



Is environmental law protecting the NT environment?

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Environment Centre NT

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Overview

- Issues facing the NT environment
- What tools do we have?
- Legislative holes in the NT
- Case studies: Land clearing, water management
- Where to?

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The 'value' of the NT environment



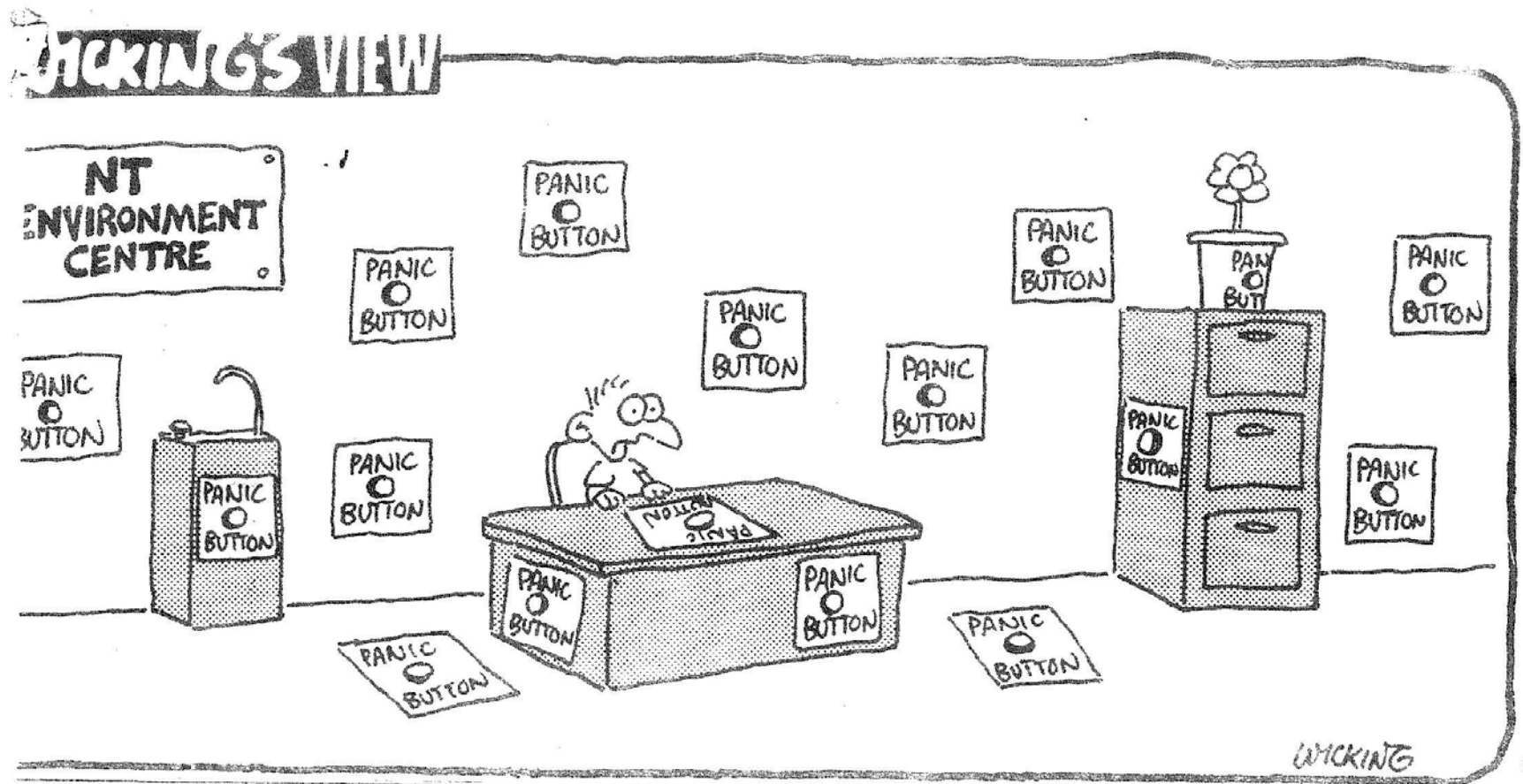
- World's largest intact tropical savanna ecosystem
- One of world's last networks of free flowing tropical rivers
- World's largest shallow tropical marine ecosystem
- Globally significant for wildlife, threatened and endemic species

Issues facing the north

- Large scale agricultural development
- Water extraction and new dams
- Habitat loss from land clearing, weeds, feral animals, overgrazing, wildfire
- Extinction crisis for northern small and medium mammals
- Large scale shale gas, LNG plants, coal & uranium mining/nuclear waste disposal
- Marine damage through sea bed mining, new port and heavy industry etc.




The Environment Centre NT




from Territory News, Friday, January 20, 1989

The Territory is open for business!

