

s22

**From:** s22  
**Sent:** Wednesday, 15 November 2017 10:46 AM  
**To:** s22  
**Subject:** Future land clearing at NT Maryfield Station [SEC=UNCLASSIFIED]

Maryfield Station in the NT received approval from NTEPA and Pastoral Lands Board to clear approx. 20,000 ha

<http://www.abc.net.au/news/rural/2017-11-14/20000-hectares-of-land-approved-for-clearing-in-nt-maryfield/9145976>

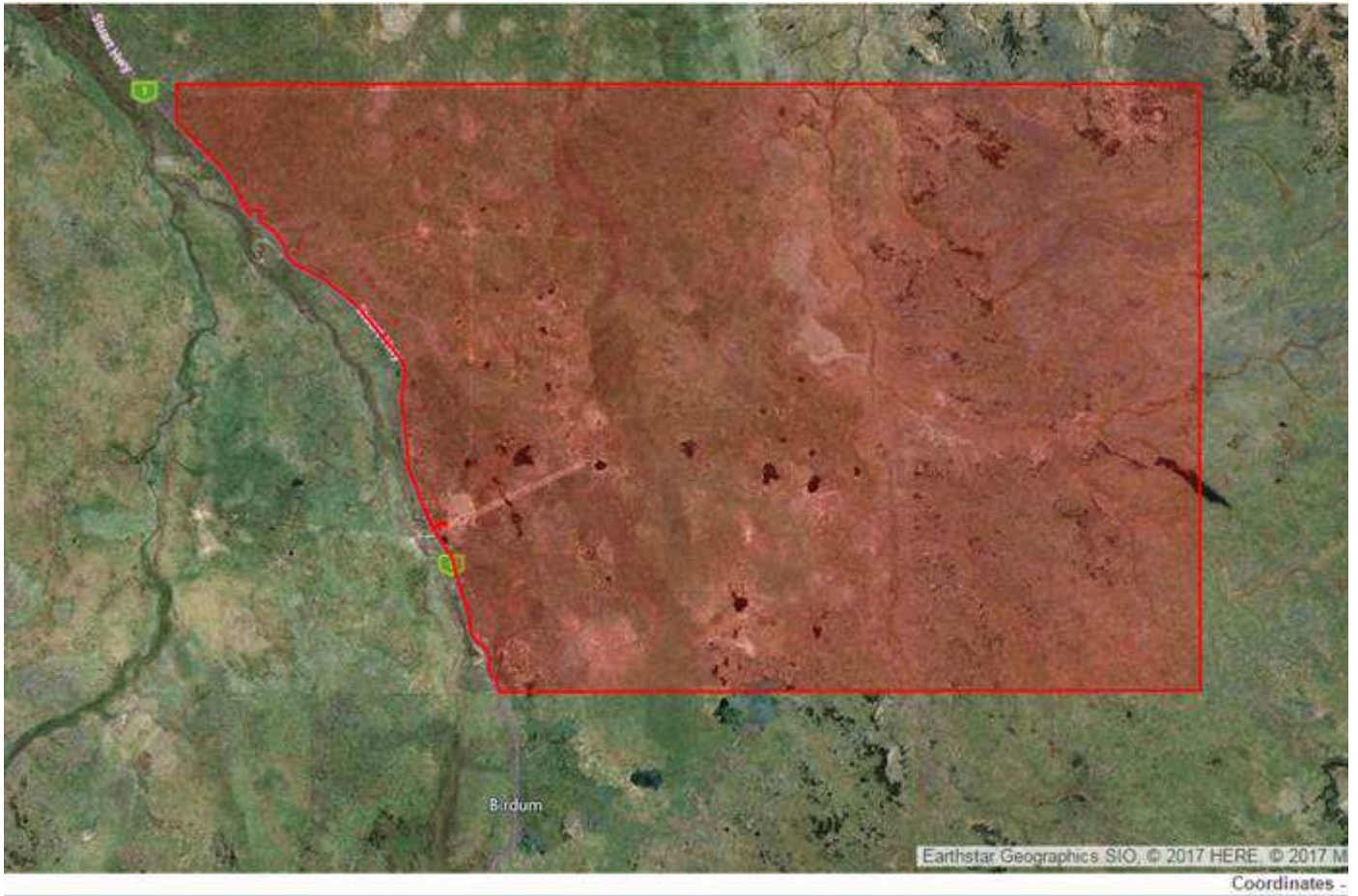
Environment Centre NT director Shar Molloy – possibly has information  
NTEPA approval – recommended Biodiversity Management Plan  
Pastoral Lands Board approval – stated that no plan is necessary

Northstar Pastoral: owned by Colin Ross  
Maryfield Station 3685 Stuart Highway, Katherine NT 0850 (200km south Katherine)  
PLC 17/3            3 November 2017            NT Portion 6365 PPL 1189 Maryfield Station            Improved  
pastures            20,432 hectares

Owners residential address:

s22, s47F  
[Redacted]  
[Redacted]

Matters of NES known to occur at site include Painted Honeyeater listed vulnerable, likely to occur includes Red Goshawk V, Gouldian Finch E, Northern Shrike-tit V, Ghost Bat V,



s22  
Senior Compliance Officer  
Office of Compliance  
Ph: 02 s22  
Email: s22@environment.gov.au  
Department of the Environment and Energy  
GPO Box 787 | Canberra ACT 2601



PASTORAL  
LAND BOARD  
NORTHERN TERRITORY

FOI 180710  
Document 2

# APPLICATION TO CLEAR PASTORAL LAND

(s.38(1)(h) *Pastoral Land Act*)

## 1. APPLICANT'S DETAILS

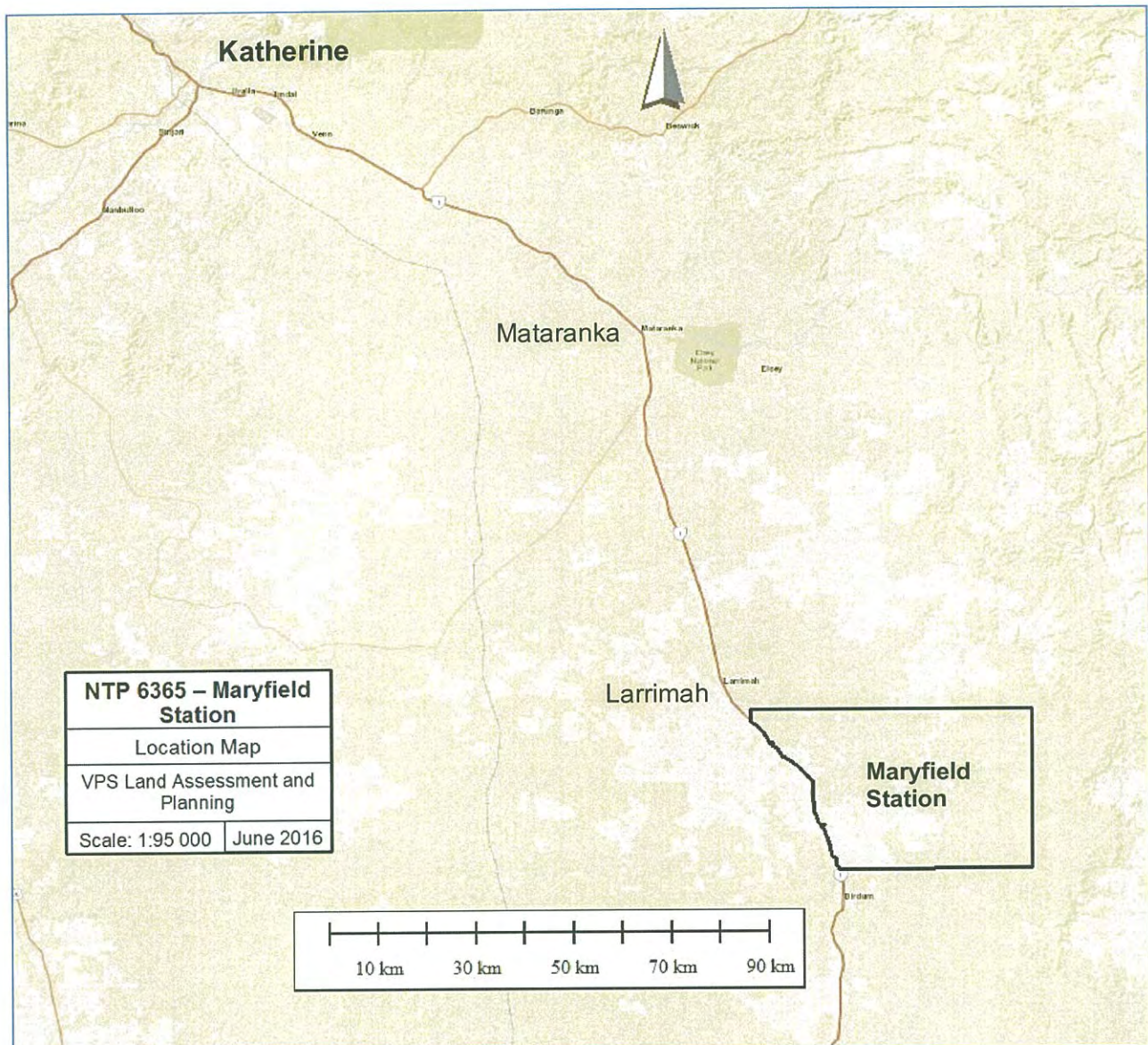
Full Name	Gavin Hoad
Position (eg. Lessee / Manager)	Manager
Telephone	08 8975 9701
Mobile	0427 188 399
Email	<a href="mailto:gavin.hoad@northstarpastoral.com.au">gavin.hoad@northstarpastoral.com.au</a>
Postal Address	PO Box 1871 Humpty Doo NT 0836

## 2. DETAILS OF LEASE ON WHICH CLEARING IS PROPOSED

Lease Name	Maryfield Station
Pastoral Lease Number	1189
NT Portion Number	6365
Location / Pastoral District	Sturt
Total Area of Lease (km <sup>2</sup> )	1437 km <sup>2</sup>
Size of Proposed Clearing Area	237.95 km <sup>2</sup> (16.5%)
Total areas previously cleared on the property (km <sup>2</sup> )	6.88 km <sup>2</sup>

## 3. APPLICATION FEE

An application fee is charged for clearing applications and payment is required at the time the application is lodged. Please contact the Pastoral Land Board Executive Officer on 8999 4667 or email [pastorallandboard@nt.gov.au](mailto:pastorallandboard@nt.gov.au) to confirm the current fee.



**Figure 1 Maryfield Station location map**

Maryfield Station (NTP 6365) is located on the Stuart Highway around 30kms south of Larrimah and 200kms southeast of Katherine.

#### 4. CLEARING DETAILS

4.1 How much land are you proposing to clear and what is (are) the proposed uses(s)?

Site ID (paddock or nominated number ID)	Proposed Use Specify crops or pasture species to be planted. Will the area be grazed or used for hay production? Provide details of non-pastoral use or other purpose.	Area (ha or km <sup>2</sup> )
CW	Pasture mix including – Buffell (Gayndah & USA); Sabi Grass; Indian Couch; Stylo – Seca, Siran & Amiga; Wyncassia	6955 ha
Highway	As above	3857 ha
Corkwood	As above	1343 ha
Coolibah	As above	5576 ha
South Franks	As above	5090 ha
Aerial	As above	974 ha
	<b>Total Area</b>	23 795 ha

4.2 Have any of **these areas** been previously cleared?

Yes (complete table below)       No (go to part 4.3)

Site ID (paddock or nominated number ID)	Details of Previous Clearing Year cleared, purpose of original clearing, estimated age / height of regrowth, last known date of maintenance etc.	Area Previously Cleared (ha or km <sup>2</sup> )
Aerial	Paddock partially cleared around 2002, last maintenance unknown,	335

4.3 Have any **other areas** on the property been previously cleared?

Yes (complete table below and show location on a copy of the Clearing Plan)

No (go to part 4.4)

**Note:** Two clearing permits have been approved for Maryfield Station

29 Dec 2000 – Clearing of Holding paddocks 102 ha and laneway 160 ha (Total 262 ha)

\*20 Dec 2001 – Approval to clear 70% of Bull and Aerial (Total area of both paddocks 1220 ha, permitted clearing equivalent to 854 ha) Total previously cleared 540ha – 314ha uncleared

Site ID (paddock or nominated number ID)	Area previously cleared (ha or km <sup>2</sup> )	Clearing Purpose / Land Use	Approval Date and/or Permit Details	Year Cleared	Is the clearing currently maintained?
Bull*	205 ha	Improved pasture	20 Dec 2001	2002?	Yes
Aerial*	335 ha	Improved pasture	20 Dec 2001	2002?	No
Holding paddocks	18	Improved pasture	29 Dec 2000	2001?	Yes
Holding paddocks / laneway	130	Improved pasture	29 Dec 2000	2001?	Yes

#### 4.4 Attach a Clearing Plan

The Clearing Plan is a drawing made to scale showing the geo-referenced location of the proposed clearing sites(s) numbered or identified as shown in the above tables.

The clearing plan must contain:

- the map datum (eg. GDA94) used to locate the clearing areas;
- the map projection or zone;
- a north arrow;
- a suitable background (eg. cadastre showing property boundaries, satellite/aerial imagery or topographic map);
- corners of clearing areas must be labelled with coordinates, or numbered to identify coordinates contained in an attached table.

For assistance, contact the relevant regional officer, Rangelands Division, Department of Land Resource Management.

**Note:**

The following map does not contain coordinate information at the corner points of the proposed clearing. The Department of Land Resource Management will be provided with the proposed clearing areas in shapefile format for import into departmental geographic information systems (GIS).

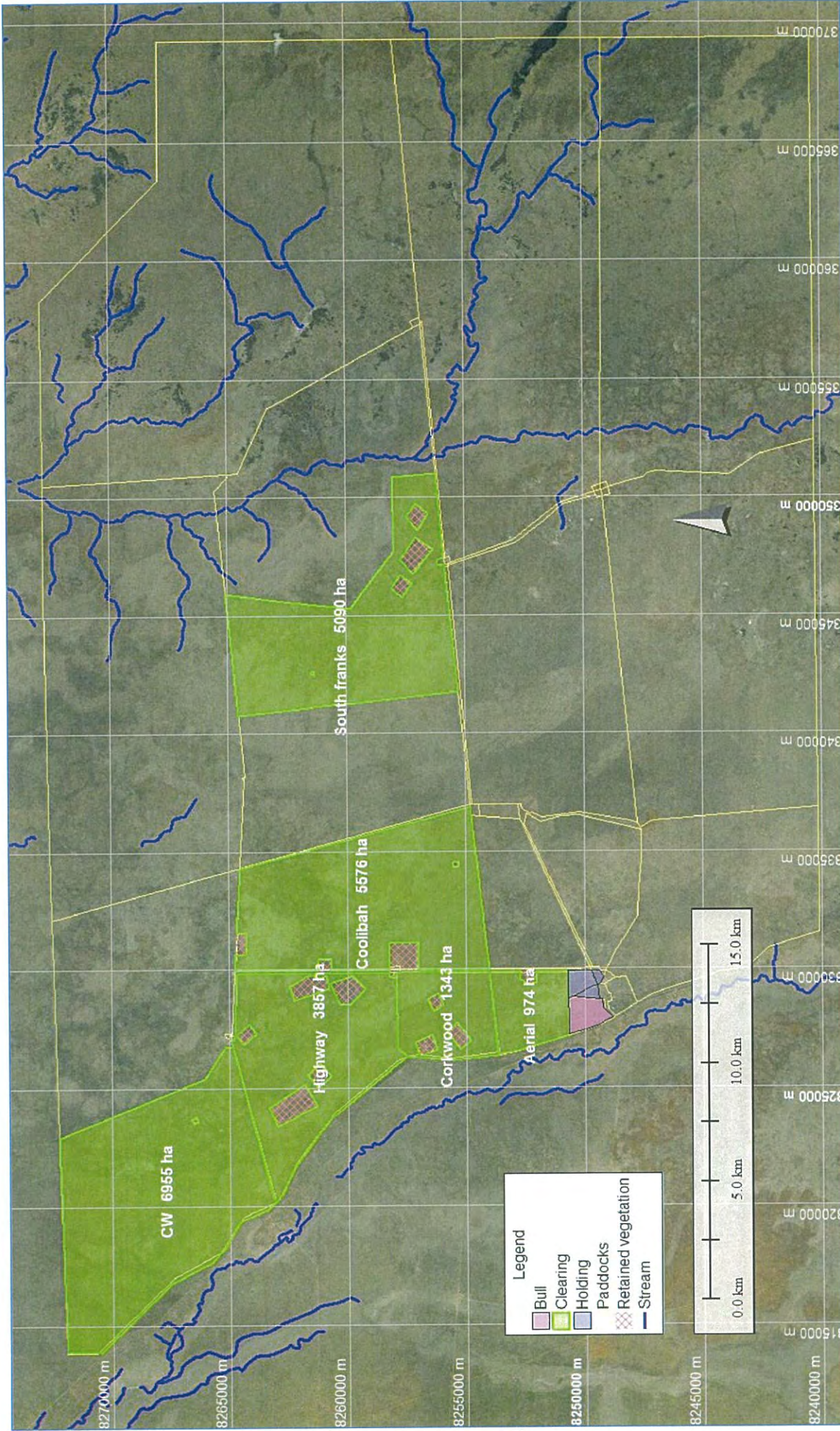


Figure 2 Proposed Maryfield Station clearing plan over satellite imagery.

**4.5** Attach any relevant information on proposed pasture or crop requirements Preferred soils, fertiliser and/or insecticide requirements and management advice. See website [www.nt.gov.au/d/publications/](http://www.nt.gov.au/d/publications/)

The grass and legume species chosen have proven performance in the soil types and climate of the Maryfield area. The following legumes and grasses are proposed for the clearing areas, all of which are already present on the Sturt Plateau and are recommended improved pasture species: Buffell (Gayndah & USA); Sabi Grass; Indian Couch; Stylo – Seca, Siran & Amiga; Wynn cassia

**Table 1 Rainfall data for Larrimah\* (Station: 14612) 1952 – 2016 (Bureau of Meteorology)**

Statistic	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
<b>Lowest</b>	50	7	0	0	0	0	0	0	0	0	0	15	329
<b>Mean</b>	208	205	156	31	9	4	2	1	3	27	65	149	862
<b>Median</b>	189	179	145	10	0	0	0	0	0	11	51	123	816
<b>Highest</b>	605	493	561	341	197	131	61	17	61	169	240	457	1519

\*Data from Larrimah used as Maryfield rainfall records are intermittent

**4.6** Outline an Establishment Plan in the table below.

Clearing in the Top End of the NT is generally undertaken either after commencement of the wet season but before monsoon, or as soon as practicable toward the end of the wet season and into the early dry. The requirement is that soil moisture conditions need to be suitable to ensure a “clean pull” during clearing operations.

The tables below outline the schedule to be used when initial clearing is undertaken either early (Table 2) or late (Table 3) wet season. Clearing will be staged over 5 years and the dates provided are indicative only as the actual dates for each operation will depend on the seasonal rainfall and soil moisture conditions and the relevant stage of development.

Considerable effort has been put into ensuring that the areas proposed for clearing are those deemed highly suitable for development and improved pasture (land slopes  $\leq 1\%$ ); as far as practicable all significant areas of steeper slopes and rock outcrop and high erosion risk have been excluded. Gravelly soils on low slopes have been included. Stream lines and areas of high erosion risk have been excluded with proposed clearing set back at least 200m from these features. Several small areas with gravelly, shallower soils on steeper slopes (up to 9%) along fence lines have been included for clearing to facilitate stock management, weed control and fire management. In these small steeper areas, other than chaining no further ground disturbance will occur.

Each proposed clearing area comprises a mix of Red earths (mostly red earths with minor areas of brown earth or gravelly red/brown earths) and cracking clays (Vertosols). Experience at Maryfield shows that patches of Stylo and Wynn cassia have become well established on the cracking clays within Aerial and adjoining uncleared paddocks. Clearing of the cracking clays will facilitate the establishment of improved pasture and provide valuable enhanced grazing across different soil types.

The following table reflects the proposed clearing operations that will significantly reduce ground disturbance with a consequent reduction in erosion risk. It is proposed to undertake aerial sowing after the first effective wet season rains. The land will then be chained with felled timber left in-situ for the wet season. After stick raking and windrowing, the windrows will be progressively burnt and levelled. No further mechanical ground disturbance will be undertaken. Suckers and weeds will be controlled as required using the appropriate chemical treatments. The sucker control chemicals may also affect the sown legumes. To reduce the loss of legumes, chemical sucker treatments will be applied in swathes across each



paddock each separated by a similar sized area left untreated. In this way, sucker control will be achieved over a couple of seasons whilst allowing the sown legumes to become established

The processes of chaining, stick racking and windrowing should incorporate the pasture / legume seeds into the soil resulting in a greater response from the improved pasture in the subsequent wet seasons. Mechanical disturbance of the small areas of land that have steeper slopes (>1%) will be minimised. For these areas the only disturbance will be chaining to knock down the trees and larger shrubs which will be left in-situ. These areas will be flagged in the early dry season. No further mechanical ground disturbance will be undertaken. Suckers and weeds will be controlled using the appropriate chemical treatments. This approach will mitigate the need for any soil conservation works in these areas.

The use of aerial sowing may result in reduced germination of improved pasture seeds in the first 1 to 2 wet seasons than would be expected with ground based sowing methods. However, the benefits with this approach are that the reduced soil disturbance and higher levels of retained ground cover (native pastures in conjunction with improved pastures) will remove the need for soil conservation measures. This approach will also allow for the earlier re-introduction of stock. The transition from native grasses to improved pastures will take several years and stocking rates will need to be managed to facilitate this.

**Table 2 Early Wet season clearing timetable**

<b>Activity</b>	<b>Timing</b> dates approximate & depend on seasonal conditions	<b>Methods / Details</b> (Prompts are included to assist but other information can be included where relevant)
Sowing	After first effective rains Oct – November 2016	Aerial broadcast prior to chaining
Felling of Vegetation	Nov - Dec 2016	Once optimum soil moisture conditions are assessed, initial clearing operations would involve bulldozing and chaining of trees and shrubs. These would be left in-situ, and in conjunction with existing ground cover (native grasses and forbs), would provide erosion control until grubbing operations are commenced
Removal of felled vegetation	Mar – June 2017	Bulldozer - Grubbing, stick raking and windrowing is undertaken at the beginning of the dry season. Windrows progressively burnt and levelled.
Site Preparation		No additional site preparation
Weed and Sucker Management	As required	Weeds and suckers will be controlled on a needs basis using appropriate chemical application or physical methods such as slashing.
Grazing Management	Ongoing	Fencing installed to establish paddock layout and manage the reintroduction of stock following adequate pasture establishment.
Crop management	N/a	N/a

**Table 3 Late wet season clearing timetable**

<b>Activity</b>	<b>Timing</b> (month/year) – dates approximate & depend on seasonal conditions	<b>Methods / Details</b> (Prompts are included to assist but other information can be included where relevant)
Sowing	After first effective wet season rain (Oct – Nov)	Aerial broadcast
Felling of Vegetation	Mar - May 2017	Once optimum soil moisture conditions are assessed, initial clearing operations would involve bulldozing and chaining of trees and shrubs. These would be left in-situ, and in conjunction with existing ground cover (native grasses and forbs), would provide erosion control until grubbing operations are commenced
Removal of felled vegetation	May - Aug 2017	Bulldozer - Grubbing, stick raking and windrowing is undertaken at the beginning of the dry season. Windrows progressively burnt and levelled.
Site		No additional site preparation
Weed and Sucker Management	As required	Weeds and suckers will be controlled on a needs basis using appropriate chemical application or physical methods such as slashing.
Grazing Management	Mar – April 2018	Fencing will be installed to establish desired paddock layout and to manage the reintroduction of stock following adequate pasture establishment
Crop Management	N/a	N/a

**4.7** Will the clearing development be staged? ie will different sites be cleared in different years?

Yes (complete table below)       No (go to part 4.8)

<b>Year</b>	<b>Site ID</b> (paddock or nominated area)
2016 – 17	CW
2017 - 18	Coolibah
2018 - 19	South Franks
2019 - 20	Aerial, Corkwood
2020 - 21	Highway

## 5. WATER REQUIREMENTS

5.1 Does the proposal require irrigation?

Yes (complete table below)       No (go to part 6)

<b>5.1.1</b>	What will be the total annual water requirements for the property following establishment of the proposed development? <i>Contact Water Resources on 8999 4613 for advice on water use requirements</i>
<b>5.1.2</b>	Where will water be sourced and is there adequate supply? For example, 860 ML/yr will be sourced from the Tindall Limestone Aquifer from bore RN32140 at 20L/sec.

*Note: Licensing provisions apply to Water Control Districts and Water Allocation Plan areas.  
Contact Water Resources on 8999 4613 for advice on whether this applies to you.*

5.2 Do you need a water license?

Yes (see 5.2.2)       No (go to part 6)

5.2.2 Please advise the current status of the water license:

- Approved (please attach copy of license)
- Pending approval
- Application to be lodged

## 6. ENVIRONMENT PROTECTION

Has the proposal been referred for assessment under the *Environmental Assessment Act*?

To determine whether your proposal will trigger referral, read the Environmental Assessment Guidelines "When a Notice of Intent is not required for development proposal submitted under the Pastoral Land Act".

See [www.ntepa.nt.gov.au/environmental-assessments/factsheets-and-guidelines](http://www.ntepa.nt.gov.au/environmental-assessments/factsheets-and-guidelines).

Referred – assessment not required (attach advice from NT EPA)

Referred – assessment required (attach advice from NT EPA)

Not referred to NT EPA

**Note:** The proposed development was assessed against the criteria in Attachment A of the NTEPA publication "*When a Notice of Intent is not required for development proposal submitted under the Pastoral Land Act*". As per Section 5, when the answers to all questions in Attachment A are either Yes or N/a, the proposal does not require an NOI (Notice of Intent) to be submitted. This proposal does not require an NOI.

## 7. LAND RESOURCES

**7.1** Describe the physical characteristics of the land:

Maryfield Station is located on the Sturt Plateau and Land system mapping (available through the Department of Land Resource Management) shows that three Land systems occur across proposed clearing areas.

The "*Sturt Plateau District – Land Condition Guide*" recognizes 5 Land systems within the Sturt Plateau region which include soil-landscapes that are well suited to grazing – Banjo, Bulwaddy, Elsey, Larrimah and Sturt Land Systems.

Figure 3 shows the proposed clearing in relation to the mapped Land systems. The characteristics of the representative land systems are described below (Attribute descriptions sourced from NR Maps – DLRM):

### **Banjo Land system characteristics**

Class lateritic plains and rises

Class Description plains and rises associated with deeply weathered profiles (laterite) including sand sheets and other depositional products; sandy and earth soils

Landform Gently undulating to almost level plains

Soil Original Predominantly loamy red earths with gravelly red and yellow earths and Lithosols

Soil ASC Predominantly Red Kandosols with shallow to moderately deep Ferric, Red, Brown and Yellow Kandosols with some Leptic Tenosols

Vegetation Mid-high open woodland of *E. patellaris*, *C. terminalis*, *C. ferruginea*, *Erythrophleum chlorostachys*, *C. dichromophloia* over *Chrysopogon latifolius*, *Themeda australis*, *Sehima nervosum*

Acid Sulfate Soils No occurrence of acid sulfate soils

### **Elsey Land system characteristics**

Class	lateritic plains and rises
Class Description	plains and rises associated with deeply weathered profiles (laterite) including sand sheets and other depositional products; sandy and earth soils
Landform	Generally undulating to almost level plains characterised by large closed depressions
Soil Original	Sandy and loamy red earths
Soil ASC	Sandy and loamy Red Kandosols
Vegetation	Tall open woodland of <i>Eucalyptus tetrodonta</i> , <i>Erythrophleum chlorostachys</i> , <i>Corymbia ferruginea</i> , <i>E. Tectifera</i> , <i>C. terminalis</i> over moderately dense perennial grass cover ( <i>Plectrachne pungens</i> , <i>Sehima nervosum</i> , <i>Chrysopogon sp</i> )
Acid Sulfate Soils	No occurrence of acid sulfate soils

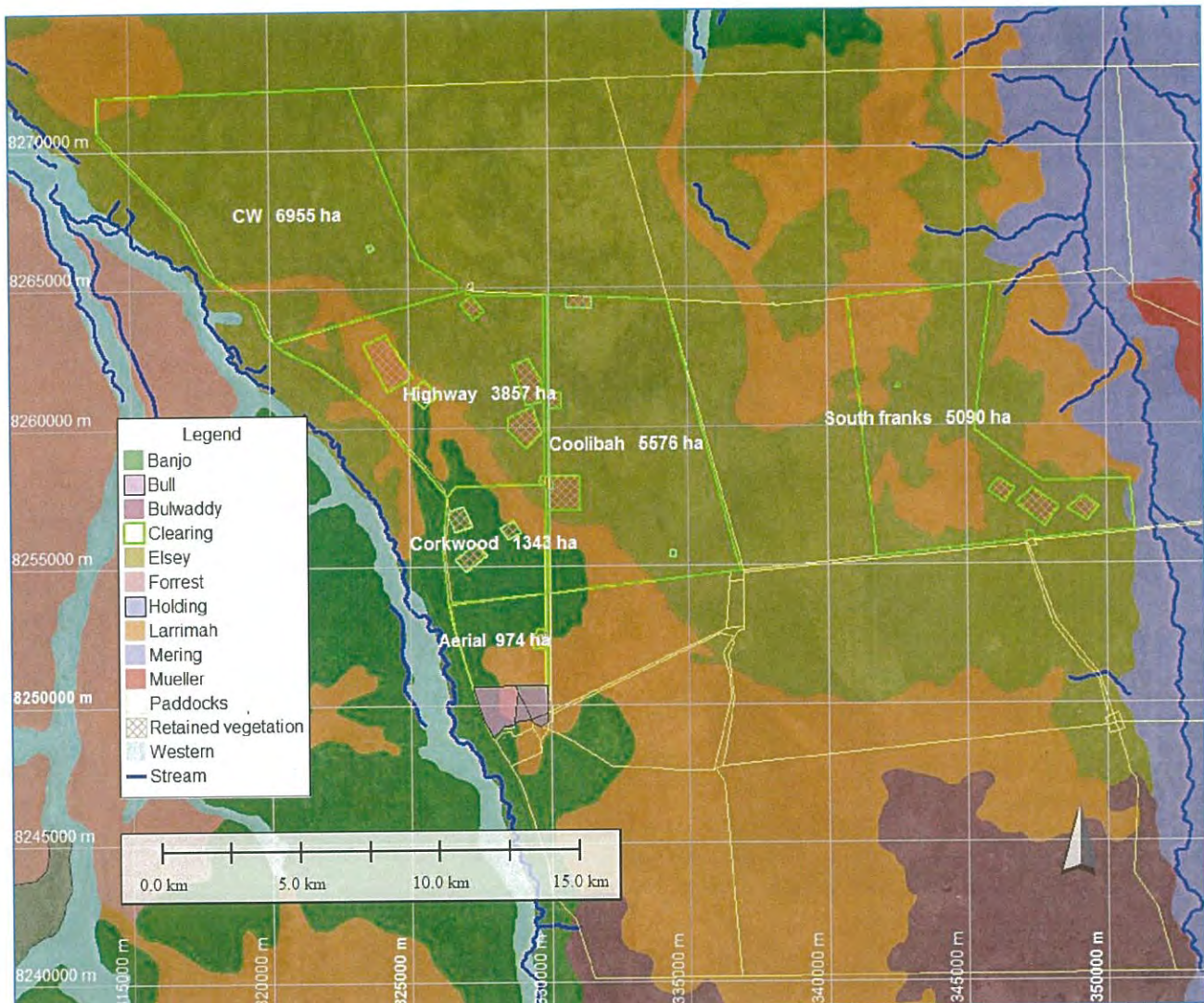
### **Larrimah Land system characteristics**

Class	clay plains
Class Description	level to gently undulating clay plains (black soil plains); cracking clay soils
Landform	Relict flood plains
Soil Original	Olive brown, brown and grey clays
Soil ASC	Brown and Grey Vertosols
Vegetation	Tall sparse shrubland of <i>Carissa lanceolata</i> , <i>Ventilago viminalis</i> , <i>Terminalia volucris</i> with scattered trees ( <i>Lysiphyllum cunninghamii</i> , <i>Atalaya hemiglauca</i> , <i>E. microtheca</i> ) over <i>Aristida spp</i> , <i>Sorghum sp</i> , <i>Astrebla squarrosa</i>
Acid Sulfate Soils	No occurrence of acid sulfate soils

**7.2** Attach a copy of any land resource mapping that extends over the proposed clearing areas with a description of the mapping units and map scale.

For assistance, contact the relevant regional Rangeland Officer, Rangelands Division, Department of Land Resource Management.

Note: Land Resource mapping can be used to guide your description of the land but by itself does not satisfy your obligation to describe the land because it is not at an appropriate scale. Mapping must be verified or refined by on-ground site survey.



**Figure 3 Land systems across Maryfield Station proposed clearing (DLRM data)**

**7.3** Verify and/or refine the land resource mapping. Describe the various land types using the pro-forma at Appendix A. Take a representative photo of the land type.

The number of descriptions required will depend on the variability of the land. You should complete a separate pro-forma when you notice that the land type differs significantly from your initial or subsequent descriptions. Make note of where each land type is within proposed clearing areas.

