

12 February 2026

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Mr Andrew Scott
Environmental Assessment Unit
Environment and Heritage Division
Department of Lands, Planning and Environment
GPO Box 3675
DARWIN NT 0801 .

T 08 8999 4446

Our Ref: DLPE2026/0013

Dear Mr Scott

Re: Invitation to Comment on Referral – Ichthys Carbon Capture and Storage Project (EP Act)

The information submitted for the above Referral has been assessed by the relevant divisions within the department, and the following comments are provided:

Flora and Fauna Division

Based on the information provided, the proposed works will traverse a saltpan on Middle Arm that meets the threshold for an 'important habitat area' for migratory shorebirds. The timing of the works is proposed to be in Quarter 3 in 2028 which will overlap with the arrival of migratory shorebirds to the Darwin region. As works are temporary and restricted to a small linear corridor, there is expected to be minimal ongoing impact to shorebirds on Middle Arm or the greater Darwin Harbour. However, it is recommended that the works be conducted during the period when migratory species are absent (approx. April to August). The Flora and Fauna Division have provided further comments in **Attachment 1**.

Land Resources Division

Land Management Unit

The Land Management Unit have reviewed the Referral and considers the potential risks to Land, Water and Sea have generally been identified in the information provided.

The Ichthys Carbon Capture and Storage proposal is likely to require a detailed level of erosion and sediment control, as well as independent auditing due to the environment that it will be impacting, including but not limited to significant soil disturbance in and around sensitive vegetation, tidal zones, wetlands, water courses, acid sulfate soils, and sloped areas. Significant soil disturbance works should be scheduled for the dry season to avoid increased potential for erosion and sediment issues.

Environment and Heritage Division

Heritage Branch

The Heritage Branch has reviewed the Referral and provides comment in **Attachment 2**.

Lands and Planning Division

Development Assessment Services

Development Assessment Services has reviewed the Referral and provide the following comment:

Pursuant to Clause 1.8 of the Northern Territory Planning Scheme 2020 (NTPS2020) an application (*Planning Act 1999*) would be required for:

- any “subdivision” (*Planning Act 1999* definition) including leasing arrangements for a period longer than 12 years, which may be required to facilitate the construction of a nearshore Pipeline Development Area (nearshore PDA) from the Commonwealth/NT waters boundary to the Onshore Development Area (ODA);
- dredging activities (Clause 3.9 of NTPS2020) associated with the construction of a nearshore PDA within Darwin Harbour. Proponents are recommended to check previous *Planning Act 1999* approvals issued for dredging; and
- site establishment and construction of the onshore inlet station, to be situated in available land in cadastral Section 1896, adjacent to the existing Ichthys gas export pipeline (GEP) beach valve station, on the west side of Wickham Point Road. Proponents are recommended to check Schedule 3 (Exceptions) of NTPS2020.

Any application for a Development Permit (*Planning Act 1999*) should be lodged after all initial assessment under the *Environment Protection Act 2019* and/or *Waste Management and Pollution Control Act 1998* is completed, as the outcomes of that assessment will partially inform any permit requirements and assessment under the *Planning Act 1999*.

Crown Land Estate

Crown Land Estate has reviewed the Referral and provides comment in **Attachment 3**.

Environmental Regulation Division

The proponent should note that all persons are required to comply at all times with the General Environmental Duty under section 12 of the *Waste Management and Pollution Control Act 1998* (WMPC Act). To help satisfy the General Environmental Duty, the proponent is advised to take notice of the list of environmental considerations below. The list is not exhaustive, and the proponent is responsible for ensuring their activities do not result in non-compliance with NT laws.

A non-exhaustive list of environmental issues that should be considered to meet requirements under NT law are listed below:

1. **Dust:** The proposed activities have the potential to generate dust, particularly during the dry season. The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.

2. **Noise:** The proponent is to ensure that the noise levels from the proposed premises comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline available online¹.

3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environment harm do not result from soil erosion.

ESC measures should be employed prior to and throughout the construction stage of the development. Larger projects should plan, install and maintain ESC measures in accordance with the current International Erosion and Sediment Control Association (IECA) Australia guidelines and specifications.

Where sediment basins are required by the development, the NT EPA recommends the use of at least Type B basins, unless prevented by site specific topography or other physical constraints.

Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites² and Keeping Our Stormwater Clean³

4. **Storage:** If an Environment Protection Approval or Environment Protection Licence is not required, the proponent should store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines, June 2018, as amended. Where these guidelines are not relevant, the storage should be at least 110% of the total capacity of the largest vessel in the area.