"We will establish a one-stop-shop for faster environmental approvals so that new projects can get up and going more quickly." Abbott Budget reply 2013

 Northern Territory Government
media release


Delia Lawrie
MINISTER FOR PLANNING & LANDS

01 July 2009

Development One Stop Shop Open For Business

In the biggest planning reform in more than a decade, a one stop shop for development applications will mean developers receive a fairer, faster hearing through Government and Council processes.

Planning Minister Delia Lawrie said the Development One Stop Shop – which opens today – would speed up development assessment across the Territory by ensuring businesses understand development approval requirements.

Ms Lawrie said the Development One Stop Shop will improve the ease and efficiency of doing business in the Territory with developers to have one contact point for agencies and local government information.

Tony Abbott's environmental one-stop shop

SID MAHER The Australian April 20, 2012 12:00AM 4 comments



Tony Abbott will today announce that the Coalition would allow states to act as a one-stop shop for environmental approvals.
Source: AP

“One stop shop”



Relevant NT legislation

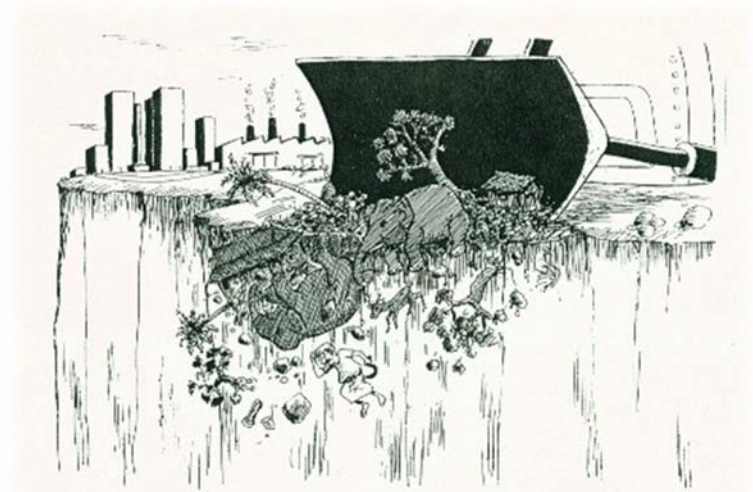
- Environmental Assessment Act
- NT Planning Act
- Water Act
- Waste Management & Pollution Control Act
- Territory Parks & Wildlife Cons. Act
- Mining Management Act
- Petroleum Act
- NT Land Clearing Guidelines
- EPBC Act (Commonwealth)



Photo: S.Blanch

Legislative holes in the NT

- Lack of Strategic Environmental Assessments and weak regional planning
- No Living Rivers legislation
- No Native Vegetation Management Act
- NT Climate Change policy?



