


NOTICE OF DECISION AND STATEMENT OF REASONS

Section 55 of the *Environment Protection Act 2019* (EP Act)

Regulations 57(2)(a) and 63(1) of the *Environment Protection Regulations 2020* (EP Regulations)

Name of proposed action	Berrimah Freight Terminal Expansion Project
Proponent	Aurizon Operations Limited
NT EPA reference	EP2024/034
Nature of the proposed action	Roads and Transport
Description of proposed action	<p>The proposed action is to expand the existing Berrimah Freight Terminal, located at East Arm (Sections 5412, 5411 and 6082, Hundred of Bagot) about 7 km east of Darwin. It includes:</p> <ul style="list-style-type: none">clearing of vegetation, intertidal mangrove and terrestrial vegetationseawall construction and land reclamationconstruction of infrastructure including buildings, roads, rail line, fencing, and installation of utilities and services (power, communications, water and sewerage). <p>The proposed action is estimated to take 36 months to construct and would have a 50 year operational lifespan.</p>
Person authorised to make decision	<p>Dr Paul Vogel AM – Chairperson, as delegate of the Northern Territory Environment Protection Authority (NT EPA)</p> <p>Delegate of the NT EPA under section 36 of the <i>Northern Territory Environment Protection Authority Act 2012</i></p>
Decision	<p>The proposed action does not have the potential to have a significant impact on the environment (section 55 of the EP Act)</p> <p>Environmental impact assessment is not required in accordance with regulation 57(2)(a) of the EP Regulations</p>
Signature	
Date of decision	12 June 2024
Matters considered under EP Regulation 56	<p>The NT EPA has considered the following:</p> <ul style="list-style-type: none">the accepted referral (including the referral form, referral report and appendices)submissions received (under regulation 52 or 53) in relation to the accepted referral

Consultation

Submission period 12 April 2024 – 13 May 2024

Submissions received: 8 government authority submissions.

Submissions are available on the [NT EPA website](#).

Submissions indicate that the proposal has the potential to have an impact on nearby sensitive receptors from potential acid sulfate soils, dust, noise and vibration.

Statement of reasons

The proposed action has the potential to impact environmental values associated with 4 environmental factors¹. The potential impacts are not considered significant, due to the reasons outlined below.

Land

Terrestrial environmental quality

The location of the proposed action is over low-lying saline muds and clays with periodic tidal inundation, and slightly higher areas of sandy and earthy soils, all adjacent to areas that have previously been developed. The referral identified the potential for the proposed action to impact terrestrial environmental quality through land clearing, dust generation, changes to local drainage, spills, and potential exposure of potential acid sulfate soils (PASS).

Disturbance of PASS has the potential to acidify and contaminate mangrove sediments and marine water. The risk of PASS oxidation will be minimised by using standard methods such as limiting disturbance of the soil (e.g. by clearing only the above-ground biomass, leaving behind below ground vegetation), and maintaining water coverage. The referral states that an acid sulfate soils (ASS) management plan will be developed by the construction contractor as part of the construction environmental management plan. The ASS management plan will include details of how to manage, treat and dispose of PASS should it be encountered.

Accidental spills of hydrocarbons or other chemicals could also contaminate soils and sediments. The referral states that this will be managed by using appropriate storage such as bunding or shipping containers to secure fuels or materials in accordance with Australian standards.

Earthworks and vegetation clearing could cause erosion and thereby impact substrates. The creation of hardstand surfaces will affect natural drainage flows. The referral states that measures to reduce erosion and manage drainage include a site stormwater management system, aligning stormwater drainage outlets to existing natural channels, drain designs to produce non-scour velocities, and the retention of water facing mangroves to absorb wind and wave energy from storm conditions. An objective of the proponent's erosion and sediment control protocols is to comply with requirements in the 'Best Practice Erosion and Sediment Control guideline' (IECA, 2008).

The measures outlined above are well-established and known to be effective in avoiding, mitigating and managing impacts associated with contamination and erosion. In addition, the proponent must comply at all times with the General Environmental Duty under Section 12 of the *Waste Management and Pollution Control Act 1998*. Therefore, the potential impacts to terrestrial environmental quality would not be significant.

In addition, the proposed action will require development consent under the *Planning Act 1999* in accordance with the NT planning Scheme 2020. This will further address the avoidance, mitigation and management of potential impacts from erosion, siltation and ASS.

¹ [NT EPA Environmental factors and objectives](#) (2022)

The avoidance, mitigation and management of these potential impacts to terrestrial environmental quality will also lower any risk of potential flow-on impacts to the surrounding sea environment.

