

Environmental Approval

PURSUANT TO SECTION 69 OF THE ENVIRONMENT PROTECTION ACT 2019

Approval number	EP2023/028-001
Approval holder	Chief Executive Officer of the Northern Territory Department of Infrastructure, Planning and Logistics
Australian business number (ABN)	84 085 734 992
Registered business address	Level 3, Manunda Place 38 Cavenagh Street Darwin, Northern Territory 0800
Address for notices	Level 5 Energy House, 18-20 Cavenagh Street Darwin, Northern Territory 0800
Action	Darwin Ship Lift and Marine Industries Project

Action description

Construct and operate a common user ship lift, repair and maintenance facility and adjoining marine facility approximately 700 m east of the existing East Arm Wharf and Marine Supply Base in Darwin Harbour including:

- disturbance of no more than 11 ha of seabed within the approved extent
- capital dredging (excluding maintenance dredging) shall not exceed 520,000 m³ and shall occur within the **approved extent**
- disposal of dredged material within the East Arm Ponds or beneficial reuse of dredged material through placement in the revetment area; and
- land disturbance area (including, infrastructure, hardstand and revetments) must not exceed 22.2 ha.

Advisory notes

- i. Approval is granted under section 69 of the EP Act for the action to be undertaken in the manner described, including with implementation of the environmental management measures, commitments and safeguards documented in the Notice of Intent (NOI) and Environmental Impact Statement (EIS) (including the draft EIS and the Supplement to the draft EIS). If there is an inconsistency between the NOI or EIS and this environmental approval, the requirements of this environmental approval prevail.
 - ii. This approval does not authorise the approval holder to undertake an activity that would otherwise be an offence under the *Water Act 1992*.
 - iii. Submission of all notices, reports, documents or other correspondence required to be provided to the CEO and/or Minister as a condition of this approval must be provided in electronic form by emailing environmentalregulation@nt.gov.au
-

Address of action Parcels 5163, 5167, 5420, 6370, part of parcels 7146, 7147 and part of Section 7398 (to be declared) Hundred of Bagot, Berrimah (Figure 1)

NT EPA Assessment Report number 101

Person authorised to make decision



Hon Lauren Jane Moss MLA,
Minister for Environment, Climate Change and
Water Security

Signature

INSERT SIGNATURE

Date of decision

INSERT DATE OF APPROVAL
30th August 2023

Environmental approval conditions

Construction phase conditions

1 Limitations

- 1-1 When implementing the action, the approval holder must ensure the action does not exceed the following:

Action element	Context	Limitation
Dredging	Figure 1	Capital dredging shall not exceed 520,000 m ³ and shall occur within the approved extent (Figure 1)
		Disturbance of no more than 11 ha of seabed within the approved extent

2 Marine environmental quality and marine ecosystems - Construction

- 2-1 The approval holder must carry out the construction phase of the action to achieve the following environmental objectives:
- (1) no **material environmental harm** to the environmental values and declared **beneficial uses** of Darwin Harbour beyond the **approved extent**, including but not limited to the quality and productivity of water, sediment and biota; and
 - (2) dredging and land reclamation activities must not cause any **material environmental harm** to water quality, or the condition or distribution of **benthic communities** beyond the **approved extent**, as indicated by monitoring required by condition **2-4(3)**; and
 - (3) risks of physical injury, mortality, behavioural changes and health impacts on marine megafauna are minimised.
- 2-2 To support the achievement of condition **2-1**, the approval holder must implement the action in such a manner that:
- (1) the external revetment walls are designed and constructed to wholly contain all material placed within the reclaimed area and to prevent the release of sediment to tidal waters during construction;
 - (2) the generation of sediment plumes during construction of the rock revetment, land reclamation, dredging and dredged material management, is minimised.
- 2-3 At all times during construction, the approval holder must implement an erosion and sediment control plan (ESCP) that has been prepared by a Certified Professional in Erosion and Sediment Control (CPESC) in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association).
- 2-4 The Dredging and dredge spoil disposal management plan 17-Jun-2022 Darwin ship lift project. Doc no. M&C4172/R1891 prepared by AECOM Australia Pty Ltd for the

Department of Infrastructure, Planning and Logistics (Dredging Management Plan (DMP)) must be revised to include:

