



24 December 2025

E DevelopmentAssessment.DLPE@nt.gov.au

Ms Sarah Smith
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: DLPE2025/0336

Dear Ms Smith

Re: Invitation to Comment on Referral (EP Act) – Ichthys LNG AGRU Upgrades and CCS Preparedness Project

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

Flora and Fauna Division

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 *Environment Protection and Biodiversity Conservation Act 1999* (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.

Table 1 – Threatened 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.

(Conservation status = VU – Vulnerable; EN – Endangered; CR – Critically Endangered; Mig – Migratory)

Common Name	Scientific Name	EPBC Act	Potential impact
Threatened Terrestrial Fauna			
Gouldian Finch	<i>Chloebia gouldiae</i>	EN	Low
Masked Owl (northern mainland)	<i>Tyto novaehollandiae kimberli</i>	VU	Low
Red Goshawk	<i>Erythrotriorchis radiatus</i>	EN	Low
Northern Quoll	<i>Dasyurus hallucatus</i>	EN	Low
Black-footed Tree-rat	<i>Mesembriomys gouldii gouldii</i>	EN	Low

Common Name	Scientific Name	EPBC Act	Potential impact
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>	EN	Low
Mitchell's Water Monitor	<i>Varanus mitchelli</i>	CR	Low
Northern Blue-tongued Skink	<i>Tiliqua scincoides intermedia</i>	CR	Low
Shorebirds			
Greater Sand Plover	<i>Charadrius leschenaultii</i>	VU/Mig	Low
Curlew Sandpiper	<i>Calidris ferruginea</i>	CR/Mig	Low
Far Eastern Curlew	<i>Numenius madagascariensis</i>	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>	VU/Mig	Low
Grey Plover	<i>Pluvialis squatarola</i>	VU/Mig	Low
Lesser Sand Plover	<i>Charadrius mongolus</i>	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
Sharp-tailed Sandpiper	<i>Calidris acuminata</i>	VU/Mig	Low
Terek Sandpiper	<i>Xenus cinereus</i>	VU/Mig	Low
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	Low
Australian Humpback Dolphin	<i>Sousa sahulensis</i>	VU	Low
Australian Snubfin Dolphin	<i>Orcaella heinsohni</i>	VU	Low
Saltwater Crocodile	<i>Crocodylus porosus</i>	Mig	Low
Flora Species			
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	Low

Common Name	Scientific Name	EPBC Act	Potential impact
Green Sawfish	<i>Pristis zijsron</i>	VU	Low
Largetooth Sawfish	<i>Pristis pristis</i>	VU/Mig	Low

Threatened and Migratory Species

The Flora and Fauna Division have assessed the proposal against the criteria for threatened and migratory species in the Significant Impact Guidelines 1.1 – Matters of National Environmental Significance and EPBC Act Policy Statement 3.21¹ and are satisfied that there is a low risk of impact for all threatened species, primarily because the proposal is entirely located within the existing Ichthys LNG boundary which has been cleared and modified extensively. Further details are provided at **Attachment 1**.

The Referral appropriately describes values, potential impacts, mitigation measures and monitoring activities. The Flora and Fauna Division considers that the risks to EPBC-Act listed threatened and migratory species are low and unlikely to have significant impacts.

Environmental Regulation

The proposed action may require new or varied approvals and/or licences under Northern Territory (NT) legislation administered by the Environmental Regulation Division, including the *Waste Management and Pollution Control Act 1998* (WMPC Act) and the *Water Act 1992*. This is because construction or changes to operations that alter the nature or scale of emissions, discharges, or production capacity could trigger additional regulatory requirements under these laws.

In relation to requirements for secondary approvals, existing operations at the Ichthys LNG facility are undertaken in accordance with:

- Project Decision - EPBC Act Public Portal
- Ichthys Onshore LNG Facilities Liquid Discharge Management Plan: Operations.
- Ichthys LNG Project Nearshore Operations Oil Pollution Emergency Plan.
- EPL228-05- Environment Protection Licence - Ichthys
- Onshore Operations Environmental Management Plan

Under the WMPC Act, INPEX is licensed as a hydrocarbon facility because its premises are designed to produce more than 500,000 tonnes annually of liquefied natural gas and/or methanol, as specified in Schedule 2 of the WMPC Act.

¹ References:

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.

The activity requires the discharge of waste to water and may cause water to be polluted. A Waste Discharge Licence (WDL) under the *Water Act 1992* was granted to INPEX Operations Australia Pty Ltd (for and on behalf of Ichthys LNG Pty Ltd) on 31 January 2018 for 'dredging' - this was WDL240. The WDL expired on 31 January 2023. Prior to the WDL's expiry, on 13 December 2022, an Environment Protection Licence (EPL) was substituted - this was EPL228-05. The EPL expires on 12 December 2027.

