



Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC Ref: 2023/09457

Ms Kylie Fitzpatrick
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Via: Kylie.Fitzpatrick@nt.gov.au

Dear Ms Fitzpatrick

The Draft Terms of Reference for an EIS – Southern Lease Mining Project, NT

Thank you for the opportunity to comment on the Draft Terms of Reference for an EIS – Southern Lease Mining Project, NT (the proposal).

The proposal was referred to the department as EPBC referral 2023/09457. The proposal was determined to be a controlled action on 4 May 2023, due to likely significant impacts on the following Matters of National Environmental Significance protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A)

On 28 April 2023, the department paused the assessment approach decision clock to request confirmation as to whether the proposal requires environmental impact assessment under the *Environmental Protection Act 2019* (NT) and, if so, confirmation of whether the bilateral assessment will apply.

The department has reviewed the Proponent Initiated Environmental Impact Statement (PIEIS) Referral, Statement of Reasons and draft Terms of Reference (ToR) for an EIS document and provided comments at [Attachment A](#). The department is generally satisfied that, with the incorporation of the comments at [Attachment A](#), the ToR meets the requirements of Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, which details the matters required to be addressed by environmental impact statements. The department agrees that an EIS is an appropriate level of assessment, as multiple protected matters have potential to be significantly impacted, and the proposed action is a high-impact activity in an area of high ecological value.

If you have any questions about the Commonwealth assessment process or the comments provided at Attachment A, please contact Alex Santiago by phone on 02 6272 3865 or email EADSAandNTSection@dceew.gov.au.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Bray".

Dr Josh Bray
Acting Director
SA/NT Section
Nature Positive Regulation Division - West Branch

29 June 2023



Department of Climate Change, Energy, the Environment and Water comments on the Draft Terms of Reference for an EIS document – Southern Lease Mining Project, NT (EPBC 2023/09457)

Table 1. DCCEEW comments

Comment Number	Section/ Page number	Comments/Recommendations
1	1.2/ Page 2	<ul style="list-style-type: none"> • The department recommends this section be updated to reflect the Controlled Action decision on referral to the Commonwealth, made 4 May 2023, due to likely significant impacts to: <ul style="list-style-type: none"> ○ Listed threatened species and communities (sections 18 & 18A); and ○ Listed migratory species (sections 20 & 20A). • The department recommends this section also be updated to reflect that, on 28 April 2023, the Minister’s delegate paused the statutory clock on the Assessment Approach decision, pending a decision on whether the proposed action required assessment by the NT EPA, and if so, whether the bilateral agreement applies.
2	2.7/ Page 7	<ul style="list-style-type: none"> • The department recommends the proponent also provide: <ul style="list-style-type: none"> ○ Any strategies to use successful, proven land rehabilitation practices on Groote Eylandt, particularly across the Eastern Leases, to inform improved rehabilitation of the Southern Leases.
3	4.1/ Page 26	<ul style="list-style-type: none"> • The department recommends that the following additional statutory documents be referenced: <ul style="list-style-type: none"> ○ <u>Recovery, Management and Monitoring Plan for the Brush-tailed Rabbit-rat <i>Conilurus penicillatus</i></u> ○ <u>Conservation Advice <i>Notomys aquilo</i> Northern Hopping-mouse</u> ○ <u>Conservation Advice <i>Conilurus penicillatus</i> Brush-tailed Rabbit-rat</u> ○ <u>Conservation Advice <i>Trichosurus vulpecula arnhemensis</i> Northern Brushtail Possum</u> ○ <u>Review of ghost bat ecology, threats and survey requirements</u> ○ <u>Recovery Plan for Marine Turtles in Australia</u> ○ <u>National Light Pollution Guidelines for Wildlife</u>
5	4.3 and 4.4/ Page 27	<ul style="list-style-type: none"> • The department recommends the following paragraph be updated to include the department’s First Nations people and community engagement guidance document: “Describe the approach to stakeholder engagement and consultation throughout the environmental impact assessment process consistent with the NT EPA’s guidance for proponents: “<i>Stakeholder Engagement and Consultation</i> (NT EPA, 2021b) and DCCEEW’s <i>Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999.</i>”