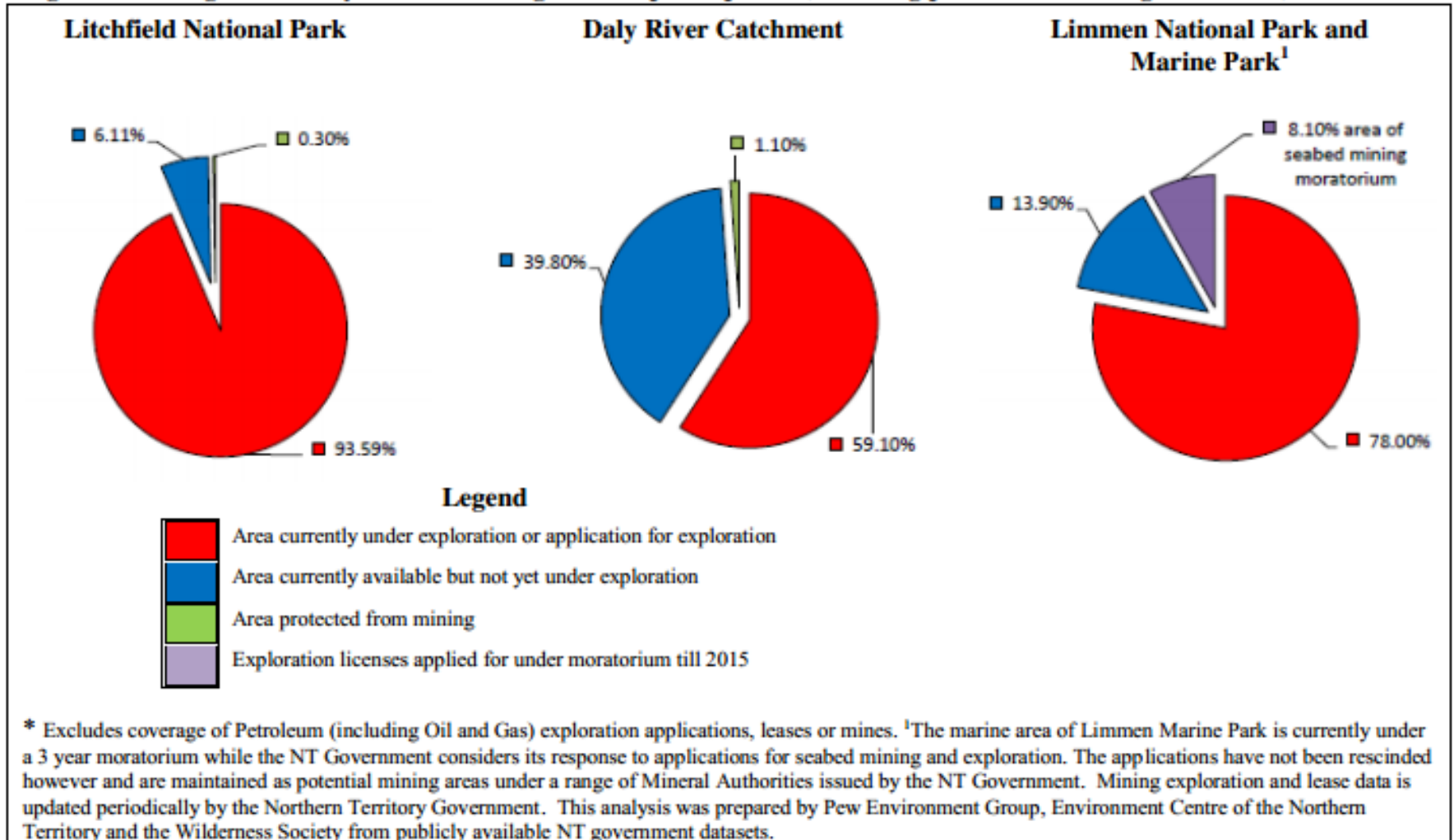
R.J. Wijesoma 1993

Legislative holes in the NT

- NT Planning Scheme zoning problems and ESD gaps
- EPA working to advise Gov on integrating ESD principles...But largely ineffective unless legislated
- EA Act is 30 years old, limited scope and no defined triggers for EIA process
- Petroleum and mining acts have special exemptions from EA Act (e.g. destructive exploration activities can occur without EIAs in national parks)
- No lists for threatened NT ecological communities
- Only 3.5% NT in national parks, 1% marine reserves

Mining

Figure 1. Mining interests by % area coverage in NT special places (excluding petroleum oil and gas interests).



Food bowl and Land Clearing

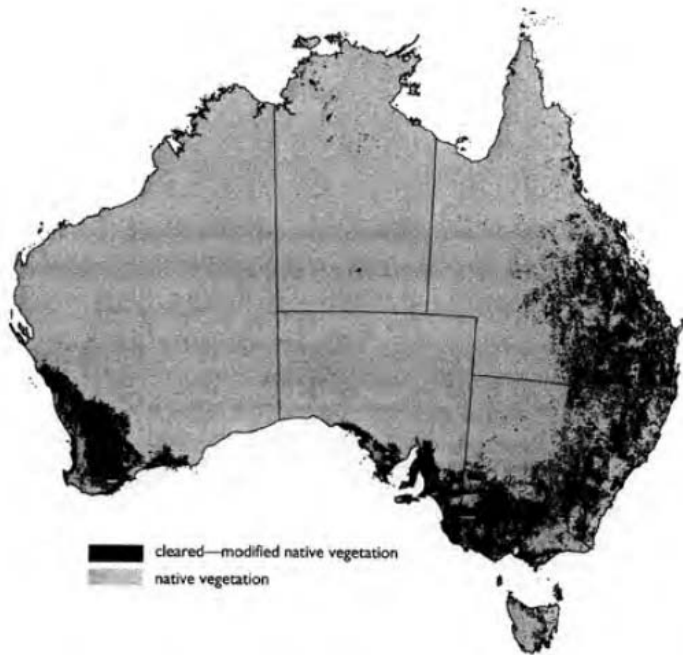


Figure 9.2. Broad distribution pattern of cleared land in Australia (from Commonwealth of Australia, 2001c).