Under the WMPC Act, all persons have statutory obligations to take all reasonable and practicable measures to prevent or minimise pollution and environmental harm, and to reduce the amount of waste generated. This is known as the General Environmental Duty, set out in section 12 of the WMPC Act. The proponent is responsible for ensuring that their activities comply with these obligations.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website².

The proponent is advised to take notice of this non-exhaustive list of environmental issues that should be considered to help satisfy General Environmental Duty:

1 The proponent is advised to take notice of this non-exhaustive list of environmental issues that should be considered to help satisfy General Environmental Duty:

1. **Dust:** 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 must ensure that the noise levels from the proposed premises comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline³.

If the proposal is situated where there are existing activities nearby that may already generate noise, please see the NT EPA advice on Recommended Land Use Separation Distances⁴.

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 Sites⁵ and Keeping Our Stormwater Clean⁶

4. **Storage:** Where an Environment Protection Approval or Environment Protection Licence is required, the proponent must act in accordance with that authorisation.

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

² <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf

⁴ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf

⁵ https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf

⁶ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf

guidelines are not relevant, the storage should be at least 110% of the total capacity of the largest vessel in the area.

5. **Site Contamination:** If the proposal relates to a change of land use or if the site is contaminated, 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 website⁷ and the NT Contaminated Land Guidelines⁸.
6. **Waste Management - Import and Export of Fill:** The proponent must ensure all fill imported or exported as part of the activity must either be certified virgin excavated natural material (VENM) in accordance with the NSW EPA Guidelines⁹

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 land¹⁰, and Illegal Dumping - What You Need to Know¹¹.

7. **Odour or Smoke:** The proponent must ensure that nuisance odours or smoke are not emitted beyond the boundaries of the premises.

If the proposal is situated where there are existing activities nearby that may already generate odour or smoke, please see the NT EPA advice on Recommended Land Use Separation Distances¹².

8. **Water:** The proponent must ensure stormwater is not polluted, refer to water management in the NT EPA guidelines to Prevent Pollution from Building Sites¹³.

If the activity requires the discharge of waste to water or could cause water to be polluted, then a waste discharge licence under the *Water Act 1992* (NT) may be required. Please refer to the Guidelines¹⁴.

Land Resources Division

Land Management Unit

The site is not located within an Erosion Hazard Area or a Restricted Use Area under *the Soil Conservation and Land Utilisation Act 1969*.

The measures proposed by the proponent to manage erosion risk are supported, noting the risk to receiving environments from erosion and sediment run-off being elevated by the location of the works on the outer edge of the already developed site adjacent to Darwin Harbour as outlined in 'Table ES-1 Environmental factors potentially impacted by proposed activities' (Referral report - page xv).

⁷ <https://ntepa.nt.gov.au/your-environment/contaminated-land>

⁸ https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf

⁹ <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>

¹⁰ https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/285728/factsheet_avoid_danger_accepting_illegal_fill_to_your_land.pdf

¹¹ https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_to_know.pdf

¹² https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf

¹³ https://ntepa.nt.gov.au/_media/waste-and-pollution/pdf/guidelines/guideline_prevent_pollution_building_sites.pdf

¹⁴ https://nt.gov.au/_data/assets/pdf_file/0016/1131073/waste-discharge-licensing-guidelines.pdf

Weed Management Branch

An assessment of the NT Weeds Database for the application area, surrounding parcels and roads has revealed current and or previous data records of the following:

Common Name	Botanical Name	Declared
Gamba grass	<i>Andropogon gayanus</i>	Class B
Perennial Mission Grass	<i>Cenchrus polystachios</i>	Class B
Neem	<i>Azadirachta indica</i>	Class B
Grader grass	<i>Themeda quadrivalvis</i>	Class B
Lantana	<i>Lantana camara</i>	Class B
Flannel weed	<i>Sida cordifolia</i>	Class B
Hyptis	<i>Hyptis suaveolens</i>	Class B
Lion's Tail	<i>Leonotis nepetifolia</i>	Class B
Mimosa	<i>Mimosa pigra</i>	Class B
Sicklepod	<i>Senna obtusifolia</i>	Class B
Barnyard grass	<i>Echinochloa colona</i>	Class C

All land in the NT is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to all persons, owners and occupiers of land regarding declared and potential weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed.

Gamba grass, grader grass, mimosa and neem are each subject to a statutory weed management plan. Management obligations outlined in these plans must be adhered to by all land holders.

Guidelines for the prevention of weed spread are outlined in *Preventing Weed Spread is Everybody's Business*¹⁵.

Further information as to management requirements and the Weed Management Plans is available online¹⁶, or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.

Environment and Heritage Division

Heritage Branch

The Heritage Branch are satisfied that the proponent has demonstrated an understanding of their obligations under the *Heritage Act 2011* and are managing their risk effectively.