*Note: Government officers generally visit proposed developments to confirm that descriptions are accurate. If they are not accurate, additional descriptions may be requested, which may delay determination of your application.*

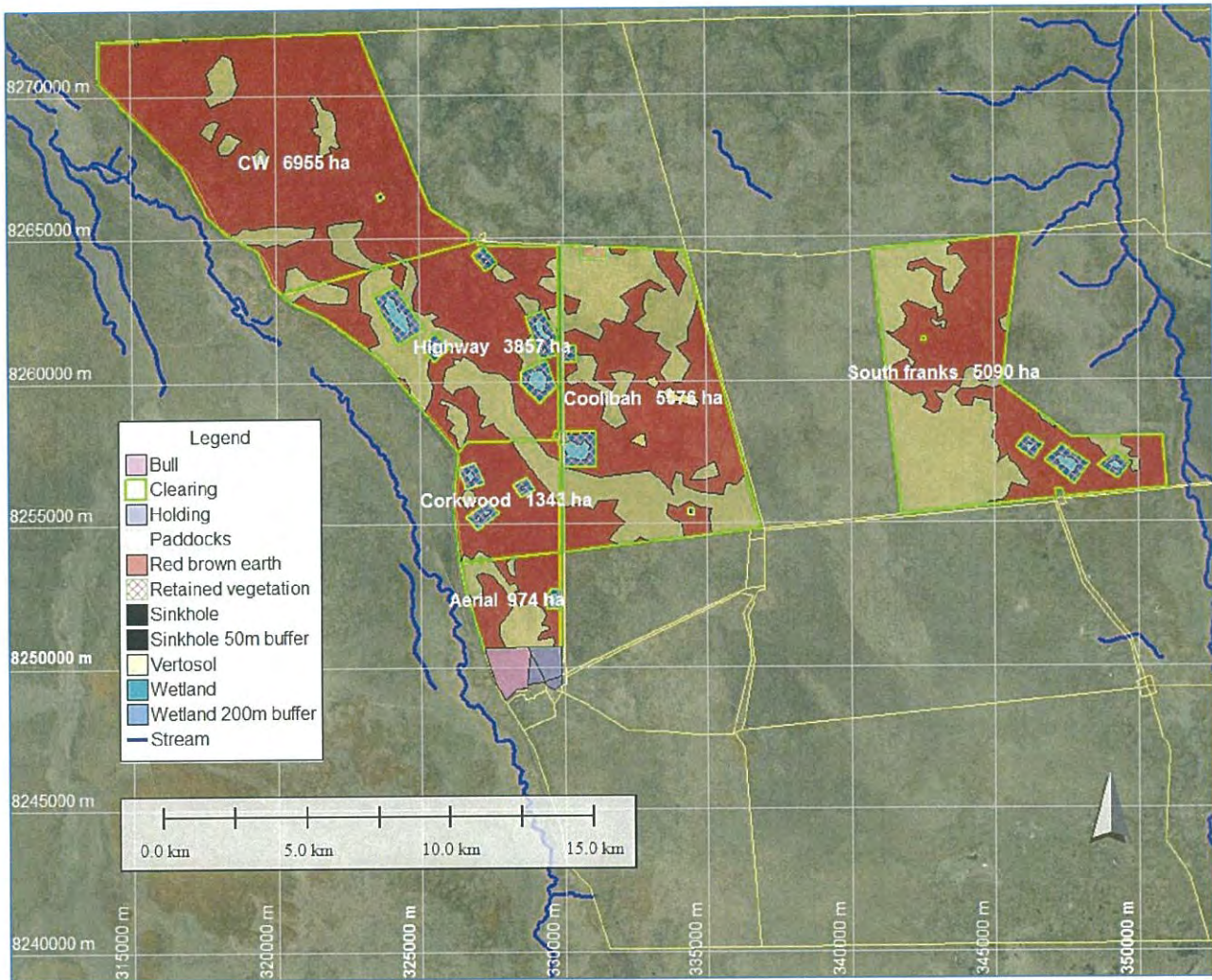
**Attach the descriptions (Appendix A pro-forma) and photos of each land type to your application. Delineate the location of each land type on a copy of the clearing plan.**

For further assistance, see: [www.lrm.nt.gov.au/soil](http://www.lrm.nt.gov.au/soil) and [www.lrm.nt.gov.au/natveg/vegmapping](http://www.lrm.nt.gov.au/natveg/vegmapping)

**Note:** As shown below in Figure 4, each clearing area / paddock contains a mix of red soils and cracking clays. The proposed clearing comprises around

- 15,500ha of primarily red earths (smaller areas of brown earths and shallow, gravelly red or brown earths) – shown as a single map unit

- 7,300 cracking clays (Imperfectly to Poorly drained Vertosols) on low slopes ( $\leq 0.5\%$ ) are included within the proposed clearing areas. There is ample evidence at Maryfield to show that both Stylo (Figure 5) and Wynn cassia (Figure 6) thrive in these areas.



**Figure 4** Map showing dominant soils - Red/Brown earths and Vertosol (cracking clays) and proposed clearing



**Figure 5 Stylo over 0.5m tall flourishing on cracking clays soils**



**Figure 6 Mats of Wynn cassia on cracking clay soils**



## 8. WEEDS

**8.1** Are there any weeds declared under the Weeds Management Act on the property?

For assistance see: <http://www.lrm.nt.gov.au/weeds2/legislation/declared>

Yes (complete table below)

No (go to part 8.2)

<b>Weed species and declared class</b>	<b>Weed Locations</b> (eg. tracks, previously cleared areas, proposed clearing areas)	<b>Describe how common the weed is</b>
<i>Hyptis - Hyptis suaveolens</i> Class B/C	Across most parts of proposed clearing areas <i>Hyptis</i> occurs only in small patches along some fence lines / tracks Only one large patch was identified near stockyards near South Franks paddock	Occurs in small, isolated patches within CW, Highway, Corkwood and Coolibah. Large patch around stockyards at corner of Strangways, Duckhole and South Franks paddock s
Flannel weed – <i>Sida cordifolia</i> Class B/C	Isolated occurrences along tracks and fence lines with larger patches associated with heavily grazed areas – cattle yards, water points, holding yards	Flannel weed has been identified in small patches in heavily disturbed areas on adjoining properties (stock yards, water points)
Coffee Senna - <i>Senna occidentalis</i> Class B/C	Isolated plants in association with <i>Sida</i>	Isolated plants in association with <i>Sida</i>

Class A: to be eradicated

Class B: growth and spread to be controlled

Class C: not to be introduced to the Northern Territory

**8.2** Do you have a weed management plan?

Yes (complete table below)

No (go to part 9)

The process of clearing for improved pasture may result in a small increase in the areas affected by these weeds. However, experience has shown chemical controls are easier and more effective in cleared areas.

<b>Target Weed</b>	<b>Aims</b> (contain spread, reduce extent, eliminate)	<b>Methods</b> (ie. monitor and spray)
<i>Hyptis - Hyptis suaveolens</i>	Contain spread and reduce extent	Chemical spray, low intensity burns
Flannel weed – <i>Sida cordifolia</i>	Contain spread and reduce extent	Chemical spray
Coffee Senna - <i>Senna occidentalis</i>	Contain spread and reduce extent	Chemical spray, Grubbing isolated plants

## 9. POTENTIAL IMPACTS

9.1 Are there any coastal/marine areas on the property?

Yes (provide description below)       No

9.2 Are there any public facilities, utilities or infrastructure in the locality?

Yes (provide description below)       No

The road reserve for the Stuart Highway runs along the western boundary of the property

A telecommunication tower is located in aerial paddock adjacent to the Stuart Highway road reserve.

9.3 Are there any records of threatened flora and/or fauna species listed under the *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act* or the *Territory Parks and Wildlife Conservation Act* within 5km of the proposed clearing sites?

Note: To find out visit [www.lrm.nt.gov.au/infonet](http://www.lrm.nt.gov.au/infonet) or [www.lrm.nt.gov.au/nrmapsnt](http://www.lrm.nt.gov.au/nrmapsnt)  
OR request data from: [datarequests.dlrn@nt.gov.au](mailto:datarequests.dlrn@nt.gov.au)

Yes (complete table below)       No (go to part 9.4)

**Note:** As per map below (Figure 7), DLRM data shows there is one (1) bird species listed as *Vulnerable* under the *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act* with 3 records within 5km of the proposed clearing sites.

Common Name	Species Name	EPBC Act Listing	TPWC Act Listing	Location
Crested shrike-tit	<i>Falcunculus frontatus whitei</i>	VU	Not listed	See map below

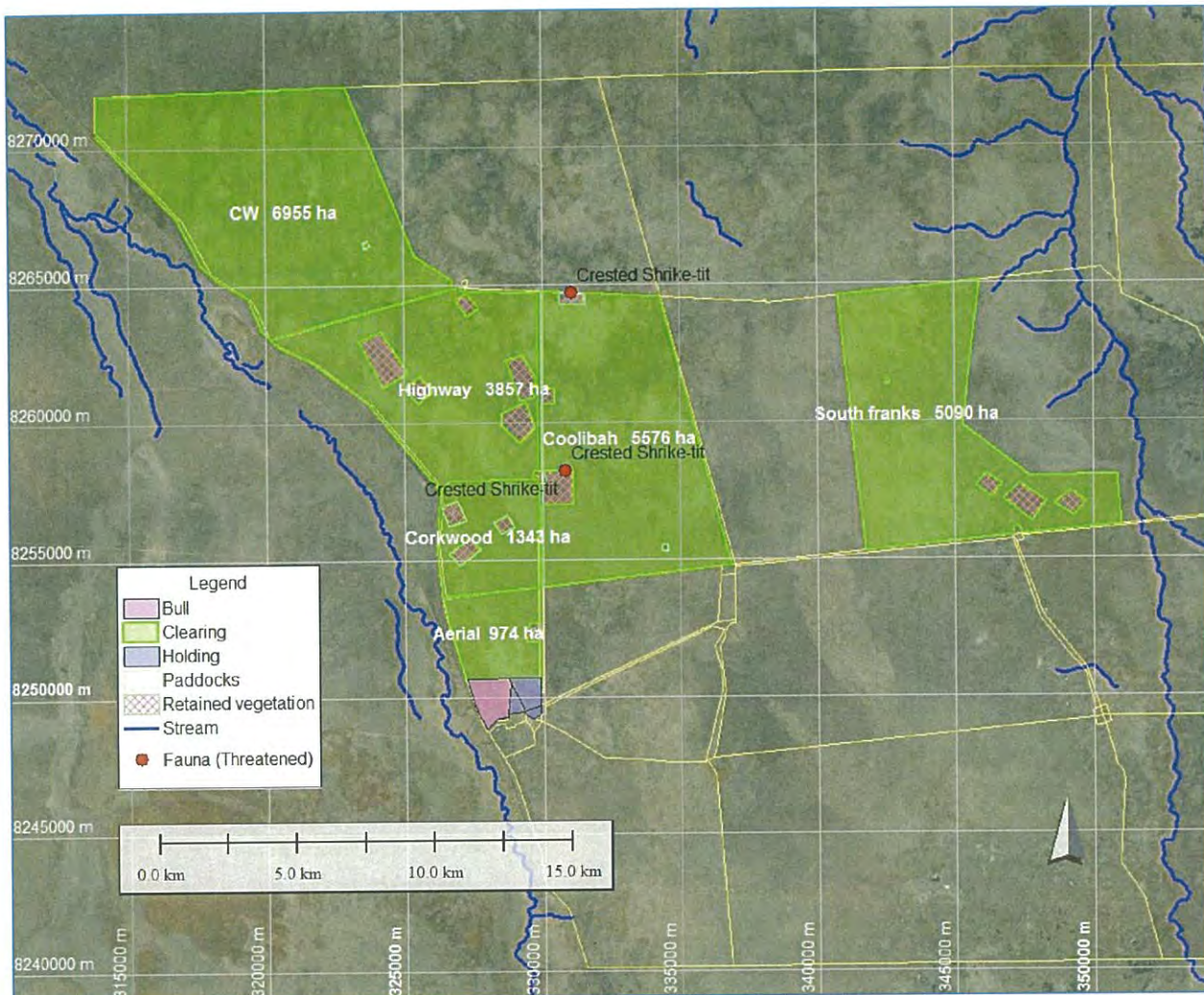
*Listing Codes: Critically Endangered (CR), Endangered (EN), Vulnerable (VU), Near Threatened (NT), Data Deficient (DD)*

**Note:**

In accordance with InfoNet data, the crested shrike-tit (*Falcunculus frontatus*) is not listed as an endangered or vulnerable species within the Northern Territory.

In 2016, a review found that the Crested shrike-tit does not meet any EPBC conservation criteria and the expert panel recommended against the need for a recovery plan. However, the expert panel determined that there was insufficient evidence to support removing the species from the list of vulnerable species despite the data showing the species had a wider distribution than previously considered.

(Source: Conservation Advice issued 2 May 2016).



**Figure 7** Location of 3 records (2 at same location) for the crested shrike-tit - *Falcunculus frontatus*

**9.3.1** Assess the risks posed to each species from the proposed development and describe in the table below how any risk will be mitigated.

Identify any associations that the species may have with landforms, vegetation structure or dominant plant species proposed for clearing.

**Note:** According to published information, the crested shrike-tit occurs in very low densities in many isolated subpopulations, typically in small groups of 2 to 5 individuals with groups widely spaced up to 20km apart (Woinarski 2004), defend territories of approximately 20ha and are resident throughout the year Ward (2008). It is thought to forage for invertebrates, mostly in foliage, branches, and the trunk and bark across a range of eucalypt and other tree species.

In the updated *Action Plan for Australian Birds*, Garnett *et al* (2011) classified the crested shrike-tit as a species of least concern "due to the identification of new records of the subspecies and a lack of evidence to indicate ongoing declines".

From NR Maps, only two sightings were recorded at Maryfield in 1980 and a single record in 1999.

According to (Woinarski 2004), the crested shrike-tit is a notoriously difficult bird to locate and survey. For the purpose of this clearing application it has been assumed that the two populations may still be present and areas of native vegetation have been retained accordingly.

Download species information at: [www.lrm.nt.gov.au/plants-and-animals/home/specieslist](http://www.lrm.nt.gov.au/plants-and-animals/home/specieslist) or contact the DLRM Fauna and Flora Division on 8995 5000.

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)
<p>The likelihood of impact of the proposed clearing on the crested shrike-tit is considered low based on the following</p> <ul style="list-style-type: none"> <li>• the "least concern" classification above,</li> <li>• last recorded sightings date back to 1980 and 1999</li> <li>• its characteristic small, widely dispersed subpopulations (up to 20 kms apart) with group territories in the order of 20 ha</li> <li>• the fact that each record lies within or immediately adjacent to large areas of retained native vegetation &gt;100ha habitat areas</li> <li>• that the species is not listed under the <i>Territory Parks and Wildlife Conservation Act</i></li> <li>• the species is a notoriously difficult bird to locate and survey</li> <li>• it is assumed therefore that these groups may still be present and areas of native vegetation will be retained based on the sighting record locations</li> </ul>	<p>Based on available information, the three records of the species are assumed to represent two sub-populations (around 6km apart).</p> <p>Record 1 (1980) is located along the southern boundary of CW paddock where no clearing is proposed and a significant area of native vegetation (&gt;60km<sup>2</sup>) is to be retained. It is proposed to retain a 40ha area of native vegetation within Coolibah paddock.</p> <p>Records 2/3 (1980, 1999) lie within a retained wetland buffer (approximately 130 ha – 6 times larger than the maximum estimated species territory requirement)</p> <p>High intensity fires are listed as a key threatening process for the crested shrike-tit. As the property is managed for grazing, only low intensity fires are used for pasture management.</p> <p>The Infonet report prepared specifically for Maryfield station area, includes a list of threatened species and photos, and will also be provided to the Station manager. If any of these species are observed, a report will be made to management and the relevant</p>

**9.4** Are there any "significant" vegetation communities such as rainforest; closed forest; riparian vegetation; communities containing large trees with hollows; sand-sheet heath; or mangroves within 200m of the proposed clearing area(s)?

Note: See the NT Planning Scheme Land Clearing Guidelines for definitions of significant vegetation communities.

Yes (complete table below)       No (go to part 9.5)

Description of significant vegetation community	Distance to proposed clearing

**9.4.1** Identify and assess the risks to significant vegetation communities associated with the proposed development and use of the land and describe how risk will be mitigated. Potential impacts include weed incursion, fertiliser/chemical inputs, erosion and/or sedimentation, and reduced wildlife movement to or from community. Consider any benefits from fire management.

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)

**9.5** Are native vegetation buffers and/or wildlife corridors proposed to be retained?

Yes (complete table below)       No (explain why)

If yes, describe the proposed width and length of corridors, reason for inclusion in that location and width chosen. See the NT Planning Scheme Land Clearing Guidelines for recommended buffers and wildlife corridors.

**Note:** No wildlife corridors or boundary buffers are proposed within the proposed clearing areas. The proposed clearing has been designed to concentrate the impact of clearing in 2 areas with a significant area (over 5kms wide) of retained vegetation between them which is a far more effective corridor for wildlife as well as providing far more suitable mosaic habitat for many species.

Experience has found that long, narrow strips of woody vegetation act as conduits and reservoirs for weeds and pest animals and interfere with the control of wild fire. Helicopters are the primary means of mustering in large paddocks and narrow rows of trees make controlled stock movement more difficult and potentially more dangerous.

Purpose of buffer / corridor	Width, length and reason chosen
Nil	Nil

*Note: the location and size of all native vegetation buffers and wildlife corridors are to be shown on the Clearing Plan.*

**9.5.1** Identify and assess the risks to corridors and wildlife movement. Potential risks include reduced habitat availability and movement of wildlife between larger patches of vegetation and impact on edges of corridors (weeds, wind exposure, fertiliser or sediment).

Risk Assessment (the likelihood of impacts occurring and possible consequences)	Risk Mitigation (how will the risks identified be minimised)

**9.6** Potential Impacts to Soils, Surface Water and Ground Water

**9.6.1** Are there any permanent or seasonal water features or sinkholes adjacent to proposed clearing sites?

*Note: See the NT Planning Scheme Land Clearing Guidelines for assistance.*

Yes (complete table below)       No (go to 9.6.2)

Describe feature (eg. drainage line, wetland, waterway / stream order, sinkhole (open or closed))	Width of buffer to be retained	If buffer width is smaller than recommended in Land Clearing Guidelines, explain why
Wetlands	200m	As per Clearing Guidelines. Except in Aerial paddock where part of the retained buffer is limited to around 130m by the existing track
Closed sinkholes	50m	As per Clearing Guidelines

**9.6.2** Assess the risk of chemical sprays or aerial application of fertiliser associated with the proposed land use drifting into and polluting surface water or sinkholes and describe how risk will be mitigated.

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)
Low risk	Chemicals / fertilizers will only be applied when required and only during periods where winds are slight and there is little chance of any rain / runoff and as such the risk of pollution is considered very low.  Buffers around identified wetlands and sink holes meet minimum recommended in the Guidelines

**10. SITES OF CONSERVATION SIGNIFICANCE**

Are there any sites of conservation significance located within the proposed area for clearing?

Yes     No

If yes, please show the location of sites of conservation significance on a map and describe how risk will be mitigated in the table below.

<b>Sites of Conservation Significance Search</b>
NT Sites of Conservation Significance: <a href="http://www.lrm.nt.gov.au/plants-and-animals/conservation-for-land-managers/sites-of-conservation-significance/map">www.lrm.nt.gov.au/plants-and-animals/conservation-for-land-managers/sites-of-conservation-significance/map</a>  Register of the National Estate: <a href="http://www.environment.gov.au/cgi-bin/ahdb/search.pl">www.environment.gov.au/cgi-bin/ahdb/search.pl</a>  NT Parks and Reserves: <a href="http://www.ntlis.nt.gov.au/imfPublic/imf.jsp?site=nreta">www.ntlis.nt.gov.au/imfPublic/imf.jsp?site=nreta</a> (check box for "Parks and Wildlife", refresh map, click and drag over area of interest)

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)

## 11. EROSION & SEDIMENT CONTROL

**11.1** Attach a copy of the Clearing Plan showing: See page 28 for map

- delineated land types described in Part 7.1;
- the direction of overland flow;
- adjacent property boundaries (within 200m); and
- adjacent water features and sinkholes described in 9.6.1 above.

**11.2** Assess the potential for water and wind erosion during both the establishment and operational phases of the development.

Consider:

- the % and length of slope in the proposed clearing area;
- the vulnerability of the soil type to overland flow (vulnerable soils include: loose sands; poorly drained soils; sodic or dispersive soils; and shallow soils);
- the risk of receiving erosive floodwater from adjacent streams or run-off from the surrounding landscaped (eg. rises and hills);
- the proposed land use, including projected minimum groundcover (%), tillage practices, and potential loss of soil structure from trafficking; and
- the vulnerability of soil type to wind erosion (e.g. sandy soils).

**Notes:** An Erosion and Sediment Control Plan (ESCP) is not considered necessary.

- The land proposed for clearing is predominantly flat to very gently undulating. Vast majority of land on very low slopes ( $\leq 1\%$ ).
- No dispersive soils were identified.
- There is very little evidence of erosion. Where it does occur, erosion is minor and confined to the few areas along the tracks or fence lines that are a little steeper, with exposed soil and there may be a residual windrow following track grading. Boundary and paddock fire breaks have been established for a number of years and are graded regularly to ensure bare earth is exposed and these areas also show little sign of erosion.
- Imperfectly to Poorly drained cracking clays of low slopes ( $\leq 0.5\%$ ) are included within the proposed clearing areas. There is ample evidence at Maryfield to show that both Stylo and Wynn cassia thrive in these areas.
- Wetlands and sinkholes are located within the proposed clearing areas and are protected by buffers recommended in the Guidelines.
- Stream lines, sandy soils on slopes above 1% and minor gully erosion were identified within South Franks paddock. These areas have been avoided with clearing boundaries more than 200m from these features.
- There are a few areas of steeper land included in the proposed clearing. These areas are small with short slope lengths and very small catchments above; they are clearly stable as there is only very minor existing rill erosion along adjoining tracks / fire breaks. These steeper areas are also surrounded by extensive areas of land that has low slope and low erosion risk. Therefore, the impact of erosion, if any from these areas, would be minor and of limited extent.
- The proposed clearing process involves

- aerially sowing improved pastures after the first effective rains in the early wet season.
- Chaining will occur once soil moisture conditions are optimal and the pulled trees will be left in situ for the remainder of the wet season.
- The sown improved pastures will combine with native annual and perennial grasses and legumes to provide good ground cover during the wet season and into the early dry season when stick raking and windrowing will occur.
- The windrows will be progressively burnt and levelled.
- Suckers will be controlled primarily using chemical agents.
- No additional working of the soil will occur (that is the ground will not be ploughed). The processes of chaining, stick raking and windrowing should incorporate the pasture / legume seeds into the soil resulting in a greater response from the improved pasture in the subsequent wet seasons.
- Clearing the small, steeper areas.
  - The risk of erosion in these areas is regarded as low
  - Steeper areas will be aerially sown in the early wet season.
  - The only mechanical disturbance will occur during chaining to knock down the trees and larger shrubs which will be left in-situ.
  - These areas will be flagged in the early dry season and excluded from any other clearing operations. No further mechanical ground disturbance will be undertaken (that is neither stick raking nor windrowing).
  - Suckers and weeds will be controlled using the appropriate chemical treatments.
  - This approach removes the need for soil conservation works in these areas
- An objective of the proposed clearing method is to maintain the highest practicable level of ground cover throughout the process and minimise soil exposure thereby keeping the risk of erosion to a minimum. Effective erosion control by minimising the risk of soil movement through ground cover and minimising soil disturbance means that the potential need for sediment controls is significantly reduced.

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)
As described above the risk of erosion by water and/or is regarded as low	Effective erosion control through maximising ground cover and minimising the area of disturbed / exposed soil
Low risk of chemical pollution	Chemicals / fertilizers will only be applied when required and only during periods where winds are slight and there is little chance of any rain / runoff and as such the risk of pollution is considered very low.



**11.3** Assess the risk of erosion or sedimentation of adjacent infrastructure, water features and sinkholes during both the establishment and operational phases of the development.

Consider:

- The adequacy of retained buffers (described above in 9.5 and 9.6.1) to filter runoff and promote infiltration before run-off reaches streams or infrastructure.
- Potential for chemical pollution of surface water or sinkholes from herbicides, insecticides or fertilisers attached to sediment (i.e. intensity of chemical use).

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)
Low risk of erosion	The wetlands and sinkholes are surrounded by the recommended retained native vegetation buffers.
Low risk of chemical pollution	Chemicals / fertilizers will only be applied when required and only during periods where winds are slight and there is little chance of any rain / runoff and as such the risk of pollution is considered very low.

Based on considerations above, outline temporary and/or permanent controls that you will put in place to minimise the risk of erosion and avoid the potential impacts of sedimentation and pollution. The amount of detail and controls provided should be proportionate to the degree of risk. Show the location of controls on a copy of the Clearing Plan.

<b>Temporary Controls</b>	<b>Permanent Controls</b>
Temporary erosion controls are not considered necessary on the lands with <=1% slope which occupy the vast majority of the proposed clearing areas. Working machines across the slope should be sufficient to minimise erosion risk	Ground cover management through grazing

**11.5** Are acid sulphate soils present in or within 200m of the proposed clearing areas? (usually found on tidal areas including mangroves and coastal floodplains)

Yes       No

If Yes ensure that these areas are shown on a copy of the Clearing Plan. Assess the risk of disturbance to acid sulphate soils and release of sulphuric acid, and describe how the potential impact will be avoided.

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)

## 12. Potential Impacts across Property Boundaries

12.1 Is there a public road or public area within 200m of the proposed clearing?

Yes (complete table below)       No (go to part 12.2)

Distance from public road or corridor	Width of retaining boundary buffer
Stuart Highway runs roughly parallel and about 75m west of Maryfield boundary with the road reserve adjoining the boundary.	Nil

Note: the location and size of all buffers are to be shown on the clearing plan.

12.2 Assess the risk of reduced visual amenity (any quality that makes the locality harmonious, pleasant or enjoyable), recreation or tourism value associated with the proposed development and describe how risk will be mitigated.

Risk Assessment (the likelihood of impacts occurring and possible consequences)	Risk Mitigation (how will the risks identified be minimised)
The proposed clearing will simply result in a change of scenery from virtually continuous woodlands to areas of grasslands. No impact on visual amenity, recreation or tourism is expected.	Nil

12.3 Assess the risk of chemical spray drift or dust pollution associated with the proposed development affecting neighbours/community and describe how risk will be mitigated.

Risk Assessment (the likelihood of impacts occurring and possible consequences)	Risk Mitigation (how will the risks identified be minimised)
There are no rest areas along the section of the Stuart Highway that follows the Maryfield boundary and therefore the risk to travellers along the road from spray drift or dust is low.	Chemicals will only be applied during periods where there are slight winds and little chance of any significant rain / runoff. Clearing of the land involves chaining and stick raking / windrowing and the land <i>will not</i> be worked up for ploughing. As such, exposed soil will be kept to a minimum and therefore the risk of dust from the site is low.
The road reserve for the Stuart highway is around 200m wide. Therefore the risk of spray drift affecting neighbouring property is low.	Chemicals will only be applied during periods where there are slight winds and little chance of any significant rain.
Smoke hazard will be low to moderate which is similar to the smoke hazard associated with a typical dry season.	Windrowing will be undertaken at the beginning of the dry season and windrows will be progressively burnt in suitable conditions.

**12.4** Are introduced species proposed to be planted less than 100m from the property boundary?

Yes (complete table below)       No (go to part 12.5)

Species to be planted	Distance from boundary	Width of buffer
Buffell (Gayndah & USA); Sabi Grass; Indian Couch; Stylo – Seca, Siran & Amiga; Wynn cassia	30m – width of boundary fire breaks	Nil

*Note: the location and size of all buffers are to be shown on the clearing plan.*

**12.4.1** Assess the risk of species spreading across the boundary and describe how potential spread will be mitigated.

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)
<p>Low risk.</p> <p>According to the InfoNet download of introduced plants and weeds all the proposed grasses and legumes are already found on the Sturt Plateau.</p> <p>DPIF pasture fact sheets note that there is potential for some improved pasture species to spread outside the area in which they're sown.</p> <p>As the pasture species to be planted are recommended by DPIF for the Sturt region the potential consequences of any spread across the boundary are considered low.</p>	<p>Risk will be mitigated by grazing management and stock movement control</p>

### 13. HERITAGE & SACRED SITES

**13.1** Are there any declared heritage places or archaeological sites within the meaning of the Heritage Conservation Act on the property?

Attach results of a Heritage search from the Heritage Branch, Department of Lands, Planning and the Environment (phone (08) 8999 5051) or an archaeological survey report if a survey has been conducted.

Yes       No (go to part 12.5)

Extract from email from Dianne Bensley to VPS Land Assessment and Planning – received 6 June 16

I have conducted a search of my maps and databases and can confirm that there are no nominated, provisional or declared heritage places nor any previously recorded Aboriginal archaeological sites located within Maryfield Station. This may be due to the fact that no archaeological surveys have ever been conducted of that particular area. You didn't indicate which areas in particular are going to be cleared within the station, but if they are avoiding watercourses, riparian areas and rocky outcrop areas, then the likelihood of Aboriginal archaeological sites being disturbed is considered minimal. Having said that, care should still be taken while clearing activities are underway, and if any archaeological sites are discovered then all works in the immediate area should cease and Heritage Branch contacted for comment.

Regards,  
Di

**Dianne Bensley** | Senior Heritage Officer | Heritage Branch  
**Department of Lands, Planning and the Environment**  
p... (08) 8999 5051 |  
e... [dianne.bensley@nt.gov.au](mailto:dianne.bensley@nt.gov.au) | [www.nt.gov.au/dlp](http://www.nt.gov.au/dlp)

Level 1 Amhemica House, 16 Parap Road Parap  
GPO Box 1680, Darwin NT 0801

If yes, attach the advice, show the sites on the clearing plan and complete the risk assessment table below.

<b>Risk Assessment</b> (the likelihood of impacts occurring and possible consequences)	<b>Risk Mitigation</b> (how will the risks identified be minimised)

**13.2** Are there any sacred sites or significant sites protected under the *Aboriginal Sacred Sites Act* on the property?

Attach a report from the Aboriginal Areas Protection Authority outlining the results of a register inspection. <http://www.aapant.org.au> Phone (08) 8999 5511.

Yes       No



## Checklist of Attachments

Note: You can show more than one feature on a plan to reduce the total number of plans required.

A Clearing Plan showing the geo-referenced location of each proposed clearing site and numbered to identify the proposed land use at each site.