Where an Environment Protection Approval or Environment Protection Licence is required, the proponent must only accept, handle or store at the premises listed waste, including asbestos, as defined by the WMPC Act, in accordance with that authorisation.

5. **Site Contamination:** If the proposal relates to a change of land use or if the site is contaminated, including as a result from historical activities such as cyclones, a contaminated land assessment maybe required in accordance with the National Environment Protection (Assessment for Site Contamination) Measure (ASC NEPM). The proponent is encouraged to refer to the information provided on the NT EPA website⁴, and the NT Contaminated Land Guidelines⁵.

6. **Waste Management - Import and Export of Fill:** The proposed activities have the potential to generate fill and/or involve the importation of fill for use on-site. Untested fill material may already be present on the site. All fill imported or generated and exported as part of the activity must either be certified virgin excavated natural material (VENM) or be sampled and tested in line with the NSW EPA Guidelines⁶

All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers, upon request. The proponent should also consider the following NT EPA fact sheets: How to avoid the dangers of accepting illegal fill onto your land⁷, and Illegal Dumping - What You Need to Know⁸.

¹ https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf

² https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf

³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf

⁴ <https://ntepa.nt.gov.au/your-environment/contaminated-land>

⁵ https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf

⁶ <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>

⁷ https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/285728/factsheet_avoid_danger_accepting_illegal_fill_to_your_land.pdf

⁸ https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_know.pdf

7. **Odour or Smoke:** The proposed activities may have the potential to create odours and/or smoke. The proponent must ensure that nuisance odours or smoke are not emitted beyond the boundaries of the premises.

Water Resources Division

With regard to the Ichthys Carbon Capture and Storage Project, there are no issues of concern requiring comment within the responsibilities of the Water Resources Division.

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email DevelopmentAssessment.DLPE@nt.gov.au or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope
Executive Director Land Resources

Attachment 1 – Flora and Fauna Division comment

Attachment 2 – Heritage Branch Division comment

Attachment 3 – Crown Land Estate comment

Attachment 1

Submission on the referral

INPEX Operations Australia Pty Ltd – Ichthys Carbon Capture and Storage Project

This submission is made under regulation 53 of the Environment Protection Regulations 2020

Government authority: Department of Lands, Planning and Environment–Flora and Fauna Division