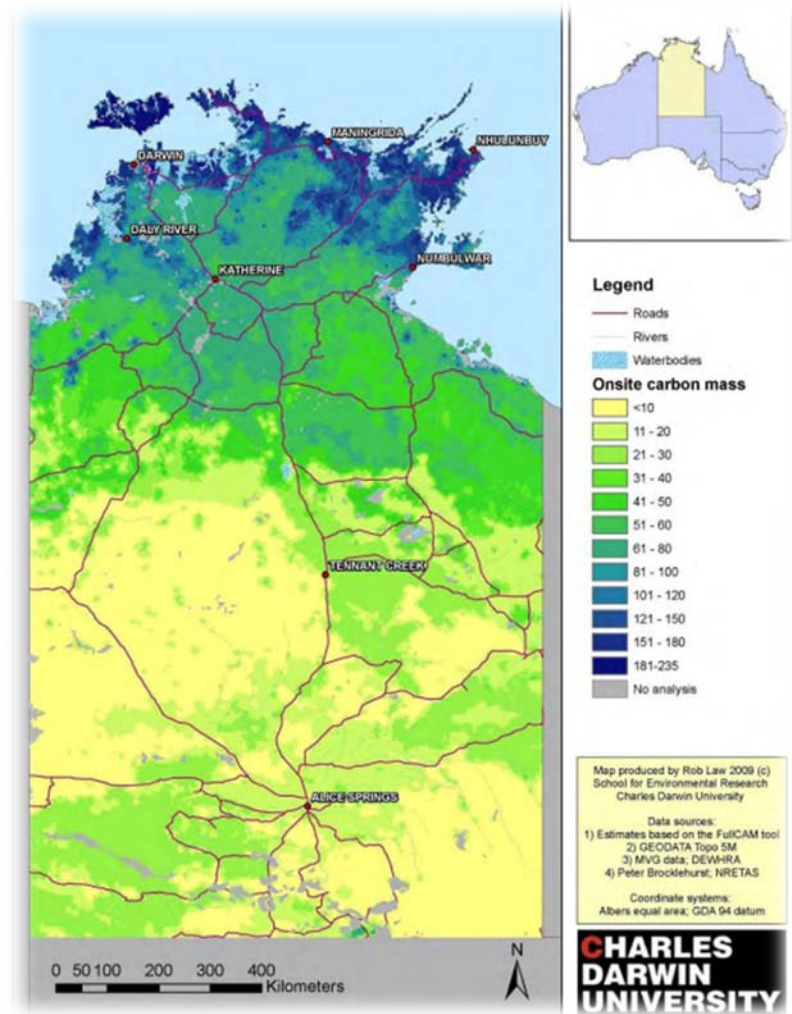
- “A food bowl that could double Australia’s agricultural output” LNP discussion paper
- Ignores science & economics
- “...no scientific evidence to support a food bowl vision for the north...limited by poor soils, water availability and harsh climate.” - NALWT
- Will we learn from the mistakes of landscape management in the south?

Land Clearing

- No Native Vegetation Management Act in the NT
- NT Land Clearing guidelines only
- Guidelines under 2 acts; Pastoral Lands Act and NTPS
- Former Gov promised NVM Act in 2008, but never passed and now new government
- 10,000 to 20,000 ha cleared/year from 2003-2009
- Environment Centre wants legislation that puts cap on yearly amount of clearing

Ecosystem services valuations?

- Place economic value on some of the services ecosystems provide
- Eg. clearing 200 ha in the Daly = 34,000tCO₂ = \$782,000
- Fed Carbon Farming Initiative
some positives (savanna burning & reforestation)
- Long term? Commodifies nature?
- Creates a trade-off mentality



Water Management in Mataranka

- Tindall Limestone Aquifer, Mataranka
- Important groundwater dependent ecosystems
- Thermal pools, natural springs, large wetlands and the Roper River
- Highly significant social, cultural, environmental and economic values

