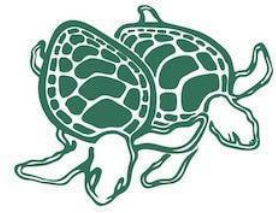


Environment Centre NT

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17 July 2025

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Minister Joshua Burgoyne: Minister.Burgoyne@nt.gov.au

Northern Territory Environment Protection Authority: NTEPA@nt.gov.au

To Whom it May Concern,

Submission on Darwin Energy Hub referral

1. The Environment Centre NT (ECNT) is the peak community sector environment organisation in the Northern Territory of Australia, raising awareness amongst community, government, business, and industry about environmental issues, assisting people to reduce their environmental impact, and supporting community members to participate in decision-making processes and action.
2. Thank you for the opportunity to provide comment on whether the proposed Darwin Energy Hub requires an environmental impact assessment and the required method of assessment.
3. The proposed Darwin Energy Hub site is located on the west side of Finn Road. It comprises about 974ha of unused Crown Land, about 16km south of Palmerston and 3.5km north of Berry Springs. The proposal requires the clearing of up to 500ha of native vegetation. The site is bordered to the south and west by mangroves and waterways associated with the Blackmore River, including Berry Springs Nature Park, and to the north and north-west by the Middle Arm Road corridor.
4. ECNT has considered the referral documents and consulted with the public with regards to the proposed site for the Darwin Energy Hub. We have also assessed the project's likely environmental impact.
5. **We submit that:**
 - a) **the project requires environmental impact assessment, in the form of an Environmental Impact Statement (EIS).**

b) due to its potential impacts on threatened species and regional biodiversity, the project should be referred for assessment under the Environment Protection Act 2019 (NT) (EP Act) and the EPBC Act.

c) further community consultation is needed to address concerns regarding the project's likely impacts on local tourism, potential future development opportunities in the region, the Berry Springs township and the rural ambiance of the local area.

A principled transition to renewable energy

6. In this section, ECNT adopts the 'Environmental Defenders Office – 12 principles for decision making in relation to renewable energy transition projects' as a framework for evaluating the Darwin Renewable Energy Hub proposal.¹
7. The Australian and Northern Territory Governments must not pursue any new fossil fuel projects to ensure global warming remains below 2 degrees Celsius. The Common Council's States of Transition report shows that only 11 per cent of electricity generation in the Territory comes from renewable energy sources.²
8. To meet energy demands and to secure low household energy costs, the NT Government must prioritise renewable energy generation in the Northern Territory as quickly as possible, but the developments must be constructed in environmentally and socially appropriate locations.

Transparent and accountable decision making

9. Assessment and decision making for all renewable energy projects must be transparent and comprehensive to ensure that these projects guarantee long term project success, community benefit and positive outcomes for nature.

First Nations justice, environmental justice, community consultation and consent

10. To ensure long-term success, the renewable energy roll out in the Northern Territory must accord with the principles of human rights and environmental justice. Governments and proponents must comply with the United Nations Guiding Principles on Business and Human Rights (UNGPs).

¹ EDO's 12 principles for renewable energy transition projects - Environmental Defenders Office

² *States_of_Transition_Final_Report_compressed.pdf, page 62

11. Governments and proponents must consult with First Nations peoples in a manner that is 'early, iterative and culturally appropriate' and that adheres to the standard of 'free, prior and informed consent' under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
12. **Our communications with the Kungarakana Culture and Education Association, on whose Country the Darwin Energy Hub is proposed, has found that they have not been informed or consulted about the Darwin Energy Hub and were unaware of the NTEPA's consultation nor the previous 'Have Your Say' consultation.**
13. Renewable energy proposals should be supported by best practice community engagement and consultation. Early, iterative and culturally appropriate consultation ensures social licence for renewable energy projects and leads to better project outcomes.
14. The feedback that ECNT has received from concerned community members is that there has been very little community consultation with regards to this project. We consulted with rural residents this week and unearthed the fact that nearby residents did not receive notification letters for the project as stated on p.37 of DME's Referral Submission, nor had they seen any information stalls at Coolalinga Central, and almost all were unaware of the proposed development.
15. While we appreciate the opportunity to comment on the need for environment impact assessment with regards to the Darwin Renewable Energy hub, we submit that it is likely difficult for the community to contribute meaningfully without awareness of this consultation process and the project itself.

