

## STATEMENT OF REASONS

Part 5, Division 9 of the *Environment Protection Act 2019* (EP Act): Amendment of environmental approval

<b>Environmental approval holder</b>	Department of Infrastructure, Planning and Logistics (DIPL)
<b>Environmental approval number</b>	EP2022/041-001, granted by the Minister for Environment, Climate Change and Water Security on 6 October 2023  located on the public register at <a href="#">Mandorah Marine Facilities   Department of Environment, Parks and Water Security</a>
<b>Approved action</b>	Mandorah Marine Facilities Project - to construct and operate an all access ferry berthing facility at Mandorah.
<b>Material considered</b>	<ul style="list-style-type: none"> <li>• Application for amendment to EP2022/041-001 submitted by Approval Holder on 30 April 2024 in accordance with s. 106(1)(a)</li> <li>• Consultation with the NT EPA in accordance with s. 107(1)(a)</li> <li>• Advice from agencies, provided by the Approval Holder in their application, who the Minister considers may hold views in relation to the matter in accordance with s. 107(1)(b) consultation</li> <li>• <a href="#">Statement of Reasons</a> for granting environmental approval EP2022/041-001, located on the public register</li> <li>• <a href="#">Assessment Report 104.</a></li> </ul>
<b>Decision</b>	In accordance with section 106(1) (a), (2), (3), (4) and section 107 of the EP Act, <b>I have amended the conditions of environmental approval and grant the amended environmental approval as EP2022/041-002.</b>
<b>Decision maker</b>	Chief Executive Officer of the Department of Environment, Parks and Water Security (DEPWS) as delegate for the Minister of Environment ( <i>under section 278(1) of the Environment Protection Act 2019 and with reference to section 42 of the Interpretation Act 1978</i> ).  There are no professional or personal reasons that prevent the Chief Executive Officer from exercising the delegated power.

## REASONS

This statement of reasons has been prepared in accordance with sections 106(3) and 107 of the EP Act.

## BACKGROUND

### Context

The amendment is to allow a reconfiguration of the design and spatial extent of the development footprint. This provides improvements to construction and a reduction in the overall likely impact to the environmental factors.

### Environmental context

The breakwater and jetty have been redesigned into a more practical configuration that will have a smaller environmental impact and will be easier to construct. There are also minor changes to the land-based footprint to allow for better configuration of car parking and access roads. The proposed

construction design will result in reductions to the breakwater and dredging footprints. The landside works will have a small increase in disturbance to the footprint.

## ASSESSMENT OF THE APPLICATION

### Procedural matters

Section 106(3)(a) of the EP Act provides that in making a decision on a request from the approval holder to amend an environmental approval, the Minister must:

- (a) have regard to the following:
  - (i) the matters set out in Part 2 of the EP Act;
  - (ii) objects of the EP Act;
  - (iii) the assessment report of the action; and
- (b) be satisfied that the amendment will not prevent:
  - (i) the significant impacts of the action from being appropriately avoided or mitigated or from being appropriately managed; and
  - (ii) any appropriate environmental offsets from being provided for significant residual adverse impacts on the environment that cannot be avoided or mitigated.

### Time for determining the application

Under section 106(2) of the EP Act, I am required to make a decision of the amendment application within 60 business days of receipt of the application. The timeframe for making a decision ceases to run during the period of consultation required by section 107. Consultation with the NT EPA occurred from 4 to 19 June 2024. Accordingly the date I am required to make a decision is 7 August 2024.

### Assessment

The matters set out in Part 2 of the EP Act on the principles of environment protection and management; the objects of the EP Act; and the assessment report of the action were considered in the original granting of the approval and will not be affected by the amendments to the approval.

The effect of the proposed changes to the location and design of the facility on coastal process and sediment transport has been assessed.

The proposed amendment does not alter the reasons for deciding to grant the environmental approval following the environmental impact assessment phase, as set out in the [Statement of Reasons - Mandorah Marine Facilities](#), and the assessment of the environmental impact assessment studies as set out in [Assessment Report 104](#).

### Amendments

To accommodate the change in location and footprint of the development the following amendments to the environmental approval are required to condition 1-1:

- (c) increase in the approved volume of rock to be excavated during capital dredging from 70,000 m<sup>3</sup> to 90,000 m<sup>3</sup> and reduction in the volume of unconsolidated material from 30,000 m<sup>3</sup> to 20,000 m<sup>3</sup>; and
- (d) Replacement for Figure 1 to show the revised spatial configuration of the facility.

### Conclusion

Having regard to the above and the materials I considered, I am satisfied that the amendments to the conditions of environmental approval EP2022/041-001 that has been granted to DIPL will not prevent:

- (e) the significant impacts of the action from being appropriately avoided or mitigated or from being appropriately managed; and

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- (f) any appropriate environmental offsets from being provided for significant residual adverse impacts on the environment that cannot be avoided or mitigated.

Accordingly, I will issue an amended Environmental Approval.

Signature



Jo Townsend  
Chief Executive Officer  
Delegate for the Minister of Environment, Climate Change and Water Security

Date

28 June 2024

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