


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	Wurrumiyanga Residential Subdivision
Proponent	Department of Logistics and Infrastructure (DLI)
NT EPA reference	EP2024/035
Nature of the proposed action	Urban and residential
Description of proposed action	<p>The Wurrumiyanga Residential Subdivision (proposed action) is to construct and operate a new residential subdivision development within the Wurrumiyanga Township on Bathurst Island (NT Portion 1640) 80 km north of Darwin. It includes the following components:</p> <ul style="list-style-type: none">• construction of 55 dwellings on 70 residential lots• municipal infrastructure including roads and drainage• utilities infrastructure (connection to existing town water, sewer, power, telecommunications services and realignment of existing water and power distribution services).
Person authorised to make decision	<p>Dr Paul Vogel AM, Chairperson, 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	22 October 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: 15 August 2024 – 11 September 2024

Submissions received:

- government authority submissions: 8
- public submissions: 1

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

Statement of reasons

Overview

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

Land

Terrestrial environmental quality

Waste Management

The proposed action will generate waste during construction and operation, including solid waste and wastewater. The Tiwi Islands Regional Council operates a waste management facility at Wurrumiyanga. Waste generated by the proposal will be disposed in line with the *Waste Management and Pollution Control Act 1998* (WMPC Act) and construction of any new landfill would require an Environmental Protection Approval under the WMPC Act. Construction waste will be stored in appropriate containers for disposal at a licensed waste management facility.

Erosion and sedimentation

Vegetation clearing would temporarily expose soil to erosion. There are areas within the proposed action with a moderate erosion risk (slope greater than 2%). The proponent will manage the erosion risk through an Erosion and Sediment Control Plan (ESCP) developed and implemented in accordance with Best Practice Erosion and Sediment Control guidelines (International Erosion Control Association, 2008). With the proposed management measures it is anticipated that any erosion risk will not result in a significant environmental impact.

Terrestrial ecosystems

Loss of habitat via clearing of native vegetation including significant vegetation

The proposed action includes clearing of approximately 15 ha of native vegetation including about 2 ha of sensitive and/or significant vegetation (vegetation containing large hollow bearing trees) within the southwest corner. The referral information states it is likely that the southeast corner of the proposed action also contains old-growth trees. The proposed action is, however, located adjacent to Wurrumiyanga community and the proponent noted the overall condition of the vegetation onsite to be already negatively affected by exotic species and altered fire regimes. As such, removal of approximately 15 ha of vegetation, including about 2 ha of sensitive and/or significant vegetation, is unlikely to result in a significant impact when considered at a regional scale.

Threatened species

Targeted surveys for *Typhonium mirabile* identified a substantial population in and immediately adjacent to the proposed action. The population is estimated to support 9,000 plants and is

¹ [NT EPA Environmental factors and objectives \(2002\)](#)

the largest known occurrence of the species within its distribution. Approximately 500 plants would be removed for the proposed action. In the context of the likely distribution and population size of the species across Bathurst Island, the proposed action is unlikely to result in a reduction of the extent of occurrence or the area of occupancy for the species, and the availability of habitat is unlikely to be reduced to an extent that it results in a significant population decline. Therefore, the proposed action is unlikely to alter the conservation status of the species or significantly impact an important population.

The Darwin cycad (*Cycas armstrongii*) occurs within the proposed action. This species is locally abundant in some parts of the Tiwi Islands. It is unlikely that the removal of plants from the proposed action would constitute a significant impact on the regional or global population of the species.

Approximately 2 ha of potentially suitable nesting habitat for the Tiwi masked owl (hollow bearing trees) will be cleared as part of proposed action. The area of native vegetation proposed to be removed inclusive of hollow bearing trees is approximately 0.04% of the highest likely potential nesting habitat available on Bathurst Island. It is unlikely that the species uses habitat within the proposed action, given the lack of detection during survey and the small area of potential nesting habitat available. Therefore, the likelihood of a significant impact on local or regional populations of Tiwi masked owl as a result of the proposed subdivision is low.

The Tiwi Islands population of the Red goshawk represents a significant proportion of the Australian population and breeding pairs are relatively well known. Suitable sites for nesting would be unlikely to occur within the proposed action, and the area may be opportunistically used for hunting. Given the proximity to settlement and the availability of large areas of available foraging habitat across Tiwi Islands, the proposed action (comprising less than 0.04% of available foraging habitat on Bathurst Island) would be unlikely to result in a significant impact upon regional populations of Red goshawk.

Other threatened species including the Partridge pigeon, Brush-tailed rabbit rat, Common brushtail possum (north-western) and Butler’s dunnart all potentially occur within the proposed action. However the proximity of the area to the existing settlement and the broad availability of similar habitat throughout the island, suggest that impacts to these species resulting from the construction and operation of the proposed subdivision are unlikely to result in a significant impact upon regional populations.

People

Human health

Sewage from the proposed action will be directed to the existing Wurrumiyanga wastewater treatment ponds, where it will be treated and released as per Waste Discharge Licence 223 as granted to Power and Water Corporation (PWC). The Department of Health (DoH) Medical Entomology Unit and Environmental Health Unit have raised concerns regarding wet season overflows of the wastewater treatment ponds and associated health risks (direct human contact and biting insect hazard). PWC has advised that it has implemented temporary mitigation measures, and is investigating longer term options to address the risk of overflows. PWC anticipates that permanent measures will be implemented from 2025/26. The proponent is working closely with PWC to ensure the measures are in place for wastewater overflows prior to the completion of first house in the proposed subdivision. Development approval under the Planning Act would ensure the availability of suitable sewage treatment facilities.

The potential health risks from creation of biting insect breeding habitat would be avoided through implementation of an Erosion and Sediment Control Plan regulated through development approval under the *Planning Act*.

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 Wurrumiyanga Residential Subdivision proposed by the Department of Logistics and Infrastructure, does not have the potential for a significant impact on the environment. This is due to:

- the context, intensity, duration, magnitude and geographic extent of the potential impacts
- sensitivity, value and quality of the environment that would be impacted
- the inclusion of well-established avoidance, management and mitigation measures in the design, planning, construction and operational phases of the proposed action
- other statutory decision-making processes² that may mitigate the potential environmental impact of the referred action or strategic proposal.

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: [Wurrumiyanga Residential Subdivision | NTEPA](#)