- (1) a requirement for all dredging activity to achieve the environmental objectives and outcomes required by condition **2-1**;
- (2) details of mitigation measures and controls that would be implemented to prevent sediment from entering tidal waters of Darwin Harbour during dredging, dredged material management and land reclamation activities, including but not limited to the requirement that there will be no overflow of entrained water or porewater from hopper barges;
- (3) details of the program for monitoring water quality and **benthic communities** during construction including:
 - (a) identification of the locations and methods for monitoring, measurement, analysis and evaluation to ensure valid results;
 - (b) defining when monitoring must be performed (including prior to **substantial implementation**, during dredging, and post-dredging), when the results from monitoring must be analysed and evaluated, how monitoring results will be communicated and reported and to whom; and
 - (c) quality assurance and quality control methods.
- (4) quantitative **trigger values** to initiate investigative and/or adaptive management actions when water quality or **benthic communities** monitoring results exceed **trigger values**;
- (5) quantitative **thresholds** to initiate stop work, recommencement and/or investigative actions when water quality or **benthic communities** monitoring results exceed **thresholds**;
- (6) a description of how and when monitoring exceedances of **trigger values** or **thresholds** and the outcomes of investigative, adaptive management, stop work or recommencement actions would be notified to the **Minister**;
- (7) measures for avoidance and minimisation of impacts on marine megafauna including:
 - (a) piling undertaken during daylight hours only;
 - (b) soft-start procedures implemented during piling activities;
 - (c) restriction of vessel speed limits and use of marine megafauna approach distances for all vessels used during construction;
 - (d) trained marine megafauna observers on duty during daylight dredging and piling;
 - (e) appropriate exclusion zones and protocols for marine megafauna sightings;
 - (f) night and low visibility marine megafauna observation procedures;
 - (g) measures to minimise direct entrainment impacts on marine megafauna; and

- (h) lighting design for above-water infrastructure in accordance with national guidelines¹.
 - (8) procedures for reporting any incidents relating to marine megafauna injury or mortality to the relevant regulator;
 - (9) the date of expiry of the DMP.
- 2-5 The revised DMP required in condition **2-4** must be provided to the **Minister** at least 20 business days prior to the commencement of **dredging activity**, together with a written review and endorsement from an **independent qualified person** stating that the revised DMP appropriately identifies and mitigates any environmental risk and complies with the conditions of this approval.
- 2-6 The approval holder must revise the DMP as and when directed by the **Minister**.
- 2-7 The approval holder may revise the updated DMP for its own purposes.
- 2-8 The approval holder must provide a revised DMP prepared in accordance with condition **2-6** or condition **2-7** to the **Minister** within 10 business days prior to any amendment(s) being implemented, accompanied by:
- (1) a tabulated summary of the amendment(s) with document references;
 - (2) reasons for the amendment(s);
 - (3) an assessment of environmental risks and potential impacts associated with the amendment(s); and
 - (4) a written review and endorsement from an **independent qualified person** that the revised DMP appropriately identifies and mitigates any environmental risk and complies with the conditions of this approval.
- 2-9 The approval holder must implement the action to comply with the latest revision of the DMP provided in accordance with condition **2-5** or condition **2-8**.

Operations phase conditions

3 Marine environmental quality – Operation

- 3-1 The approval holder must operate the action to achieve the following environmental objectives:
- (1) no **material environmental harm** to the environmental values and declared beneficial uses of Darwin Harbour beyond the **approved extent**, including but not limited to the quality and productivity of water, sediment and biota
- 3-2 To support the achievement of condition **3-1**, the approval holder must implement the action in such a manner that there is no release of contaminated material to Darwin Harbour.

¹ National light pollution guidelines for wildlife including marine turtles, seabirds and migratory shorebirds, Commonwealth of Australia 2020.

- 3-3 Blasting activities that involve the removal of organotin; or heavy metal protective coatings; or contaminants of concern, must be conducted within a painting and blasting facility that:
- (1) is appropriately sealed so that abrasive and abraded material is contained; and
 - (2) incorporates pollution control equipment to minimise emissions.
- 4 Air quality - Operation**
- 4-1 The approval holder must operate the action to meet the following environmental objective:
- (1) Protect air quality so that the air quality assessment criteria in **4-2(1)** are not exceeded at the boundary of the **approved extent** due to point source air pollutant emissions generated by the action.
- 4-2 To support the achievement of condition **4-1** the approval holder must operate the action in such a manner that:
- (1) concentrations of air pollutants, as monitored by the approval holder in real time at the boundary of the **approved extent**:
 - (a) do not exceed the ambient air quality National Environment Protection (Ambient Air Quality) Measure goals; and
 - (b) do not exceed the impact assessment criteria provided in the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW published by the NSW Environment Protection Authority (September 2022).
- 4-3 Painting activity must be carried out in a painting and blasting facility at all times, where practicable. The painting and blasting facility must:
- (1) be appropriately sealed so that all painting material is contained; and
 - (2) incorporate pollution control equipment (such as air filtration) that is used during painting and blasting to minimise emissions of air pollutants (including but not limited to volatile organic compounds, particulates, odour or other air pollutants).