Copies of the Clearing Plan showing one or more of the following:

- Location of any other areas on the property previously cleared
- Location of land types proposed for clearing
- Location of significant vegetation types or sites of conservation significance within 200m of proposed clearing sites
- Location and size of all native vegetation buffers and wildlife corridors
- Location of drainage lines or depressions, waterways (label stream order), wetlands, springs or sinkholes adjacent to proposed clearing sites
- Direction of potential overland flow
- Location of proposed erosion and sediment controls
- Location of acid sulphate soils within 200m of proposed clearing sites
- Location of heritage places, archaeological sites, sacred and significant sites and restricted works area
- Land resource mapping over the proposed clearing area with a description of mapping units. Representative photos of land types proposed for clearing
- Advice regarding threatened species
- Advice from DLPE Heritage Branch regarding the presence of declared heritage places or archaeological sites
- Results/advice from a Register of Sacred and Significant Sites search from the Aboriginal Areas Protection Authority (AAPA)
- Information on crops or pastures to be planted

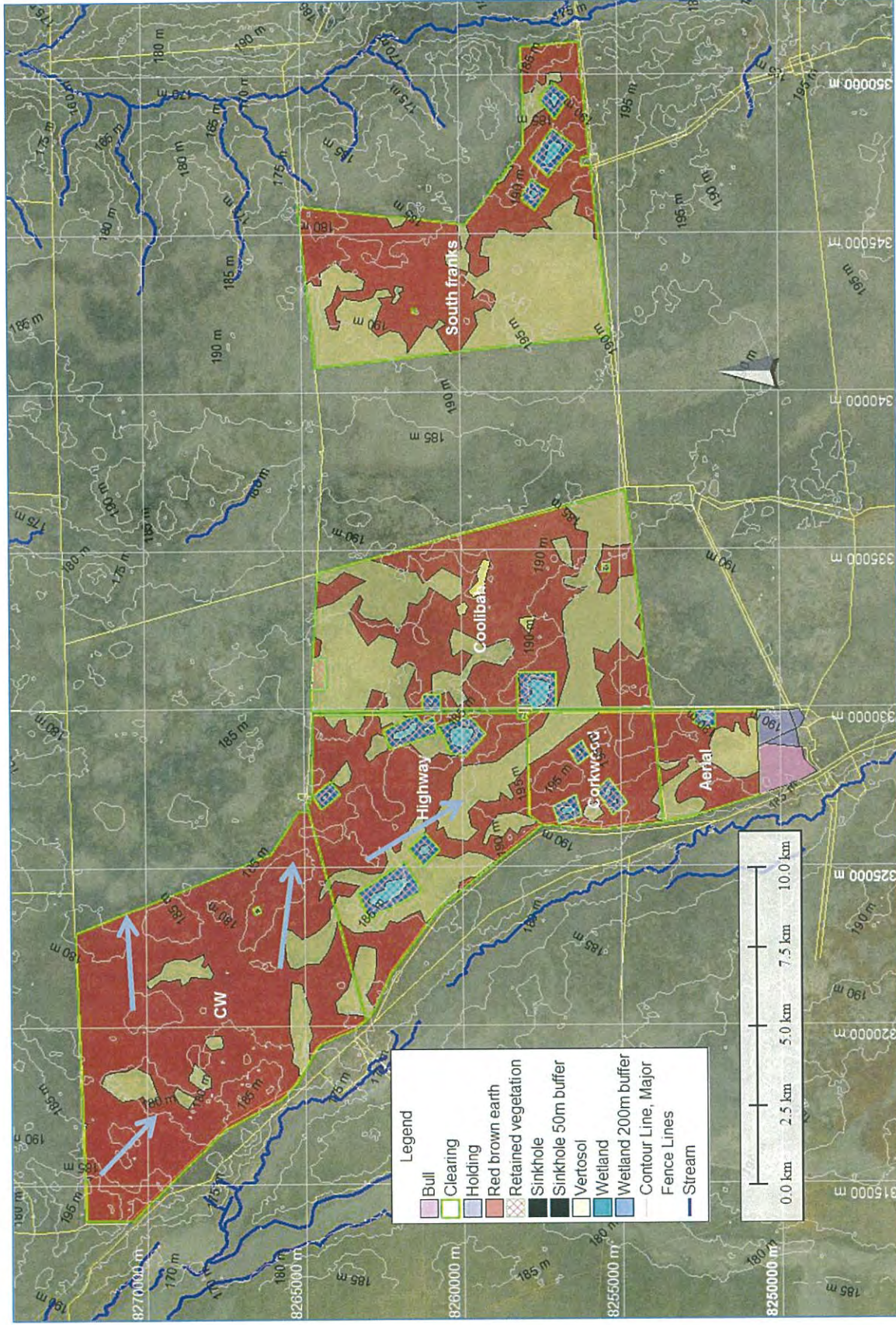


Figure 8 Proposed clearing with 5m internal contours generated from the SRTM 30m pixel DEM

ATTACHMENT A

Assessment Criterion	Response (Yes, No, N/A)
<p>The proposed action is <b>unlikely</b> to have potential to:</p> <ul style="list-style-type: none"> <li>cause pollution of freshwater/marine waterways, groundwater, soils and/or air;</li> <li>cause detrimental impacts on aquatic fauna consumed or used for food consumption;</li> <li>significantly obstruct or alter existing waterways or groundwater flows; and/or</li> <li>involve significant ground or surface water extraction.</li> </ul>	<p>Yes - these areas have been specifically avoided</p>
<p>Proposed stormwater management <b>is compliant</b> and <b>sufficient</b> to meet with Department of Land Resources Management (DLRM) requirements where required by the Pastoral Land Board.</p>	<p>NA - refer to ESCP</p>
<p>Site suitability assessments <b>have shown</b> that significant soil erosion, soil salinity, flooding or disturbance of acid sulphate soils <b>is unlikely</b>.</p>	<p>Yes</p>
<p>An Erosion and Sediment Control Plan <b>has been</b> prepared if and as required by the Pastoral Land Board.</p>	<p>YES - DLRM have now requested ESCP</p>
<p>Noise, Dust and/or Emissions to Air Management Plans, where required, <b>have been</b> prepared to Pastoral Land Board satisfaction.</p>	<p>N/a</p>
<p>Flora and fauna assessments including review of proximity to Sites of Conservation Significance, to the satisfaction of the Pastoral Land Board, indicate <b>that no</b>:</p> <ul style="list-style-type: none"> <li>threatened species listed under the <i>Territory Parks and Wildlife Conservation Act</i>; or</li> <li>habitat of potential significance to the above;</li> </ul> <p>are within, or in proximity to, the proposed development site; or</p> <ul style="list-style-type: none"> <li>there <b>is little</b> potential for significant impact to biodiversity and a Biodiversity Management Plan <b>provides for</b> the adequate protection or relocation of threatened flora or fauna and is endorsed by the DLRM.</li> </ul>	<p>Yes - buffers have been applied around NR Maps records of Endangered species. Proposed retained vegetation buffers were discussed with Biodiversity staff and enlarged on their recommendation</p>
<p>The proposed land clearing area <b>is not</b> located within, or in close proximity to, a National Park, Conservation Reserve or Marine Park or Reserve.</p>	<p>Yes</p>
<p>Land clearing <b>will be</b> managed in accordance with the Pastoral Land Clearing Guidelines, to the satisfaction of the Pastoral Land Board.</p>	<p>Yes</p>
<p>A Weed Management Plan <b>has been</b> prepared consistent with DLRM guidelines and will be implemented to the satisfaction of the Pastoral Land Board.</p>	<p>Yes - weeds have been identified, staff have been employed specifically to manage weeds and have been in contact with Weeds Branch</p>



## Environmental Assessment Guidelines – Pastoral Land

<p>An Authority Certificate application <b>has been</b> submitted to the Aboriginal Areas Protection Authority and once issued, the Certificate conditions <b>will be</b> complied with. Authority Certificate Requests can be made from the form on the AAPA website: <a href="http://www.aapant.org.au">www.aapant.org.au</a>.</p>	<p>N/a - AAPA confirmed no sites</p>
<p>A cultural heritage survey <b>has been</b> done and any identified heritage values <b>will be</b> managed, in consultation with the Heritage Branch of the DLPE and to the satisfaction of the Pastoral Land Board.</p>	<p>N/a - Heritage Branch advised that no sites within proposed clearing</p>
<p>Work health and safety assessments <b>have been</b> done and any identified issues <b>will be</b> addressed, in consultation with NT WorkSafe and to the satisfaction of the Pastoral Land Board.</p>	<p>N/a Yes - EPBC</p>
<p>The requirement to refer the proposed action under the EPBC Act has been considered, and it <b>has been</b> determined that a referral is <b>not</b> required or the proposal has been referred and the Australian Government Minister <b>has</b> determined that further assessment is <b>not</b> required (i.e.: not a “controlled action”).</p>	<p>considered and large buffers have been applied to records of endangered species as discussed with Biodiversity</p>
<p>There <b>is</b> little potential for the proposed action to cause significant social or economic impacts, or significant impacts on surrounding land users.</p>	<p>Yes</p>

s22

**From:** s22  
**Sent:** Wednesday, 22 November 2017 5:30 PM  
**To:** s22  
**Cc:** s22  
**Subject:** RE: FOR APPROVAL: NT land clearing dot points [SEC=UNCLASSIFIED]

Many thanks, s22 and s22. We will need to incorporate this detail into the brief for Dean next week.

s22

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**From:** s22  
**Sent:** Wednesday, 22 November 2017 2:28 PM  
**To:** s22 @environment.gov.au>  
**Subject:** FW: FOR APPROVAL: NT land clearing dot points [SEC=UNCLASSIFIED]

s22

s22 has identified an emerging land clearing issue in the Northern Territory which she has summarised below for your information.

- On 14 November 2017, the Office of Compliance became aware of a decision by the Northern Territory EPA to grant a permit for the clearing of 20,432 hectares of native vegetation at Maryfield Station in Northern Territory.
- To date, the proposed clearing has not been referred to the Department under the EPBC Act and an initial assessment indicates that matters of national environmental significance may be impacted.
- An assessment of other NT Pastoral land clearing approvals made since February 2016, reveal 28 properties have submitted applications for land clearing, and most have received approval to clear over 90,000 hectares of native vegetation.
- Not all properties will be subject to national environmental law.
- An initial assessment leads Compliance to believe that, for a number of those properties, should clearing proceed without approval under the EPBC Act, it would be contrary to section 67A of the Act.

Link to NT various land clearing spire folder is at:

<http://spire.environment.gov.au/spire/855732/855004/106/Forms/Agency%20Assessment%20File/docsethomepage.aspx?ID=43228&FolderCTID=0x0120D52000970F08C636A20F4A9DB76F3BD06A4B6603006B38554AA2581F44BF4595CBA3749366&List=65f7edc3-fca6-4963-86a3-6fda450ee435&RootFolder=%2Fspire%2F855732%2F855004%2F106%2FNT%5Fvarious%20land%20clearing>

## Talking points 22 Nov 2017

- On 14 November 2017, the Office of Compliance became aware of a decision by the Northern Territory EPA to grant a permit for the clearing of 20,432 hectares of native vegetation at Maryfield Station in Northern Territory.
- To date, the proposed clearing has not been referred to the Department under the EPBC Act and an initial assessment indicates that matters of national environmental significance may be impacted.
- An assessment of other NT Pastoral land clearing approvals made since February 2016, reveal 28 properties have submitted applications for land clearing, and most have received approval to clear over 90,000 hectares of native vegetation.
- Not all properties will be subject to national environmental law.
- An initial assessment leads Compliance to believe that, for a number of those properties, should clearing proceed without approval under the EPBC Act, it would be contrary to section 67A of the Act.

For information on land clearing legislation and application process in the Northern Territory (NT) go to the [Northern Territory Government](#) website.

Go to the Northern Territory Government website for more information on [freehold land applications](#) and [pastoral land applications](#).

Activities that require the clearing of native vegetation and are approved by other legislation, such as mining under the Mining Management Act, are exempt under the Planning Act and Pastoral Land Act.

The commercial harvesting of native vegetation is controlled by the Territory Parks and Wildlife Conservation Act.

### Land clearing guidelines

This information provides guidance in completing an application to clear native vegetation in the NT.

Go to NT.GOV.AU to read the following guidelines:

- [Freehold Land Clearing Guidelines](#)
- [NT Pastoral Land Clearing Guidelines](#)

Pastoral Lands Board / The Pastoral Land Board is a statutory authority established under Section 11 of the *Pastoral Land Act*, charged with administering the Northern Territory pastoral leases in accordance with the Act.

<https://denr.nt.gov.au/land-resource-management/rangelands/committees-and-advisory-groups/nt-pastoral-land-board>

<https://denr.nt.gov.au/land-resource-management/rangelands/guidelines-and-management-plans/land-clearing-guidelines-and-management-plans>

Aim of application is to seek approval to clear and develop these areas to increase the productivity and carrying capacity

NT Land Clearing Guidelines (2010),

[https://nt.gov.au/data/assets/pdf\\_file/0007/236815/land-clearing-guidelines.pdf](https://nt.gov.au/data/assets/pdf_file/0007/236815/land-clearing-guidelines.pdf)



s22

**From:** s22  
**Sent:** Tuesday, 12 December 2017 10:24 AM  
**To:** s22  
**Cc:** s22  
**Subject:** NT Land clearing [SEC=UNCLASSIFIED]

Another news article on NT land clearing

<https://readnow.isentia.com/articlepresenter.aspx?GUID=8f56f3be-bc2a-4c1a-845c-1a210771ba6f&serID=104415&ArticleID=886133400&output=pdfsearchable>

s22

Project Officer  
Major Projects West Section  
Environment Standards Division  
Phone +61 2 s22 | email: s22@environment.gov.au

**Department of the Environment and Energy**  
51 Allara Street | Canberra | ACT 2601 AUS | [www.environment.gov.au](http://www.environment.gov.au)

Please note I do not work on Thursdays or Fridays.

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



Be Green...Read from the Screen

s22

**From:** s22  
**Sent:** Tuesday, 12 December 2017 11:25 AM  
**To:** s47F  
**Cc:** s22  
**Subject:** For information - DoEE/NT EPA monthly catch up (Wed 6 December 2017) - DoEE projects for discussion [SEC=UNCLASSIFIED]

Thanks s47F, happy to receive an update on the projects below.

Just wondering if we may also be able to discuss 'Maryfield Station' on Wednesday? We've noted media indicating clearing of around 20,000 ha on this property however have not received a referral to date. We'd be interested in whether the NT EPA has received a referral and, if not, NT EPA's thoughts on whether this clearing should be referred – our ERT reporting indicates that a number of EPBC Act listed species are likely to occur, or may occur, on the property.

Kind regards

s22

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s22

[Redacted]

s22

[Redacted]

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s22

[Redacted]

[Redacted]

[Redacted]

[Redacted]

s22

s22



s22

**From:** s22  
**Sent:** Wednesday, 20 December 2017 10:08 AM  
**To:** s22  
**Cc:** s22  
**Subject:** RE: Reschedule [SEC=UNCLASSIFIED]

Completely agree s22 . I'll set up a discussion with OoC, and we'll try to get them fired up about it (so to speak).  
s2

s22  
Project Assessments West Section  
Phone: 02 s22  
Email: s22 @environment.gov.au

---

**From:** s22  
**Sent:** Wednesday, 20 December 2017 9:55 AM  
**To:** s22  
**Cc:** s22  
**Subject:** RE: Reschedule [SEC=UNCLASSIFIED]

In case I am not there:

s22  
[Redacted]

We should also flag increased farming development in the NT as well. I am thinking of projects such as Maryfield Station, which involves clearing of huge swathes. NT EPA have indicated that they too, are having problems with getting referrals from graziers and are having to step up a campaign to raise awareness of the need. The recent Maryfield decision by NT EPA which in effect gave an NCA outcome is being misinterpreted by NT graziers (who will have little familiarity with EPBC) as providing a 20,000 ha referral threshold for NT assessment. It makes sense for us to strategically join with NT EPA in promoting the need for proper consideration of environmental matters in such developments.

---

s22  
[Redacted]

[Redacted]

[Redacted]

s22

s22

**From:** s22  
**Sent:** Wednesday, 20 December 2017 1:04 PM  
**To:** s22  
**Cc:** s22  
**Subject:** FW: FOR ADVICE: NT Maryfield, s22 - EPA approvals [SEC=UNOFFICIAL]  
**Attachments:** Research\_ERT NT s22.pdf; Research\_ERT NT Maryfield Station.pdf; Research\_ERT NT s22.pdf

Hi s22

In mid-November 2017, the Office of Compliance became aware of numerous proposals in the NT for change of land use on pastoral properties (improved pastures).

In 2017, the NT EPA approved NT Pastoral land clearing permits on s22 Maryfield Station. ERTs are attached for Maryfield, s22

To date, none of the proposed clearings on these properties has been referred to the Department.

An initial assessment has identified that:

- Maryfield Station, located at 3685 Stuart Highway, Katherine NT 0850 (200km south Katherine) was recently purchased by Northstar Pastoral, which is owned by Colin Ross. Mr Ross has received approval from the NT EPA and Pastoral Lands Board to clear 20,432 hectares of native vegetation. Matters of national environmental significance known to occur on Maryfield Station include Painted Honeyeater listed vulnerable, and likely to occur includes Red Goshawk V, Gouldian Finch E, Northern Shrike-tit V, Ghost Bat V.

- s22  
[Redacted]

s22  
[Redacted]

Could someone from your team please provide advice on whether or not the removal of native vegetation at Maryfield, s22 would require assessment and approval under the Act?

Please call me on xs22 if you would like more information.

Kind regards

s22  
Senior Compliance Officer

Office of Compliance

Ph: 02 522 [REDACTED]

Email: [522 \[REDACTED\]@environment.gov.au](mailto:522[REDACTED]@environment.gov.au)

Department of the Environment and Energy

GPO Box 787 | Canberra ACT 2601



# EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 15/11/17 10:31:57

[Summary](#)

[Details](#)

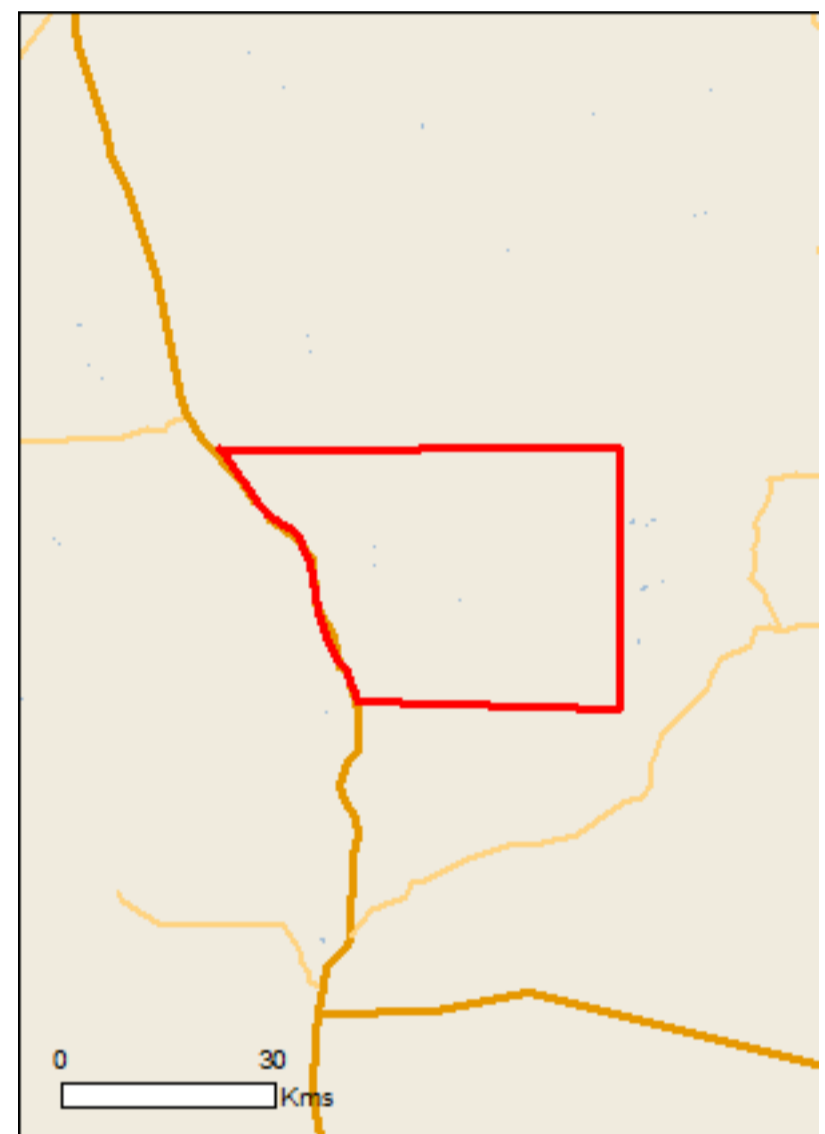
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA 2010

[Coordinates](#)

[Buffer: 1.0Km](#)



# Summary

## Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

<a href="#">World Heritage Properties:</a>	None
<a href="#">National Heritage Places:</a>	None
<a href="#">Wetlands of International Importance:</a>	None
<a href="#">Great Barrier Reef Marine Park:</a>	None
<a href="#">Commonwealth Marine Area:</a>	None
<a href="#">Listed Threatened Ecological Communities:</a>	None
<a href="#">Listed Threatened Species:</a>	12
<a href="#">Listed Migratory Species:</a>	14

## Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

<a href="#">Commonwealth Land:</a>	None
<a href="#">Commonwealth Heritage Places:</a>	None
<a href="#">Listed Marine Species:</a>	21
<a href="#">Whales and Other Cetaceans:</a>	None
<a href="#">Critical Habitats:</a>	None
<a href="#">Commonwealth Reserves Terrestrial:</a>	None
<a href="#">Commonwealth Reserves Marine:</a>	None

## Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

<a href="#">State and Territory Reserves:</a>	None
<a href="#">Regional Forest Agreements:</a>	None
<a href="#">Invasive Species:</a>	10
<a href="#">Nationally Important Wetlands:</a>	None
<a href="#">Key Ecological Features (Marine)</a>	None

# Details

## Matters of National Environmental Significance

Listed Threatened Species		[ Resource Information ]
Name	Status	Type of Presence
<b>Birds</b>		
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Erythrotriorchis radiatus</a> Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Erythrura gouldiae</a> Gouldian Finch [413]	Endangered	Species or species habitat likely to occur within area
<a href="#">Falcunculus frontatus whitei</a> Crested Shrike-tit (northern), Northern Shrike-tit [26013]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Grantiella picta</a> Painted Honeyeater [470]	Vulnerable	Species or species habitat known to occur within area
<a href="#">Rostratula australis</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
<a href="#">Tyto novaehollandiae kimberli</a> Masked Owl (northern) [26048]	Vulnerable	Species or species habitat may occur within area
<b>Mammals</b>		
<a href="#">Dasyurus hallucatus</a> Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat may occur within area
<a href="#">Macroderma gigas</a> Ghost Bat [174]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Macrotis lagotis</a> Greater Bilby [282]	Vulnerable	Species or species habitat may occur within area
<a href="#">Saccolaimus saccolaimus nudicluniatus</a> Bare-rumped Sheath-tailed Bat, Bare-rumped Sheath-tail Bat [66889]	Vulnerable	Species or species habitat may occur within area
<b>Reptiles</b>		
<a href="#">Elseya lavarackorum</a> Gulf Snapping Turtle [67197]	Endangered	Species or species habitat may occur within area

## Listed Migratory Species

[\[ Resource Information \]](#)

\* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
<b>Migratory Marine Birds</b>		
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<b>Migratory Marine Species</b>		
<a href="#">Crocodylus porosus</a> Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area
<b>Migratory Terrestrial Species</b>		
<a href="#">Cecropis daurica</a> Red-rumped Swallow [80610]		Species or species habitat may occur within area
<a href="#">Cuculus optatus</a> Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
<a href="#">Hirundo rustica</a> Barn Swallow [662]		Species or species habitat may occur within area
<a href="#">Motacilla cinerea</a> Grey Wagtail [642]		Species or species habitat may occur within area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat may occur within area
<b>Migratory Wetlands Species</b>		
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area
<a href="#">Charadrius veredus</a> Oriental Plover, Oriental Dotterel [882]		Species or species habitat may occur within area
<a href="#">Glareola maldivarum</a> Oriental Pratincole [840]		Species or species habitat may occur within area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat may occur within area



## Other Matters Protected by the EPBC Act

### Listed Marine Species [ [Resource Information](#) ]

\* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
<b>Birds</b>		
<a href="#">Actitis hypoleucos</a>		
Common Sandpiper [59309]		Species or species habitat may occur within area
<a href="#">Anseranas semipalmata</a>		
Magpie Goose [978]		Species or species habitat may occur within area
<a href="#">Apus pacificus</a>		
Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<a href="#">Ardea alba</a>		
Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
<a href="#">Ardea ibis</a>		
Cattle Egret [59542]		Species or species habitat may occur within area
<a href="#">Calidris acuminata</a>		
Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
<a href="#">Calidris ferruginea</a>		
Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Calidris melanotos</a>		
Pectoral Sandpiper [858]		Species or species habitat may occur within area
<a href="#">Charadrius veredus</a>		
Oriental Plover, Oriental Dotterel [882]		Species or species habitat may occur within area
<a href="#">Cuculus saturatus</a>		
Oriental Cuckoo, Himalayan Cuckoo [710]		Species or species habitat may occur within area
<a href="#">Glareola maldivarum</a>		
Oriental Pratincole [840]		Species or species habitat may occur within area
<a href="#">Haliaeetus leucogaster</a>		
White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area
<a href="#">Hirundo daurica</a>		
Red-rumped Swallow [59480]		Species or species habitat may occur within area
<a href="#">Hirundo rustica</a>		
Barn Swallow [662]		Species or species habitat may occur within area
<a href="#">Merops ornatus</a>		
Rainbow Bee-eater [670]		Species or species habitat may occur within area
<a href="#">Motacilla cinerea</a>		
Grey Wagtail [642]		Species or species habitat may occur within

Name	Threatened	Type of Presence area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat may occur within area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat may occur within area
<a href="#">Rostratula benghalensis (sensu lato)</a> Painted Snipe [889]	Endangered*	Species or species habitat may occur within area

## Reptiles

<a href="#">Crocodylus johnstoni</a> Freshwater Crocodile, Johnston's Crocodile, Johnston's River Crocodile [1773]		Species or species habitat may occur within area
<a href="#">Crocodylus porosus</a> Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area

## Extra Information

### Invasive Species [\[ Resource Information \]](#)

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
<b>Frogs</b>		
Rhinella marina Cane Toad [83218]		Species or species habitat likely to occur within area
<b>Mammals</b>		
Bubalus bubalis Water Buffalo, Swamp Buffalo [1]		Species or species habitat likely to occur within area
Camelus dromedarius Dromedary, Camel [7]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Sus scrofa Pig [6]		Species or species habitat likely to occur within area

## Plants

Name	Status	Type of Presence
Cenchrus ciliaris Buffel-grass, Black Buffel-grass [20213]		Species or species habitat likely to occur within area
Jatropha gossypifolia Cotton-leaved Physic-Nut, Bellyache Bush, Cotton-leaf Physic Nut, Cotton-leaf Jatropha, Black Physic Nut [7507]		Species or species habitat likely to occur within area
Vachellia nilotica Prickly Acacia, Blackthorn, Prickly Mimosa, Black Piquant, Babul [84351]		Species or species habitat likely to occur within area
<b>Reptiles</b>		
Hemidactylus frenatus Asian House Gecko [1708]		Species or species habitat likely to occur within area

# Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

# Coordinates

-15.621833 133.257747,-15.619849 133.765178,-15.93702 133.764491,-15.928436 133.434215,-15.886834 133.416362,-15.876928 133.407436,-15.848526 133.39439,-15.8188 133.381343,-15.759333 133.373104,-15.722984 133.357311,-15.701171 133.319545,-15.684645 133.303752,-15.619849 133.258434

# Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- [-Other groups and individuals](#)

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

s22

**From:** s22  
**Sent:** Tuesday, 20 February 2018 3:40 PM  
**To:** s22  
**Subject:** FW: Request to investigate alleged breaches of the EPBC Act – taking actions without approval at four sites in the Northern Territory [SEC=UNCLASSIFIED]  
**Attachments:** 180219 Ltr from EDO to Minister for the Environment and DoEE.pdf; FOR ADVICE: NT Maryfield, s22 - EPA approvals [SEC=UNOFFICIAL]

This is what the meeting I've scheduled tomorrow relates to.

s2

s22  
Project Assessments West Section  
Department of the Environment and Energy  
Phone: 02 s22  
Email: s22 @environment.gov.au


---

**From:** s22  
**Sent:** Tuesday, 20 February 2018 8:40 AM  
**To:** s22  
**Cc:** s22  
**Subject:** FW: Request to investigate alleged breaches of the EPBC Act – taking actions without approval at four sites in the Northern Territory [SEC=UNCLASSIFIED]

s22

The enclosed correspondence from the NSW EDO which relates to the 4 matters we referred to s22 on 20 December last year. These relate to broad scale land clearing on several NT properties. Our previous email is enclosed.

It would appear that some of the clearing proposals are planned to commence soon. If you would like to discuss the issues surrounding the proposed clearings please let us know  
Regards

s22 | Assistant Director |  
**Compliance Section**  
**Office of Compliance**   
Department of Environment and Energy  
GPO Box 787 Canberra ACT 2601  
T: 02 s22 | M: s22  
s22 @environment.gov.au

---

**From:** Rana Koroglu [<mailto:Rana.Koroglu@edonsw.org.au>]  
**Sent:** Monday, 19 February 2018 5:48 PM  
**To:** Barker, James <[James.Barker@environment.gov.au](mailto:James.Barker@environment.gov.au)>; Knudson, Dean <[Dean.Knudson@environment.gov.au](mailto:Dean.Knudson@environment.gov.au)>; Compliance <[Compliance@environment.gov.au](mailto:Compliance@environment.gov.au)>  
**Cc:** Elaine Johnson <[elaine.johnson@edonsw.org.au](mailto:elaine.johnson@edonsw.org.au)>

**Subject:** Request to investigate alleged breaches of the EPBC Act – taking actions without approval at four sites in the Northern Territory

Dear Mr Barker, Mr Knudson and the Compliance and Enforcement Branch of the Department of the Environment

We act for The Wilderness Society Inc and the Environment Centre NT Inc.

Please find **attached** our correspondence and annexures via this link

<https://drive.google.com/drive/folders/1tdlby6Dp0Q9kZkyC9jCQYUstSoAASKp2>, which were sent by post to the Minister today.

Kind regards



**Rana Koroglu | Senior Solicitor | EDO NSW**

Level 5, 263 Clarence Street, Sydney NSW 2000 AUSTRALIA

T: +61 2 9262 6989 | F: +61 2 9264 2414

E: [rana.koroglu@edonsw.org.au](mailto:rana.koroglu@edonsw.org.au)

W: [www.edonsw.org.au](http://www.edonsw.org.au)

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*EDO NSW recognises the traditional owners and custodians of the land, seas and rivers of Australia. We pay our respects to Aboriginal and Torres Strait Islander elders past and present, and aspire to learn from traditional knowledge and customs so that, together, we can protect our environment and cultural heritage through law.*



**EDO NSW**  
ABN 72 002 880 864  
Level 5, 263 Clarence Street  
Sydney NSW 2000 AUSTRALIA  
E: [edonsw@edonsw.org.au](mailto:edonsw@edonsw.org.au)  
W: [www.edonsw.org.au](http://www.edonsw.org.au)  
T: + 612 9262 6989  
F: + 612 9264 2414

19 February 2018

The Hon. Josh Frydenberg MP  
Minister for the Environment and Energy  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

**Copy to:**

James Barker  
Assistant Secretary, Assessments and Governance Branch  
By email only: [james.barker@environment.gov.au](mailto:james.barker@environment.gov.au)

Dean Knudson  
Deputy Secretary, Environment Protection Group  
By email only: [dean.knudson@environment.gov.au](mailto:dean.knudson@environment.gov.au)

Compliance and Enforcement Branch  
Environment Assessment and Compliance Division  
By email only: [compliance@environment.gov.au](mailto:compliance@environment.gov.au)

Dear Minister

**Request to investigate alleged breaches of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) – taking actions without approval at four sites in the Northern Territory**

1. We act for the Environment Centre NT and The Wilderness Society in relation to the above matter.
2. The Environment Centre NT is the peak community sector environment organisation in the Northern Territory, whose mission includes the protection of biodiversity, ecosystems and ecological processes. The Wilderness Society is a community-based environmental advocacy organisation, which has the objective of protecting wilderness and natural processes across Australia. Our clients are very concerned with the increasing rates of vegetation clearing and consequential loss of habitat in the Northern Territory, especially for threatened species and ecological communities.
3. As you are aware, under section 18 of the EPBC Act, a person must not take an action that has or is likely to have a significant impact on a listed threatened species included in the endangered, critically endangered or vulnerable category without an approval. Section 18A of the EPBC Act provides for criminal sanctions.



4. The purpose of this correspondence is to respectfully request, on behalf of our clients, the Department to immediately investigate potential breaches of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* in relation to four instances of potentially unlawful proposed vegetation clearing at Maryfield Station, Flying Fox Station, Tipperary West Station and Tanumbirini Station, all in the Northern Territory, or call in each of these actions for referral under Part 7 of the EPBC Act.
5. The actions at these four stations represent a total of at least 86,914 hectares of remnant native vegetation clearing – all of which is proposed to occur without assessment and approval under the EPBC Act.
6. As detailed below, each one of the four sites contains multiple endangered or critically endangered species as listed under the EPBC Act List of Threatened Fauna.<sup>1</sup> Large parts of the Northern Territory have not been the subject of comprehensive flora and fauna surveys,<sup>2</sup> yet this absence of information is relied on by the respective applicants as justification for claiming that no species listed under the EPBC Act are present. Further, the sites are subject to proposed activities that can significantly affect these endangered and critically endangered species, yet there appears to be no referral to the Federal Department of the Environment and Energy (**Department**), or applicable exemptions under the EPBC Act.
7. Each allegation is dealt with in turn below. The land clearing applications and approvals annexed to this letter have been obtained from the Northern Territory Government's website at: <https://nt.gov.au/property/land-clearing/current-applications-and-approvals-for-pastoral-land-clearing>

### **Maryfield Station**

8. The approved clearing at Maryfield Station has been recently reported as the largest single permit for land clearing of native vegetation in the Northern Territory.<sup>3</sup>
9. On or about 20 June 2016, Mr Gavin Hoad of North Star Pastoral applied to the Pastoral Lands Board (**PLB**) under the *Pastoral Land Act (NT)* to undertake the clearing of 23,795 hectares of native vegetation at Maryfield Station (**Maryfield Application**). A copy of the Maryfield Application for land clearing appears at **Annexure A**. It states that around 5% of the site had previously been cleared, indicating that 95% of the area to be cleared is remnant native vegetation (see application at Annexure A, page 1).
10. On 29 August 2016, our colleagues at EDO NT wrote to the Federal Minister for the Environment on behalf of a local environmental scientist in the NT, identifying concerns regarding the matters of national environmental significance in the

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<sup>1</sup> Australian Government Department of the Environment and Energy, EPBC Act List of Threatened Fauna <<http://www.environment.gov.au/cgi-bin/sprat/public/publicthreatenedlist.pl?wanted=fauna>>

<sup>2</sup> Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, *Draft Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory*, 2017, p 171, citing Northern Territory Department of Environment and Natural Resources, *Terrestrial biodiversity information for shale gas basins in the NT*, 2016.

<sup>3</sup> <http://www.abc.net.au/news/rural/2017-11-14/20000-hectares-of-land-approved-for-clearing-in-nt-maryfield/9145976>

proposed clearing area at Maryfield Station. A copy of that correspondence appears at **Annexure B**. We have been advised by our colleagues at EDO NT that they have not yet received a response from the Federal Minister for the Environment to that correspondence (other than an automatic email confirming receipt of that correspondence).