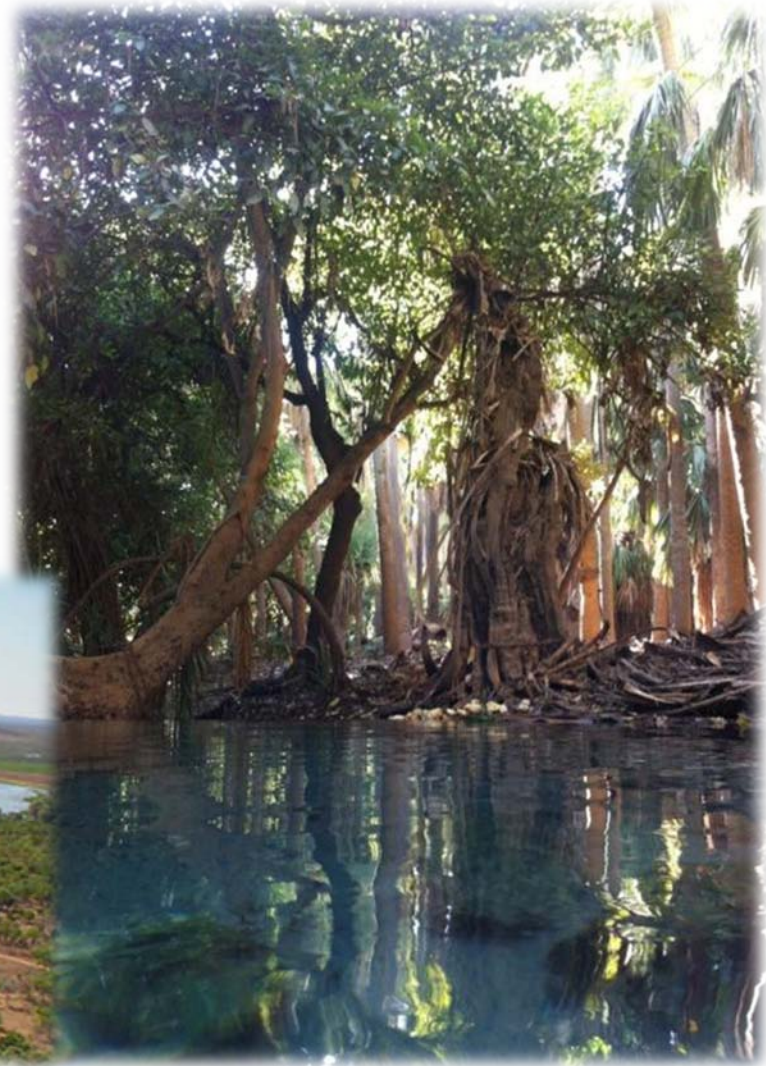
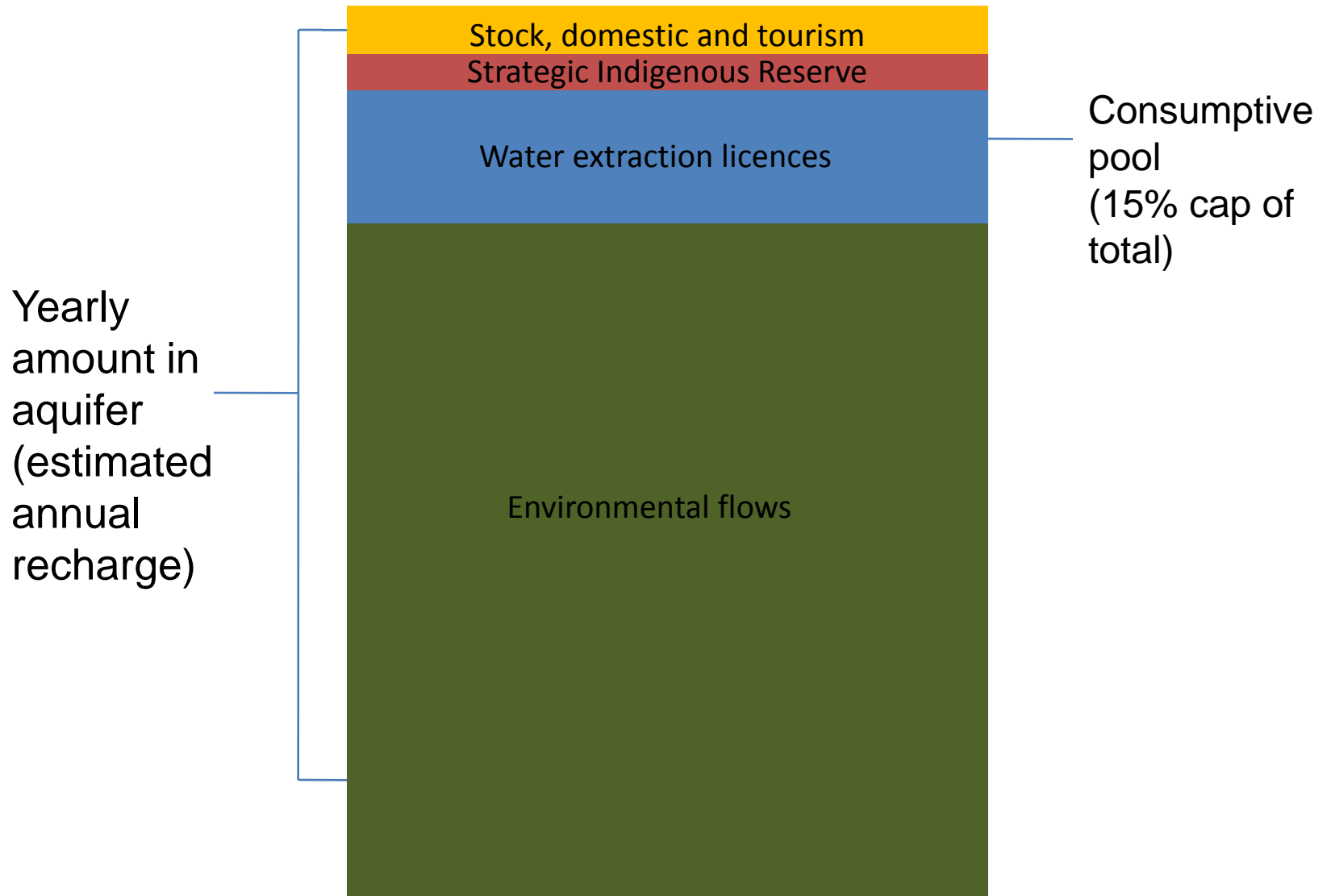