¹⁵ https://denr.nt.gov.au/_data/assets/pdf_file/0011/257987/preventing-weed-spread.pdf

¹⁶ <http://www.nt.gov.au/environment/weeds>

Water Resources Division

The Water Resources Division have reviewed the referral and advises that 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

A handwritten signature in blue ink, appearing to read 'M Wauchope', is positioned above the printed name.

Maria Wauchope
Executive Director Land Resources

Attachment 1 - Species identified as being low risk of impact by the project

Attachment 1. Species identified as being low risk of impact by the project:

Threatened and Migratory Shorebirds: The proponent has identified possible indirect impacts to threatened species from noise and vibration, particularly for migratory shorebirds using adjacent intertidal habitat. Noise and Vibration Modelling provided with the Referral suggests that noise from pile driving and works would exceed 70db(A) within the Ichthys LNG boundary but is predicted to be between 60-70db(A) at a relatively small adjacent area containing a salt pan and mangrove vegetation. This area is likely to be suitable foraging and possible roosting habitat for threatened and migratory shorebirds. While the area may be utilised by foraging individuals at times, targeted surveys suggest that it does not meet the definition of 'important habitat' as defined in Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. Furthermore, the area predicted to receive noise up to 70db(A) is a relatively very small part of Darwin Harbour with other extensive areas of foraging/roosting habitat available while short-term increases in noise are occurring adjacent to the proposal.

Red Goshawk, Masked Owl, Gouldian Finch, Bare-rumped Sheath-tailed Bat: The proposal is entirely located within the existing Ichthys LNG boundary which has been cleared and modified extensively. As such, there will be no direct impact to suitable nesting, roosting or foraging habitat for these species. The Flora and Fauna Division considers that the risk to these species is very low.

Black-footed Tree-rat, Brushtail Possum (northwestern): The Darwin region is an important area for Black-footed Tree-rat and Northern Brushtail Possum, as they appear to have declined less in this region compared to many other areas across its range. The main risks to these species are direct habitat loss through clearing, as well as the degradation of habitat due to weed incursions and fire. Both species have been recorded recently within the Middle Arm Peninsula area and there is a moderate to high potential of both species occurring adjacent to the proposal. As works are restricted to the Ichthys LNG boundary which has been previously cleared, there will be no direct loss of habitat for either species.

Northern Quoll: This species was historically common across the Top End region and used a wide range of habitats. The Northern Quoll has undergone severe declines and is now absent or at very low densities across most of the Top End. There is a low likelihood that the species is extant within suitable habitat at Bladin Point. The species is generally threatened by fire and cane toads which are unlikely to be exacerbated due to the proposed works.

Mertens' Water Monitor, Mitchell's Water Monitor: Mertens' Water Monitor and Mitchell's Water Monitor are semi-aquatic species that are largely restricted to aquatic and riparian habitats across northern Australia. Both species have been recorded in ephemeral creeks on Middle Arm. Suitable habitat for Mitchell's Water Monitor also occurs in mangroves which are immediately adjacent to the Ichthys LNG boundary. Mertens' Water Monitor is unlikely to occur in the local area due to a lack of freshwater habitats on Bladin Point. Both species have declined historically due to cane toads which are present on Bladin Point and Middle Arm more broadly. The proposed works are unlikely to exacerbate this risk.

Northern Blue-tongued Lizard: This species is generally associated with floodplain, riparian and vine thicket vegetation. The species has undergone recent declines due to cane toads and is now absent or at very low densities in the Top End. The proposed works would require no removal of suitable habitat for the species and are unlikely to exacerbate the existing threat from cane toads.

Marine Megafauna and Cetaceans: The proposal is located within the Ichthys LNG Boundary within an area that has been previously cleared and modified. No works are proposed in areas of intertidal or marine habitat where these species may occur. While there are no direct impacts associated with the construction, the proponent is proposing to discharge hydrotest wastewater and has noted that it may contain contaminants from pipework and infrastructure. The proponent proposes to discharge the wastewater into Darwin Harbour and is proposing to use a diffuser to encourage mixing of the

wastewater and ensuring discharges are below the Darwin Harbour Water Quality Objectives. Furthermore, the proponent proposes to apply for a waste discharge licence under the *Water Act 1992* and has identified additional controls and adaptive management measures. The Flora and Fauna Division supports the proponent's commitment to obtaining a Waste Discharge Licence and notes that this should ensure appropriate controls to minimise any risk and potential impact from the discharge of contaminants in wastewater.

Typhonium, Bladderwort and Darwin Cycad: These species are known from Middle Arm and the greater Weddell area. The proposed works pose a negligible risk to these species as the area where works are proposed has been entirely cleared and modified.