Terrestrial ecosystems

The proposal area contains native vegetation comprising intact mangrove forest and remnant savannah woodland that has been affected by previous land clearing and weed infestation. The proposed action involves the clearing of about 41 ha of native vegetation including about 11.6 ha of remnant savannah woodland, 28 ha of mangrove forest and 1.4 ha of other intertidal habitat. This has the potential to impact sensitive and significant vegetation, threatened species and migratory shorebirds.

Mangroves are considered sensitive and significant vegetation and provide important ecosystem services in Darwin Harbour. The proposed action could not be sited to avoid clearing mangroves due to the unavailability of other suitable land adjacent to the existing freight terminal. The Department of Environment Parks and Water Security (DEPWS) Flora and Fauna Division advised that the proposed area of mangroves to be cleared represents only 0.13% of the current extent of mangroves in Darwin Harbour, and that extensive areas of mangroves occur adjacent to the proposed action. Due to the small proportion of loss, impacts on mangrove vegetation are not considered significant.

Threatened fauna, migratory shorebirds and two individual Darwin Cycads have been recorded or are likely to occur in the area of the proposed action, as acknowledged in the referral. The disturbance footprint has been reduced by 14.3 ha to avoid migratory shorebird habitat, thereby reducing the risk of impacts. The DEPWS Flora and Fauna Division advised that there is a low risk of significant impact to migratory shorebirds and to each other identified threatened species.

Due to the relatively small area of the disturbance, the availability of suitable habitat for threatened species in adjacent areas, and the low risk of impacts to threatened species and migratory shorebirds, the overall potential impacts of the proposed action on terrestrial ecosystems would not be significant.

Sea

Marine Ecosystems

The proposed action is located adjacent to Darwin Harbour where a complex assemblage of marine ecological communities exists.

The referral discussed the potential for the proposal to impact marine ecosystems within Bleasers Creek and the wider Darwin Harbour from exposure to ASS and mobilisation of sedimentation and contaminants. This could occur from vegetation clearing, accidental spills of pollutants or land reclamation activities, and could impact marine species in the area surrounding the proposed action.

The referral discussed how impacts would be managed through the implementation the ASS management and erosion and sediment control measures discussed under Terrestrial ecosystems above. The DEPWS Flora and Fauna Division advised that marine turtles are unlikely to be impacted as the area adjoining the proposed action provides only suboptimal foraging habitat and that the risk of impact on turtle species is low.

Therefore, the potential impacts to marine ecosystems are not considered significant.

People

Culture and heritage

The referral stated that there are known Aboriginal or Macassan archaeological places and objects and WWII heritage objects in the area of the proposed activities. These could be impacted by the proposed action. The Department of Territory Families, Housing and Communities (DTFHC) Heritage Branch advised that all Aboriginal and Macassan archaeological

places and objects are protected by the *Heritage Act 2011*, and provided additional advice for the proponent.

The proponent committed in the referral to the development and implementation of a heritage management plan to mitigate any risks to cultural heritage and archaeology. The plan will include a pre-clearance heritage survey prior to any ground disturbance works. The referral stated that the proponent will work with Larrakia Rangers and the DTFHC Heritage Branch to determine the best course of action should unknown cultural heritage, archaeological sites or objects be found within the disturbance footprint.

The requirement for development consent under the *Planning Act 1999* in accordance with the NT Planning Scheme 2020 will further address potential impacts to heritage.

The Aboriginal Areas Protection Authority advised that the proponent has received an authority certificate issued in accordance with the *Northern Territory Aboriginal Sacred Sites Act 1989*, for the majority of the proposed action and has been advised to seek a variation for the access road. The proponent committed in the referral to adhere to the conditions of this certificate. As such, the risk of impact on sacred sites is low.

Given the above, the potential impacts to culture and heritage are not considered significant.

Other environmental factors

The NT EPA considered its other environmental factors during its consideration of the referral; however, the potential impacts on those factors were not considered to be significant.

Conclusion

The NT EPA has determined that the Berrimah Freight Terminal Expansion Project, proposed by Aurizon Operations Limited, does not have the potential for a significant impact on the environment. This is due to:

- the nature and extent of the proposed activities
- the inclusion of well-established management and mitigation measures in the design, planning, construction and operational phases of the proposed action
- other statutory decision-making processes² that will further ensure the proposed action is appropriately designed and conditioned to mitigate potential environmental impacts discussed above.

Environmental impact assessment of the proposed action is not required.

In making its decision under section 55 of the EP Act and regulation 57 of the EP Regulations, the NT EPA has considered:

- the accepted referral and submissions made under regulation 52 and 53 (regulation 56 of the EP Regulations)³
 - the objects of the Act (section 3 of the EP Act)
 - the purposes of the environmental impact assessment process (section 42 of the EP Act).
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² In accordance with section 55(4) of the EP Act

³ The referral information and submissions are available on the public register on the NT EPA website: [Berrimah Freight Terminal Expansion Project](#)