Ecologically sustainable development / unacceptable impacts

16. The renewable energy roll out must accord with principles of ecologically sustainable development, including: the precautionary principle, conservation of biological diversity, and the principle of intergenerational equity.
17. Renewable energy projects must also avoid, mitigate or minimise impacts on natural surface water and groundwater flows.
18. Areas where renewable energy proposals will lead to unacceptable impacts should be identified and protected. These areas will include protected matters under the EPBC Act including world heritage sites, national heritage places, wetlands of international importance, listed threatened species, commonwealth marine areas, nuclear actions (including uranium mines) and water resources impacted by fracking.

19. The proposed site for the Darwin Energy Hub contains a unique ecosystem. Berry Springs Nature Park is located adjacent to the south-west of the hub – see Figure 2.2 below. The NT Government has identified several Sites of Conservation Significance (SOCS) – the most important sites for biodiversity conservation for the NT. Except for a small portion in the north-east, nearly the entire Darwin Energy site is located within the Darwin Harbour SOCS, which is of international significance. Darwin Harbour supports one of the largest and most diverse mangrove systems in the Northern Territory, some of which are found directly to the west of the Darwin Energy hub site.³

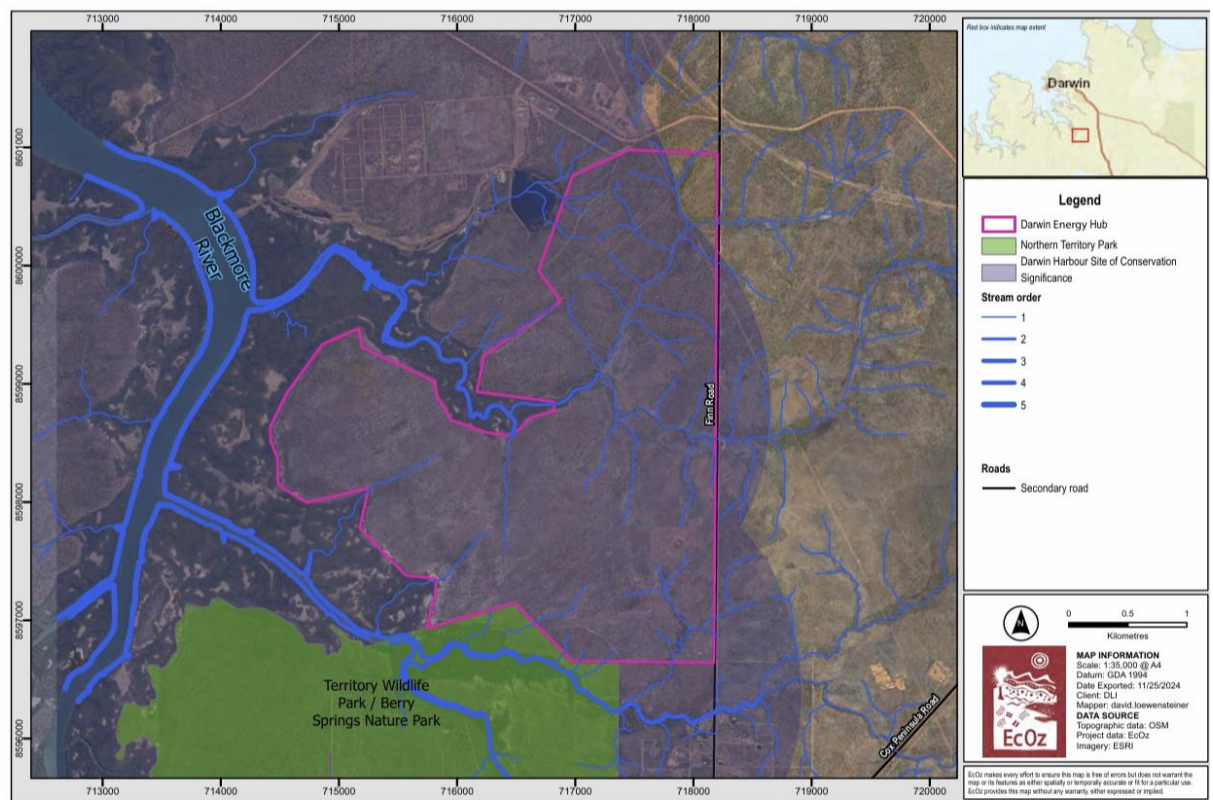


Figure 2-2. Map of watercourses, conservation reserves and significant areas in the vicinity of the Darwin Energy Hub

20. Based on desktop analysis, the following sensitive and significant vegetation types occur within the Darwin Energy:

- Riparian vegetation
- Mangroves
- Wetlands
- Sandsheet heath
- Large trees with hollows suitable for fauna (also referred to as old-growth forest)⁴

³ Appendix E - Ecology Report Part 1

⁴ Appendix E - Ecology Report Part 1

21. Furthermore, two species, *Typhonium sp. Cox Peninsula* and *Typhonium praetermissum* are threatened (or likely qualify for a threatened status) may occur in the Darwin Energy, although there have been no previous surveys for these species.⁵
