

## STATEMENT OF REASONS

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

<b>Environmental approval holder</b>	Chief Executive Officer of the Northern Territory Department of Infrastructure, Planning and Logistics ABN 84 085 734 992
<b>Environmental approval number</b>	EP2023/028-001
<b>Action</b>	<p><b>Darwin Ship Lift and Marine Industries Project</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• disturbance of no more than 11 ha of seabed within the approved extent</li> <li>• capital dredging (excluding maintenance dredging) shall not exceed 520,000 m<sup>3</sup> and shall occur within the approved extent</li> <li>• disposal of dredged material within the East Arm Ponds or beneficial reuse of dredged material through placement in the revetment area; and</li> <li>• disturbance area (including, infrastructure, hardstand and revetments) must not exceed 22.2 ha.</li> </ul>
<b>Material considered</b>	<p>Northern Territory Environment Protection Authority (NT EPA) advice received on 20 July 2023</p> <ul style="list-style-type: none"> <li>• Assessment report 101</li> <li>• A draft environmental approval setting out recommended conditions.</li> </ul> <p>Fit and proper person advice – signed declaration.</p>
<b>Decision</b>	In accordance with sections 69(1)(a) and 82(4)(a) of the EP Act, <b>I accept the draft environmental approval, adopt the proposed conditions of the NT EPA and grant the approval.</b>

### REASONS

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

#### Overview of action

The Northern Territory Department of Infrastructure, Planning and Logistics (approval holder) will construct and operate the Darwin Ship Lift and Marine Industries Project (action). A notice of intent for the action was submitted to the Northern Territory Environment Protection Authority (NT EPA) on 26 April 2018 for consideration under the *Environmental Assessment Act 1982* (EA Act). The action is to construct and operate a common user ship lift, repair and maintenance facility including wet and dry berth vessel maintenance facilities and a privately-

---

owned facility including additional quay line, berths and hardstand. The proposal would be located approximately 700 m east of the existing East Arm Wharf and Marine Supply Base in Darwin Harbour. The action is located on parcels 5163, 5167, 5420, 6370, part of parcels 7146, 7147 and part of Section 7398 (to be declared), Hundred of Bagot, Berrimah.

### **Environmental context**

The proposal is in an industrial area adjacent to and within Darwin Harbour. The Darwin region is the Territory's most densely populated area, supporting the largest concentration of commerce and industry in the Territory, as well as important historic and cultural heritage. Darwin Harbour is recognised as a site of international conservation significance supporting a range of marine, estuarine and terrestrial environments.

Environmental values that require protection from the action include marine water quality marine ecosystems, marine megafauna, and air quality.

### **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 101. 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 construction and operation of the facility. 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, in requiring best practice technologies and management in the first instance, to avoid potential adverse impacts on the environment.

I am satisfied that through compliance with the environmental approval, the action is consistent with the ESD principles and the 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 construction and ongoing operation of the facility in Darwin Harbour while maintaining environment protection, including protection of marine ecosystems, marine water quality, air 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 101) 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 six environmental factors, including coastal processes, marine environmental quality, marine ecosystems, air quality, community and economy, and culture and heritage. Assessment Report 101 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 NT EPA recommended an 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. 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 materials I considered, I am satisfied that:

- the community has been consulted on the potential environmental impacts and environmental benefits of the proposed action through the consultation processes on the environmental impact statement; and
- the significant impacts of the action have been appropriately avoided or mitigated or can be appropriately managed through compliance with the environmental approval. The NT EPA's Assessment report supports this view.

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

---

Signature



Hon Lauren Moss

Minister for Environment, Climate Change and Water Security

DATE 30/8/2023

---