11. On or about 25 October 2017, the Chair of the Northern Territory Environment Protection Authority (**NTEPA**) issued a statement of reasons, which appears at **Annexure C**. The NTEPA indicated in its statement of reasons that further environmental assessment was not required if the PLB imposed certain environmental conditions.
12. On or about 3 November 2017, the PLB purportedly granted the approval to the proposed clearing (reference PLC 17/3) (**Maryfield Permit**) for a period of six years. A copy of the Maryfield Permit appears at **Annexure D**. The PLB's statement of reasons, which appears at pages 2-4 of the Maryfield Permit, indicates that the PLB had required the applicant to modify the proposed clearing area, however, we do not have a copy of any modified application. The Maryfield Permit approves the clearing of 20,432 hectares of native vegetation.
13. Of specific concern to our clients is the PLB's rejection of the NTEPA's recommended conditions, specifically the NTEPA's recommendation that a Biodiversity Management Plan be prepared and implemented (page 3, paragraph O. of the Maryfield Permit). Our clients are also concerned that the PLB rejected the NTEPA's recommendation to have a trial clearing area (page 3, paragraph P. of the Maryfield Permit).

*Significant impacts on matters of national environmental significance*

14. On the applicant's own evidence, the EPBC-listed Crested Shrike-tit (northern) *Falcunculus frontatus whitei* is assumed to exist on the subject area (p 17-18). The Conservation Advice for this subspecies (approved by the Minister on 2 May 2016) states at page 2 that each group of the subspecies probably occupies a large home-range, defending territories of approximately 20 hectares in which they remain resident throughout the year (citations omitted).
15. In response to the question in the Maryfield Application at 9.3.1 (at page 17), regarding how any risk will be mitigated, the applicant proposes that "areas of native vegetation have been retained." However, there is no evidence to suggest that surveys have been undertaken to determine whether the areas to be retained are being used by any Crested Shrike-tits present. Further, the Conservation Advice identifies that the species may be adversely affected by habitat fragmentation and that "In other subspecies of the crested shrike-tit, large home ranges have led to the birds being particularly susceptible to habitat fragmentation, and unlikely to survive in smaller remnants" (page 2, citations omitted).
16. This subspecies is also expected to be impacted by broad-scale environmental changes resulting from "grazing by livestock" and "introduced pasture grasses" (page 2 of the Conservation Advice), which is precisely the approved activity in the Maryfield Permit.

17. Despite these circumstances as set out above, no environmental assessment has been undertaken to determine whether the Crested Shrike-tit (northern) may be present on the areas to be cleared or whether the clearing is likely to have a significant impact on the subspecies.
18. The Protected Matters Search Tool indicates another 11 EPBC-listed species are known to be, are likely to be, or may be present at Maryfield Station. Despite this, the response given at item 9.3 of the Maryfield Application states that there is only one vulnerable species located within the proposed clearing area and the Maryfield Application failed to assess the impact of the proposed clearing on EPBC-listed species.
19. Our clients are particularly concerned that certain activities, such as the death of EPBC-listed species from bulldozer chaining and burning of eucalyptus woodland (both immediate and loss of habitat), the high risk of incursion of weed species post-clearing (such as Gamba Grass) and the chemical treatment of weeds, are likely to significantly affect EPBC-listed species.
20. There is a lack of specific information in the Maryfield Application documents and the reasons given by the NTEPA and the PLB regarding the application rates of chemicals on such a large scale and the likely impacts on non-target species of the active constituents.
21. Our clients have reason to believe that the works are currently being carried out now, given the timetable of actions set out in Table 2 on page 7 of the Maryfield Application.

### **Tipperary (West and East) Station**

22. On or about 4 May 2017, the PLB issued three permits for native vegetation clearing at Tipperary East Station (NT Portion 7348 PPL 1222) for permits PLC 13/2-B (**Annexure E**), PLC 11/3-B (**Annexure F**) and PLC 16/6-B (**Annexure G**).
23. We understand the Tipperary East permits PLC 13/2-B, PLC 11/3-B and PLC 16/6-B were reissued due to a subdivision of Tipperary Station, which extended the expiration date of the approved clearing. It appears that collectively, the Tipperary East permits (PLC 13/2-B, PLC 11/3-B and PLC 16/6-B) approved clearing activities of a total of 43,154 hectares of native vegetation.
24. On 5 May 2016, Branir and Booloomani Partnership applied to the PLB under the Pastoral Land Act to clear 6,947.4 hectares on the Tipperary West Station (NT Portion 7347 PPL 1221). A copy of the application for land clearing appears at **Annexure H (Tipperary West Application)**. We understand that this application has not yet been determined.
25. The Tipperary West Application indicated that 99.7% of the area to be cleared is remnant native vegetation (page 1). It appears there has been no referral of this action to the Department under Part 7 of the EPBC Act.

*Significant impacts on matters of national environmental significance*

26. Page 24 of the Tipperary West Application to the PLB contains a table that purports to list the EPBC threatened species found within five kilometres of the project area. There are several issues of concern with the response at item 9.3 at page 24 of the Tipperary West Application:
- a. The list is missing many of the species listed identified through an independent search of the Protected Matters Search Tool as being species or species habitat that is "likely" to occur within the area, such as the Crested Shrike-tit (Northern) and the Northern Brush-tailed Phascogale.
  - b. The Tipperary West Application does identify a number of records of flora and fauna species listed as threatened under the EPBC Act. On the applicant's own evidence, there are records of the various species on the property or within five kilometres of it, some of which are listed as endangered under the EPBC Act, for example, the Northern Quoll and Gouldian Finch.
  - c. The application does not provide any environmental assessment that examines whether these species may be present on the area to be cleared. The Tipperary West Application simply indicates these are unlikely to be found on the existing cleared area (page 25). There is no consideration or assessment of whether they are likely to appear on the area of remnant native vegetation that was proposed to be cleared.
  - d. Only one species, the endangered Black-footed tree rat, appears to have been the subject of site surveys. Threats to the Black-footed tree rat include habitat loss, fragmentation and degradation (see Conservation Advice approved by the Minister and effective from 26 June 2015, at page 3), although this is ignored in the purported environmental impact assessment for the species in the Tipperary West Application.
27. On the applicant's own evidence, there are records of several EPBC-listed endangered species on or proximate to the area to be cleared, yet there is no environmental assessment of the likelihood of significant impact on these matters of national environmental significance.
28. Our clients have reason to believe that the works are imminent or have recently been carried out, given the timetable of actions set out on pages 11-13 of the Tipperary West Application.
29. Separately and additionally, on 4 May 2017, the PLB issued a permit to Booloomani Corporation Pty Ltd to clear another 586 hectares of native vegetation at Tipperary West Station (NT Portion 7347 PPL 1221 Tipperary West Station, PLC 17/1). A copy of the permit for land clearing appears at **Annexure I (Tipperary West Permit)**. We note this is a separate permit from the one described in the paragraph 24 above (this is evidenced by the map at Figure 2 of the Tipperary West Application on page 4, when compared with the map in the

Tipperary West Permit at Schedule 1 'Area of Land').

30. There is no publicly available information about any environmental assessment that approved this clearing. Our client submits that the cumulative impacts of the Tipperary West Permit must be considered in any assessment of the Tipperary West Application. Additionally, our client requests that the Minister exercises his powers under s 74A of the EPBC Act to request these actions be jointly considered.

### **Flying Fox Station**

31. In 2017, Mr Mark Smith, on behalf of the Trustee for the Roper River Agricultural Properties Trust, applied to the PLB under the *Pastoral Land Act* (NT) to undertake clearing of 15,300 hectares of remnant native vegetation at Flying Fox Station. Flying Fox Station is located at Mataranka, south-east of Katherine and proximate to the Roper River. A copy of the application appears at **Annexure J (Flying Fox Application)**.
32. The PLB notified the Flying Fox Application on its website and public submissions on the proposed clearing closed on 27 November 2017. This application is still under consideration by the PLB, however, to date the action has not been referred under Part 7 of the EPBC Act.
33. We are instructed that the area proposed to be cleared contains either Eucalyptus woodlands, Acacia forests and woodlands, and Melaleuca open forests and woodlands is savannah woodland.<sup>4</sup> The Flying Fox Application states that no areas of the proposed site have been previously cleared.

#### *Significant impacts on matters of national environmental significance*

34. On the applicant's own evidence, there is likely to be significant impacts on the Gouldian Finch and potentially on other matters of national environmental significance. Item 9.3 (page 10) of the application asks the question:

*Are there any records of threatened flora and/or fauna species listed under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act or the Territory Parks and Wildlife Conservation Act within 5km of the proposed clearing sites?*

The applicant checked the box 'No' to this question. However, later on page 10, the applicant acknowledged that the Gouldian Finch, which is listed as endangered under the EPBC Act, has been recorded as within two kilometres of the proposed clearing area and is known to occur within the area. Yet page 33 of the Flying Fox Application suggests that its likelihood of occurrence on the proposed clearing site is 'high'.

35. A further inconsistency occurs on page 10, where the Gouldian Finch is inaccurately described as being listed as vulnerable under the EPBC Act, and the table on page 33 which lists the Gouldian Finch as endangered under the EPBC

<sup>4</sup> Source: National Vegetation Information System (NVIS) v5.0, available here <http://www.environment.gov.au/land/native-vegetation/national-vegetation-information-system>

Act.

36. Vegetation change through grazing by introduced herbivores is one of the two key threats listed in the Conservation Advice (approved by the Federal Minister for the Environment and effective from 7 December 2016, page 3). Further, "heavy grazing by cattle is known to reduce seed yields in grasses important to the finches" (Conservation Advice, page 3, citations omitted).
37. Land clearing for grazing is a key threat to the Gouldian Finch, and this is proposed to be taken on Flying Fox Station which is known to be present on this area, yet there is no environmental assessment for the proposed action (see the Flying Fox Application at pages 10-11 and 32-33).
38. In respect of Appendix G of the Flying Fox Application, which purports to be an assessment of the threatened species likely to occur at Flying Fox Station, we note that the table on page 33 is missing a number of the species identified by the EPBC Protected Matters Search Tool. The Flying Fox Application states there are no threatened species within the vicinity of the project area and there is little potential for a significant impact to threatened species (see Attachment A on page 30).
39. The same environmental concerns apply to Flying Fox Station that apply to Maryfield Station, being the destruction of intact forest, death of EPBC-listed species from bulldozer chaining and burning (both immediate and loss of habitat), high risk of incursion of weed species post-clearing (such as Gamba Grass), the erosion and sedimentation of streams and the use of fertilisers and chemicals impacting on listed flora and fauna.
40. Item 6 (page 7) and of the Flying Fox Application indicates that the application has not been referred to NTEPA, but that it will be referred as part of the next stage. However, there is nothing to indicate that the NTEPA will have the opportunity to review the native vegetation clearing component of the "farm development plan".
41. Our clients have reason to believe that the works are about to be carried out from March 2018, given the timetable of actions set out in the table on page 5 of the Flying Fox Application.

#### **Tanumbirini Station**

42. On or about 21 October 2017, Mr Michael Tasker, the manager of Tanumbirini Station, applied to the PLB under the *Pastoral Land Act* (NT) to clear 1,494.65 hectares of native vegetation. A copy of the application appears at **Annexure K (Tanumbirini Application)**.
43. We are informed that the PLB publicly notified the Tanumbirini Application for submissions until 27 November 2017, and that it is now being considered by the PLB.
44. Pages 1 and 2 of the Tanumbirini Application state that all of the areas selected for clearing under this application have been previously cleared. However, page 2 indicates that details of the previous clearing is 'unknown', with some sites as

having only selective clearing, meaning that there is still intact remnant vegetation on the site of the proposed clearing.

45. Item 6 (page 6) of the Tanumbirini Application states that this proposal has not been referred to NTEPA. This can only occur if there are no threatened species within the vicinity or there is little potential for significant impact to them.

*Significant impacts on matters of national environmental significance*

46. The Tanumbirini Application at item 9.3 (pages 8-9) states that there are no records of threatened flora and/or flora species listed under the EPBC Act. However the Protected Matters Search Tool indicates that there are 10 matters of national environmental significance that may occur in the area of the proposed clearing sites at Tanumbirini Station.
47. The same environmental concerns apply to Tanumbirini Station that apply to the other sites described in this letter, including destruction of intact forest, death of wildlife from bulldozer chaining and burning (both immediate and loss of habitat), high risk of incursion of weed species post-clearing such as Gamba Grass, erosion and sedimentation of streams, and the use of fertilisers and chemicals and impacts on flora and fauna. As with the other three applications described in this letter, there has been no environmental assessment undertaken to identify and manage environmental impacts.
48. Our clients have reason to believe that the works are imminent or have recently been carried out, given the timetable of actions set out in the table at 4.6 on page 4 of the Tanumbirini Application.

**Our clients' request**

49. Given the following circumstances, the details of which are outlined above:
- a. There has been extensive clearing of native vegetation either proposed or approved at each of the four sites;
  - b. On the scant evidence available in each of the PLB applications, it appears there is likely to be a significant impact on at least one or more matters of national environmental significance at each of the four sites, and consequentially each of these actions are "controlled actions" within the meaning of the EPBC Act;
  - c. There has been a failure by each of the applicants to provide an adequate environmental assessment of the expected impact of broadscale native vegetation clearing and consequential loss of habitat of approximately 86,914 hectares of native vegetation collectively across the four sites;
  - d. At the time of writing, none of these four broadscale land clearing applications has been referred to the Department as a proposed action under the EPBC Act;
  - e. By reason of the above matters, there has been, or is apprehended to be, a breach of s 67A of the EPBC Act;

our clients request that the matters set out above be investigated as a matter of urgency.

50. On behalf of our clients, we request that the Minister use the power given under s 70 of the EPBC Act to refer these four proposals for the reasons outlined above. If the Minister does not utilise the power given under s 70 to request referral of these four proposals, then we request the Minister exercise available enforcement and investigative powers under Part 17 of the EPBC Act.
51. We respectfully request a response be provided by **19 March 2018** which addresses the following information:
  - a. Whether the Minister has called in, or intends to call in, each of the actions under s 70 of the EPBC Act;
  - b. Details of any steps taken, or will be undertaken, to investigate the allegations of proposed unlawful vegetation clearing and any enforcement action taken, or proposed to be taken, as a result;
  - c. The date on which the above investigations concluded or will conclude; and
  - d. Confirmation that we will be informed of the results of the above investigations as and when concluded, and any actions taken, or proposed to be taken, as a result.
52. Our clients reserves all rights in relation to this matter including, without limitation, those in regard to the commencement of civil enforcement proceedings under s 475 of the EPBC Act.

### **Concerns regarding NT environmental assessment processes**

#### *Review of the Environmental Assessment Act (NT)*

53. The *Pastoral Land Act* (NT) is clearly inadequate to ensure assessment of matters of national environmental significance. It may be implied that the Department also shares that view, given that the *Pastoral Land Act* (NT) is not an accredited process under item 2 of schedule 1 of the Northern Territory Bilateral Assessment Agreement with the Commonwealth.
54. The current arrangements under the Northern Territory Bilateral Assessment Agreement for the Northern Territory to inform proponents that an action may need to be referred to the Minister, are in need of review, given that there are numerous actions which are likely to have a significant impact on a matter of national environmental significance that are not being referred. One component of this problem may be the inadequacy of appropriate triggers for the PLB to refer a matter to the NT EPA.
55. We understand that the *Environmental Assessment Act* (NT) is presently under review by the Northern Territory Government. The Northern Territory Government would have advised the Department of this under cl 14.3 of the Northern Territory Bilateral Assessment Agreement.



56. Our clients are of the view that this presents an excellent opportunity for the Department to work with the Northern Territory Government to improve the environmental assessment processes, which on numerous occasions have been shown to be deficient.

*The PLB's application template misleads consideration of MNES*

57. The PLB's application template (at item 9.3) for land clearing asks the question, "Are there any records of threatened flora and/or fauna species listed under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act... within 5km of the proposed clearing sites?"

58. Additionally, after asking the question about the presence of listed species, item 9.3 only directs applicants to the NT Government's *Natural Resource Maps NT*, rather directing applicants to the EPBC Protected Matters Search Tool or the Federal Department of Environment and Energy's website.

59. Our clients are concerned that the question and information set out at item 9.3 are inappropriate as they may give applicants a false sense that their proposal does not need to be referred under the EPBC Act to the Department.

Thank you for your consideration of our client's urgent request. Please contact us on (02) 9262 6989 or by email at [rana.koroglu@edonsw.org.au](mailto:rana.koroglu@edonsw.org.au) if you have any questions or would like to discuss this request.

Yours sincerely,  
**EDO NSW**



Rana Koroglu  
Senior Solicitor

Our ref: 1725342

Enclosures:

- **Annexure A:** Maryfield Station Application dated 20 June 2016
- **Annexure B:** Letter from EDO NT to Minister Frydenberg dated 29 August 2016
- **Annexure C:** NTEPA Statement of Reasons, Maryfield Station, dated 25 October 2017
- **Annexure D:** Maryfield Permit PLC 17/3 dated 3 November 2017
- **Annexure E:** Tipperary East Permit PLC 13/2-B
- **Annexure F:** Tipperary East Permit PLC 11/3-B
- **Annexure G:** Tipperary East Permit PLC 16/6-B
- **Annexure H:** Tipperary West Application dated 5 May 2016
- **Annexure I:** Tipperary West Permit PLC 17/1 dated 4 May 2017
- **Annexure J:** Flying Fox Application
- **Annexure K:** Tanumbirini Application dated 21 October 2017



**ENVIRONMENTAL  
DEFENDERS OFFICE NT**

7 Searcy Street, Darwin  
GPO Box 4289 Darwin  
Tel. 08 8981 5883  
edont@edont.org.au  
www.edont.org.au

FOI 180710  
Document 11

29 August 2016

The Hon Josh Frydenberg MP  
Minister for the Environment and Energy  
Parliament House  
Canberra ACT 2600

By email: [Josh.Frydenberg.MP@aph.gov.au](mailto:Josh.Frydenberg.MP@aph.gov.au)

Dear Minister

**Application by North Star Pastoral Company to clear 23,795 hectares of native vegetation for improved pasture on Maryfield Station.**

We refer to the above matter and confirm that we act for Emma Lupin, a local environmental scientist.

Our client has expressed significant concerns in relation to the application by Mr Gavin Hoad, of the North Star Pastoral Company (**the Applicant**), to clear 237.95 km<sup>2</sup> of native vegetation from Maryfield Station.

As a result of our client's concern, we have made an objection to the Northern Territory Pastoral Lands Board and have written to the Northern Territory EPA requesting them to call for a notification of the proposal. In the circumstances, because of the project's potential to impact matters of national environmental significance, it is also appropriate that we notify you.

Formal request for the matter to be referred under section 70 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)

The clearing of this area is likely to have a significant impact on two of the matters of national environmental significance found under Part 3 of the EPBC Act. In spite of this, the Applicant has, apparently, made no efforts to refer their proposal to clear the land, as required under s 68 of the EPBC Act.

We request that you exercise your powers under s70 of the EPBC Act to require the Applicant to refer the proposal for assessment. The proposed clearing is likely to, or will have, a significant impact on the following matters of national environmental significance:

1. Listed threatened species and communities

- A referral must be made for actions that are likely to have a significant impact on matters protected by Part 3 of the EPBC Act. This includes listed threatened species and communities (protected under sections 18 and 18A of the Act).
- A desktop survey of area (**attached**), undertaken via the Commonwealth Department of Environment's 'Protected Matters Search Tool', found that the proposed clearance area is

likely to be, or may provide, habitat for 11 Commonwealth listed species. These are:

- Australian Painted Snipe (endangered)
- Bare-rumped Sheath-tail Bat (critically endangered)
- Ghost Bat (vulnerable)
- Gulf Snapping Turtle (endangered)
- Gouldian Finch (endangered)
- Greater Bilby (vulnerable)
- Masked Owl (vulnerable)
- Northern Crested shrike-tit (vulnerable)
- Northern Quoll (endangered)
- Painted Honeyeater (vulnerable)
- Red Goshawk (vulnerable)

## 2. Listed migratory species

- A referral must also be made for actions that are likely to have a significant impact on migratory species (protected under sections 20 and 20A of the EPBC Act). The attached desktop survey of the area revealed the possibility or likelihood of 9 listed migratory species being present in the proposed clearance area. These are:

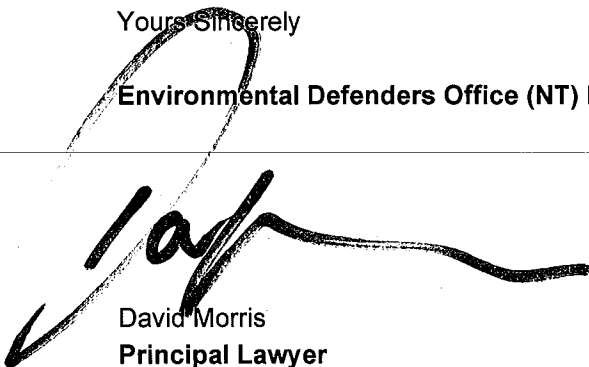
- Barn Swallow (migratory)
- Grey Wagtail (migratory)
- Oriental Cuckoo, Horsfield's Cuckoo (migratory)
- Oriental Planticole (migratory)
- Oriental Plover (migratory)
- Osprey (migratory)
- Fork Tailed Swift (migratory)
- Red Rumped Swallow (migratory)
- Yellow Wagtail (migratory)

Given the limited information provided by the Applicant, and the likelihood that the proposed clearing may impact matters of national environmental significance, it is necessary that the matter be referred to you for a decision whether the proposal constitutes a "controlled action". The Applicant has not expressed any intention to refer to the matter to you. We therefore request that you require the Applicant to make this referral for assessment under s 70 of the EPBC Act.

We look forward to hearing your response on this issue. Should you have any questions, please contact me on 0402 778 997.

Yours Sincerely

**Environmental Defenders Office (NT) Inc**



David Morris  
Principal Lawyer

# Statement of Reasons

## NORTH STAR PASTORAL – MARYFIELD STATION LAND CLEARING

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### 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 km<sup>2</sup>) of native vegetation for pasture improvement for the grazing of stock. The Maryfield Station pastoral lease covers 143 700 ha (1 437 km<sup>2</sup>). 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 km<sup>2</sup>) 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 km<sup>2</sup> 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 *Environment 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

**NORTHERN TERRITORY OF AUSTRALIA**  
**Section 38(1)(h) – Pastoral Land Act**

**CONSENT TO CLEAR PASTORAL LAND**

**PERMIT NUMBER: PLC17/3**

I, PAUL ZLOTKOWSKI, Chairman, Pastoral Land Board

**GRANT TO** Jam Pastoral Pty Ltd (ACN 140 077 372) as trustee for Jam Pastoral Trust (ABN 37 269 971 026) and each Pastoral Lessee from time to time (collectively “the **Permit Holders**”) in respect of Perpetual Pastoral Lease No. 1189 (“**PPL**”) Maryfield Station, which relates to NT Portion 6365,

**A PERMIT TO CLEAR PASTORAL LAND** (“the **Permit**”), for the area within NT Portion 6365 (being part of the PPL) which is more particularly depicted in the Endorsed Clearing Plan contained at Schedule 1 of this Permit,

**COMMENCING** on the date of this Permit and expiring on the Expiry Date (“the **Term**”),

**SUBJECT TO** the Schedule of Conditions contained at Schedule 2 of this Permit,

**CONSENT TO THE PERMIT HOLDERS** undertaking the clearing of approximately 20,432 hectares of native vegetation for the purpose of planting improved pasture (“the **Clearing Activities**”).

**PROVIDED THAT** the Permit Holders must **Substantially Commence** the Clearing Activities within the **Commencement Period** and (subject to the Pastoral Land Board granting an extension of the Expiry Date) complete the Clearing Activities by the Expiry Date, otherwise this Permit will expire upon the expiry of the Commencement Period or upon the Expiry Date (as the case may be).

**EXTENSION OF TERM OF PERMIT:**

The Permit Holders may apply to the Pastoral Land Board for an extension of the Term of this Permit, provided that:

- i. the Permit Holders have Substantially Commenced the Clearing Activities within the Commencement Period; and
- ii. the application for extension is submitted to the Pastoral Land Board in the approved form at least one (1) year before the Expiry Date.

The Pastoral Land Board may, in its absolute discretion, grant or reject the request, or grant the request subject to conditions.



## REASONS FOR DECISION:

- A. On 20 June 2016, Gavin Hoad, Manager of Maryfield Station (“the Applicant”), submitted the Original Application to the Pastoral Land Board (“the Board”), requesting consent to clear 23,795 ha of pastoral land under section 38(1)(h) of the *Pastoral Land Act*.
- B. The application was advertised in the NT News on 30 July 2016 and on the NT Government website for a period of 14 days.
- C. Comments were received from various NT Government agencies and three submissions were received from members of the public. All comments and submissions were supplied to the Applicant for their consideration and reply on 22 September 2016.
- D. The Applicant provided a response to the comments and submissions on 6 October 2016. The response included a modified clearing area.
- E. The Board conducted a site visit of the property on 12 October 2016, inspecting areas of the property that NT Government agencies had raised concerns about.
- F. On 13 October 2016 at its 111<sup>th</sup> meeting the Pastoral Land Board considered the Original Application, NT Government agencies comments and public submissions, the Lessee’s responses, and the Board’s observations from the site visit. The Board determined that further amendments were required to the clearing plan and that the Department of Environment and Natural Resources (“DENR”) were to review the amendments before the application could be considered further.
- G. The Applicant provided further amended plans on 16 November 2016 and 22 January 2017. DENR reviewed the plans and the Board considered the plans and DENR comments at their 113<sup>th</sup> meeting on 29 March 2017. The Board made further determinations that the plans required amendment to adequately address environmental concerns.
- H. On 4 May 2017 the Applicant provided a formal response including final amended plans, which had been reviewed and endorsed by DENR. The applicant advised that the amendments to the plan had reduced the proposed clearing area to 20,432 hectares.
- I. At its 114<sup>th</sup> meeting on 23 May 2017 and subsequent teleconference on 7 June 2017, the Board determined to refer the application to the Northern Territory Environment Protection Authority (“NTEPA”) for assessment based on size and scale.

- J. On 20 June 2017 the Original Application, NT Government Agency comments, public submissions and the amended plans were referred to the NTEPA for assessment.
- K. On 25 October 2017, the NTEPA wrote to the Board advising that the proposed land clearing is unlikely to have a significant impact on the environment and did not require assessment under the *Environmental Assessment Act*. The NTEPA provided a Statement of Reasons outlining their determination and condition recommendations.
- L. The Lessee wrote to the Board on 2 November 2017 and provided comments regarding the NTEPA condition recommendations.
- M. At its 116<sup>th</sup> meeting on 3 November 2017 the Board considered the NTEPA Statement of Reasons, the NTEPA condition recommendations and the Lessee's letter of 2 November 2017.
- N. In regards to the NTEPA condition recommendations requiring the Lessee to submit a Clearing Plan, Erosion and Sediment Control Plan and Weed Management Plan the Board determined these conditions are sufficiently addressed by the conditions of this Land Clearing Permit. Additionally the requirement for the Lessee to be aware of its obligation to comply with the *Waste Management and Pollution Control Act* is covered by the general conditions of a Land Clearing Permit.
- O. In regards to the NTEPA condition recommendations that a Biodiversity Management Plan ("BMP") be submitted, the Board determined that a BMP is not required, as adequate allowances have been made in the clearing plan through the retention of wildlife corridors, vegetation buffers and exclusion areas.
- P. The Board considered that requiring the Lessee to undertake a trial clearing area would have significant impact, be burdensome and costly upon the Lessee, particularly as the proposed clearing methods are adequately understood and a well tested process. The Board considers that regular monitoring of clearing activities by the Department is a sufficient process to assess the effectiveness of clearing methods and ongoing land management practices. Therefore the Board determined that a trial clearing area is not required.
- Q. On the basis of the information contained in the Original Application, the comments of the NT Government agencies, the Lessee's responses addressing the public submissions and NT Government comments, and the determination of the NTEPA, and the consideration of the condition recommendations, the Pastoral Land Board is satisfied that it is appropriate to grant consent to issue a Permit to the Lessee for a period of six years to clear approximately 20,432 ha of native vegetation on Maryfield Station.

R. The Board determined to issue this Permit subject to the Conditions Precedent and General Conditions in Schedule 2, as written consent of its determination.

DATED 3 November 2017



Chairman  
Pastoral Land Board

## DEFINITIONS

In this Permit:

“Commencement Period” means the period of two (2) years of the date of this Permit.

“NTEPA Condition Recommendations” means the recommendations of the NTEPA detailed in the Statement of Reasons.

“Expiry Date” means the period of six (6) years from the date of this Permit.

“Formal Response” means the correspondence from the Applicant’s consultant dated 4 May 2017.

“Original Application” means the document entitled “*Application to Clear Pastoral Land s.38(1)(h) Pastoral Land Act*” and accompanying attachments submitted 20 June 2016.

“Pastoral Lessee” has the same meaning as in the *Pastoral Land Act*.

“NTEPA Statement of Reasons” means the document entitled “*Statement of Reasons North Star Pastoral – Maryfield Station Land Clearing*” signed by the Chair of the NTEPA, Dr Paul Vogel, dated 25 October 2017.

“Substantially Commenced” and “Substantially Commence” means not less than 10% of the total area proposed for clearing under this Permit has been cleared.

