



Kylie Fitzpatrick
Manager Environment Assessment
Department of Environment, Parks, and Water Security
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Dear Ms Fitzpatrick

Invitation to comment on the Supplement to the draft EIS Establishment and operation of a refinery at Darwin, NT

Thank you for your email dated 31 March 2021 inviting comment on the Supplement to the draft EIS (Supplement). The department has reviewed the information provided and determined that further information is required to inform the assessment. The department's comments and additional information requirements are discussed below.

The department considers that the change to the proposed action to install a Water Recycling Plant (WRP), which will remove the need to discharge to Darwin Harbour and reduce water demand by 65 per cent, are broadly positive measures to avoid and mitigate impacts to marine and migratory Matters of National Environmental Significance (MNES). However, the department notes that the location of additional clearing required to facilitate the WRP (i.e. 9.2 ha) is currently unclear. If additional clearing is proposed outside of the referred footprint, a formal variation request under section 156A of the *Environment Protection and Biodiversity Conservation Act 1999* is likely to be required. If this is the case, the department would like to discuss with the NT EPA and the proponent the most appropriate timing for this process to occur.

The Significant Fauna Impact Assessment provided in the Supplement determined that the proposed action will not result in a significant impact to MNES. The department disagrees with the proponent's conclusion and is of the view that there are significant residual impacts to the Black-footed Tree-rat (*Mesembriomys gouldii gouldii* – endangered) and the Bare-rumped Sheath-tail Bat (*Saccolaimus saccolaimus nudicluniatatus* – vulnerable). This means that an offset will also be required for these species.

For example, the Conservation Advice for the Black-footed Tree-rat states that habitat loss and fragmentation have a consequence rating of severe. The project area contains confirmed foraging, breeding and resting habitat for the species and the department considers that the clearing of 92.5 ha of mixed woodland habitat, including 3.7 ha of significant habitat (large trees, DBH>50cm) will reduce the area occupancy of the Black-footed Tree-rat.

Similarly, although the Bare-rumped Sheath-tail Bat was not recorded during surveys within Lot 1817, the department notes that the Department of Environment, Parks and Water Security (DEPSW) Flora and Fauna Division identified that the species has recently been recorded on Middle Arm. Given that the mixed woodland habitat within the project area is suitable for the species and contains significant trees which may be utilised by the species for breeding purposes, the department considers it likely that the species utilises the project area. Therefore, it is considered likely that the proposed action will reduce the area of occupancy of the Bare-rumped Sheath-tail Bat.

The department notes the proponent's commitment to avoid and mitigate impacts to MNES where possible. The commitments included within the environmental management plan (EMP) are considered appropriate. However, the Bare-rumped Sheath-tail Bat has not been included in the EMP. The department recommends updating the EMP to consider this species.

The department notes that the proposed action is still at quite an early stage in the assessment phase to consider detailed environmental conditions. However, for the protection of MNES, the department is likely to impose conditions that involve:

- Limiting the area (ha) of habitat clearing.
- Implementation of relevant management plans e.g. EMP, Acid Sulfate Soil Management Plan, Fire Management Plan, Rehabilitation Plan etc.
- Implementation of specific mitigation measures necessary for the protection of MNES that are not addressed by management plans
- In the event that adequate offset sites cannot be secured prior to approval, either the implementation of an agreed Offsets Strategy or development and implementation of an Offsets Strategy post approval but prior to commencement of the action.
- Development and implementation of a translocation and trapping program, undertaken by appropriate experts and with demonstrated efficacy, prior to commencement of the action.

If you have any questions about these matters, please contact the project manager, Matthew Flux, by email to mattthew.flux@awe.gov.au, and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



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15 April 2021