22. A DCCEEW protected matters search of the proposed site selection area reveals that the area may contain Matters of National Environment Significance including 53 listed threatened species and 58 listed migratory species. The potentially listed species include the curlew sandpiper, Gouldian finch, red goshawk, eastern curlew and Far Eastern curlew, Australian painted snipe, greenshank, northern quoll, black-footed tree-rat, narbelek, loggerhead turtle, leatherback turtle, Olive-Ridley turtle, northern blue-tongued skink, Mertens's water monitor, and Mitchell's water monitor. All these species are either endangered or critically endangered.

Regional Planning and strategic environmental assessment

23. Renewable energy project sites should be selected transparently, strategically, and in accordance with a coherent strategic framework for renewable energy infrastructure development. Site selection should be consulted on early, and in accordance with best practice First Nations and broader community engagement principles.
24. When jurisdictions are identifying priority areas for renewable energy development there is a strong case for the formal integration of both social licence and biodiversity considerations into the strategic planning process. This could include regional mapping to prioritise development on land which has already been cleared while excluding areas of high biodiversity value. At a project level, the development of principles and guidelines around community benefit sharing and best practices for environmental restoration would help to encourage projects to not just avoid harm but also support nature positive outcomes. Integrating the principles and actions set out in the First Nations Clean Energy Strategy into jurisdictional approaches should also be a priority.⁶
25. Regional planning and robust strategic environment assessment (SEA) should be used to:
 - a. collect environmental data for proposed site areas;
 - b. identify and prioritise land which has previously been developed, impacted or degraded; identify sensitive areas that are off limits;
 - c. consider and address/mitigate cumulative impacts; and
 - d. identify precincts or zones where projects and infrastructure can be progressed in accordance with the principles of ecological sustainable development.

⁵ Appendix E - Ecology Report Part 1

⁶ *States_of_Transition_Final_Report_compressed.pdf, page 8

26. Regional strategies to protect and restore nature are needed to increase the pace of the rollout and help jurisdictions meet their renewable energy and emission reduction targets. Restoring nature leads to improved climate resilience because nature stores carbon and cleans our air and water.