# SCHEDULE 1 ENDORSED CLEARING AREA

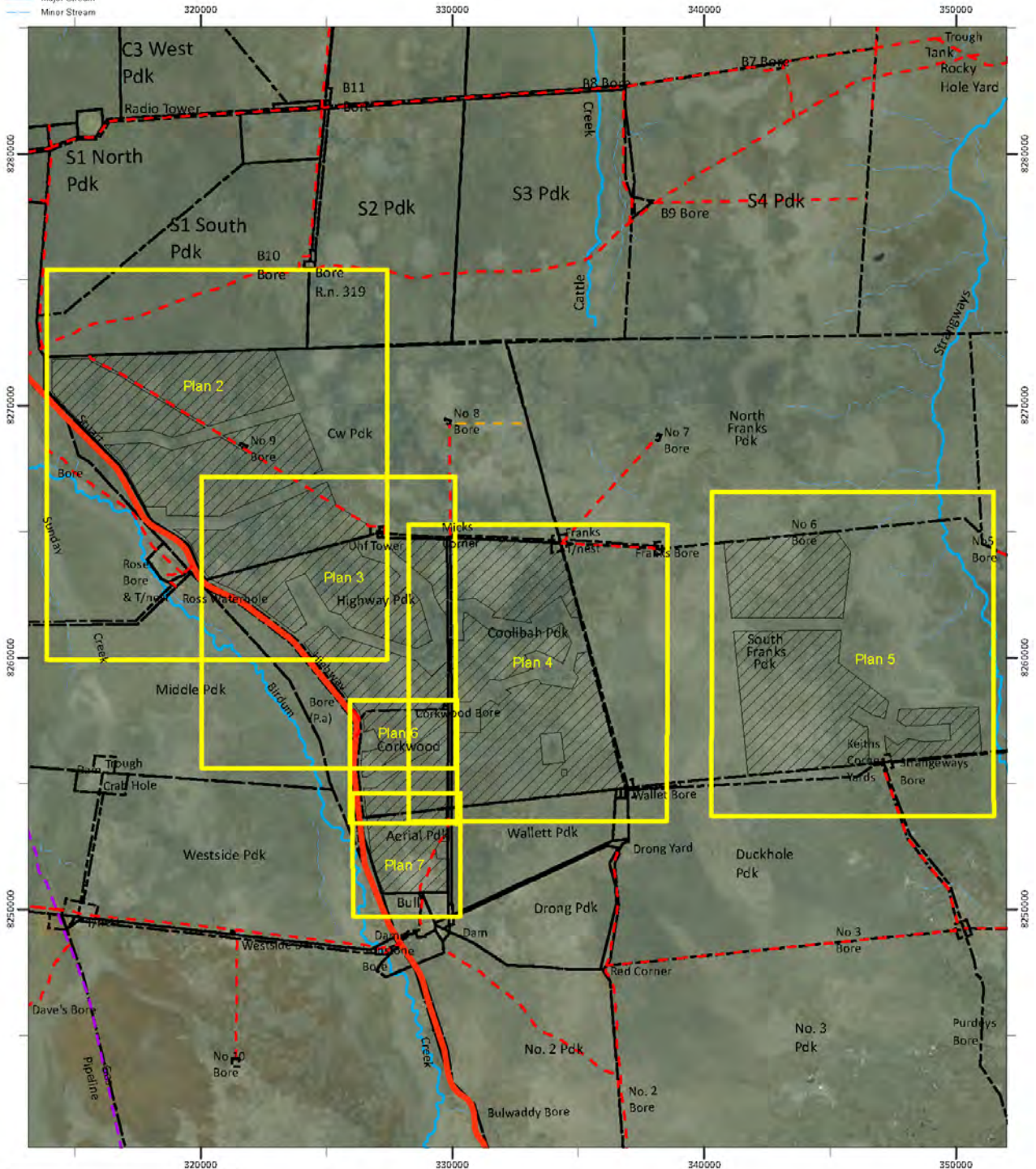
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- Amended clearing plan
  - Transport - Highway Sealed
  - Transport - Vehicle Track
  - Cultural - Cleared Line
  - Cultural - Fenceline
  - Cultural - Pipeline Oil or Gas
  - Major Stream
  - Minor Stream

**Data Source**  
 Clearing Areas: Data provided by applicant  
 Cadastre: Department of Infrastructure, Planning and Logistics. (DIPL)  
 Infrastructure: DENR and DIPL  
 Imagery: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
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**Projection:** Universal Transverse Mercator (UTM)  
 Map Grid of Australia (MGA), Zone 53  
**Horizontal Datum:** Geocentric Datum of Australia (GDA94)



Location of Clearing Plan within the property

**Permitted Clearing Plan**  
**Maryfield Station**  
**NT Por 6365, PPL 1189**  
 Stuart Plateau Pastoral District  
**Overview - Plan 1 of 7**  
 Plan created by DENR: 22/05/2017

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This is the plan referred to in Pastoral Land Clearing  
**Permit No: PLC173**  
**Issued on: 03/11/2017**  
  
 Chairman, Pastoral Land Board

Total area permitted for clearing: 20,432 ha

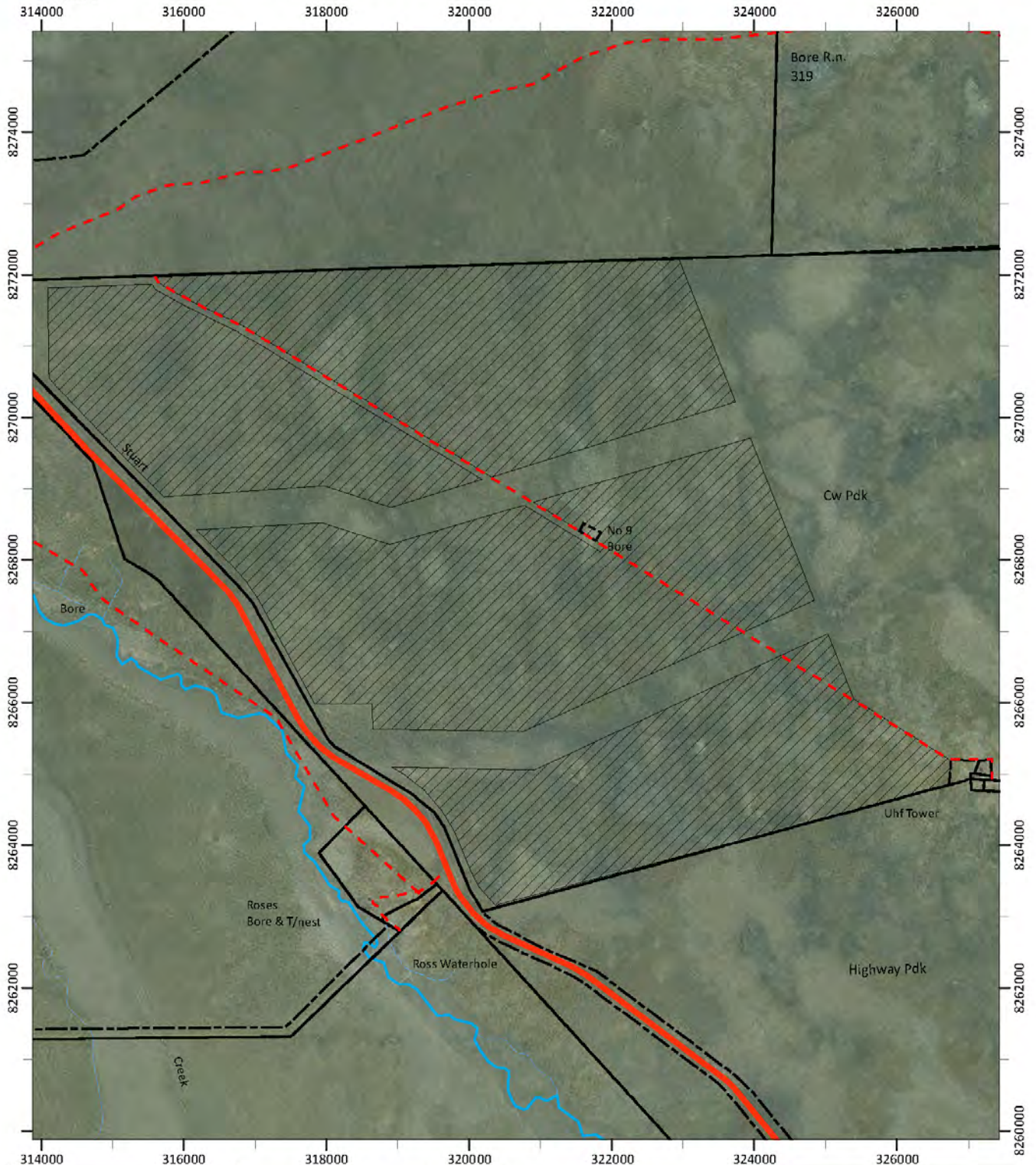
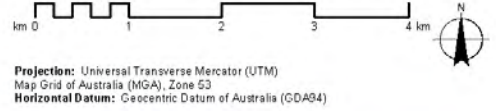
For further information, contact:  
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 Department of Environment and Natural Resources (DENR)  
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 Phone: (08) 899 94657 Fax: (08) 899 94403  
 Email: [PastoralLandBoard@nt.gov.au](mailto:PastoralLandBoard@nt.gov.au)



# SCHEDULE 1 ENDORSED CLEARING AREA

- Legend**
- Amended clearing plan
  - Transport - Highway Sealed
  - Transport - Vehicle Track
  - Cultural - Fenceline
  - Major Stream
  - Minor Stream

**Data Source**  
 Clearing Areas: Data provided by applicant  
 Cadastre: Department of Infrastructure, Planning and Logistics (DIPL)  
 Infrastructure: DENR and DIPL  
 Imagery: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
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Location of Clearing Plan within the property

**Permitted Clearing Plan**  
**Maryfield Station**  
**NT Por 6365, PPL 1189**  
 Stuart Plateau Pastoral District  
**Plan 2 of 7**  
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 Chairman, Pastoral Land Board

**Total area permitted for clearing: 20,432 ha**

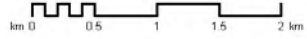
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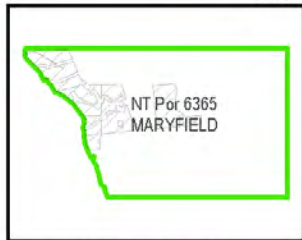
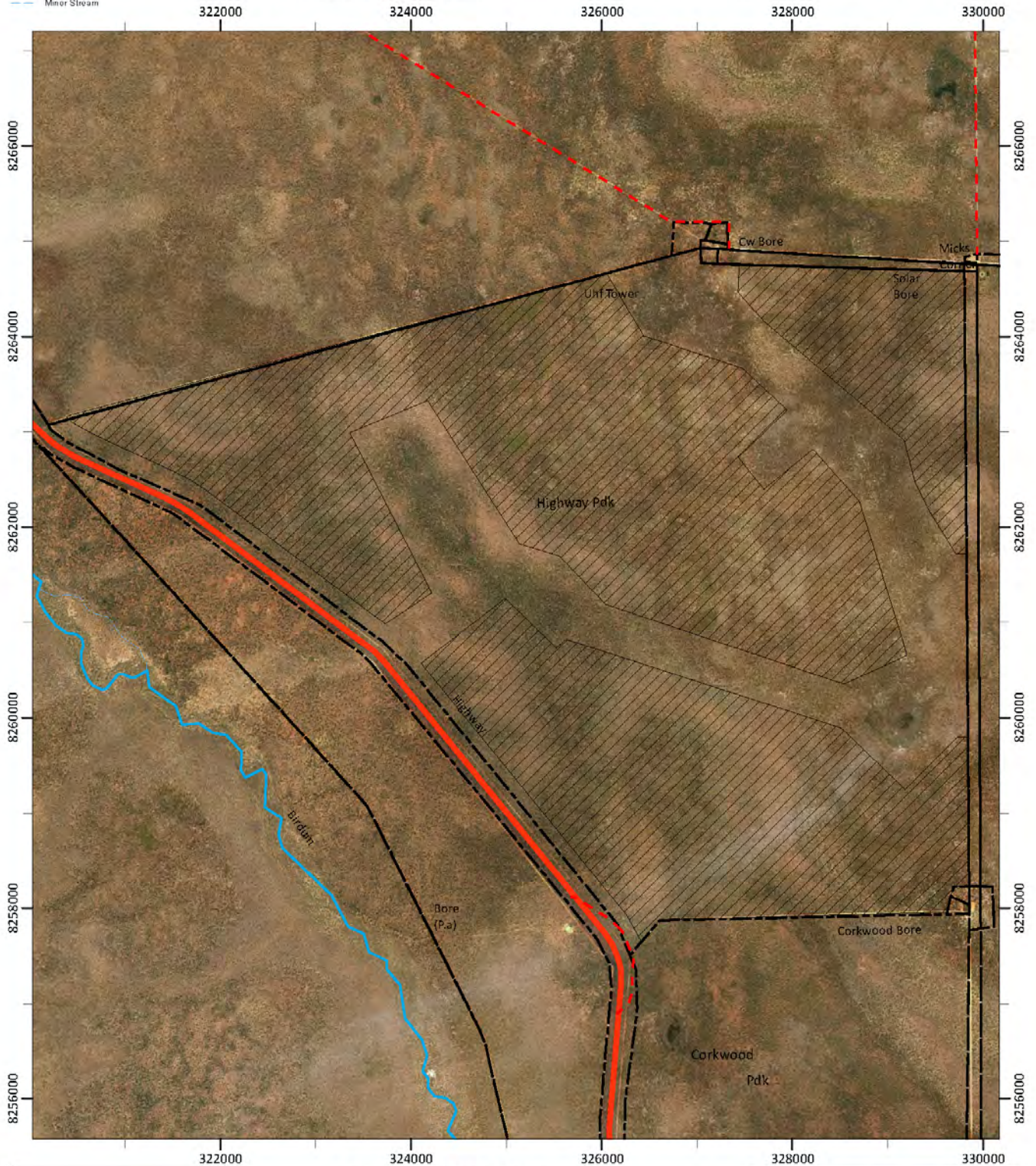
# SCHEDULE 1 ENDORSED CLEARING AREA

- Legend**
- Amended clearing plan
  - Transport - Highway Sealed
  - Transport - Vehicle Track
  - Cultural - Fenceline
  - Major Stream
  - Minor Stream

**Data Source**  
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**Horizontal Datum:** Geocentric Datum of Australia (GDA84)



**Permitted Clearing Plan**  
**Maryfield Station**  
**NT Por 6365, PPL 1189**  
 Sturt Plateau Pastoral District  
**Plan 3 of 7**  
 Plan created by DENR: 22/05/2017

This is the plan referred to in Pastoral Land Clearing  
**Permit No: PLC173**  
**Issued on: 03/11/2017**  
  
 Chairman, Pastoral Land Board





Total area permitted for clearing: 20.432 ha

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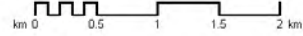
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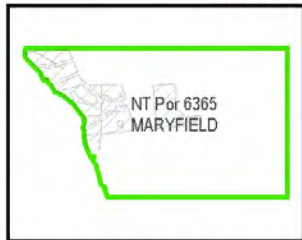
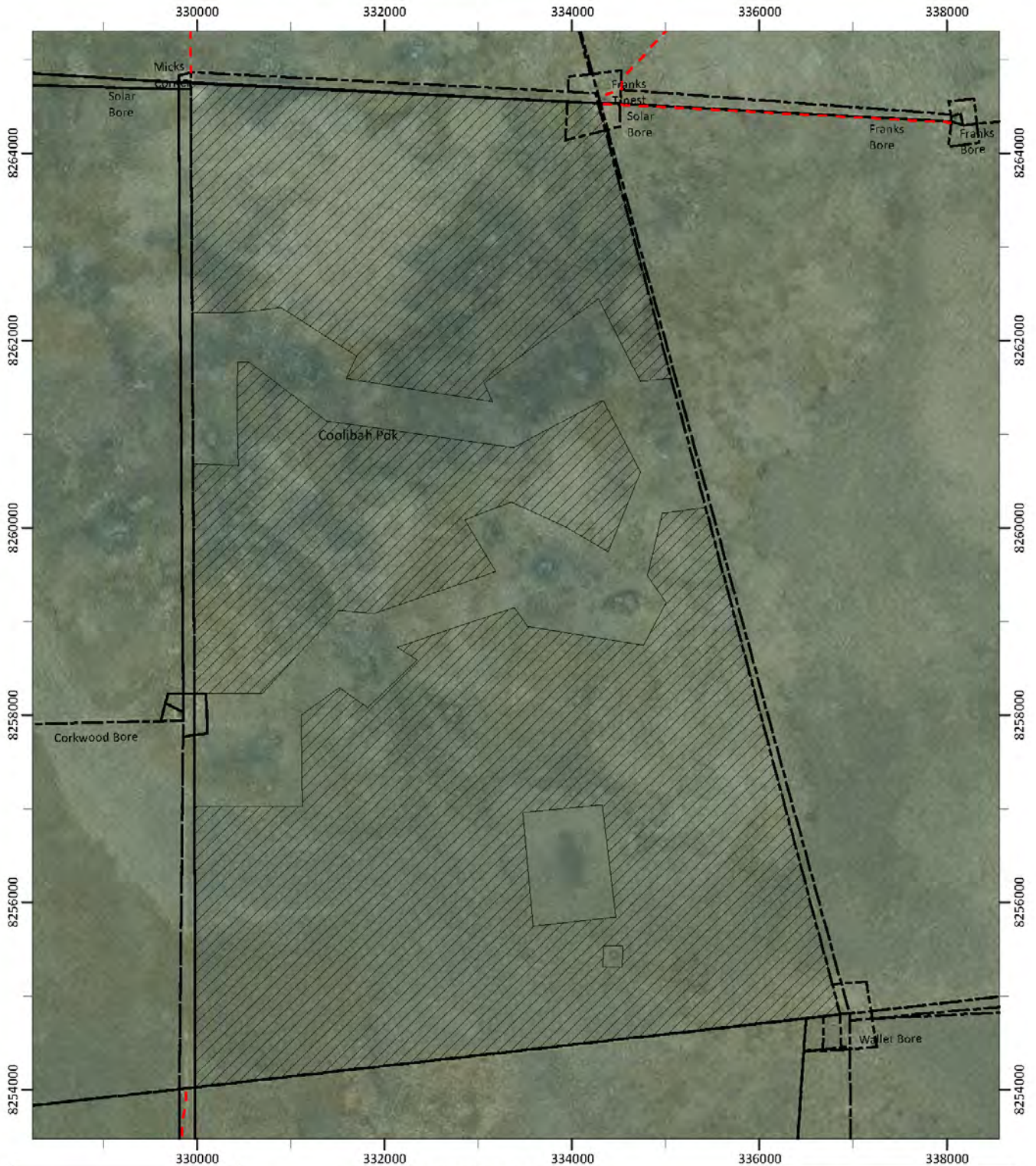
# SCHEDULE 1 ENDORSED CLEARING AREA

- Legend**
-  Amended clearing plan
  -  Transport - Vehicle Track
  -  Cultural - Fenceline
  -  Minor Stream

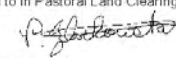
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 Cadastre: Department of Infrastructure, Planning and Logistics, (DIPL)  
 Infrastructure: DENR and DIPL  
 Imagery: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
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**Projection:** Universal Transverse Mercator (UTM)  
 Map Grid of Australia (MGA), Zone 53  
**Horizontal Datum:** Geocentric Datum of Australia (GDA94)



**Permitted Clearing Plan**  
**Maryfield Station**  
**NT Por 6365, PPL 1189**  
 Sturt Plateau Pastoral District  
**Plan 4 of 7**  
 Plan created by DENR: 22/05/2017

This is the plan referred to in Pastoral Land Clearing  
 Permit No: PLC173  
 Issued on: 03/11/2017  
  
 Chairman, Pastoral Land Board

Total area permitted for clearing: 20,432 ha

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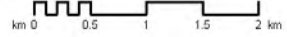
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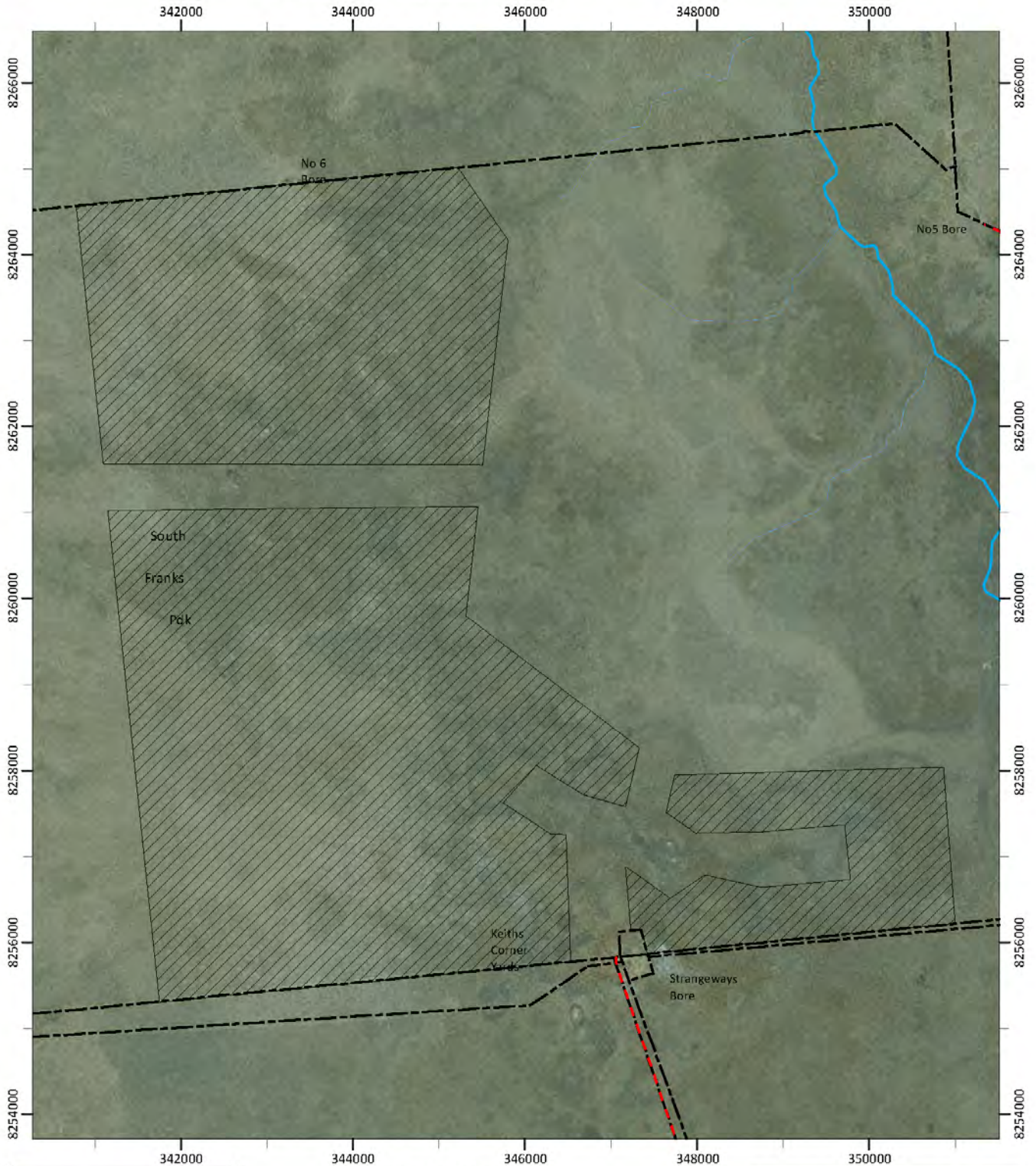
# SCHEDULE 1 ENDORSED CLEARING AREA

- Legend**
- Amended clearing plan
  - Transport - Vehicle Track
  - Cultural - Fenceline
  - Major Stream
  - Minor Stream

**Data Source**  
 Clearing Areas: Data provided by applicant  
 Cadastre: Department of Infrastructure, Planning and Logistics (DIPL)  
 Infrastructure: DENR and DIPL  
 Imagery: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
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Location of Clearing Plan within the property

**Permitted Clearing Plan**  
**Maryfield Station**  
**NT Por 6365, PPL 1189**  
 Sturt Plateau Pastoral District  
**Plan 5 of 7**  
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**Permit No: PLC173**  
**Issued on: 03/11/2017**  
  
 Chairman, Pastoral Land Board

**Total area permitted for clearing: 20,432 ha**

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 Department of Environment and Natural Resources (DENR)  
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# SCHEDULE 1 ENDORSED CLEARING AREA

**Legend**

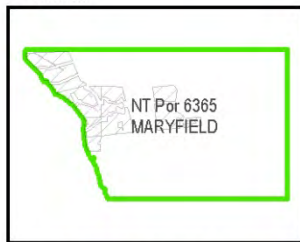
- Amended clearing plan
- Transport - Highway Sealed
- Transport - Vehicle Track
- Cultural - Fenceline
- Minor Stream

**Data Source**

Clearing Areas: Data provided by applicant  
 Cadastre: Department of Infrastructure, Planning and Logistics. (DIPL)  
 Infrastructure: DENR and DIPL  
 Imagery: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
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 Map Grid of Australia (MGA), Zone 53  
**Horizontal Datum:** Geocentric Datum of Australia (GDA94)



Location of Clearing Plan within the property

**Permitted Clearing Plan**  
**Maryfield Station**  
**NT Por 6365, PPL 1189**  
 Sturt Plateau Pastoral District  
**Plan 6 of 7**  
 Plan created by DENR: 22/05/2017

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 Permit No: **PLC17.3**  
 Issued on: **03/11/2017**  
  
 Chairman, Pastoral Land Board

Total area permitted for clearing: 20,432 ha

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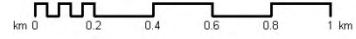
# SCHEDULE 1 ENDORSED CLEARING AREA

**Legend**

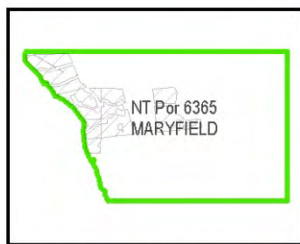
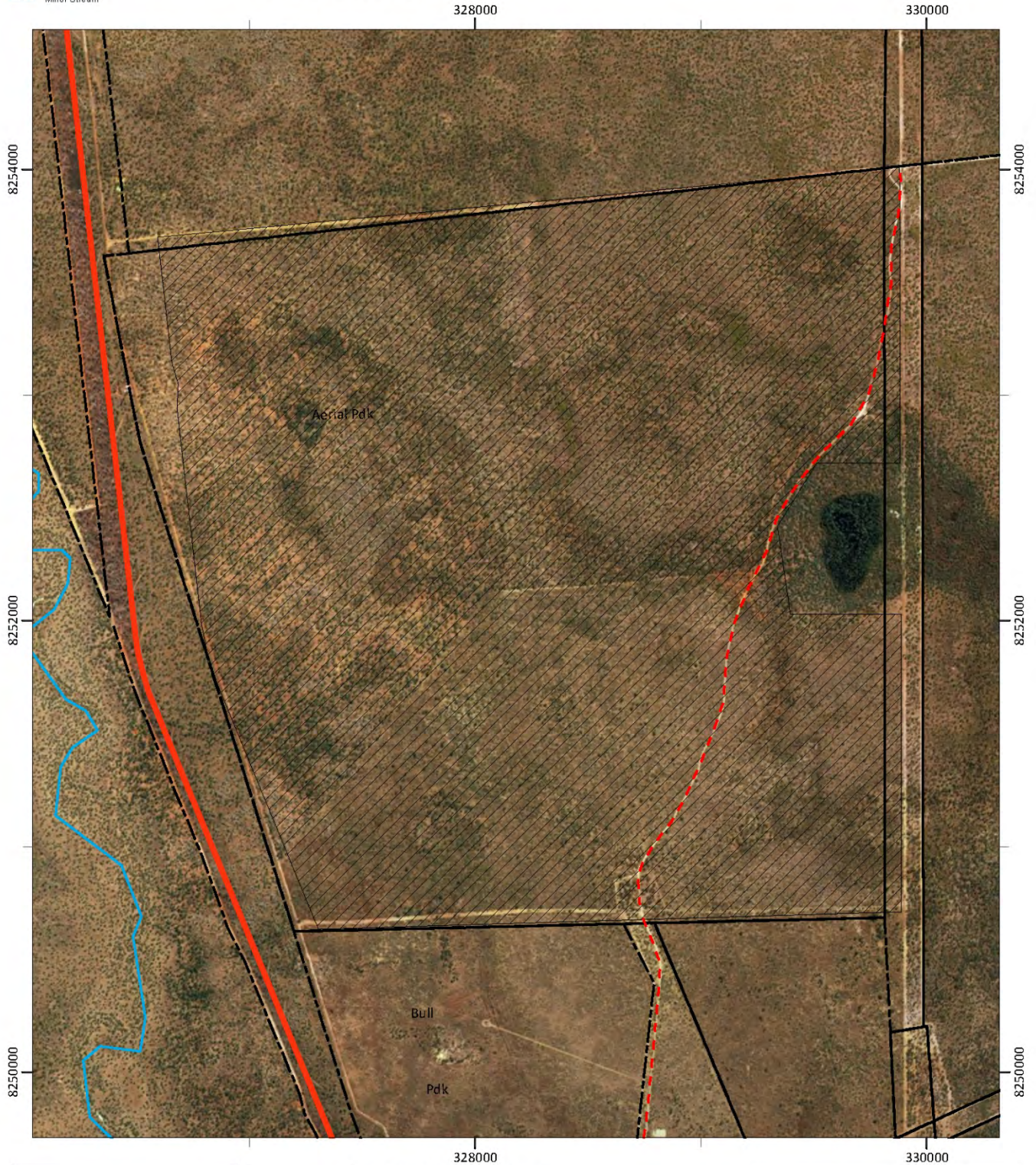
- Amended clearing plan
- Transport - Highway Sealed
- Transport - Vehicle Track
- Cultural - Fenceline
- Major Stream
- Minor Stream

**Data Source**

Clearing Areas: Data provided by applicant  
 Cadastre: Department of Infrastructure, Planning and Logistics. (DIPL)  
 Infrastructure: DENR and DIPL  
 Imagery: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
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**Projection:** Universal Transverse Mercator (UTM)  
 Map Grid of Australia (MGA), Zone 53  
**Horizontal Datum:** Geocentric Datum of Australia (GDA94)



Location of Clearing Plan within the property

**Permitted Clearing Plan**  
**Maryfield Station**  
**NT Por 6365, PPL 1189**  
 Sturt Plateau Pastoral District  
**Plan 7 of 7**  
 Plan created by DENR: 22/05/2017

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**Permit No: PLC17-3**  
**Issued on: 03/11/2017**  
  
 Chairman, Pastoral Land Board

Total area permitted for clearing: 20,432 ha

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 Email: [PastoralLandBoard@nt.gov.au](mailto:PastoralLandBoard@nt.gov.au)



## SCHEDULE 2 SCHEDULE OF CONDITIONS

### CONDITIONS PRECEDENT

1. Prior to the commencement of any earth-disturbing activities associated with the permitted clearing of native vegetation (including clearing works associated with the installation of erosion and sediment controls and any preparatory works associated with clearing works) within the permitted clearing area identified on the Endorsed Clearing Plans, the permit holder must:
  - a) prepare an Erosion and Sediment Control Plan<sup>1</sup> (ESCP). The ESCP must specify all controls, treatments and methods of erosion and sediment control pertaining to the clearing works, including end of clearing site stabilisation and pasture establishment;
  - b) submit the ESCP to the Pastoral Land Board for assessment and approval, on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should be emailed for assessment to: [pastorallandboard@nt.gov.au](mailto:pastorallandboard@nt.gov.au).
2. The Permit Holders (and any contractor carrying out works on their behalf) must at all times:
  - a) comply with the ESCP submitted to the Pastoral Land Board pursuant to Condition 1(b), to the satisfaction of the Pastoral Land Board; and
  - b) ensure that appropriate erosion and sediment controls are effectively implemented to prevent erosion occurring within the permitted clearing area identified on the Endorsed Clearing Plans and sediment from leaving that permitted clearing area, to the satisfaction of the Pastoral Land Board.
3. The Permit Holders must not vary in any way (which includes the deletion of material from or the addition of material to) the ESCP submitted to the Pastoral Land Board pursuant to Condition 1(b) without the prior written approval of the Pastoral Land Board.
4. The ESCP pursuant to Condition 1(b) is to be endorsed by the Pastoral Land Board and will form part of this permit.
5. The Permit Holders must have, and must ensure that any person who carries out the clearing on its behalf has, a copy of the following endorsed documents in their possession at all times whilst carrying out any works associated with clearing and complies with them: this Land Clearing Permit; the Endorsed Clearing Plans; and the ESCP.
6. To avoid the spread of declared weed species, both within and off the property, a Weed Management Plan (WMP) is to be developed prior to the commencement of works to the satisfaction of the DENR's Weed Management Branch. The Permit Holders should contact the DENR Weed Management Branch (Darwin office 08 8999 4567) for advice and support in the development of the plan.

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#### <sup>1</sup> NOTES

Information regarding best practice erosion and sediment control is available on the following websites: <https://www.austieca.com.au/>; <https://nt.gov.au/environment/soil-land-vegetation/>; <http://www.catchmentsandcreeks.com.au/index.html>. For advice telephone (08) 8999 4572.

**SCHEDULE 2**  
**SCHEDULE OF CONDITIONS**

**GENERAL CONDITIONS**

7. Weed management and weed spread prevention activities must be employed throughout the clearing and pasture improvement phases of the proposed development to the satisfaction of DENR's Weed Management Branch. Ongoing herbicide treatment of weed species will be required on site until preferred species are established and maintained.
8. The clearing, clearing methods, ongoing pasture and grazing management and ongoing environmental management (including erosion and sediment control) of cleared areas must be undertaken:
  - a) in accordance with the Original Application;
  - b) in accordance with the Endorsed Clearing Plan; and
  - c) to the satisfaction of the Pastoral Land Board.
9. The Permit Holder is required to ensure land management practices do not instigate erosion and to ensure that appropriate erosion and sediment control measures are employed throughout the ongoing pasture and grazing management including:
  - a) retention of buffer zones where appropriate and measures to address seasonal timing of works;
  - b) management of groundcover and minimisation of bare ground, crop layout and maintenance of natural sheet flow patterns;
  - c) avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff; and
  - d) use of erosion controls on access tracks where appropriate.
10. This Permit is subject to the Permit Holder's ongoing compliance with its obligations under the PPL.
11. Despite any term or condition of this Permit, the Permit Holder must at its own cost in all respects, comply with all laws, statutes and subordinate instruments, applicable to the clearing of pastoral land including but not limited to the following:
  - a) *Northern Territory Aboriginal Sacred Sites Act (NT)*;
  - b) *Territory Parks and Wildlife Conservation Act (NT)*;
  - c) *Weeds Management Act (NT)*;
  - d) *Bushfires Management Act (NT)*;
  - e) *Heritage Act (NT)*;
  - f) *Environmental Assessment Act (NT)*; and
  - g) *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

**SCHEDULE 2**  
**SCHEDULE OF CONDITIONS**

12. This Permit is at all times subject to existing rights, title and interests of all other persons (including any rights or interests registered on the certificate of title). The Permit Holder must comply with all terms and conditions of such existing rights, title and interests. The Permit Holder must not unreasonably or unduly interfere with, impede, restrict or limit the rights, title or interests of any person.

13. This Permit shall be revoked automatically upon the:

- a) termination of the PPL; or
- b) surrender of the PPL.

For the avoidance of doubt, a transfer of the PPL does not revoke this Permit.

14. The Pastoral Land Board may immediately revoke this Permit by written notice to the Permit Holder if the Permit Holder breaches any condition of this Permit and fails to remedy the breach within ninety (90) days after receiving notice requiring it to do so.