Theme / issue	Comment																														
Terrestrial ecosystems (threatened species)	<p>Based on a search of the Department of Lands, Planning and Environment (DLPE) databases within a 2km radius of the project area, expert knowledge of species' habitat requirements, and information about habitats occurring within the site, species classified as threatened under the <i>Territory Parks and Wildlife Conservation Act 1976</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) that may occur within, or immediately adjacent to, the project area are listed in Table 1. An assessment of the potential impact posed by the project to each species, based on current available information (including that provided by the applicant) is also provided.</p> <p>Table 1 – Threatened and/or migratory species that are known to occur, or have a high potential of occurring, within or adjacent to the proposed development area; their conservation status; and an assessment of the risk of impact posed by the project.</p> <p>(Conservation status = VU – Vulnerable; EN – Endangered; CR – Critically Endangered; Mig – Migratory)</p> <table border="1"> <thead> <tr> <th>Common Name</th> <th>Scientific Name</th> <th>TPWC Act</th> <th>EPBC Act</th> <th>Potential impact</th> </tr> </thead> <tbody> <tr> <td colspan="5">Threatened Terrestrial Fauna</td> </tr> <tr> <td>Gouldian Finch</td> <td><i>Chloebia gouldiae</i></td> <td>VU</td> <td>EN</td> <td>Low</td> </tr> <tr> <td>Masked Owl (northern mainland)</td> <td><i>Tyto novaehollandiae kimberli</i></td> <td>VU</td> <td>VU</td> <td>Low</td> </tr> <tr> <td>Red Goshawk</td> <td><i>Erythrotriorchis radiatus</i></td> <td>VU</td> <td>EN</td> <td>Low</td> </tr> <tr> <td>Northern Quoll</td> <td><i>Dasyurus hallucatus</i></td> <td>CR</td> <td>EN</td> <td>Low</td> </tr> </tbody> </table>	Common Name	Scientific Name	TPWC Act	EPBC Act	Potential impact	Threatened Terrestrial Fauna					Gouldian Finch	<i>Chloebia gouldiae</i>	VU	EN	Low	Masked Owl (northern mainland)	<i>Tyto novaehollandiae kimberli</i>	VU	VU	Low	Red Goshawk	<i>Erythrotriorchis radiatus</i>	VU	EN	Low	Northern Quoll	<i>Dasyurus hallucatus</i>	CR	EN	Low
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Common Name	Scientific Name	TPWC Act	EPBC Act	Potential impact
Black-footed Tree-rat	<i>Mesembriomys gouldii gouldii</i>	EN	EN	Low
Northern Brushtail Possum	<i>Trichosurus vulpecula arnhemensis</i>	-	VU	Low
Bare-rumped Sheath-tailed Bat	<i>Saccolaimus saccolaimus</i>	-	VU	Low
Mertens' Water Monitor	<i>Varanus mertensi</i>	VU	EN	Low
Mitchell's Water Monitor	<i>Varanus mitchelli</i>	VU	CR	Low
Northern Blue-tongued Skink	<i>Tiliqua scincoides intermedia</i>	-	CR	Low
Shorebirds				
Greater Sand Plover	<i>Charadrius leschenaultii</i>	VU	VU/Mig	Low
Curlew Sandpiper	<i>Calidris ferruginea</i>	CR	CR/Mig	Low
Far Eastern Curlew	<i>Numenius madagascariensis</i>	CR	CR/Mig	Low
Common Greenshank	<i>Tringa nebularia</i>	-	EN/Mig	Low
Black-tailed Godwit	<i>Limosa limosa</i>	-	VU/Mig	Low
Great Knot	<i>Calidris tenuirostris</i>	CR	VU/Mig	Low
Grey Plover	<i>Pluvialis squatarola</i>	CR	VU/Mig	Low
Lesser Sand Plover	<i>Charadrius mongolus</i>	EN	EN/Mig	Low
Little Tern	<i>Sternula albifrons</i>	-	VU/Mig	Low
Sharp-tailed Sandpiper	<i>Calidris acuminata</i>	-	VU/Mig	Low
Ruddy Turnstone	<i>Arenaria interpres</i>	-	VU/Mig	Low
Terek Sandpiper	<i>Xenus cinereus</i>	-	VU/Mig	Low

Common Name	Scientific Name	TPWC Act	EPBC Act	Potential impact
Threatened and Migratory Marine Megafauna				
Dugong	<i>Dugong dugon</i>	-	Mig	Low
Flatback Turtle	<i>Natator depressus</i>	-	VU	Low
Green Turtle	<i>Chelonia mydas</i>	-	VU	Low
Hawksbill Turtle	<i>Eretmochelys imbricata</i>	VU	VU	Low
Australian Humpback Dolphin	<i>Sousa sahalensis</i>	-	VU	Low
Australian Snubfin Dolphin	<i>Orcaella heinsohni</i>	-	VU	Low
Saltwater Crocodile	<i>Crocodylus porosus</i>	-	Mig	Low
Flora				
Darwin Cycad	<i>Cycas armstrongii</i>	VU		Low
Typhonium	<i>Typhonium praetermissum</i>	VU		Low
Bladderwort	<i>Utricularia dunstaniae</i>	VU		Low
Chondrichthyes				
Dwarf Sawfish	<i>Pristis clavata</i>	VU	VU	Low
Green Sawfish	<i>Pristis zijsron</i>	VU	VU	Low
Large-tooth Sawfish	<i>Pristis pristis</i>	VU	EN/Mig	Low
Terrestrial Ecosystems				
<p><u>Terrestrial Threatened Species:</u> The Flora and Fauna Division have assessed the proposal against the criteria for threatened terrestrial species in the Significant Impact Guidelines 1.1 – Matters of National Environmental Significance, and are satisfied that there is a low risk of impact for all threatened terrestrial species. The proposal is co-located within the existing Ichthys liquefied natural gas (LNG) pipeline infrastructure for much of the alignment, with some additional clearing of vegetation required. The small area of vegetation to be cleared is not considered to be important habitat for any terrestrial threatened species.</p>				