Referral under the EP Act

27. A proponent must refer a proposal to the Northern Territory Environment Protection Authority (NTEPA) for environmental assessment under the EP Act if it has the 'potential to have a significant impact on the environment' (s48).
28. A significant impact is defined as an impact of major consequence, having regard to the context and intensity of the impact; and the sensitivity, value and quality of the environment impacted on and the duration, magnitude and geographic extent of the impact (s11).
29. The NTEPA takes a broad view of the threshold test for referral, with its guidance stating: "It is important for proponents to examine all potential impact sources that relate to the proposal, and the potential impact pathways between the source of an impact and environmental values and sensitivities that may be impacted. These need to be considered for the life of the proposal and after the proposal ceases, both in isolation and cumulatively".
30. Importantly, the definition of 'impact' specifies that 'an impact may be a cumulative impact and may occur over time' (s10(2)). The Environment Protection Regulations 2020 provide further context as to how cumulative impacts are considered during an environmental impact assessment. Cumulative impact assessment includes the combined impact of the action and other actions: for which environmental approval has been granted; is the subject of environmental impact assessment; for which an approval under another Act has been given or for which an application is being assessed under another Act; or that are occurring or proposed in or near the area of the proposed action (cl 79).
31. As a result, the potential impacts of the Darwin Energy Hub must be considered on a cumulative basis with other projects in the region, such as the Middle Arm Industrial Precinct and the Holtze development, in the context of referral to the NTEPA and any assessment carried out under the EP Act.
32. The proposed Middle Arm Industrial Precinct would see a 1500ha gas and petrochemical precinct constructed on the Middle Arm Peninsula in Darwin Harbour,

with potential impacts on the loss or degradation of habitat at the Peninsula and the potential to impact the viability of local populations of a number of key threatened species also known to occur at the Darwin Energy Hub project site, including black-footed tree rats, northern brush-tail possums and the far eastern curlew. Should the Middle Arm Industrial Precinct be developed, it could substantially increase the ecological importance of surrounding areas, including the areas impacted by the Darwin Energy Hub development, which could be critical in sustaining local populations impacted by the industrial hub. Development of the Middle Arm Industrial Precinct and the Darwin Energy Hub have the potential to render significant cumulative impacts to listed species. An Environmental Impact Statement should address such cumulative impacts.

33. ECNT submits that in the circumstances, the Darwin Energy Hub proposal should be referred to the NTEPA.

Referral to the Federal Environment Minister under the EPBC Act

34. Under the EPBC Act, it is an offence for a person to take an action that has, will have or is likely to have a significant impact on a listed threatened or migratory species, if that person does not have approval for the action (ss18A, 20A).

35. An agency of a self-governing Territory may refer a proposal to the Minister for a decision whether or not the action is a controlled action if it has administrative responsibilities relating to the action (s69).

36. The Commonwealth has issued Significant Impact Guidelines 1.1 – Matters of National Environmental Significance (Significant Impact Guidelines) which provide overarching guidance on whether an action is likely to have a significant impact on a matter protected under the EPBC Act. They provide that:

a 'significant impact' is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. You should consider all of these factors when determining whether an action is likely to have a significant impact on matters of national environmental significance (p2).

37. The Significant Impact Guidelines also provide that when considering whether an action requires referral, the action must be considered at its 'broadest scope'

including 'all stages and components of the action, all related activities, and all related infrastructure' (p5).

38. ECNT submits that there is potential for the Darwin Energy Hub proposal to have an impact on listed threatened and/or migratory species and regional biodiversity. It should therefore be referred to the Federal Environment Minister for assessment.

Conclusion

39. To meet energy demands and to secure low household energy costs, the NT Government must prioritise renewable energy generation in the Northern Territory as quickly as possible, but the developments must be constructed in environmentally and socially appropriate locations.
40. With this in mind, ECNT submits that:
- a) the Darwin Energy Hub project requires environmental impact assessment, in the form of an Environmental Impact Statement (EIS).
 - b) due to its potential impacts on threatened species and regional biodiversity, the project should also be referred for assessment under the Environment Protection Act 2019 (NT) (EP Act) and the EPBC Act.
 - c) further community consultation is needed to address concerns regarding the project's likely impacts on local tourism, potential future development opportunities in the region, the Berry Springs township and the rural ambiance of the local area.

If you have any questions, please do not hesitate to contact Kirsty Howey on kirsty.howey@ecnt.org.

Yours faithfully,



Kirsty Howey
Executive Director Environment Centre NT