## NOTES

1. Under the *Northern Territory Aboriginal Sacred Sites Act* (NT), entry onto and carrying out of work on Aboriginal sacred sites is an offence unless the work is done in accordance with an Authority Certificate issued by the Aboriginal Areas Protection Authority (“**AAPA**”). The Permit Holder must ensure that all clearing complies with the requirements of that Act.
2. The Permit Holder is advised that there are statutory obligations under the *Weeds Management Act* (NT) to take all practical measures to manage weeds on the property. It is the responsibility of the Permit Holder to ensure that all clearing complies with the requirements of that Act. For advice on weed management please contact the Regional Weeds Officer, Department of Environment and Natural Resources (“**DENR**”) on telephone 08 8999 4567. The Permit Holder can also access information on the requirements of that Act on DENR’s website [www.denr.nt.gov.au](http://www.denr.nt.gov.au)
3. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Management Act* (NT). A permit must be obtained before ignition of any felled timber in this area. It is the responsibility of the Permit Holder to ensure that all clearing complies with the requirements of that Act. Please contact the Regional Fire Control Officer of the DENR on telephone (08) 8976 0098. The Permit Holder can also access information on the requirements of that Act on DENR’s website [www.denr.nt.gov.au](http://www.denr.nt.gov.au)
4. The *Heritage Act* (NT) protects archaeological places and objects, regardless of the level of documentation that the Department of Tourism and Culture (Heritage Branch) (“**DTC**”) has of such sites. It is an offence to undertake work on a heritage place or object without first obtaining the relevant approval under the Act. It is the responsibility of the Permit Holder to ensure that all clearing complies with the requirements of that Act. The Permit Holder can access information on the requirements of that Act on DTC’s website [www.dtc.nt.gov.au/nt-heritage-council](http://www.dtc.nt.gov.au/nt-heritage-council).
5. It is the responsibility of the Permit Holder to ensure that the proposal to clear pastoral land meets the requirements of the *Environmental Assessment Act* (NT). The Northern Territory Environment Protection Authority (“**NTEPA**”) administers that Act. The Permit Holder can access information on the requirements of that Act on NTEPA’s website [www.ntepa.nt.gov.au](http://www.ntepa.nt.gov.au).
6. It is the responsibility of the Permit Holder to ensure that the proposal to clear pastoral land meets the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The Commonwealth Department of Environment and Energy (“**DoEE**”) administers that Act. The Permit Holder can access information on the requirements of that Act on DoEE’s website [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc).
7. Pursuant to section 119(1)(a) of the *Pastoral Land Act* the applicant has a right to have this decision reviewed by the Northern Territory Civil and Administrative Tribunal (“**NTCAT**”). Such an application must be lodged with NTCAT within 28 days of receipt of notice of this decision.

s22

**From:** s22  
**Sent:** Wednesday, 21 February 2018 4:31 PM  
**To:** s22  
**Cc:** s22  
**Subject:** FW: NT Pastoral Lands Board approvals [SEC=UNCLASSIFIED]  
**Attachments:** nt-pastoral-land-clearing-guidelines.pdf;  
guideline\_assessment\_land\_clearing\_pastoral\_land.pdf

All  
s22 has made enquiries with the Director of the Pastoral Lease Administration & Board about the status of the proposed rural land clearing proposals described in the EDO's letter to the Minister.  
As detailed below none of these proposals have commenced and are all still in the assessment phase overseen by the Pastoral Lands Board (see email summary below).

s22

s22

Regards

s22 | **Assistant Director** |

**Compliance Section**

**Office of Compliance**

Department of Environment and Energy  
GPO Box 787 Canberra ACT 2601

T: 02 s22 | M: s22

[drew.mclean@environment.gov.au](mailto:drew.mclean@environment.gov.au)

---

**From:** s47F @nt.gov.au]

**Sent:** Wednesday, 21 February 2018 4:15 PM

**To:** s22 @environment.gov.au>

**Subject:** RE: NT Pastoral Lands Board approvals [SEC=UNCLASSIFIED]

Hi s22 thanks for your e-mail, I have provided below the information you have requested and the current status of the clearing application/permit. I've also attached a copy of the NT Pastoral Land Clearing Guidelines which refer to the EPBC Act and the NT EPA's Environmental Assessment Guidelines for pastoral land which outlines to the applicant when they may need to refer for assessment under the NT *Environmental Assessment Act* or the EPBC Act.

- Maryfield. Lessee – s47F  
Permit Issued in 2017. Permit conditions precedent currently being finalised (Weed Management Plan and Erosion Sediment Control Plan). Clearing cannot commence until these have been finalised.
- s22  
[Redacted]

Let me know if you need anything further,

s47F

[Redacted] | Director Pastoral Lease Administration & Board

Rangelands  
Department of Environment and Natural Resources  
Floor 3, Goyder Building, 25 Chung Wah Terrace, Palmerston  
PO Box 496, Palmerston NT 0831  
P: 08 s47F F: 08 8999 4403  
[www.denr.nt.gov.au](http://www.denr.nt.gov.au)

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**Our Values: Commitment to Service | Ethical Practice | Respect | Accountability | Impartiality | Diversity**

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**From:** s22 [redacted] [@environment.gov.au](mailto:s22@environment.gov.au)]

**Sent:** Wednesday, 21 February 2018 2:23 PM

**To:** s47F [redacted] [@nt.gov.au](mailto:s47F@nt.gov.au)>

**Subject:** NT Pastoral Lands Board approvals [SEC=UNCLASSIFIED]

Hi s47F

As discussed, the Department is considering contacting property owners who have received approval from the Pastoral Lands Board for the removal of native vegetation on their properties, and provide them with information relating to the *Environment Protection and Biodiversity Conservation Act 1999*.

Can you please provide contact details for owners of the following properties:

- Maryfield
- s22 [redacted]  
[redacted]  
[redacted]

Also, do you know if any of the properties have started clearing yet?

Kind regards

s47F, [redacted]

Senior Compliance Officer

Office of Compliance

Ph: 02 s22 [redacted]

Email: s22 [redacted] [@environment.gov.au](mailto:s22@environment.gov.au)

Department of the Environment and Energy

GPO Box 787 | Canberra ACT 2601





# NORTHERN TERRITORY PASTORAL LAND CLEARING GUIDELINES

*Pastoral Land Act*

## Contents

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<b>Acronyms</b>	
The following acronyms are used in this document	
<b>Acronyms</b>	<b>Full form</b>
DENR	Department of Environment and Natural Resources
NTEPA	Northern Territory Environment Protection Authority
EIS	Environmental Impact Statement
PER	Public Environmental Report

# Northern Territory Pastoral Land Clearing Guidelines

## Legal Obligations For Clearing Land Held Under Pastoral Lease Tenure

Section 38(1)(h) of the *Pastoral Land Act* states:

*"The lessee will not clear any pastoral land except in accordance with the written consent of the Board or guidelines, if any, published by the Board".*

The Pastoral Land Board has published these guidelines to outline requirements for lodging applications for clearing on pastoral leases.

The following definitions under the NT Planning Scheme are relevant to clearing on pastoral leases:

**"native vegetation"** means the terrestrial and inter-tidal flora indigenous to the Northern Territory, including grasses, shrubs and mangroves.

**"clearing of native vegetation"** means the removal or destruction, by any means, of **native vegetation** on an area of land, other than:

- (a) the removal or destruction of a declared weed within the meaning of the *Weeds Management Act* or of a plant removed under the *Plant Health Act*.
- (b) the lopping of a tree;
- (c) incidentally through the grazing of livestock;
- (d) the harvesting of **native vegetation** planted for harvest;
- (e) for a road to access the land or other land;
- (f) in the course of Aboriginal traditional use, including the gathering of food or the production of cultural artifacts;
- (g) by fire;
- (h) the removal or destruction of **native vegetation** occurring on a site previously cleared in accordance with a permit issued under the *Planning Act*; or
- (i) incidentally through mowing an area previously cleared of **native vegetation**.

The Pastoral Land Board adopts these definitions of **"native vegetation"** and **"clearing of native vegetation"**.

You are NOT required to formally apply to clear land for those purposes listed as exemptions under the NT Planning Scheme definition of **"clearing of native vegetation"** as outlined above.

In addition, the Pastoral Land Board has determined the following exemptions do not require clearing consent on pastoral leases:

- (i) making and maintaining fixed improvements (infrastructure) necessary for pastoral purposes including buildings, roads<sup>1</sup>, tracks and laneways, fences, yards, holding paddocks, firebreaks, airstrips and development of waters such as dams, bores, turkey nests, tanks and troughs;
- (ii) the baling of native vegetation for hay and the harvesting of seed for planting of native vegetation for pastoral purposes;
- (iii) the aerial application of herbicide for weed control where surrounding native vegetation may be impacted, providing the land is returned to its original native vegetation state; or
- (iv) maintaining or clearing regrowth from previous clearing operations provided such clearing was subject to the written consent of the Pastoral Land Board since 1992 and was carried out in accordance with that consent.

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<sup>1</sup> Consideration should be given to road standard requirements. Information on road standards is available in the Department of Infrastructure, Planning and Logistics document *"Performance and Design Standards for Northern Territory Government Roads"* available from <https://dipl.nt.gov.au/publications>.

# Northern Territory Pastoral Land Clearing Guidelines

## Requirements To Obtain A Clearing Approval

Clearing operations requiring formal consent from the Pastoral Land Board include the following:

- (i) clearing for Cropping / Planting of introduced pastures;
- (ii) clearing for non-pastoral uses;
- (iii) clearing for other purposes including but not limited to:
  - Thinning trees to improve access and management;
  - Pushing or chaining non-preferred shrub or tree species;
  - Removal of native vegetation not exempted under these guidelines;
- (iv) maintaining or clearing regrowth from previous clearing operations where such clearing was NOT consent to by the Pastoral Land Board since 1992 or was not carried out in accordance with the consent issued by the Board.

Clearing must not commence until formal consent is obtained from the Pastoral Land Board. To do this, you must submit an application.

## Lodging Your Application

To ensure your application can be processed as quickly as possible, make sure you fill out all the required details on the application form and attach all relevant supporting information. An application fee is charged for clearing applications and payment is required with lodgment.

Applications can be lodged via mail to:

Pastoral Land Board  
PO Box 496  
PALMERSTON NT 0831

Or via the online web portal at: <https://www.ntlis.nt.gov.au/pastoral-rents-portal/auth/login>.

For advice about lodging an application or to confirm the current fee and payment options please contact the Pastoral Land Board Executive Officer on (08) 8999 4667 or via e-mail at [Pastorallandboard@nt.gov.au](mailto:Pastorallandboard@nt.gov.au).

## Public Notification Of Clearing Proposals

Applications proposing clearing will be advertised in the NT News to advise the public of the right to view the application and make comments on the proposal to the Pastoral Land Board.

A copy of your application and all supporting documentation will be available for public inspection for a period of two (2) weeks on the Northern Territory Government's website<sup>2</sup>.

## Process For Consultation

Your application will be referred to relevant Government departments and agencies for comment and technical assessment before it is referred to the Pastoral Land Board for determination.

You will receive copies of any public submissions that may be lodged and copies of comments made by Government agencies. In some cases, you may be asked to provide additional information. You will have an opportunity to address any objections or comments made before the final report is submitted to the Pastoral Land Board.

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<sup>2</sup> <https://nt.gov.au/property/land-clearing/current-applications-and-approvals-for-pastoral-land-clearing>

# Northern Territory Pastoral Land Clearing Guidelines

## Hearing Of The Board

In the event there are significant public objections to the proposed clearing or you disagree with any comments from Government departments and agencies, you may be given an opportunity to appear before the Pastoral Land Board to present your arguments in support of the proposed clearing.

Any persons who lodge submissions in respect of your clearing application may also be invited to attend a Pastoral Land Board meeting.

## Matters To Be Taken Into Account By The Pastoral Land Board

In determining a clearing application, the Pastoral Land Board will take the following matters into consideration:

- a) Any matters the Minister may have directed the Pastoral Land Board to consider;
- b) Whether the application demonstrates consideration of the NT Planning Scheme Land Clearing Guidelines 2010;
- c) Your submissions in respect of the proposed clearing and development;
- d) Reports of relevant government agencies;
- e) Any public submissions made;
- f) Presence of threatened wildlife as declared under the *Territory Parks and Wildlife Conservation Act*
- g) Presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;
- h) Presence of essential habitats, within the meaning of the *Territory Parks and Wildlife Conservation Act*;
- i) Impact of the clearing on regional biodiversity;
- j) Whether the clearing is necessary for the intended use;
- k) Whether there is sufficient water for the intended use;
- l) Whether the soils are suitable for the intended use;
- m) Whether the slope is suitable for the intended use;
- n) Presence of permanent and seasonal water features such as billabongs and swamps;
- o) Retention of native vegetation adjacent to waterways, wetlands and rainforests;
- p) Retention of native vegetation buffers along boundaries;
- q) Retention of native vegetation corridors between remnant native vegetation;
- r) Timeframe for clearing (development plan);
- s) Presence of declared heritage places or archaeological sites within the meaning of the *Heritage Conservation Act*; and
- t) Presence of any sacred sites within the meaning of the *NT Aboriginal Sacred Sites Act*.

# Northern Territory Pastoral Land Clearing Guidelines

## Environmental Considerations

The *Environmental Assessment Act* aims to ensure that matters affecting the environment are fully examined and taken into account.

All proponents of pastoral land clearing applications are required to utilise and assess their application against the Northern Territory Environment Protection Authority's (NTEPA's) "*Environmental Assessment Guidelines - When a Notice of Intent is not required for land clearing proposals submitted under the Pastoral Land Act.*"<sup>3</sup>

The NTEPA Guidelines are intended to assist applicants in determining when land clearing proposals submitted under the *Pastoral Land Act* may not require referral and assessment under the *Environmental Assessment Act*. The Pastoral Land Board as the consent authority can also utilise the NTEPA Guidelines in determining whether a land clearing proposal will require referral and assessment under the *Environmental Assessment Act*.

If full assessment is required, the scale and complexity of a proposed development and the significance of potential impacts will determine if assessment is at the level of Environmental Impact Statement (EIS) or Public Environmental Report (PER). The landowner is responsible for preparing an EIS or PER. A number of firms in the Northern Territory offer commercial services to assist when preparing such documents.

The Pastoral Land Board may refer any application to the NTEPA for assessment based on size and scale and potential ecological impacts of the clearing application at any time.

## Determination Of Your Application

You will receive a written notification of the determination made by the Board.

If the application is approved you will receive a Pastoral Land Clearing Permit which will list any conditions applying to the consent. A clearing plan showing the areas approved for clearing will also be given to you. It is important that you comply with all conditions listed on the permit.

If your application is refused, the notice of refusal will list all reasons for the refusal.

## Permit Period

The Pastoral Land Clearing Permit will outline the period of the clearing consent and time frames for commencement and completion of clearing works. If you do not meet these time periods, you will need to seek an extension from the Pastoral Land Board, or your clearing consent will lapse.

To better monitor clearance on pastoral land and to prevent or minimise damage to pastoral land, the Pastoral Land Board will not issue permits with time periods longer than 6 years.

## Contact For Further Information

Department Environment and Natural Resources

Pastoral Land Board	(08) 8999 4667
Rangelands Division (Darwin)	(08) 8999 4474
NT Environment Protection Authority	(08) 8924 4218

Additionally an extensive list of contact details for further advice and assistance can be found at page 43 of the **NT Planning Scheme Land Clearing Guidelines**<sup>4</sup>.

<sup>3</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0004/287419/guideline\\_assessment\\_land\\_clearing\\_pastoral\\_land.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/287419/guideline_assessment_land_clearing_pastoral_land.pdf)

<sup>4</sup> [https://nt.gov.au/\\_data/assets/pdf\\_file/0017/262151/nt-land-clearing-guidelines.pdf](https://nt.gov.au/_data/assets/pdf_file/0017/262151/nt-land-clearing-guidelines.pdf)

# Northern Territory Pastoral Land Clearing Guidelines

## DOCUMENT CONTROL

### Document Change History

The following table records the history of any significant changes made to this document. The version number of the document is incremented as follows:

- By 1.0 for significant changes
- By 0.1 for changes made for clarity and reading ease only

Change history		
Version	Date Approved	Change Details
5	Sept 2017	Insert Exemption for aerial weed application, clarification when Board may refer applications to the NTEPA, insert specified permit period, web link for NTEPA guidelines for clearing pastoral land, minor amendments to formatting and correction of misspelt legislation
4	Oct 2016	Date removed from Title, Table of Contents updated to remove "Introduction" heading, Footnote references added, Amendments to application lodgment and public notification process, Changes to the NT Environment Protection Authority considerations, Update to contact information, Minor formatting amendments
3	2015	Logo updated, "Introduction" text removed ,Requirements for Content of application removed, Descriptive amount of application fee removed
1.2	Dec 2012	Minor Formatting amendments , "Introduction" text amended, Area of clearing requiring public notification removed ,Minor amendments to reflect Department name change, Environmental Impact Assessment of vegetation clearing removed
1.1	Feb 2012	Chairman's forward noting that until Native Vegetation Management legislation is introduced, applications for clearing to continue to be lodged
1.0	Mar 2010	NT Pastoral Land Clearing Guidelines 2010 implemented, (NT Planning Scheme Land Clearing Guidelines introduced, native vegetation definition adopted)

## **ENVIRONMENTAL ASSESSMENT GUIDELINES**

**When a Notice of Intent is not required for land clearing proposals submitted under the *Pastoral Land Act***

April 2014  
Version 3.0



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# 1 Introduction

## 1.1 Purpose

The objective of this guideline is to assist proponents of pastoral land clearing projects and the Pastoral Land Board in determining when development proposals submitted under the *Pastoral Land Act* **will not** require referral for assessment under the *Environmental Assessment Act* (EA Act). The aim is to provide greater clarity and certainty around the environmental assessment process, and to streamline the roles and responsibilities of government and proponents. Only some pastoral land clearing projects require environmental impact assessment.

These Guidelines are provided in keeping with the Northern Territory Environment Protection Authority's (NT EPA) obligations under the *Northern Territory Environment Protection Authority Act* to:

- encourage community involvement and engagement;
- ensure transparent processes and provide certainty to business; and
- make guidelines about its administrative practices and procedures.

## 1.2 Background

### 1.2.1 Environmental Impact Assessment

The Northern Territory's *Environmental Assessment Act* and *Environmental Assessment Administrative Procedures* form the basis of the environmental assessment process and are administered by the NT Environment Protection Authority.

Environmental Impact Assessment (EIA) is a predictive tool for identifying and characterising the environmental impacts and risks associated with a proposed development. EIA is ideally applied at the early planning and design stages to increase the likelihood of both ecologically sustainable development and the protection of environmental values. The Environmental Impact Assessment Process (<https://ntepa.nt.gov.au/environmental-assessments/guide-to-the-eia-process-in-the-northern-territory>) provides the NT EPA with the information needed to assist consideration of and decisions on matters that could significantly affect the environment. It enables environmental issues to be considered in a balanced way with other aspects involved in determining the acceptability of a proposal and it ensures that unnecessary and unacceptable harm to the environment can be avoided.

For these reasons it is important that any potential environmental impacts and constraints are identified early in the planning and design of any major project. Early identification ensures that environmental assessment is integrated with engineering and economic feasibility studies in the project formulation so as to produce the best and most appropriate project design, including monitoring and management options.

If a project requires assessment under the EA Act, it is undertaken in a systematic and transparent manner with opportunities for public review and input. The proponent is required to prepare and submit documentation describing the proposal, the risks and potential environmental impacts and how the risks would be controlled and impacts managed. Concerns raised by Government and the public during the assessment need to be addressed by the proponent.

### 1.2.2 Notice of Intent

The first step in the Northern Territory's EIA process is submission of a Notice of Intent (NOI) to the NT EPA. This guideline provides advice on when preparation and submission of a NOI is not required.

## 2 Legislative Requirements

EIA may involve assessments and approvals in relation to matters regulated under a range of Northern Territory and Commonwealth legislation. Relevant legislation includes that listed below. The list is indicative of matters that may require assessment. It is not exhaustive.

Proponents and assessors should carefully review projects to determine legislated requirements relevant to particular projects.

The legislation listed has been used in developing this guideline.

### 2.1 Northern Territory Legislation

#### 2.1.1 Culture & Heritage

- *Northern Territory Aboriginal Sacred Sites Act*
- *Heritage Act*

#### 2.1.2 Land Use

- *Planning Act*
- *Aboriginal Land Act*
- *Crown Lands Act*
- *Soil Conservation and Land Utilisation Act*
- *Bushfires Act*
- *Pastoral Land Act*

#### 2.1.3 Industry

- *Fisheries Act*

#### 2.1.4 Water Quality & Biodiversity Conservation

- *Water Act*
- *Biological Control Act*
- *Territory Parks and Wildlife Conservation Act*
- *Fisheries Act*
- *Weeds Management Act 2001*
- *Public and Environmental Health Act*

#### 2.1.5 Air Quality, Noise and Waste Management

- *Waste Management and Pollution Control Act*
- *Public and Environmental Health Act*

### 2.1.6 Safety and Navigational

- *Work Health and Safety (National Uniform Legislation) Act*

## 2.2 Commonwealth Legislation

Some proposals may need consideration under Commonwealth legislation. Those Acts include the *Aboriginal Land Rights (Northern Territory) Act 1976*, *Native Title Act 1993*, and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### 2.2.1 Environment Protection and Biodiversity Conservation Act

The Commonwealth's EPBC Act provides protection for matters of national environmental significance (NES). The Commonwealth agency determines whether a proposal could potentially affect a NES matter and whether it requires assessment and approval under the EPBC Act. The NES matters are:

- World Heritage properties;
- National Heritage places;
- Ramsar wetlands of international importance;
- Nationally threatened animal and plant species and ecological communities;
- Internationally protected migratory species;
- Commonwealth marine areas;
- Great Barrier Reef Marine Park;
- Nuclear actions (including uranium mines); and
- a water resource, in relation to coal seam gas development and large coal mining development.

Referral of a proposed action to the Australian Government is outside the jurisdiction of the NT EPA, and remains the responsibility of the proponent.

The EPBC Act webpage has a search tool that helps determine whether NES matters occur in the area of proposed activity. To generate a map and environmental report on the area refer to:

<http://www.environment.gov.au/erin/ert/epbc/index.html>.

## 3 Limitations

This guideline is:

- confined to generic matters relating to when a NOI is not required and does not address more proposal-specific issues that may be of significance;
- not an instrument for predicting outcomes of deliberations by the NT EPA;
- intended to provide a more certain and consistent approach to assessments;
- intended to apply to proposals prior to the proponent submitting the proposal NOI to NT EPA for environmental assessment; and
- a guide only. Proponents are responsible for understanding and complying with all laws that relate to the proposed activity.

*The Northern Territory Environment Protection Authority (NT EPA) has prepared this document in good faith, exercising all due care and attention, but no representation or warranty, express or implied, is made as to the relevance, completeness or fitness for purpose of this document in respect of any particular user's circumstances. Users of this*

*document should satisfy themselves concerning its application to their situation and, where necessary, seek expert advice.*

### 4 When to refer a proposal

Land clearing proposals submitted under the *Pastoral Land Act* may require assessment under the EA Act if they are likely to have a significant effect on the environment. Where there is the potential for significant risks to the environment a referral or NOI for assessment under the EA Act is required before approval can be granted under the *Pastoral Land Act*. A NOI may be directly provided to the NT EPA by a land clearing proponent. Alternatively, a proposal can be referred to the NT EPA for assessment on behalf of a proponent, by the Pastoral Land Board.

Land clearing proposals **will not** require referral under the EA Act providing certain criteria have been met, as outlined below.

### 5 When not to refer a proposal

Land clearing applications made under the *Pastoral Land Act* **will not** generally require referral and assessment under the EA Act when all criteria, where applicable, in Attachment A **are fulfilled** i.e. the answer to all questions is either “YES” or “N/A”. Proposals **will** require a NOI when any of the criteria **are not** fulfilled i.e. the answer to one or more questions is “NO”. Advice can be sought from the NT EPA in cases of uncertainty. Alternatively a proposal could be submitted to the Pastoral Land Board for determination as to whether a proposal would be referred to the NT EPA for consideration.

The NT EPA retains the right to call in proposals for assessment under the EA Act if relevant steps cannot or are unlikely to be taken to minimise and/or mitigate the environmental effects of land clearing.

Specific conditions or notations may need to be listed on permits issued under the *Pastoral Land Act*, to ensure matters listed in Attachment A, are adequately dealt with by proponents.

### 6 Further information

NT Environment Protection Authority

GPO Box 3675

Darwin NT 0801

Tel 08 8924 4218

Fax 08 8924 4053

Email [eia.ntepa@nt.gov.au](mailto:eia.ntepa@nt.gov.au)

Web [www.ntepa.nt.gov.au](http://www.ntepa.nt.gov.au)

ATTACHMENT A

Assessment Criterion	Response (Yes, No, N/A)
<p>The proposed action is <b>unlikely</b> to have potential to:</p> <ul style="list-style-type: none"> <li>• cause pollution of freshwater/marine waterways, groundwater, soils and/or air;</li> <li>• cause detrimental impacts on aquatic fauna consumed or used for food consumption;</li> <li>• significantly obstruct or alter existing waterways or groundwater flows; and/or</li> <li>• involve significant ground or surface water extraction.</li> </ul>	
<p>Proposed stormwater management <b>is compliant</b> and <b>sufficient</b> to meet with Department of Land Resources Management (DLRM) requirements where required by the Pastoral Land Board.</p>	
<p>Site suitability assessments <b>have shown</b> that significant soil erosion, soil salinity, flooding or disturbance of acid sulphate soils <b>is unlikely</b>.</p>	
<p>An Erosion and Sediment Control Plan <b>has been</b> prepared if and as required by the Pastoral Land Board.</p>	
<p>Noise, Dust and/or Emissions to Air Management Plans, where required, <b>have been</b> prepared to Pastoral Land Board satisfaction.</p>	
<p>Flora and fauna assessments including review of proximity to Sites of Conservation Significance, to the satisfaction of the Pastoral Land Board, indicate <b>that no</b>:</p> <ul style="list-style-type: none"> <li>• threatened species listed under the <i>Territory Parks and Wildlife Conservation Act</i>; or</li> <li>• habitat of potential significance to the above;</li> </ul> <p>are within, or in proximity to, the proposed development site; or</p> <ul style="list-style-type: none"> <li>• there <b>is little</b> potential for significant impact to biodiversity and a Biodiversity Management Plan <b>provides for</b> the adequate protection or relocation of threatened flora or fauna and is endorsed by the DLRM.</li> </ul>	
<p>The proposed land clearing area <b>is not</b> located within, or in close proximity to, a National Park, Conservation Reserve or Marine Park or Reserve.</p>	
<p>Land clearing <b>will be</b> managed in accordance with the Pastoral Land Clearing Guidelines, to the satisfaction of the Pastoral Land Board.</p>	
<p>A Weed Management Plan <b>has been</b> prepared consistent with DLRM guidelines and will be implemented to the satisfaction of the Pastoral Land Board.</p>	

## Environmental Assessment Guidelines – Pastoral Land

<p>An Authority Certificate application <b>has been</b> submitted to the Aboriginal Areas Protection Authority and once issued, the Certificate conditions <b>will be</b> complied with. Authority Certificate Requests can be made from the form on the AAPA website: <a href="http://www.aapant.org.au">www.aapant.org.au</a>.</p>	
<p>A cultural heritage survey <b>has been</b> done and any identified heritage values <b>will be</b> managed, in consultation with the Heritage Branch of the DLPE and to the satisfaction of the Pastoral Land Board.</p>	
<p>Work health and safety assessments <b>have been</b> done and any identified issues <b>will be</b> addressed, in consultation with NT WorkSafe and to the satisfaction of the Pastoral Land Board.</p>	
<p>The requirement to refer the proposed action under the EPBC Act has been considered, and it <b>has been</b> determined that a referral is <b>not</b> required or the proposal has been referred and the Australian Government Minister <b>has</b> determined that further assessment is <b>not</b> required (i.e.: not a “controlled action”).</p>	
<p>There <b>is</b> little potential for the proposed action to cause significant social or economic impacts, or significant impacts on surrounding land users.</p>	

s22

**Subject:** NT Land clearing [SEC=UNCLASSIFIED]  
**Location:** s22 office  
**Start:** Mon 26/02/2018 2:30 PM  
**End:** Mon 26/02/2018 3:30 PM  
**Recurrence:** (none)  
**Meeting Status:** Accepted  
**Organizer:** s22  
**Required Attendees:** s22 s47F @nt.gov.au; s22  
**Optional Attendees:** s22

Hi all – Agenda for Monday’s teleconference is attached.

Cheers,

s2



NT Land clearing [SEC=UNCLASSIFIED]  
Agenda for Monday 26 Feb 2018



NT EPA – DOTEE - PASTORAL LAND CLEARING

AGENDA

12 October 2016

Time: 13:30-14:30 Darwin; 15:00-16:00 Canberra;

<b>DoTEE Attendees:</b>	[REDACTED]	Projects Assessment West Section (PAWS)
	[REDACTED]	PAWS
	[REDACTED]	Office of Compliance (OoC)
	[REDACTED]	OoC
	[REDACTED]	OoC
	[REDACTED]	OoC
	[REDACTED]	OoC
<b>NT EPA Attendees:</b>	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
	[REDACTED]	

1. Introductions
2. Overview of correspondence received from EDO NSW (DoEE – [REDACTED])
3. Current status of proposals (DoEE – [REDACTED])
4. Supreme Court actions (NT EPA – [REDACTED])
5. Proposed actions (DoEE – [REDACTED])
  - a. Teleconference between NT EPA, PLB and DoEE
  - b. Meetings with regulators and proponents in March

s22

**From:** s22  
**Sent:** Wednesday, 21 February 2018 4:41 PM  
**To:** s22  
**Cc:** s22  
**Subject:** RE: NT Pastoral Lands Board approvals [SEC=UNCLASSIFIED]

Thanks s22 .

NT EPA advised that they and the PLB have been served with Supreme Court documents seeking a judicial review of their decisions related to Maryfield. This was instigated by ECNT. NT EPA will provide further information on Monday.

s2

s22  
Project Assessments West Section  
Department of the Environment and Energy  
Phone: 02 s22  
Email: s22 @environment.gov.au

---

**From:** s22  
**Sent:** Wednesday, 21 February 2018 4:31 PM  
**To:** s22  
**Cc:** s22  
**Subject:** FW: NT Pastoral Lands Board approvals [SEC=UNCLASSIFIED]

All

s22 has made enquiries with the Director of the Pastoral Lease Administration & Board about the status of the proposed rural land clearing proposals described in the EDO's letter to the Minister.

As detailed below none of these proposals have commenced and are all still in the assessment phase overseen by the Pastoral Lands Board (see email summary below).

s22

Regards

s22 | **Assistant Director** |  
**Compliance Section**  
**Office of Compliance**  
Department of Environment and Energy  
GPO Box 787 Canberra ACT 2601  
T: s22 | M: s22  
s22 @environment.gov.au

---

**From:** s47F [nt.gov.au]  
**Sent:** Wednesday, 21 February 2018 4:15 PM  
**To:** s22 @environment.gov.au>  
**Subject:** RE: NT Pastoral Lands Board approvals [SEC=UNCLASSIFIED]

Hi s22, thanks for your e-mail, I have provided below the information you have requested and the current status of the clearing application/permit. I've also attached a copy of the NT Pastoral Land Clearing Guidelines which refer to the EPBC Act and the NT EPA's Environmental Assessment Guidelines for pastoral land which outlines to the applicant when they may need to refer for assessment under the NT *Environmental Assessment Act* or the EPBC Act.

- Maryfield. Lessee – s47F  
Permit Issued in 2017. Permit conditions precedent currently being finalised (Weed Management Plan and Erosion Sediment Control Plan). Clearing cannot commence until these have been finalised.

- s22  
[Redacted]

[Redacted]

[Redacted]

Let me know if you need anything further,

s47F

s47F | Director Pastoral Lease Administration & Board  
Rangelands  
Department of Environment and Natural Resources

Floor 3, Goyder Building, 25 Chung Wah Terrace, Palmerston  
PO Box 496, Palmerston NT 0831  
P: s47F F: 08 8999 4403  
[www.denr.nt.gov.au](http://www.denr.nt.gov.au)

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---

**From:** s22 @environment.gov.au  
**Sent:** Wednesday, 21 February 2018 2:23 PM  
**To:** s47F @nt.gov.au  
**Subject:** NT Pastoral Lands Board approvals [SEC=UNCLASSIFIED]

Hi s47F

As discussed, the Department is considering contacting property owners who have received approval from the Pastoral Lands Board for the removal of native vegetation on their properties, and provide them with information relating to the *Environment Protection and Biodiversity Conservation Act 1999*.

Can you please provide contact details for owners of the following properties:

- Maryfield

• s22  
[Redacted]  
[Redacted]

Also, do you know if any of the properties have started clearing yet?

Kind regards

s22  
Senior Compliance Officer  
Office of Compliance  
Ph: 02 s22  
Email: s22@environment.gov.au  
Department of the Environment and Energy  
GPO Box 787 | Canberra ACT 2601

s22

**From:** s22  
**Sent:** Monday, 5 March 2018 9:37 AM  
**To:** s47F ; s22  
**Subject:** RE: NT Land clearing [SEC=UNCLASSIFIED]

Thanks s47. I'll check with my colleagues from the Office of Compliance and let you know in the next day or so.  
s2

s22  
Project Assessments West Section  
Department of the Environment and Energy  
Phone: 02 s22  
Email: s22 n@environment.gov.au

---

**From:** s47F @nt.gov.au]  
**Sent:** Friday, 2 March 2018 4:59 PM  
**To:** s22 ; s47F ; s22 ;  
s22  
**Subject:** RE: NT Land clearing [SEC=UNCLASSIFIED]

Hi s22 and all  
An outcome of our meeting on Monday was for DOEE staff to give a presentation to Dept. Environment and Natural Resources staff (particularly our biodiversity technical staff and staff who administer Pastoral lands). It appears that the afternoon of Monday 26 March is most suitable. If this also suits you I will firm up the arrangements.

Kind regards  
s47

s47F | Director Environmental Assessment  
**Environment Division | Department of Environment and Natural Resources**

*Providing services for the*  
**Northern Territory Environment Protection Authority**



Level 1, Arnhemica House, 16 Parap Road, Parap NT 0820  
GPO Box 3675, Darwin NT 0801  
p: s47F  
e: s47F | w: [www.nt.gov.au](http://www.nt.gov.au)

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-----Original Appointment-----

**From:** s22 [redacted] [@environment.gov.au](mailto:s22@environment.gov.au)

**Sent:** Friday, 23 February 2018 2:01 PM

**To:** s47F [redacted]; s22 [redacted]  
[redacted]

**Cc:** s22 [redacted]

**Subject:** NT Land clearing [SEC=UNCLASSIFIED]

**When:** Monday, 26 February 2018 2:30 PM-3:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:** s22 [redacted] office

Hi all – Agenda for Monday’s teleconference is attached.

Cheers,

s2

<< File: 180219 Ltr from EDO to Minister for the Environment and DoEE.PDF >> << File: NTEPA catch-up agenda.docx >>

**Loch, David**

---

**From:** s22  
**Sent:** Wednesday, 7 March 2018 4:12 PM  
**To:** s22  
**Cc:** s22  
**Subject:** RE: For information - DoEE/NT EPA monthly catch up - Draft agenda [SEC=UNCLASSIFIED]

Sounds good. I'd like to see the proposed dates from OoC for the land clearing matter and then decide whether we add this to that trip or do it separately.

s22 – Can you please sound out the proponent as to whether they'll host us on a site visit.