	<p>Mitchell’s Water Monitor has been recorded on Middle Arm close to the proposal area and is known to use mangrove vegetation. Risks from the proposed works on Mitchell’s Water Monitor are considered low, as the clearing will be localised and the key threat to the species is largely due to cane toads, which are well established through the proposal area.</p> <p><u>Migratory Shorebirds:</u> The Middle Arm area has been subject to ongoing surveys for shorebirds within Darwin Harbour. Those surveys included a designated salt flat site located along the pipeline route, and between the Darwin LNG and Ichthys LNG facilities. Those surveys identified that the habitat is used regularly by listed threatened/migratory shorebirds including one survey (2017) where the number of Far Eastern Curlew recorded met the threshold to be considered ‘important habitat’ due to the presence of foraging habitat for an ecologically significant proportion of the flyway population (see Lilleyman and Garnett 2021, DoE 2017).</p> <p>The proposed works through the area will require some clearing of native vegetation, with the pipeline proposed to be buried. Direct impacts to habitat are expected to be localised and limited to the pipeline footprint assuming the mudflat habitat returns to a relatively natural state. Construction activities are likely to displace foraging shorebirds during construction and installation of the pipeline. As the construction schedule is planned for Quarter 3 in 2028, there is potential for works to overlap with the arrival of shorebirds to Darwin and works may temporarily displace individuals. Given the importance of Darwin Harbour as a point of arrival/departure for international migration routes, it is recommended that the works are undertaken during the period when migratory shorebird are absent (approx. April to August).</p> <p>References:</p> <p>Department of Environment (2017) EPBC Act Policy Statement 3.21—Industry guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species, Commonwealth of Australia.</p> <p>Lilleyman, A. and Garnett, S.T. (2021) Migratory shorebird monitoring in Darwin Harbour, Northern Territory. A report to the Flora and Fauna Division, Department of Environment Parks and Water Security, Northern Territory Government. By Research Institute for the Environment and Livelihoods, Charles Darwin University.</p>
Terrestrial ecosystems (sensitive and/or significant vegetation)	<p>The area of proposed works is dominated by tidal mudflats and a range of mangrove communities. Mangrove communities are a significant and/or sensitive vegetation type in the NT under the NTPS2020. The proponent states that “most of the area required to be cleared is located in previously disturbed areas (i.e. construction Right of Ways of the Ichthys Gas Export Pipeline or other pipelines on Middle Arm or locations used during the initial construction of the Ichthys Liquefied Natural Gas facility).” The referral identifies that 40ha of native vegetation will need to be cleared under the proposal. The Flora and Fauna Division considers that the removal of this vegetation would</p>

	generally have a low impact due to the existing disturbance and relatively small area of impact relative to the area of intact mangrove vegetation within Middle Arm and Darwin Harbour more broadly.
Marine Ecosystems (Threatened and Migratory Species)	<p>A number of threatened and migratory marine species are known to occur around Middle Arm in estuarine habitats within Darwin Harbour. The proposed pipeline and associated infrastructure are located within intertidal habitats that are infrequently inundated. The works are unlikely to directly interfere with habitat for most of these species. The exception is the Saltwater Crocodile, which is known to occur in Darwin Harbour but is actively managed through a program by the NT Government, with most crocodiles removed from the Harbour.</p> <p><u>Chondrichthyes</u>: These species are entirely aquatic but may use intertidal areas when inundated by tidal activity. The proposed works are localised and are unlikely to impact on significant areas of habitat for these species. The proposed works are unlikely to create a barrier for individuals using tidal creeks on Middle Arm.</p>

Attachment 2

Submission on the referral

INPEX Operations Australia Pty Ltd – Ichthys Carbon Capture and Storage Project

This submission is made under regulation 53 of the Environment Protection Regulations 2020

Government authority: Department of Lands, Planning and Environment – Environment and Heritage Division – Heritage Branch

Summary: The Heritage Branch is generally satisfied with the application and consider the proponent has detailed a sound strategy to address their obligations under the NT *Heritage Act 2011* and the Commonwealth *Underwater Cultural Heritage Act 2018*.

Section of Referral	Theme or issue	Comment
Referral Section 7.9.2 Page 171	Incorrect department listed	The Heritage Branch is within the Environment and Heritage Division of the Department of Lands, Planning and Environment.

Attachment 3

Submission on the referral

INPEX Operations Australia Pty Ltd – Ichthys Carbon Capture and Storage Project

This submission is made under regulation 53 of the Environment Protection Regulations 2020

Government authority: Department of Lands, Planning and Environment–Lands and Planning Division - Crown Land Estate Unit

Summary:

Section of Referral	Theme or issue	Comment
2.2.1	Project area	The proposed supplementary power intake substation would be located on Section 1888 Hundred of Ayers, which is Crown land. Tenure for construction and operation would need to be considered under the <i>Crown Lands Act 1992</i> , with regard to the proposal's compatibility with the Territory's current obligations for this land
3.2	Relevant NT legislation	