Photo: Mangarrayi Rangers

Water management in Mataranka

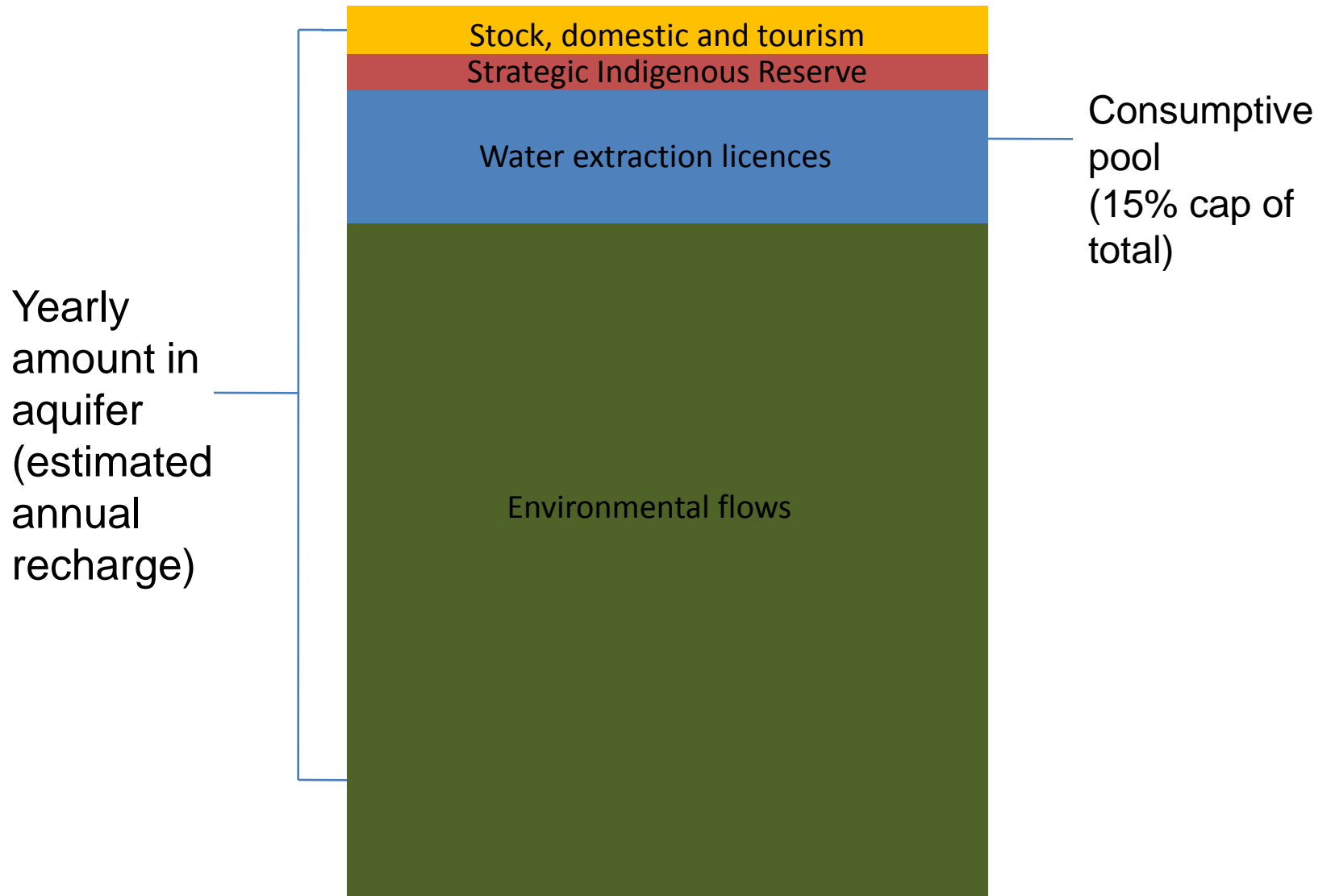
- Public planning process since 2008, NT Gov and Nat Water Commission
- Development of Draft Water Allocation Plan
- Draft WAP sets caps on water extraction
- NT gov yet to finalise draft WAP





Water Management in Mataranka

- New government yet to release final WAP for community consultation
- However, water allocations still being approved
- Recent decisions dismiss entire WAP process...
- Controller of water resources granted single land owner 5.8GL per year, amounting to 30% of entire consumptive pool
- And...



