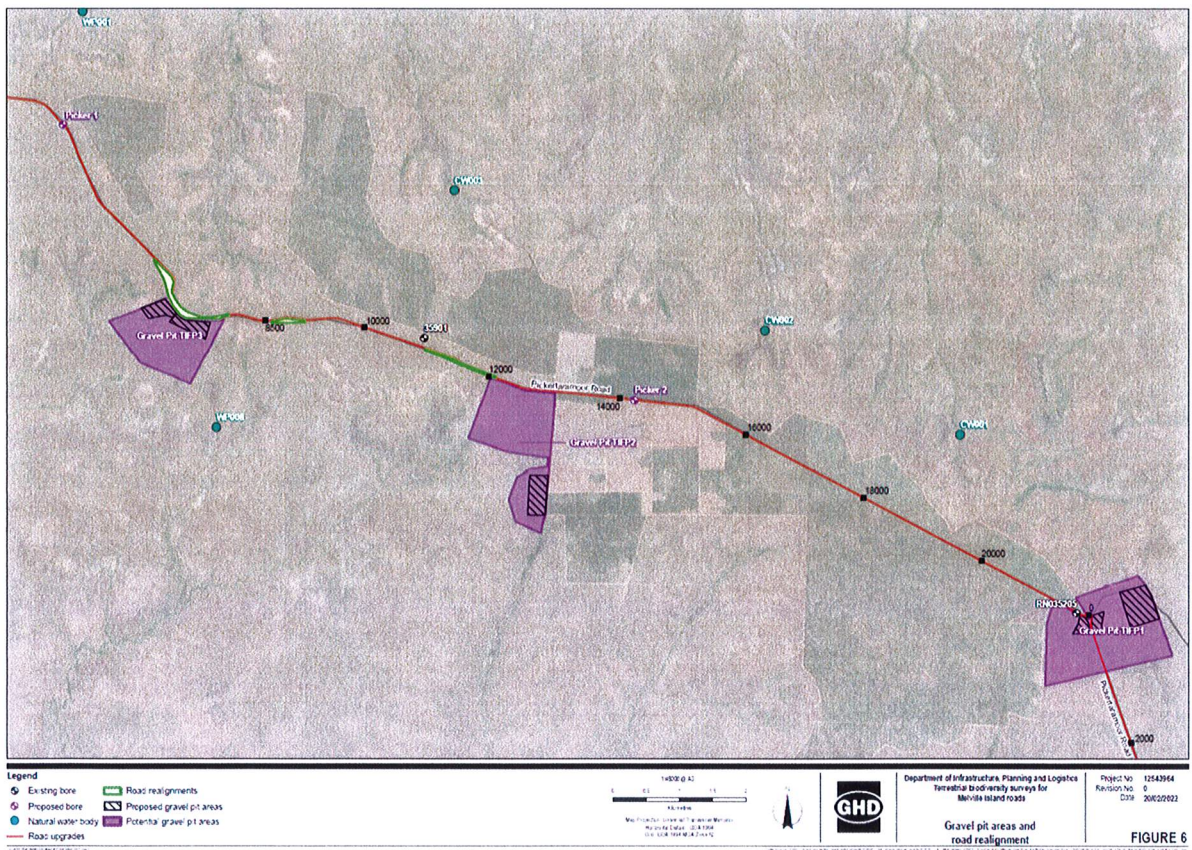


Figure 5 Location and extent of gravel pits (black) within gravel pit areas (purple) TIFP3, TIFP2 & TIFP1