Cheers,

s22

s22  
Project Assessments West Section  
Department of the Environment and Energy  
Phone: 02 s22  
Email: s22 @environment.gov.au

---

s22  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
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[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

s22



s22

s22

**From:** s47F @nt.gov.au>  
**Sent:** Thursday, 8 March 2018 5:03 PM  
**To:** s22 ; s47F ; s22  
**Subject:** RE: NT Land clearing [SEC=UNCLASSIFIED]

Hi all  
To keep you in the loop, I'm testing the afternoon of 9 April with my NT colleagues.  
s47F

---

**From:** s47F  
**Sent:** Friday, 2 March 2018 3:29 PM  
**To:** s22 ; s47F ; s22 ;  
s22  
**Subject:** RE: NT Land clearing [SEC=UNCLASSIFIED]

Hi s22 and all  
An outcome of our meeting on Monday was for DOEE staff to give a presentation to Dept. Environment and Natural Resources staff (particularly our biodiversity technical staff and staff who administer Pastoral lands). It appears that the afternoon of Monday 26 March is most suitable. If this also suits you I will firm up the arrangements.  
Kind regards

s47F  
| Director Environmental Assessment  
**Environment Division | Department of Environment and Natural Resources**  
*Providing services for the*  
**Northern Territory Environment Protection Authority**



[www.ntepa.nt.gov.au/](http://www.ntepa.nt.gov.au/)  
Level 1, Arnhemica House, 16 Parap Road, Parap NT 0820  
GPO Box 3675, Darwin NT 0801

p: s47F |  
e: s47F @nt.gov.au | w: [www.nt.gov.au](http://www.nt.gov.au)  
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-----Original Appointment-----  
**From:** s22 @environment.gov.au]

**Sent:** Friday, 23 February 2018 2:01 PM  
**To:** s47F ; s22  
**Cc:** s22  
**Subject:** NT Land clearing [SEC=UNCLASSIFIED]

**When:** Monday, 26 February 2018 2:30 PM-3:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.  
**Where:** s22 office  
Hi all – Agenda for Monday's teleconference is attached.  
Cheers,

s22

<< File: 180219 Ltr from EDO to Minister for the Environment and DoEE.PDF >> << File: NTEPA catch-up agenda.docx >>

s22

**From:** s22  
**Sent:** Friday, 9 March 2018 9:41 AM  
**To:** s22  
**Cc:** s22  
**Subject:** NT land clearing Media [SEC=UNCLASSIFIED]

FYI

---

[Landmark case challenges \*\*land clearing\*\* based on climate change impact](#)

The Guardian

The majority of Australia's **land-clearing** has occurred in **Queensland**, but other states and territories look like they could be following in its footsteps. ... A landmark court case in the Northern Territory is set to consider a challenge to a massive **land-clearing** approval based on its impacts on climate ...



Flag as irrelevant

s22 | **Assistant Director** |

**Compliance Section**

**Office of Compliance**

Department of Environment and Energy

GPO Box 787 Canberra ACT 2601

T: s22 | M: s22

s22 [@environment.gov.au](mailto:s22@environment.gov.au)

s22

**Subject:** FW: NT Government Engagement - Planning [SEC=UNCLASSIFIED]  
**Location:** 51A - 5001 Meeting Room

**Start:** Wed 28/03/2018 2:00 PM  
**End:** Wed 28/03/2018 3:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** s22

Sorry, I forgot to forward this earlier.

s22

-----Original Appointment-----

**From:** s22  
**Sent:** Wednesday, 21 March 2018 3:00 PM  
**To:** s22  
**Subject:** NT Government Engagement - Planning [SEC=UNCLASSIFIED]  
**When:** Wednesday, 28 March 2018 2:00 PM-3:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.  
**Where:** 51A - 5001 Meeting Room

Hi all

s47F has indicated that 9 April is a likely date for NT EPA availability.

This meeting is to scope the planned engagement with NT EPA and Pastoral Lands Board.

s22, please invite relevant staff from your area.

Just in case you are trying to reach me, I will be out of the office until 28 March.

Cheers

s22

s22

Assistant Director  
Strategic Initiatives and Engagement

**Office of Compliance**  
**Department of the Environment and Energy**  
PO Box 787, CANBERRA, ACT 2601  
T: 02 s22  
E: s22 @environment.gov.au

s22

**From:** s22  
**Sent:** Thursday, 29 March 2018 9:48 AM  
**To:** s22; s47F; s22  
**Subject:** FW: NT Land clearing [SEC=UNCLASSIFIED]

Fyi – 9 April confirmed.

---

**From:** s47F [redacted]@nt.gov.au]  
**Sent:** Thursday, 29 March 2018 9:21 AM  
**To:** s22  
**Cc:** s22; s47F; s22  
**Subject:** RE: NT Land clearing [SEC=UNCLASSIFIED]

Good morning s22  
All is pretty much back to normal for us.  
Confirming 9 April from 12 pm. Yes, please call next week so we can discuss the agenda.

Kind regards  
s47F

s47F | Director Environmental Assessment  
**Environment Division | Department of Environment and Natural Resources**

*Providing services for the*  
**Northern Territory Environment Protection Authority**

 Northern Territory  
Environment Protection Authority  
[www.ntepa.nt.gov.au/](http://www.ntepa.nt.gov.au/)

Level 1, Arnhemica House, 16 Parap Road, Parap NT 0820  
GPO Box 3675, Darwin NT 0801  
p: (08) s47F | m: s47F  
e: s47F@nt.gov.au | w: www.nt.gov.au

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---

**From:** s22 [redacted]@environment.gov.au]  
**Sent:** Wednesday, 28 March 2018 4:04 PM  
**To:** s47F [redacted]@nt.gov.au>  
**Cc:** s22 [redacted]@environment.gov.au>; s47F [redacted]@nt.gov.au>; s47F [redacted]

s47F >; s22 @environment.gov.au>; s22  
@environment.gov.au>; s22 @environment.gov.au>; s22  
@environment.gov.au>

**Subject:** RE: NT Land clearing [SEC=UNCLASSIFIED]

Hi s47F

Hope all going well at your end and you are not too affected by the recent wild weather.

I'm in touch about meeting with DENR staff in April. Does 9 April work for you and your colleagues?

Also, is there a good time tomorrow or next week to call you to discuss the outcomes we'd all like to achieve and the potential of meeting with the PLB following our with meeting with you?

Cheers

s22

s22

Strategic Initiatives and Engagement Manager

**Strategic Initiatives and Engagement  
Office of Compliance  
Department of the Environment and Energy**  
PO Box 787, CANBERRA, ACT 2601  
T: 02 s22  
E: s22 @environment.gov.au

---

**From:** s47F @nt.gov.au]

**Sent:** Thursday, 8 March 2018 5:03 PM

**To:** s22 @environment.gov.au>; s47F @nt.gov.au>; s47F

@nt.gov.au>; s22 @environment.gov.au>; s22

@environment.gov.au>; s22 @environment.gov.au>;

s22 @environment.gov.au>; s22 environment.gov.au>

**Subject:** RE: NT Land clearing [SEC=UNCLASSIFIED]

Hi all

To keep you in the loop, I'm testing the afternoon of 9 April with my NT colleagues.

s47F

---

**From:** s47F

**Sent:** Friday, 2 March 2018 3:29 PM

**To:** s22 @environment.gov.au>; s47F @nt.gov.au>; s47F

@nt.gov.au>; s22 @environment.gov.au>; s22

@environment.gov.au>; s22 @environment.gov.au>;

s22 @environment.gov.au>; s22 @environment.gov.au>

**Subject:** RE: NT Land clearing [SEC=UNCLASSIFIED]

Hi s22 and all

An outcome of our meeting on Monday was for DOEE staff to give a presentation to Dept. Environment and Natural Resources staff (particularly our biodiversity technical staff and staff who administer Pastoral lands).

It appears that the afternoon of Monday 26 March is most suitable. If this also suits you I will firm up the arrangements.

Kind regards

s47F

s47F | Director Environmental Assessment  
**Environment Division | Department of Environment and Natural Resources**

*Providing services for the*  
**Northern Territory Environment Protection Authority**



[www.ntepa.nt.gov.au/](http://www.ntepa.nt.gov.au/)

Level 1, Arnhemica House, 16 Parap Road, Parap NT 0820  
GPO Box 3675, Darwin NT 0801

p: (08) s47F | m: |

e: s47F@nt.gov.au | w: [www.nt.gov.au](http://www.nt.gov.au)

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-----Original Appointment-----

**From:** s22@environment.gov.au

**Sent:** Friday, 23 February 2018 2:01 PM

**To:** s47F; s22

**Cc:** s22

**Subject:** NT Land clearing [SEC=UNCLASSIFIED]

**When:** Monday, 26 February 2018 2:30 PM-3:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:** s22 ' office

Hi all – Agenda for Monday’s teleconference is attached.

Cheers,

s22

<< File: 180219 Ltr from EDO to Minister for the Environment and DoEE.PDF >> << File: NTEPA catch-up agenda.docx >>



s22

**From:** s22  
**Sent:** Wednesday, 4 April 2018 2:04 PM  
**To:** s22  
**Subject:** Maryfield station [SEC=UNCLASSIFIED]

**Categories:** Yellow Category

This is the draft message I nearly sent s22 in December...not sure why I didn't send.

---

Based on the NT assessment report, it is looking to me like we would have probably found this to be an NCA (they are avoiding impacts to the places most likely to contain MNES) ... will discuss this in our teleconference with NT this afternoon. Subject to their confirmation, I do not propose to take further action.

---

**From:** s47F @nt.gov.au]  
**Sent:** Tuesday, 12 December 2017 11:36 AM  
**To:** s22  
**Cc:** s22  
**Subject:** RE: For information - DoEE/NT EPA monthly catch up (Wed 6 December 2017) - DoEE projects for discussion [SEC=UNCLASSIFIED]

Hi s22

The NT EPA's decision on the Maryfield Land Clearing application is available here:  
[https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0011/459335/statement\\_reasons\\_maryfield\\_station\\_land\\_clearing.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0011/459335/statement_reasons_maryfield_station_land_clearing.pdf)

Happy to discuss tomorrow.

s47F

---

**From:** s22 environment.gov.au]  
**Sent:** Tuesday, 12 December 2017 9:55 AM  
**To:** s47F  
**Cc:** s22  
**Subject:** For information - DoEE/NT EPA monthly catch up (Wed 6 December 2017) - DoEE projects for discussion [SEC=UNCLASSIFIED]

Thanks s47F, happy to receive an update on the projects below.

Just wondering if we may also be able to discuss 'Maryfield Station' on Wednesday? We've noted media indicating clearing of around 20,000 ha on this property however have not received a referral to date. We'd be interested in whether the NT EPA has received a referral and, if not, NT EPA's thoughts on whether this clearing should be referred – our ERT reporting indicates that a number of EPBC Act listed species are likely to occur, or may occur, on the property.

Kind regards

s22

---

**From:** s47F @nt.gov.au]  
**Sent:** Monday, 11 December 2017 4:38 PM  
**To:** s22 @environment.gov.au>  
**Cc:** s22 @environment.gov.au>; s22

s22

s22

s22

# EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 15/11/17 10:56:43

[Summary](#)

[Details](#)

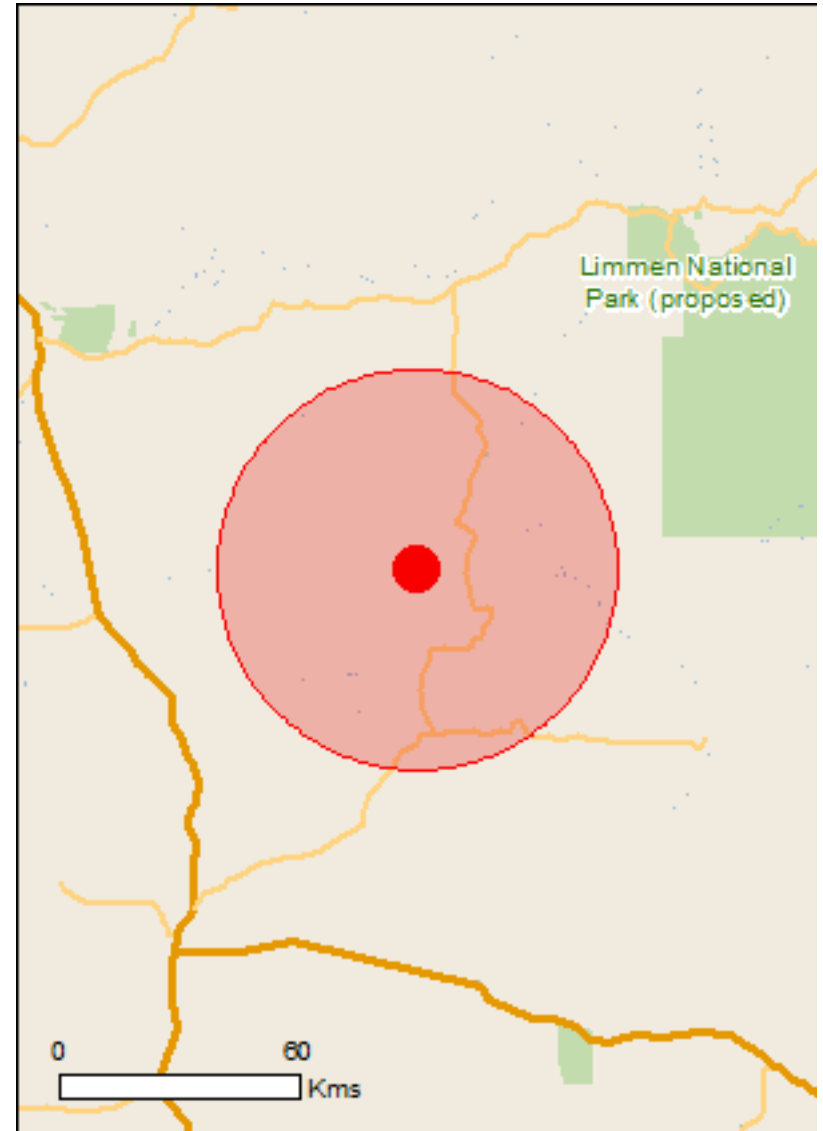
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA 2010

[Coordinates](#)

[Buffer: 50.0Km](#)



# Summary

## Matters of National Environment Significance

<a href="#">World Heritage Properties:</a>	None
<a href="#">National Heritage Places:</a>	None
<a href="#">Wetlands of International Importance:</a>	None
<a href="#">Great Barrier Reef Marine Park:</a>	None
<a href="#">Commonwealth Marine Area:</a>	None
<a href="#">Listed Threatened Ecological Communities:</a>	None
<a href="#">Listed Threatened Species:</a>	14
<a href="#">Listed Migratory Species:</a>	15

## Other Matters Protected by the EPBC Act

<a href="#">Commonwealth Land:</a>	None
<a href="#">Commonwealth Heritage Places:</a>	None
<a href="#">Listed Marine Species:</a>	21
<a href="#">Whales and Other Cetaceans:</a>	None
<a href="#">Critical Habitats:</a>	None
<a href="#">Commonwealth Reserves Terrestrial:</a>	None
<a href="#">Commonwealth Reserves Marine:</a>	None

## Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

<a href="#">State and Territory Reserves:</a>	None
<a href="#">Regional Forest Agreements:</a>	None
<a href="#">Invasive Species:</a>	16
<a href="#">Nationally Important Wetlands:</a>	None
<a href="#">EPBC Act Referrals:</a>	3
<a href="#">Key Ecological Features (Marine)</a>	None

# Details

## Matters of National Environmental Significance

Listed Threatened Species		[ Resource Information ]
Name	Status	Type of Presence
<b>Birds</b>		
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Erythrotriorchis radiatus</a> Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Erythrura gouldiae</a> Gouldian Finch [413]	Endangered	Species or species habitat known to occur within area
<a href="#">Falcunculus frontatus whitei</a> Crested Shrike-tit (northern), Northern Shrike-tit [26013]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Grantiella picta</a> Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
<a href="#">Rostratula australis</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
<a href="#">Tyto novaehollandiae kimberli</a> Masked Owl (northern) [26048]	Vulnerable	Species or species habitat likely to occur within area
<b>Mammals</b>		
<a href="#">Dasyurus hallucatus</a> Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat likely to occur within area
<a href="#">Macroderma gigas</a> Ghost Bat [174]	Vulnerable	Breeding likely to occur within area
<a href="#">Macrotis lagotis</a> Greater Bilby [282]	Vulnerable	Species or species habitat may occur within area
<a href="#">Notomys aquilo</a> Northern Hopping-mouse, Woorrentinta [123]	Vulnerable	Species or species habitat may occur within area
<a href="#">Saccolaimus saccolaimus nudicluniatus</a> Bare-rumped Sheath-tailed Bat, Bare-rumped Sheathtail Bat [66889]	Vulnerable	Species or species habitat may occur within area
<b>Reptiles</b>		
<a href="#">Elseya lavarackorum</a> Gulf Snapping Turtle [67197]	Endangered	Species or species habitat may occur within area
<b>Sharks</b>		
<a href="#">Pristis pristis</a> Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish [60756]	Vulnerable	Species or species habitat likely to occur within area

## Listed Migratory Species

[\[ Resource Information \]](#)

\* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
<b>Migratory Marine Birds</b>		
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<b>Migratory Marine Species</b>		
<a href="#">Crocodylus porosus</a> Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area
<a href="#">Pristis pristis</a> Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish [60756]	Vulnerable	Species or species habitat likely to occur within area
<b>Migratory Terrestrial Species</b>		
<a href="#">Cecropis daurica</a> Red-rumped Swallow [80610]		Species or species habitat may occur within area
<a href="#">Cuculus optatus</a> Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
<a href="#">Hirundo rustica</a> Barn Swallow [662]		Species or species habitat may occur within area
<a href="#">Motacilla cinerea</a> Grey Wagtail [642]		Species or species habitat may occur within area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat may occur within area
<b>Migratory Wetlands Species</b>		
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area
<a href="#">Charadrius veredus</a> Oriental Plover, Oriental Dotterel [882]		Species or species habitat may occur within area
<a href="#">Glareola maldivarum</a> Oriental Pratincole [840]		Species or species habitat may occur within area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat likely to occur within area



## Other Matters Protected by the EPBC Act

Listed Marine Species		[ <a href="#">Resource Information</a> ]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
<b>Birds</b>		
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area
<a href="#">Anseranas semipalmata</a> Magpie Goose [978]		Species or species habitat may occur within area
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<a href="#">Ardea alba</a> Great Egret, White Egret [59541]		Species or species habitat known to occur within area
<a href="#">Ardea ibis</a> Cattle Egret [59542]		Species or species habitat may occur within area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area
<a href="#">Charadrius veredus</a> Oriental Plover, Oriental Dotterel [882]		Species or species habitat may occur within area
<a href="#">Cuculus saturatus</a> Oriental Cuckoo, Himalayan Cuckoo [710]		Species or species habitat may occur within area
<a href="#">Glareola maldivarum</a> Oriental Pratincole [840]		Species or species habitat may occur within area
<a href="#">Haliaeetus leucogaster</a> White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
<a href="#">Hirundo daurica</a> Red-rumped Swallow [59480]		Species or species habitat may occur within area
<a href="#">Hirundo rustica</a> Barn Swallow [662]		Species or species habitat may occur within area
<a href="#">Merops ornatus</a> Rainbow Bee-eater [670]		Species or species habitat may occur within area
<a href="#">Motacilla cinerea</a> Grey Wagtail [642]		Species or species habitat may occur within area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat may occur within area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat likely to occur within area

Name	Threatened	Type of Presence
<a href="#">Rostratula benghalensis (sensu lato)</a> Painted Snipe [889]	Endangered*	Species or species habitat may occur within area
<b>Reptiles</b>		
<a href="#">Crocodylus johnstoni</a> Freshwater Crocodile, Johnston's Crocodile, Johnston's River Crocodile [1773]		Species or species habitat may occur within area
<a href="#">Crocodylus porosus</a> Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area

## Extra Information

### Invasive Species [\[ Resource Information \]](#)

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resouces Audit, 2001.

Name	Status	Type of Presence
<b>Frogs</b>		
<a href="#">Rhinella marina</a> Cane Toad [83218]		Species or species habitat likely to occur within area
<b>Mammals</b>		
<a href="#">Bos taurus</a> Domestic Cattle [16]		Species or species habitat likely to occur within area
<a href="#">Bubalus bubalis</a> Water Buffalo, Swamp Buffalo [1]		Species or species habitat likely to occur within area
<a href="#">Canis lupus familiaris</a> Domestic Dog [82654]		Species or species habitat likely to occur within area
<a href="#">Equus asinus</a> Donkey, Ass [4]		Species or species habitat likely to occur within area
<a href="#">Equus caballus</a> Horse [5]		Species or species habitat likely to occur within area
<a href="#">Felis catus</a> Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
<a href="#">Rattus rattus</a> Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
<a href="#">Sus scrofa</a> Pig [6]		Species or species habitat likely to occur within area
<b>Plants</b>		
<a href="#">Acacia nilotica subsp. indica</a> Prickly Acacia [6196]		Species or species habitat may occur within area
<a href="#">Cenchrus ciliaris</a> Buffel-grass, Black Buffel-grass [20213]		Species or species habitat likely to occur

Name	Status	Type of Presence within area
<a href="#">Jatropha gossypifolia</a> Cotton-leaved Physic-Nut, Bellyache Bush, Cotton-leaf Physic Nut, Cotton-leaf Jatropha, Black Physic Nut [7507]		Species or species habitat likely to occur within area
<a href="#">Parkinsonia aculeata</a> Parkinsonia, Jerusalem Thorn, Jelly Bean Tree, Horse Bean [12301]		Species or species habitat likely to occur within area
<a href="#">Parthenium hysterophorus</a> Parthenium Weed, Bitter Weed, Carrot Grass, False Ragweed [19566]		Species or species habitat may occur within area
<a href="#">Vachellia nilotica</a> Prickly Acacia, Blackthorn, Prickly Mimosa, Black Piquant, Babul [84351]		Species or species habitat likely to occur within area

#### Reptiles

<a href="#">Hemidactylus frenatus</a> Asian House Gecko [1708]		Species or species habitat likely to occur within area
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#### EPBC Act Referrals

[\[ Resource Information \]](#)

Further details about the referral or advice - including its current status if still active - are available in its PINK report; click on the title.

#### Referral

Title	Reference	Referral Outcome	Assessment Status
<a href="#">Construction of access roads to iron ore deposits and two turkeys-nests</a>	2011/5869		Withdrawn-Completed
<a href="#">Construction of an iron ore mine and associated infrastructure</a>	2013/6726	CA	Approval Decision Made-POST-APPROVAL/COMPLIANCE
<a href="#">Roper Valley Iron Ore Project, NT</a>	2017/7929	CA	Assessment Method Determined-Assessment Approach

# Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

# Coordinates

-15.483 133.9288

# Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environment and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [-Forestry Corporation of NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- [-Other groups and individuals](#)

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

s22

**From:** s22  
**Sent:** Wednesday, 4 April 2018 1:57 PM  
**To:** s22  
**Subject:** FW: Another project we have not been referred [SEC=UNCLASSIFIED]  
**Attachments:** ERT\_FL9K4M.pdf

---

**From:** s22  
**Sent:** Wednesday, 15 November 2017 12:02 PM  
**To:** s22  
**Cc:** s22  
**Subject:** Another project we have not been referred [SEC=UNCLASSIFIED]

Hi s22  
Today's press clips show another project that might have deserved a referral:

Maryfield station has been given NT approval to clear 20,000 ha, 200km south of Katherine.

s22 has run up an approximate ERT, which indicates only 'likely' and 'may be present' species, such as Ghost Bat and Gouldian Finch.

<http://www.abc.net.au/news/rural/2017-11-14/20000-hectares-of-land-approved-for-clearing-in-nt-maryfield/9145976>

s22

---

**From:** s22  
**Sent:** Wednesday, 15 November 2017 11:08 AM  
**To:** s22 <[s22@environment.gov.au](mailto:s22@environment.gov.au)>  
**Subject:** FW: ERT Report [SEC=UNCLASSIFIED]

Very rough...

s22  
Project Officer  
Major Projects West Section | Environment Standards Division  
Department of the Environment and Energy  
Phone +61 2 s22 | email: s22@environment.gov.au

Please note I do not work Thursdays or Fridays



**From:** [noreply@environment.gov.au](mailto:noreply@environment.gov.au) [<mailto:noreply@environment.gov.au>]  
**Sent:** Wednesday, 15 November 2017 10:58 AM  
**To:** s22 <[s22@environment.gov.au](mailto:s22@environment.gov.au)>  
**Subject:** ERT Report [SEC=UNCLASSIFIED]

Your report (FL9K4M) has been successfully generated. You can provide feedback by sending an email to [web-gis@environment.gov.au](mailto:web-gis@environment.gov.au).

# EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Maryfield Station

Report created: 05/04/18 19:26:57

[Summary](#)

[Details](#)

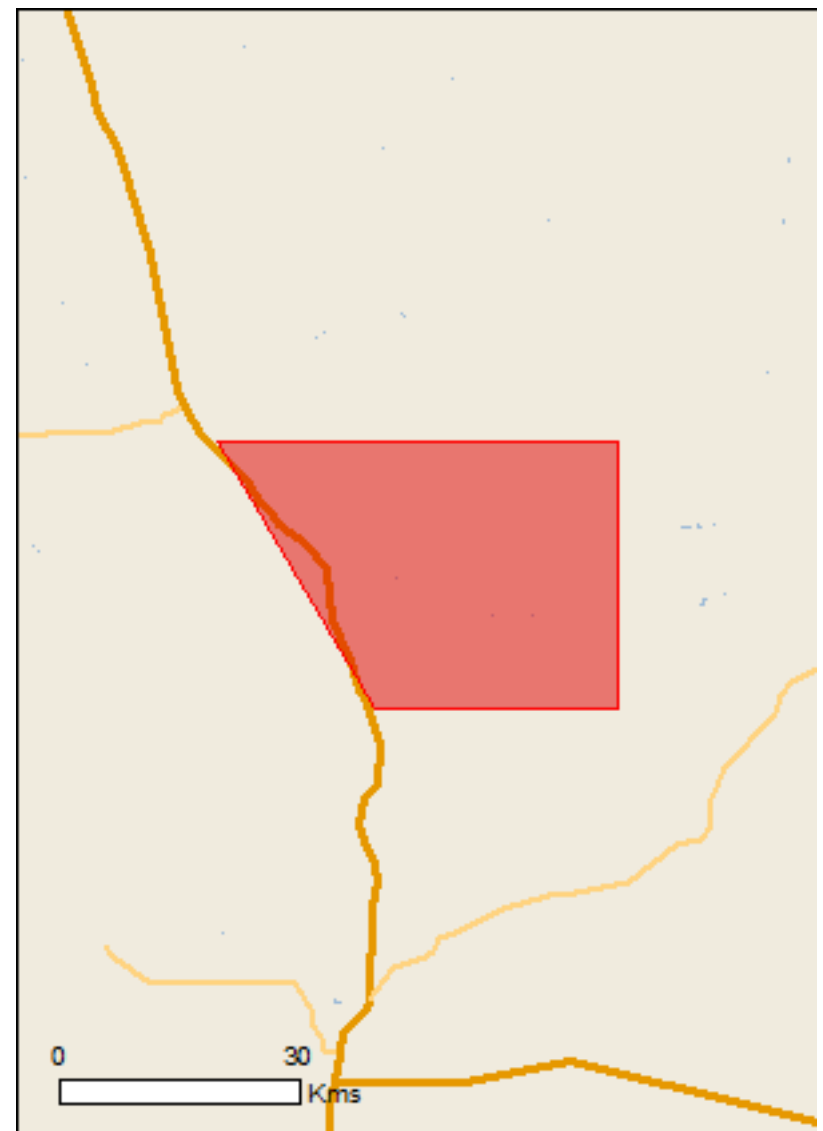
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are  
©Commonwealth of Australia  
(Geoscience Australia), ©PSMA 2010





# Summary

## Matters of National Environment Significance

<a href="#">World Heritage Properties:</a>	None
<a href="#">National Heritage Places:</a>	None
<a href="#">Wetlands of International Significance:</a>	None
<a href="#">Great Barrier Reef Marine Park:</a>	None
<a href="#">Commonwealth Marine Area:</a>	None
<a href="#">Threatened Ecological Communities:</a>	None
<a href="#">Threatened Species:</a>	12
<a href="#">Migratory Species:</a>	14

## Other Matters Protected by the EPBC Act

<a href="#">Commonwealth Lands:</a>	None
<a href="#">Commonwealth Heritage Places:</a>	None
<a href="#">Listed Marine Species:</a>	21
<a href="#">Whales and Other Cetaceans:</a>	None
<a href="#">Critical Habitats:</a>	None
<a href="#">Commonwealth Reserves Terrestrial:</a>	None
<a href="#">Commonwealth Reserves Marine</a>	None

## Extra Information

This part of the report provides information that may also be relevant to the area you have

<a href="#">State and Territory Reserves:</a>	None
<a href="#">Regional Forest Agreements:</a>	None
<a href="#">Invasive Species:</a>	10
<a href="#">Nationally Important Wetlands:</a>	None
<a href="#">EPBC Act Referrals:</a>	None
<a href="#">Key Ecological Features (Marine)</a>	None

# Details

## Matters of National Environmental Significance

Threatened Species		[ Resource Information ]
Name	Status	Type of Presence
<b>BIRDS</b>		
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Erythrotriorchis radiatus</a> Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Erythrura gouldiae</a> Gouldian Finch [413]	Endangered	Species or species habitat likely to occur within area
<a href="#">Falcunculus frontatus whitei</a> Crested Shrike-tit (northern), Northern Shrike-tit [26013]	Vulnerable	Species or species habitat known to occur within area
<a href="#">Grantiella picta</a> Painted Honeyeater [470]	Vulnerable	Species or species habitat known to occur within area
<a href="#">Rostratula australis</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
<a href="#">Tyto novaehollandiae kimberli</a> Masked Owl (northern) [26048]	Vulnerable	Species or species habitat may occur within area
<b>MAMMALS</b>		
<a href="#">Dasyurus hallucatus</a> Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat may occur within area
<a href="#">Macroderma gigas</a> Ghost Bat [174]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Macrotis lagotis</a> Greater Bilby [282]	Vulnerable	Species or species habitat may occur within area
<a href="#">Saccolaimus saccolaimus nudicluniatus</a> Bare-rumped Sheath-tailed Bat, Bare-rumped Sheath-tail Bat [66889]	Vulnerable	Species or species habitat may occur within area
<b>REPTILES</b>		
<a href="#">Elseya lavarackorum</a> Gulf Snapping Turtle [67197]	Endangered	Species or species habitat may occur within area
Migratory Species		[ Resource Information ]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
<b>Migratory Marine Birds</b>		
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<b>Migratory Marine Species</b>		
<a href="#">Crocodylus porosus</a> Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species

Name	Threatened	Type of Presence
<b>Migratory Terrestrial Species</b>		
<a href="#">Cecropis daurica</a> Red-rumped Swallow [80610]		habitat likely to occur within area
<a href="#">Cuculus optatus</a> Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
<a href="#">Hirundo rustica</a> Barn Swallow [662]		Species or species habitat may occur within area
<a href="#">Motacilla cinerea</a> Grey Wagtail [642]		Species or species habitat may occur within area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat may occur within area

<b>Migratory Wetlands Species</b>		
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area
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<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area
<a href="#">Charadrius veredus</a> Oriental Plover, Oriental Dotterel [882]		Species or species habitat may occur within area
<a href="#">Glareola maldivarum</a> Oriental Pratincole [840]		Species or species habitat may occur within area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat may occur within area

## Other Matters Protected by the EPBC Act

Listed Marine Species		[ Resource Information ]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
<b>Birds</b>		
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area
<a href="#">Anseranas semipalmata</a> Magpie Goose [978]		Species or species habitat may occur within area
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<a href="#">Ardea alba</a> Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
<a href="#">Ardea ibis</a> Cattle Egret [59542]		Species or species habitat may occur within

Name	Threatened	Type of Presence area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area
<a href="#">Charadrius veredus</a> Oriental Plover, Oriental Dotterel [882]		Species or species habitat may occur within area
<a href="#">Cuculus saturatus</a> Oriental Cuckoo, Himalayan Cuckoo [710]		Species or species habitat may occur within area
<a href="#">Glareola maldivarum</a> Oriental Pratincole [840]		Species or species habitat may occur within area
<a href="#">Haliaeetus leucogaster</a> White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area
<a href="#">Hirundo daurica</a> Red-rumped Swallow [59480]		Species or species habitat may occur within area
<a href="#">Hirundo rustica</a> Barn Swallow [662]		Species or species habitat may occur within area
<a href="#">Merops ornatus</a> Rainbow Bee-eater [670]		Species or species habitat may occur within area
<a href="#">Motacilla cinerea</a> Grey Wagtail [642]		Species or species habitat may occur within area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat may occur within area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat may occur within area
<a href="#">Rostratula benghalensis (sensu lato)</a> Painted Snipe [889]	Endangered*	Species or species habitat may occur within area
<b>Reptiles</b>		
<a href="#">Crocodylus johnstoni</a> Freshwater Crocodile, Johnston's Crocodile, Johnston's River Crocodile [1773]		Species or species habitat may occur within area
<a href="#">Crocodylus porosus</a> Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area

## Extra Information

### Invasive Species

[ [Resource Information](#) ]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,

Name	Status	Type of Presence
<b>Frogs</b>		
<a href="#">Rhinella marina</a>		
Cane Toad [83218]		Species or species habitat likely to occur within area
<b>Mammals</b>		
<a href="#">Bubalus bubalis</a>		
Water Buffalo, Swamp Buffalo [1]		Species or species habitat likely to occur within area
<a href="#">Camelus dromedarius</a>		
Dromedary, Camel [7]		Species or species habitat likely to occur within area
<a href="#">Canis lupus familiaris</a>		
Domestic Dog [82654]		Species or species habitat likely to occur within area
<a href="#">Felis catus</a>		
Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
<a href="#">Sus scrofa</a>		
Pig [6]		Species or species habitat likely to occur within area
<b>Plants</b>		
<a href="#">Cenchrus ciliaris</a>		
Buffel-grass, Black Buffel-grass [20213]		Species or species habitat likely to occur within area
<a href="#">Jatropha gossypifolia</a>		
Cotton-leaved Physic-Nut, Bellyache Bush, Cotton-leaf Physic Nut, Cotton-leaf Jatropha, Black Physic Nut [7507]		Species or species habitat likely to occur within area
<a href="#">Vachellia nilotica</a>		
Prickly Acacia, Blackthorn, Prickly Mimosa, Black Piquant, Babul [84351]		Species or species habitat likely to occur within area
<b>Reptiles</b>		
<a href="#">Hemidactylus frenatus</a>		
Asian House Gecko [1708]		Species or species habitat likely to occur within area

# Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

# Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environment and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [-Forestry Corporation of NSW](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

# NT Department of Environment and Natural Resources and Commonwealth Department of Environment and Energy

## Workshop: Agricultural development and environmental law

DENR Building Address

1.00-4.30pm

9 April 2018

<b>DENR Attendees</b>	
<b>DoEE Attendees</b>	s22 (Projects Assessments West, Environment Standards Division) s22 (Threatened Species, Office of Compliance) s22 (Compliance, Office of Compliance) s22 (Strategic Initiatives and Engagement, Office of Compliance)

Time	Session	Lead
<b>1.00pm</b>	Introductions	
	DENR and Environmental Assessment - Overview	
	Application of the EPBC Act - <b>Overview</b> – MNES – Exemptions – Referral/Assessment/Approval	s22 / s22 / s22 (DoEE)
	Review of the interaction between the EPBC Act and agriculture and food production - <b>Update</b>	s22 (DoEE)



	EPBC considerations for threatened species in the Northern Territory - <b>Workshop</b> <ul style="list-style-type: none"><li>- Tiering the species</li><li>- Significant impact considerations</li><li>- Mitigation</li></ul>	s22 (DoEE)
<b>4.30pm</b>	Close	

DRAFT



## Northern Territory Pastoral Land Clearing

### *Background*

- In February 2018, the NSW Environmental Defenders Office (EDO) requested that the Department investigate potential breaches of the EPBC Act, in relation to proposed clearing at four pastoral stations in the NT: Maryfield, §22
- Clearing at these pastoral stations is yet to commence as the relevant applications are still being assessed by the NT Government. Decision on pastoral land clearing are made by the NT Pastoral Land Board based on the recommendation of the NT Department of Environment and Natural Resources (DENR).
- The Department's Office of Compliance has to date led the examination of the issues raised by the EDO, however, as no clearing has occurred, it is not technically a compliance matter. OoC may require that PAWS take future leadership on this.