Removed Strategic
Indigenous
Reserve,
No “warehousing of
water”

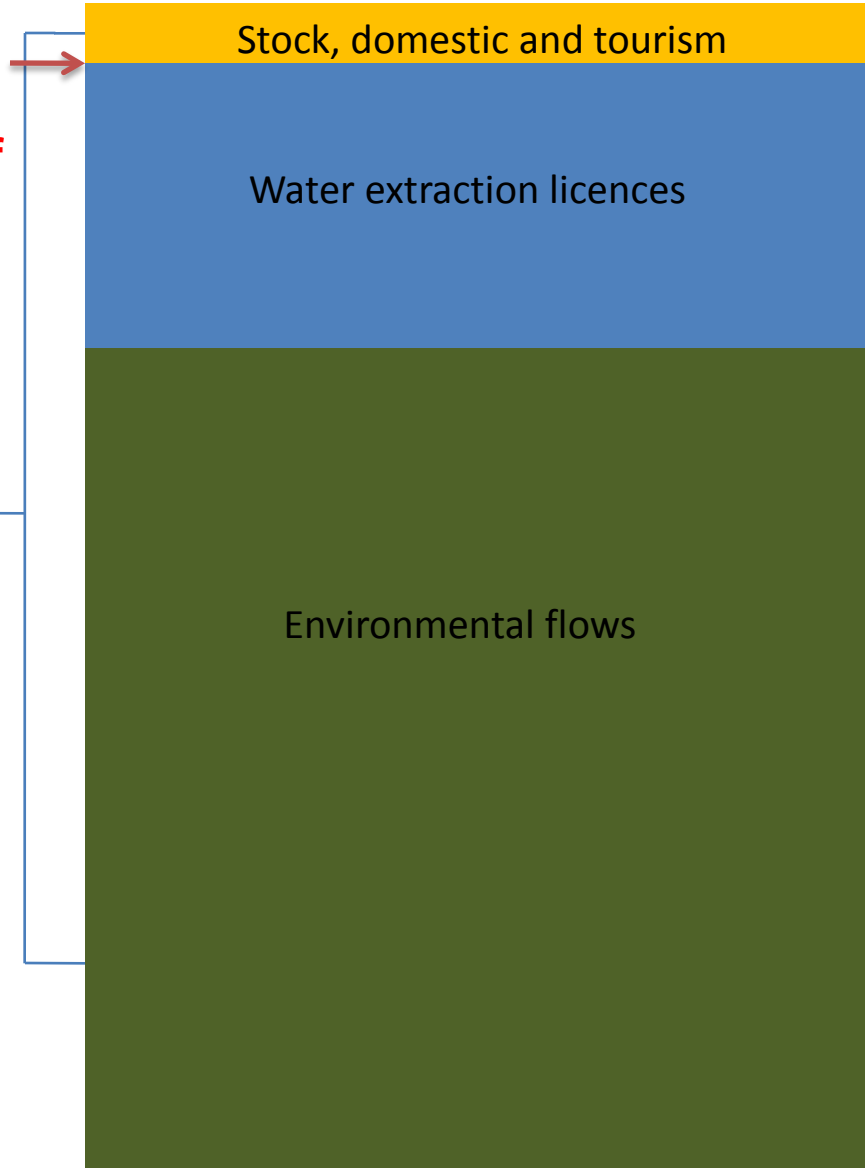
Doubled
estimate of
yearly
amount in
aquifer
(New climate data
used 40 instead of
100 years)

Stock, domestic and tourism

Water extraction licences

Environmental flows

Consumptive
pool
(raised to **20%**
cap of total)



Water management in Mataranka

- 2 new large extraction licences likely to be approved
- No release of final plan, yet allocations still being made
- No transparency/consultation for changes
- Far from best practice, National Water Initiative not binding
- High water allocations threaten river flow reliability
- No consideration of mining water uses in the overall modelling
- Water management highlights limits to thinking in terms of integrated systems

What change can we make?

- Public submissions through the NT Water Act
- Community action/alliances to demand better process
- Look in to legal action for review of decision
- Keep fighting for best practice water management and living rivers legislation

The “lens” issue

- Decisions often come down to personal views on “the environment” of decision-makers
- Nature means different things to different people
- *A common environmental ethic* is a longer term goal
- Utilitarian views still dominate
- NT development through external investment and temporary population cycles
- Attachment to place difficult



