

STATEMENT OF REASONS

Section 69(1)(a) of the *Environment Protection Act 2019* (EP Act)

Environmental approval holder	INPEX Operations Australia Pty Ltd ABN 48 150 217 262
Environmental approval number	EP2022/018 - 001
Action	Ichthys LNG Maintenance Dredging Program 2023-2027 - Undertake maintenance dredging activities within the existing, dredged footprint of the shipping channel and turning basin in Darwin Harbour and dredge spoil disposal area in Beagle Gulf.
Material considered	Northern Territory Environment Protection Authority (NT EPA) advice received on 19 April 2023 <ul style="list-style-type: none">• Assessment Report 100• A draft environmental approval setting out conditions recommended to apply• Fit and proper person advice – signed declaration.
Decision	In accordance with sections 69(1)(a) and 82(4)(a) of the EP Act, I accept the draft environmental approval, adopt the proposed conditions of the NT EPA and grant the approval.

REASONS

This statement of reasons has been prepared in accordance with sections 82(3) and 82(4) of the EP Act.

Overview of Action

INPEX Operations Australia Pty Ltd (approval holder) submitted a referral for the Ichthys LNG Maintenance Dredging Program 2023-2027 (action) to the NT EPA that was accepted on 16 September 2022 for consideration under the *Environment Protection Act 2019* (EP Act).

The action is to undertake maintenance dredging activities within the existing dredged footprint of the Ichthys shipping channel and turning basin in Darwin Harbour. Up to 1.5 Million Cubic meters (Mm³) of material would be removed using a single trailing suction hopper dredger (TSHD) with dredged material transported and placed at the previously used dredge spoil disposal area (DSDA) within the Beagle Gulf, approximately 45 km north from East Arm and around 12 km north-west of Lee Point. The dredge area and DSDA are within NT Portions 7168 and 7634(A) Beagle Gulf.

Environmental context

The action is in Darwin Harbour and the Beagle Gulf. Darwin Harbour is recognised as a site of international conservation significance supporting a range of marine, estuarine, freshwater and terrestrial environments. The Darwin Harbour region is the NT's most densely populated area, supporting the largest concentration of commerce and industry in the NT, as well as important historic and cultural heritage.

Environmental values that require protection from the action include marine water quality and marine ecosystems (benthic coral reefs, sponge gardens, seagrass meadows and mangroves). Healthy marine ecosystems underpin a range of threatened marine megafauna, community and cultural values. Cultural heritage values within Darwin Harbour must also be protected.

Matters considered under section 73 of EP Act**Section 73(1) Principles of environment protection and management**

In considering Part 2 (Principles of environment protection and management) of the EP Act, I have considered the meaning of ecologically sustainable development (ESD) and applied each of the principles of ESD. I have reviewed the NT EPA's consideration of the principles of ESD as summarised in Assessment Report 100. I have considered and weighed all the principles of ESD in making my decision.

The NT EPA's assessment process has considered, and I have applied, approval conditions to mitigate environmental impacts associated with dredging. The assessment of the proposal, the NT EPA's advice to me, and consequently my decision, has been informed by the consultation process with communities that would potentially be affected by the proposal.

I have considered and applied the hierarchies for environmental decision-making and waste management. I have given particular consideration to the application of the environmental decision-making hierarchy, and proposed measures to avoid, and then mitigate and manage potential adverse impacts on the environment.

I am satisfied that through compliance with the environmental approval, the action is consistent with the principles of environment protection and management including the ESD principles and management hierarchies.

Section 73(1)(a) Objects of the EP Act

I have had regard to the objects of the EP Act. I note in particular that through the environmental impact assessment of the action and the granting of the environmental approval, significant adverse impacts on the Territory environment are likely to be avoided and the protection and management of the Territory environment is promoted.

The approval of the action will allow maintenance dredging activity to occur in Darwin Harbour while maintaining environment protection, including protection of marine ecosystems, marine water quality and cultural heritage. I also note the opportunity provided to the community for involvement in the environmental impact assessment of the action.

Section 73(1)(b) Assessment report on the action

I have considered the advice of the NT EPA in its assessment report on the action (Assessment Report 100) which provides the NT EPA's assessment of the potential significant impacts of the action and recommendations for avoiding, mitigating and managing those impacts. The NT EPA identified that the action has the potential to have a significant impact on environmental values associated with three environmental factors, including marine environmental quality, marine ecosystems and culture and heritage. The NT EPA recommended environmental approval be granted subject to implementation of the approval holder's commitments in the referral information and the recommended conditions in the draft environmental approval. Assessment Report 100 states that the action is likely to meet the NT EPA's environmental objectives and can be implemented and managed in a manner that is environmentally acceptable. The proposed conditions of the NT EPA have been adopted in the environmental approval.

Section 73(1)(c) Fit and proper person to hold environmental approval

I have had regard to whether the approval holder is a fit and proper person to hold an environmental approval, and consider that the approval holder is a fit and proper person to hold an environmental approval.

Section 73(1)(d) Any other matters the Minister considers relevant

I have not identified any other matters that are relevant to, or require my consideration, in deciding to grant environmental approval for the action.

Section 73(2) of the EP Act

Overall, having regard to the above, and the matters I considered, I am satisfied that:

- the community has been consulted on the potential environmental impacts and environmental benefits of the proposed action through public consultation on the referral information; and
- the significant impacts of the action have been appropriately avoided or mitigated or can be appropriately managed to acceptable levels through compliance with the environmental approval. The NT EPA's Assessment Report 100 supports this view.

No significant residual adverse impacts on the environment were identified that would require an environmental offset.



Signature

Hon Lauren Moss MLA

Minister for Environment, Climate Change and Water Security

DATE 02 JUN 2023