### *Actions Undertaken*

- To date, the Department is focusing on ensuring that the NT pastoral sector is aware of their obligation under national environmental law and that the NT Government has the resources to support this awareness through its own referral processes.
- With this in mind, in April 2018, Departmental officers met with representatives from the DENR to discuss pastoral land clearing in the NT. I understand that the DENR assessment processes adopts a precautionary approach that assumes the presence of EPBC listed threatened species in all areas of potential habitat and ensures that proponents avoid clearing the most important areas. NT pastoral stations are very large, and there is therefore substantial potential to choose to clear in areas that are less important for threatened species.
- As a result the Department has confidence in the NT assessment and approval process. The Department will continue to engage with relevant stakeholders to ensure that the pastoral sector is aware of, and complies with the EPBC Act.
- The proposed clearing at Maryfield, §22 is still being assessed by the NT Government. The Department's interim view is that it is satisfied that the NT process is likely to adequately protect the most important habitats. Nevertheless the Department will consider the situation and will respond to the EDO's letter in due course.

### *Potential Questions*

- If asked whether clearing at Maryfield, §22 should be referred under the EBPC Act
  - Under the EPBC Act is it an obligation of the proponent to refer actions that are likely to have a significant impact on matters of national environmental significance. The Department will continue to work with relevant stakeholders to ensure that pastoralists are aware of their EPBC Act obligations.
  - The Department has confidence that the NT assessment and approval process adequately considers EPBC listed threatened species and communities. The Department is yet to reach a firm position on whether these specific projects should be referred.

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s22

**From:** Manning, Gregory  
**Sent:** Tuesday, 12 December 2017 10:58 AM  
**To:** s22  
**Cc:** s22  
**Subject:** RE: Media query for clearance. [SEC=UNCLASSIFIED]

Apologies for the delay – been well caught up in another matter.

I would just send

- The Department has not received any referrals under the EPBC Act for clearing on Maryfield, s22 stations.

Greg.

---

**From:** s22  
**Sent:** Tuesday, 12 December 2017 8:32 AM  
**To:** Manning, Gregory <Gregory.Manning@environment.gov.au>  
**Cc:** s22  
**Subject:** FW: Media query for clearance. [SEC=UNCLASSIFIED]

Dear Greg,

Sorry to keep hassling you on this one but we do need to come up with a cleared response.

The powers that be may decide that it should not be sent but s22  
I think it best that we at least progress the query to the point where that determination can be made.

Happy to discuss if you have any concerns,

**s22 | Public Affairs Officer**  
External Engagement team, Communications, Innovation and Partnerships Branch  
Policy Advice and Implementation Division  
Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601  
T 02 s22 s22

**Note to media:** Unless otherwise agreed, the information contained in this email is for background only and is not for attribution.

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



s22  
Public Affairs Officer  
Engagement and Evaluation Branch

Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601  
T 02 s22 M  
s22

**Note to media:** Unless otherwise agreed, the information contained in this email is for background only and is not for attribution.



---

**From:** s22  
**Sent:** Monday, 11 December 2017 12:22 PM  
**To:** Manning, Gregory <[Gregory.Manning@environment.gov.au](mailto:Gregory.Manning@environment.gov.au)>; s22  
<s22@environment.gov.au>  
**Cc:** s22@environment.gov.au  
**Subject:** RE: Media query for clearance. [SEC=UNCLASSIFIED]

Thank you s22

Greg, the only issue then becomes we have received s22, which can be viewed as a form of agriculture. If you think that's too tangential, then the below would be okay.

s22  
X s22

---

**From:** s22  
**Sent:** Monday, 11 December 2017 12:18 PM  
**To:** s22@environment.gov.au  
**Cc:** Manning, Gregory <[Gregory.Manning@environment.gov.au](mailto:Gregory.Manning@environment.gov.au)>; s22  
<s22@environment.gov.au>  
**Subject:** RE: Media query for clearance. [SEC=UNCLASSIFIED]

Hi s22 Greg and s22,

I do think that there is value in at least sending the response to the MO so that they can make a call on whether we respond. But I also thought that Greg wanted to include a line about referrals over the past three years. So how about:

- The Department has not received any referrals under the EPBC Act for clearing on Maryfield, s22 or any other land clearing proposal for agriculture or livestock in the Northern Territory in the past three years.

s22 | **Public Affairs Officer**  
External Engagement team, Communications, Innovation and Partnerships Branch  
Policy Advice and Implementation Division  
Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601  
T 02 s22 M s22



s22 [@environment.gov.au](mailto:s22@environment.gov.au)

**Note to media:** Unless otherwise agreed, the information contained in this email is for background only and is not for attribution.

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



s22  
Public Affairs Officer  
Engagement and Evaluation Branch  
Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601  
T 02 s22 M  
s22 [@environment.gov.au](mailto:s22@environment.gov.au)

**Note to media:** Unless otherwise agreed, the information contained in this email is for background only and is not for attribution.



---

**From:** s22  
**Sent:** Monday, 11 December 2017 12:05 PM  
**To:** s22 [@environment.gov.au](mailto:s22@environment.gov.au)>  
**Cc:** Manning, Gregory <[Gregory.Manning@environment.gov.au](mailto:Gregory.Manning@environment.gov.au)>; s22  
<s22 [@environment.gov.au](mailto:s22@environment.gov.au)>  
**Subject:** RE: Media query for clearance. [SEC=UNCLASSIFIED]

Hi s22

I spoke to Greg this morning. If you still think there is value in our doing so, Greg is comfortable we can send the first dot point as discussed below.

This is on the basis Compliance have indicated to me by email "The last contact we had with NT pastoralists was several years ago – we think probably 5 years ago...."

many thanks, s22

X s22

---

**From:** Manning, Gregory  
**Sent:** Friday, 8 December 2017 5:35 PM  
**To:** Collins, Monica <[Monica.Collins@environment.gov.au](mailto:Monica.Collins@environment.gov.au)>; s22  
s22 [@environment.gov.au](mailto:s22@environment.gov.au)>; Media <[Media@environment.gov.au](mailto:Media@environment.gov.au)>  
**Cc:** s22 [@environment.gov.au](mailto:s22@environment.gov.au)>; s22 [@environment.gov.au](mailto:s22@environment.gov.au)>  
**Subject:** RE: Media query for clearance. [SEC=UNCLASSIFIED]

Ok by me.

But still think we need to also do the check on the previous three years.

---

**From:** Collins, Monica  
**Sent:** Friday, 8 December 2017 5:32 PM  
**To:** Manning, Gregory <[Gregory.Manning@environment.gov.au](mailto:Gregory.Manning@environment.gov.au)>; s22  
s22 <[REDACTED]@environment.gov.au>; Media <[Media@environment.gov.au](mailto:Media@environment.gov.au)>  
**Cc:** s22 <[REDACTED]@environment.gov.au>; s22 <[REDACTED]@environment.gov.au>  
**Subject:** RE: Media query for clearance. [SEC=UNCLASSIFIED]

Hi s22

I propose that the response is the first dot point only – ie the Department has not received referrals for the three properties mentioned.

Thanks  
Monica

Monica Collins  
**Chief Compliance Officer**  
**Office of Compliance**  
Department of the Environment and Energy  
P: 02 6274 2760  
M: s22

---

**From:** Manning, Gregory  
**Sent:** Friday, 8 December 2017 5:13 PM  
**To:** s22 <[REDACTED]@environment.gov.au>; Collins, Monica  
<[Monica.Collins@environment.gov.au](mailto:Monica.Collins@environment.gov.au)>  
**Cc:** s22 <[REDACTED]@environment.gov.au>; s22 <[REDACTED]@environment.gov.au>  
**Subject:** RE: Media query for clearance. [SEC=UNCLASSIFIED]

Suggested amendments to response below

Monical FYI – note questions from media regarding land clearing in NT.

- The Department has not received any referrals under the EPBC Act for clearing on Maryfield, s22 [REDACTED] stations.

For the next three dot points there is a more standard set of words that we use to cover this territory – perhaps from the referral guidelines? I think it would be better to stick to that wording.

- The Department is able to provide proponents with guidance as to whether a proposed project is likely to have a significant impact on a matter protected under national environment law.
- Projects likely to have a significant impact on a matter protected under national environment law, such as a threatened species, must be submitted to the federal environment Department to see whether federal assessment is needed.
- It is the proponent's responsibility to refer an activity under national environment law if they think it could cause a significant impact on a nationally protected matter.

---

**From:** s22  
**Sent:** Friday, 8 December 2017 3:21 PM  
**To:** Manning, Gregory <[Gregory.Manning@environment.gov.au](mailto:Gregory.Manning@environment.gov.au)>

Cc: s22 [redacted] <[s22@environment.gov.au](mailto:s22@environment.gov.au)>; s22 [redacted] <[s22@environment.gov.au](mailto:s22@environment.gov.au)>  
Subject: FW: Media query for clearance. [SEC=UNCLASSIFIED]

Dear Greg,

Just confirming that there has been no compliance action with regard to these properties.

---

**From:** s22 [redacted]  
**Sent:** Friday, 8 December 2017 2:58 PM  
**To:** Manning, Gregory <[Gregory.Manning@environment.gov.au](mailto:Gregory.Manning@environment.gov.au)>  
**Cc:** s22 [redacted] <[s22@environment.gov.au](mailto:s22@environment.gov.au)>; s22 [redacted] <[s22@environment.gov.au](mailto:s22@environment.gov.au)>; Media <[Media@environment.gov.au](mailto:Media@environment.gov.au)>  
**Subject:** Media query for clearance. [SEC=UNCLASSIFIED]

Dear Greg,

Please see media query below from s22, s47F [redacted] . s22 [redacted] has put the draft response below together.

This is clearly linked to the whole issue of Qld land clearing which this particular journo is pursuing with vigour.

s22 [redacted] is checking with compliance that they have not taken action on any of these activities. We will not send this reply to the MO for clearance until such time as compliance confirms nil activity. If there has been any compliance activity then we will adjust the response and clear through Monica Collins as well.

For your comment/clearance please.

- The proposed clearing on Maryfield, s22 [redacted] stations hasn't been submitted to my Department.
- My Department may be able to provide proponents with guidance as to whether a proposed project is likely to have a significant impact on a matter protected under national environment law.
- Projects likely to have a significant impact on a matter protected under national environment law, such as a threatened species, must be submitted to the federal environment Department to see whether federal assessment is needed.
- It is the proponent's responsibility to refer an activity under national environment law if they think it could cause a significant impact on a nationally protected matter.

---

**From:** s22, s47F [redacted] <[s22@guardian.co.uk](mailto:s22@guardian.co.uk)>  
**Sent:** Friday, 8 December 2017 12:39 PM  
**To:** Media <[Media@environment.gov.au](mailto:Media@environment.gov.au)>  
**Subject:** Query: Clearing in the Northern Territory

Hi there,

I have some queries about whether some planned clearing in the Northern Territory has been referred under the EPBC. I cannot see any reference to them on the EPBC referrals database, but I want to make sure that I'm not missing it.

**Can you get back to me by 5pm today?**

Here are the three actions I'm wondering about:

1. More than 20,000 hectares of clearing on the Maryfield property, which has been approved by NT authorities, and appears to have begun. [https://nt.gov.au/\\_data/assets/pdf\\_file/0011/362738/maryfield-station-clearing-application.pdf](https://nt.gov.au/_data/assets/pdf_file/0011/362738/maryfield-station-clearing-application.pdf)

2. s22

3. s22

**In addition**, I'm wondering: Has any land clearing proposal for agriculture or livestock in the Northern Territory been referred under the EPBC in the past three years? If so, what are they? (I don't see any on the EPBC referrals list.)

Regards,  
s22, s47F

--

s22, s47F

Environment Reporter  
The Guardian | Australia

@s22, s47F

m: s22, s47F

s22, s47F [@theguardian.com](mailto:s22, s47F@theguardian.com)



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**To:** Deputy Secretary, Dean Knudson (for noting)

**Through:** Chief Compliance Officer, Monica Collins

**NATIONAL ENVIRONMENTAL LAW AND AGRICULTURAL DEVELOPMENTS  
INCLUDING LAND CLEARING**

**Timing:** 12 December 2017

<b>Recommendation:</b>			
1. That you note the contents of this brief.			
			<b>Noted/ please discuss</b>
Deputy Secretary Knudson			
Date:			
<b>Clearing Officer:</b>	Monica Collins	CCO, Office of Compliance	02 6274 2760
Sent ..../..			s22 [redacted] 5
Contact Officer:	s22 [redacted] z	Director, Compliance Section	0s22 [redacted] 4

**Key Points:**

- The Department is continuing to receive an increasing number of allegations of illegal land clearing associated with agricultural development resulting in potential impacts on matters of national environmental significance (**Attachment A**). There is a significant increase in media and other enquiries (for example, EDO's and FOI requests) calling the Department to be accountable for its decisions regarding native vegetation compliance activity.
- Only the most serious of allegations are subject to full enquiries by the Department.
- Drivers of increased rates of agricultural development including land clearing include:
  - s22 [redacted]
  - An increasing number of State approved agricultural developments in the Northern Territory and s22 [redacted].
- Agricultural development, including land clearing, will remain a significant issue for national environmental law as the industry attempts to capitalise on growing global demand for food and fibre. Clearing without approval under the Act is more likely in states and territories where state or territory legislation does not align with national environment law.

**Environment Protection and Biodiversity Conservation Act 1999**

- Our approach to supporting land owner compliance with national environmental law is focused on helping landholders understand their obligations. Initial engagement in NSW has improved key stakeholders understanding of requirements under the Act.
- s37, s45 [REDACTED]
- As37, s45 [REDACTED]
- Further engagement with the agricultural sector in NT, s22 [REDACTED] agricultural sectors, including working with state co-regulators and agricultural peak bodies is needed to help farmers consider national and state environmental law in parallel when planning new agricultural development.

### **Background**

- Land clearing has been identified as a Key Threatening Process<sup>1</sup> under the *Environment Protection and Biodiversity Conservation Act 1999*<sup>2</sup> because of the extent to which it adversely impacts protected matters such as threatened species and ecological communities.
- The 2016 State of the Environment Report identifies that the legacy of extensive land clearing and current clearing policies in some jurisdictions continue to cause loss of biodiversity (including the loss and fragmentation of native vegetation).

### **Sensitivities and Handling**

1. There are environmental and reputational risks to the Department and the Minister if allegations of serious non-compliance with national environmental law are not investigated. For example, there may be a perception that the law is being applied inconsistently across industry sectors or that investigations are being unduly influenced.
2. There is significant political interest in the manner in which the Department responds to significant environmental crime in the rural sector.
3. A number of actions associated with the agricultural sector have been paused while the Department reviews its application of national environmental law in agricultural contexts.

### **ATTACHMENTS**

A: Land Clearing Jurisdictional trends

B: Triage process

C: Protocol: land clearing for agricultural development

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<sup>1</sup> A threatening process is defined as a key threatening process if it threatens or may threaten the survival, abundance or evolutionary development of a native species or ecological community

<sup>2</sup> Land clearing was identified as a threatening process under the *Endangered Species Protection Act 1992* (ESP Act). The decision was affirmed when the EPBC Act came into force



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**Northern Territory**

Since February 2016 there have been applications from 28 properties to clear over 90,000 hectares of native vegetation across the Territory.

A desktop assessment of one of properties found that the clearing of 20,432 hectares of native vegetation may impacted on protected matters, no referral has been submitted.

An initial assessment leads Compliance to believe that, for a number of those properties, should clearing proceed without approval under the EPBC Act, could result in a significant impact and constitute a contravention of the Act.

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## Agricultural development and national environmental law

Some agricultural development needs to be approved under national environmental law before it can start, and so landholders and land managers need to know about the *Environment Protection and Biodiversity Conservation Act 1999* (the Act).

The Act is Australia's premier environmental law. The Act is administered by the Australian Government Department of the Environment and Energy.

The Act protects matters that are of national environmental significance. Those that could be impacted by agricultural development include:

- threatened plant and animal species
- threatened ecological communities
- migratory species
- wetlands of international importance (Ramsar Wetlands)
- world and national heritage properties
- the Great Barrier Reef (indirect impacts from runoff of sediment or nutrients).

To see if there are any nationally protected matters in your area, you can do a protected matters search at: [www.environment.gov.au/epbc/protected-matters-search-tool](http://www.environment.gov.au/epbc/protected-matters-search-tool).

### When do I need approval for my agricultural development?

You do not need to seek approval under national environmental law if your agricultural development is:

- **a routine land management activity** such as maintaining existing fence lines and fire breaks, managing weeds and pests

- **an ongoing activity that you commenced prior to July 2000**, such as cropping or grazing practices, as long as you are not expanding or intensifying that activity
- **an activity that received all the required environmental authorisations prior to July 2000** and those authorisations remains in force. For example, an environmental authorisation may be a state land clearing permit.

Only a new, expanded or intensified agricultural development that is likely to have a significant impact on a nationally protected matter needs approval under national environmental law.

Not all agricultural developments affecting nationally protected matters will have a significant impact and require approval under the Act. Determining whether your activity is likely to have a significant impact can be complex. We can provide advice about nationally protected matters, significant impacts and the Act generally. There is also information on our website: [www.environment.gov.au/about-us/business-us/permits-assessments-licences](http://www.environment.gov.au/about-us/business-us/permits-assessments-licences).

**If you need assistance or are unsure whether you need approval call us on 1800 803 772.**

## What is a significant impact?

A **significant impact** is something that can affect the overall health and survival of a protected matter. Significance is judged as impacts on whole populations, not impacts on individual members of a species. It is looked at on a case-by-case basis, factoring in:

- **Status of the protected matter**—a small impact may be significant for a species that is critically endangered but not for one that is vulnerable.
- **Intensity**—felling or killing plants is more likely to have a significant impact than pruning or slashing where plants can recover.
- **Extent**—the larger the size of the impact, the more likely the impact will be significant.
- **Duration**—short-term impacts are less likely to be significant than irreversible, permanent ones.

### Agricultural development **unlikely** to trigger national environmental law include:

- ongoing grazing, horticultural or cropping activities
- maintaining existing fences, access tracks and firebreaks
- maintaining existing farm gardens and orchards
- maintaining existing farm dams or water storages
- maintaining existing pumps and clearing drainage lines
- replacing and maintaining sheds, yards and other buildings
- targeted control of weeds and spraying for pests on individual properties or roadside verges with minimal disturbance to native species (e.g. selective spot spraying)
- road maintenance, including grading on the road edges
- moving farm vehicles and machinery providing there is a minimal impact on native vegetation
- the continuation of historic controlled burning for wild fire protection
- removing or trimming individual native trees or small stands that are over an exotic or degraded understorey.

### Agricultural development **most likely** to impact nationally protected matters include:

- clearing or thinning high quality areas of a threatened ecological community or species habitat
- introducing grazing, significantly intensifying grazing or changing from grazing to cropping within or near some threatened ecological communities and species habitats, and Great Barrier Reef or Ramsar wetland catchments
- substantially changing or intensifying methods of weed control or fertiliser use in or next to a high quality area of a threatened ecological community or species habitat or Ramsar wetland
- intensifying methods of fertiliser use in or near to a Ramsar wetland
- improving pasture, where it is good quality threatened ecological community, by introducing exotic plant species or by mechanical disturbance
- irrigation of new high quality areas of a threatened ecological community or species habitat
- extensive habitat removal such as rock removal or rock crushing and stag removal, in a good quality threatened ecological community.



## How do I get approval and what help is available?

Seeking approval is done online by submitting a referral: <https://onlineservices.environment.gov.au/>.

If you need assistance or are unsure whether you need approval call us 1800 803 772. We will help you to complete the process and can provide advice at each stage.

## What will it cost?

If you are an individual, or small business with an aggregated turnover of less than \$10 million, in the previous financial year, you are likely to be eligible for an exemption from fees.

More information on cost recovery is available at [www.environment.gov.au/epbc/cost-recovery](http://www.environment.gov.au/epbc/cost-recovery).

## How long will it take?



## What happens if I break the law?

If you think you may have broken the law it is best to contact us as soon as possible to explain what has happened. We will work with you to enable your agricultural development to be undertaken lawfully.

Contact us on 1800 803 772.

We take our responsibilities under national environmental law seriously. Where serious non-compliance occurs we will take appropriate compliance action.

## Is there funding available to support me to manage biodiversity on my property?

Having a nationally protected matter such as a threatened ecological community or species on your property may be a source of income. It can potentially be used by developers as an **environmental offset**. The payment and income structure is negotiated directly between you and the developer.

There are also opportunities under the Australian Government's **Emissions Reduction Fund and the National Landcare Program**.

The Emissions Reduction Fund provides landholders with new ways to increase the productivity of their land and generate revenue by lowering emissions. Information about the fund is available at: [www.environment.gov.au/climate-change/emissions-reduction-fund](http://www.environment.gov.au/climate-change/emissions-reduction-fund).

The National Landcare Program supports sustainable land management practices as well as supporting the protection, conservation and rehabilitation of Australia's natural environment. Information about the program is available at: [nrm.gov.au/](http://nrm.gov.au/).

More information about our range of funding and investment programs is available at: [www.environment.gov.au/about-us/grants-funding](http://www.environment.gov.au/about-us/grants-funding).

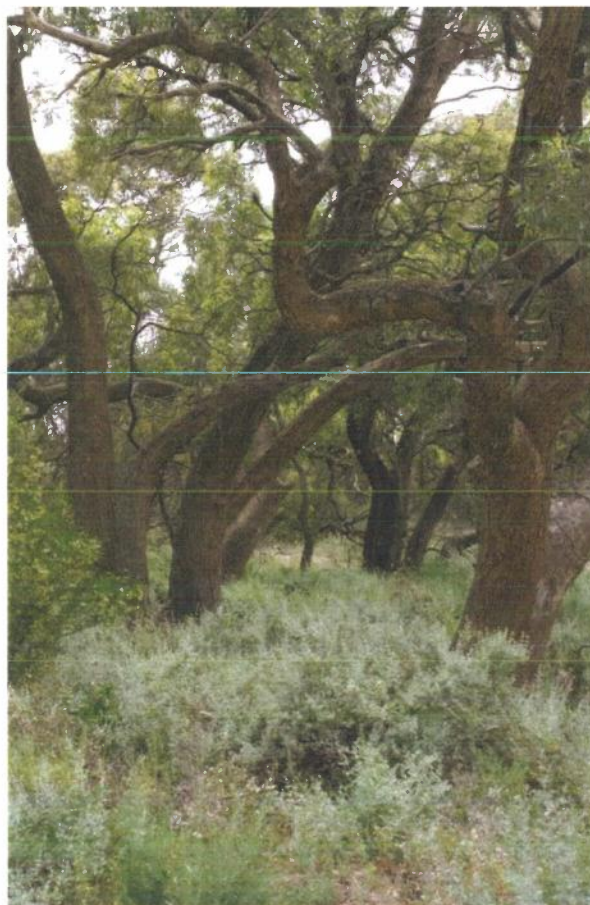
## Who can I talk to for more information?

You can talk to us, the Department of the Environment and Energy on **1800 803 772**. We will assist with advice about nationally protected matters, significant impacts and, if required, how to seek approval under national environmental law. We are keen to work with and support farmers, especially those who may not have considered the Act in the past.

Information about the Act is also available at [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc).

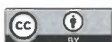
You can also talk to:

- **people in your local community** who can come to your property to discuss your plan. This includes Natural Resource Management, Catchment Management or Local Land Services officers, local council environment officers, Landcare officers or 'Friends of' groups and qualified experts such as an ecologist.
- **state land management officers** who can assist with advice about mapping, regional ecosystems, protected matters, native vegetation clearance and how state laws apply to your property.



(Top) Floodplain vegetation (© John Baker and the Department of the Environment and Energy)  
(Above) Grey box grassy woodland (Matt White)

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s22

**From:** s22  
**Sent:** Monday, 11 December 2017 9:52 AM  
**To:** s22 Manning, Gregory  
**Subject:** FW: Political Alert - Northern Territory joins Australian deforestation frenzy (NT)  
[SEC=UNCLASSIFIED]  
**Attachments:** 345U7700.PDF

Please find attached:

NORTHERN TERRITORY JOINS AUSTRALIAN DEFORESTATION FRENZY (NT)

The Northern Territory has joined the deforestation frenzy sweeping Australia, environment groups said today when revealing a 10-fold increase in land targeted for clearing in the Northern Territory. Land targeted for clearing has jumped from an average of about 4600 hectares per year in the 12 years up to 2015 to nearly 10 times that amount, 45,500 hectares per year, in the past two years, according to new analysis of NT clearing permits. More than 24,000 hectares was approved for clearing in early November alone and an additional 23,742 hectares is under application. One property has applied to clear 15,000 hectares alone.

345U7700

Total number of pages 2

SUPPORT: politicalalert@cch.com.au or 02 6273 2070 MAILBOX: <http://www.cchparliament.com.au>



**THE  
WILDERNESS  
SOCIETY**



**Environment Centre NT**  
protecting nature | living sustainably | creating a climate for change

THE WILDERNESS SOCIETY AND ENVIRONMENT CENTRE NT MEDIA RELEASE December 11, 2017

## Northern Territory joins Australian deforestation frenzy

- **Nearly 10-fold increase in NT clearing permits on pastoral stations in the past 2 years**
- **Deforestation kills wildlife, damages land and rivers and causes greenhouse gas emissions**
- **Environmental groups call for immediate freeze on the granting of clearing permits**

The Northern Territory has joined the deforestation frenzy sweeping Australia, environment groups said today when revealing a 10-fold increase in land targeted for clearing in the Northern Territory.

Land targeted for clearing has jumped from an average of about 4600 hectares per year in the 12 years up to 2015 to nearly 10 times that amount, 45,500 hectares per year, in the past two years, according to new analysis of NT clearing permits.<sup>1</sup>

More than 24,000 hectares was approved for clearing in early November alone and an additional 23,742 hectares is under application. One property has applied to clear 15,000 hectares alone.

“Deforestation is exploding across the Northern Territory,” said Environment Centre NT Director Shar Molloy. “This is tragic for wildlife, for rivers and the many Territorians that love our special outdoors and way of life.

“Deforestation is also terrible for the climate, as forests are flattened by bulldozers then set ablaze, releasing greenhouse gas emissions.

“Chief Minister Michael Gunner needs to stop this unfolding tragedy and freeze the issuing of any more permits while more modern regulations that prevent mass deforestation can be put in place.”

There seem to be almost no environmental oversight of deforestation in the Northern Territory. Land clearing is regulated by the Pastoral Land Board, which includes four pastoralists and just one scientist. A full environmental assessment is not mandatory and the NT Environmental Protection Authority has little sway over the decision to grant permits.

For example, the Pastoral Land Board rejected the NT Environmental Protection Authority’s suggestion to have even a basic Biodiversity Management Plan when the board approved 20,432 hectares of clearing on Maryfield Station just last month.

“The NT has the worst regulation for deforestation of any jurisdiction in Australia,” said Wilderness Society Climate Campaign Manager Glenn Walker. “Having a board full of agricultural business people as the ultimate decision maker is mind-boggling. It’s like letting the foxes guard the hen house.

“Chief Minister Michael Gunner needs to undertake wholesale reform of deforestation laws to protect wildlife, rivers and the places Territorians love.

“The Turnbull Government also needs to step in and take action. There are very likely threatened species protected under Federal environmental laws on these properties where permits are being granted, but they are not even being assessed. The permitting process only requires a very basic desktop assessment, rather than additional field surveys.

“The Turnbull Government is failing badly to enforce Federal environmental laws where deforestation is occurring, just like in Queensland.

“Deforestation in Australia is spiralling out of control. Australia is the second worst country for species loss, according to a recent study published in Nature.

“Deforestation in Queensland has jumped from less than 100,000 hectares a year to almost 400,000 hectares annually in just five years, and other jurisdictions are starting to follow its terrible lead. New South Wales has just weakened its deforestation laws and in Western Australia there are vast clearing proposals for industrial agriculture in the Kimberley. The Northern Territory adds to the growing wave of environmental destruction confronting the nation.”

**For further comment contact:**

**Environment Centre NT Director Shar Molloy on 0488 112 350**

**Wilderness Society Climate Campaign Manager Glenn Walker on 0422 247 029**

**Environmental Defenders Office NSW CEO David Morris on 0402 778 997** (legal expert, formerly Principal Solicitor at Environmental Defenders Office NT)

**For more information, contact Wilderness Society media adviser Alex Tibbitts on 0416 420 168**

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<sup>1</sup> <https://nt.gov.au/property/land-clearing/current-applications-and-approvals-for-pastoral-land-clearing>

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**From:** s22  
**Sent:** Thursday, 24 May 2018 7:13 PM  
**To:** Manning, Gregory ; s22  
**Cc:** s22  
**Subject:** FW: FOI 180504 - The Wilderness Society - land clearing at Maryfield Station in the NT [SEC=UNCLASSIFIED]  
**Importance:** High

Hi Greg

s22

s22, we still need to follow up with OOC regarding who is going to lead on looking into the various allegations and respond to the EDO letter. Greg, you mentioned you might discuss that with Monica? Alternatively let s22 know if you want him to negotiate with OOC.

Regards

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FOI180710  
Document 32

**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MC18-002799

Ms Rana Koroglu  
Senior Solicitor  
NSW Environmental Defenders Office (EDO NSW)  
Level 5, 263 Clarence Street  
SYDNEY NSW 2000

Dear Ms Koroglu

Thank you for your letter on behalf of your clients, the Environment Centre NT and the Wilderness Society, requesting the Department of the Environment and Energy (the Department) investigate alleged breaches of the *Environment Protection and Biodiversity Conservation Act 1999* at four sites in the Northern Territory.

As you would be aware, the regulation of land-clearing is primarily the responsibility of state and territory governments. The Australian Government's involvement is limited to those actions which are likely to have a significant impact on a matter of national environmental significance. It is worth noting that not all land clearing events will result in a significant impact to a matter of national environmental significance and require approval.

The Department is engaging with Northern Territory co-regulators on the need to consider national and state environment laws in parallel when planning agricultural development. This process will support landholders to meet their obligations under national environmental law.

Thank you for writing on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Josh Frydenberg', with a stylized flourish at the end.

JOSH FRYDENBERG