

STATEMENT OF REASONS

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

Environmental approval holder	Chief Executive Officer of the NT Department of Infrastructure, Planning and Logistics ABN 84 085 734 993
Environmental approval number	EP2022/014-001
Action	Mandorah Marine Facilities Develop a safer and weather-resistant ferry berthing facility at Mandorah on Cox Peninsula
Material considered	Northern Territory Environment Protection Authority (NT EPA) advice received on 28 August 2023. <ul style="list-style-type: none"> • Assessment Report 104 • A draft environmental approval setting out conditions recommended to apply • The submission received by the NT EPA on the draft environmental approval under the regulations • Written comments on the NT EPA on the submission. • 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 the action

The Department of Infrastructure, Planning and Logistics (approval holder) submitted a referral for the Mandorah Marine Facilities (action) to the NT EPA on 22 February 2022, for consideration under the EP Act.

The action is to construct and operate a safer and weather resistant ferry berthing facility near the existing Mandorah ferry facility on the eastern tip of Cox Peninsula. The new facility will encompass various components including two breakwaters, a floating pontoon, a gangway, a jetty and an onshore ferry terminal.

The action also includes the carrying out of capital dredging and ongoing maintenance dredging activities (every 5 to 7 years) for an access channel and berthing areas. Dredged unconsolidated sediments, amounting to 30,000 m³, will be disposed of offshore in Darwin Harbour and rock material totalling up to 70,000 m³ will be repurposed for construction of the breakwaters.

Environmental context

The action is situated in the Darwin Harbour region. This region is the most densely populated area in the NT, 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 the quality of terrestrial lands and soils, the Mandorah coastline, cultural and heritage values, marine water quality and marine ecosystems of Darwin Harbour. Darwin Harbour is recognised as a site of international conservation significance, supporting a range of marine, estuarine, freshwater and terrestrial environments. Healthy marine habitats (benthic coral reefs, sponges, seagrass meadows) of Darwin Harbour support a range of threatened marine megafauna.

Matters considered under section 73 of the 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 104. I have considered and weighed all the principles of ESD in making my decision.

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 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.

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 104) 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 terrestrial environmental quality, terrestrial ecosystems, coastal processes, marine environmental quality, marine ecosystems, and culture and heritage. The NT EPA recommended an environmental approval be granted subject to implementation of the approval holder's commitments in the supplementary environmental report and the recommended conditions in the draft environmental approval.

Assessment Report 104 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 an environmental approval

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

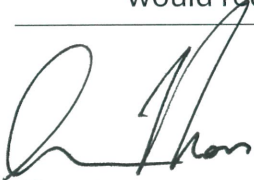
Section 73(1)(d) Any other matters the Minister considers relevant

I have not identified any other matters that are relevant, or require my consideration, in deciding to grant an 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 supplementary environmental report;
- 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 104 supports this view; and
- 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 6th October 2023