Turning inwards

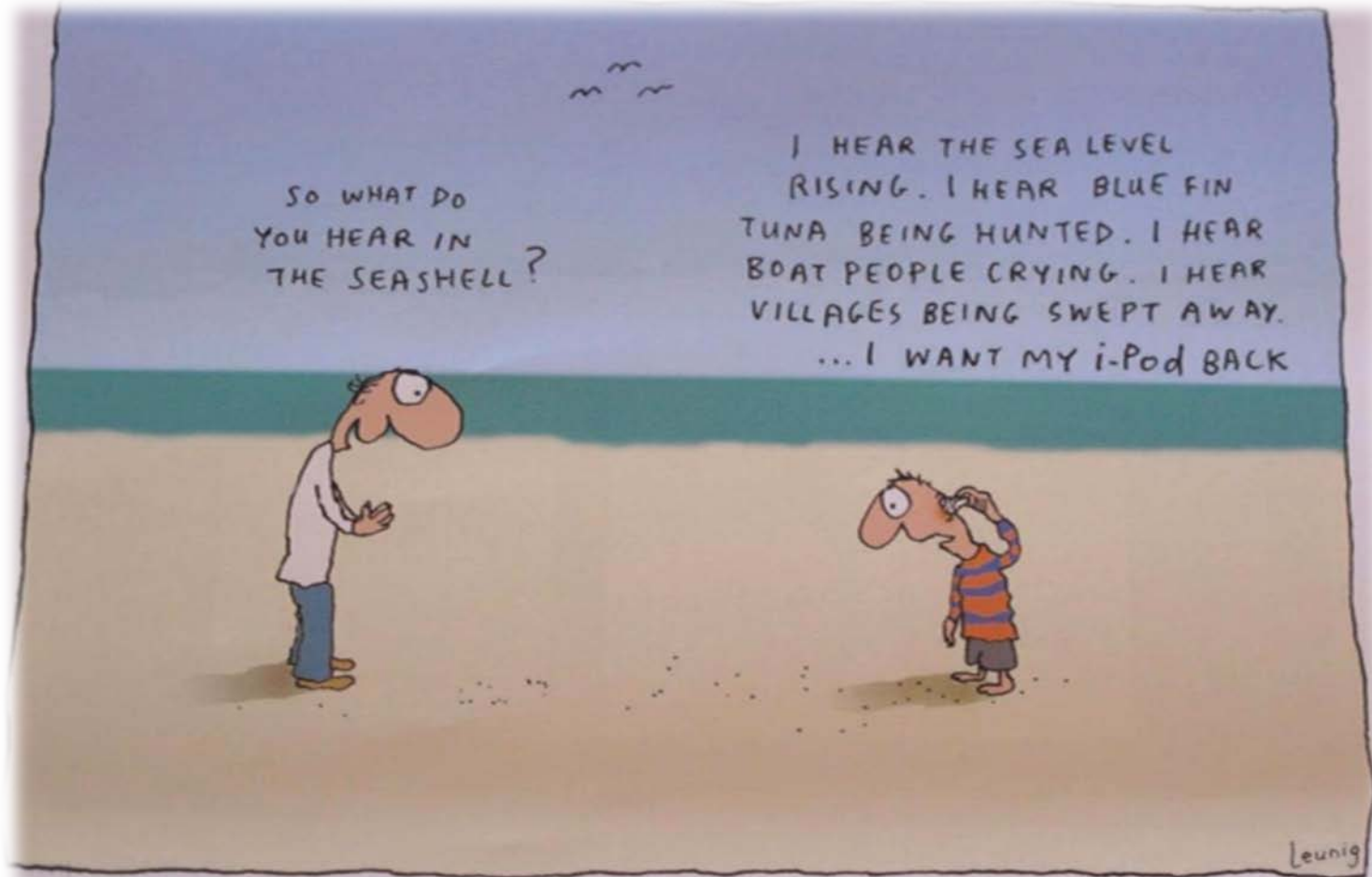
- Few realise the influence of culture on worldview of nature
- Enviro law heavily based on western view of nature
- Eg. National Parks good, but can perpetuate wilderness myth and nature/human split
- Eg. Biodiversity conservation and offsets
- Real opportunities in the north to confront own worldview of nature and allow for multiple knowledge systems



Broader questions

- How can the inherent values of nature be protected better in an economic rationalist paradigm?
- Is “valuing nature” the only way? Or does this lead to the commodification of nature and promote tradeoffs?
- Philosophically challenging, so many individual and cultural meanings ascribed to ‘nature’
- How can environmental law be strengthened to protect the non economic values of the NT environment?
- Can the North develop in a way that reflects the lessons learnt from our southern mistakes and respect of environmental limits?

Thank you



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Case study: Conservation zoning in Planning Scheme

- NT Planning Scheme since 2007
- No nationally consistent ESD definition or principles
- Contains conservation zones
- Only protection for mangroves in darwin harbour
- Threatened by loopholes (zoning amendments, exceptional development permits)

Case Study: Ludmilla heights

- Illegal dumping of stockpile material since 2006
- In a conservation zone
- No government action until last year (notice to cease issued)
- Exceptional Development Permit Application lodged on basis activity carried out prior to NT Planning Scheme made illegal
- Public submissions under Planning Act, no Environmental Assessment triggered

Case study: Ludmilla heights

- Will test the strength of the NT Planning Scheme to abide by Planning principles and protect conservation values
- Approval could lead to wider implications for conservation zoning under the NTPS
- Approval could lead to development of Arafura harbour and critically important mangrove ecosystems