General conditions

5 Commencement of action

- 5-1 This approval expires five (5) years after the date on which it is granted, unless **substantial implementation** has commenced on or before that date.
- 5-2 Within 10 business days of **substantial implementation** of the action the approval holder must provide notification in writing to the **Minister**.
- 5-3 Within 10 business days of commencement of the operational phase of the action, the approval holder must provide notification in writing to the **Minister**.

6 Change of contact details

6-1 The approval holder must provide notification in writing to the **Minister** of any change of its name, physical address or postal address for the serving of notices or other correspondence within 10 business days of such change.

7 Environmental Performance Report

7-1 The approval holder must submit a report on the environmental performance of the construction phase of the action to the **Minister** no later than 12 months after completion of **dredging activity**, unless otherwise directed by the **CEO** in writing.

7-2 The approval holder must submit a report on the environmental performance of the action to the **Minister** within two years of the commencement of the operational phase of the action, and thereafter biennially, unless otherwise directed by the **CEO** in writing.

7-3 The reports required by conditions **7-1** and **7-2** must be prepared by an **independent qualified person**.

7-4 The reports required by conditions **7-1** and **7-2** must:

- (1) include an analysis and interpretation of monitoring data to demonstrate whether compliance with the requirements of conditions **2**, **3** and **4** has been achieved;
- (2) include a comparison of the predicted impacts of the action, including dredging and dredged material management activities as identified in a baseline survey, and the actual impacts of the action as verified by environmental monitoring data;
- (3) be endorsed by the approval holder or a person delegated to sign on the approval holder's behalf;
- (4) include a statement as to whether the approval holder has complied with the conditions of this approval; and
- (5) identify all non-compliances and describe corrective and preventative actions taken.

8 Provision of environmental data

8-1 All environmental monitoring data required to be collected or obtained under this environmental approval must be retained by the approval holder for a period of not less than 10 years commencing from the date that the data is collected or obtained.

8-2 The approval holder must, as and when directed by the **Minister**, provide any validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (such as maps)) relevant to the assessment of the action and implementation of this environmental approval, to the **Minister** in the form and manner, and at the intervals specified, in the direction.

Definitions

The terms used in this approval have the same meaning as the terms defined in the *Environment Protection Act 2019* and *Environment Protection Regulations 2020*.

Term	Definition
approved extent	The extent identified in Figure 1 of this approval which includes the land and water on which the action is situated.
benthic communities	Biological communities that live in or on the seabed.
CEO	Has the same meaning as in section 4 of the <i>Environment Protection Act 2019</i> .
DMP	Dredging Management Plan, which includes management and disposal of dredged material.
dredging activity	Dredging works carried out under this approval including dredging and dredged material management.
EP Act	<i>Environment Protection Act 2019</i> .
independent qualified person	A qualified person as defined under section 4 of the EP Act ; and who also meets the following requirements: <ul style="list-style-type: none"> a) was not involved in the preparation of the approval holder's NOI or EIS; and b) is independent of the personnel involved in the design, construction and operation of the action; and c) has obtained written approval from the CEO to be the qualified person to satisfy the independent qualified person reporting requirements under this approval.
life of the action	The period of time from substantial implementation until the issue of a closure certificate under section 213 of the EP Act , or revocation of the environmental approval by the Minister at the request of the approval holder under section 114 of the EP Act .
material environmental harm	Has the same meaning as in section 8 of the <i>Environment Protection Act 2019</i> .
Minister	NT Minister for Environment, Climate Change and Water Security.
NT EPA	Northern Territory Environment Protection Authority.
substantial implementation	The first works of the proposed action defined as any ground disturbing activity relating to the action within the approved extent , including, but not limited to, dredging activity , civil works or construction works. Substantial implementation does not include

	preliminary works such as geotechnical investigations and other preconstruction activities.
threshold value	Values of monitored environmental parameters that represent the limit of acceptable impact beyond which the environmental values and objectives are not being met.
trigger value	Values of monitored environmental parameters that indicate when response actions are required to prevent exceedance of thresholds.



Figure 1 Approved extent (shaded polygon) and 'dredge buffer zone' (pink)