


NOTICE OF DECISION AND STATEMENT OF REASONS

Section 55 of the *Environment Protection Act 2019* (EP Act)
 Regulations 57(2)(b), 63 and 64 of the *Environment Protection Regulations 2020* (EP Regulations)

Name of proposed action	Ichthys LNG Maintenance Dredging Program 2023-2027
Proponent	INPEX Operations Australia Pty Ltd
NT EPA reference	EP2022/018
Description of proposed action	<p>INPEX Operations Australia Pty Ltd proposes to undertake maintenance dredging activities within the existing dredged footprint of the shipping channel and turning basin for its onshore liquefied natural gas (LNG) processing facility at Bladin Point in Darwin Harbour. A maximum of 1.5 Mm³ of material would be removed using a single trailing suction hopper dredger over the nominal five-year life of the proposal with no single campaign to exceed 0.75 Mm³.</p> <p>The proposed action includes one planned maintenance dredging campaign and up to four contingency campaigns to be undertaken within the five-year period. Dredged material would be loaded directly into the dredge hopper and transported to the previously used dredge spoil disposal area, for disposal within NT waters of the Beagle Gulf, approximately 45 km north of East Arm.</p>
Nature of proposed action	Coastal and marine
Decision	<p>Standard environmental impact assessment is required in accordance with section 55 of the EP Act and regulation 57(2)(b)(i) of the EP Regulations.</p> <p>The method of environmental impact assessment to be assessment on referral information in accordance with regulation 57(2)(b)(ii).</p>
Person authorised to make decision	Dr Paul Vogel AM – Chairperson, as delegate of the Northern Territory Environment Protection Authority (NT EPA)
Signature	
Date of decision	6 December 2022
Matters considered under EP Regulation 56	<p>The NT EPA has considered the following:</p> <ul style="list-style-type: none"> • the accepted referral (including the referral form, referral report and appendices) • submissions received in relation to the referral information during the public consultation period 21 September 2022 to 19 October 2022 <ul style="list-style-type: none"> ○ government authority submissions received: 7 ○ public submissions: Nil.

Consultation

The referral states the proponent engaged with government authority and private industry stakeholders.

Submissions to the NT EPA on the referral information identified potential impacts on marine ecosystems, and marine environmental quality. Potential impacts on community and economy and culture and heritage were also raised.

All submissions made during the consultation period are published on the NT EPA website.

Statement of Reasons

Overview

The NT EPA considers that the proposed action has the potential to have a significant impact on environmental values associated with three environmental factors¹.

Sea

- **Marine environmental quality** – may be significantly impacted through:
 - sediment suspension and deposition during dredging
 - accidental release of contaminants from vessels.
- **Marine ecosystems** - may be significantly impacted through:
 - sedimentation and reduction of light affecting benthic habitats and fish
 - vessel interactions and underwater noise impacting protected marine fauna
 - accidental introduction of marine pests.

People

- **Culture and heritage** – underwater heritage objects and sacred sites adjacent to the dredge area may be significantly impacted or damaged through vessel movements, anchoring and dredging activity.

The NT EPA considered other environmental factors during its consideration of the referral; however, the impact on those factors was not considered to be significant.

Justification

A standard environmental impact assessment on referral information is required because:

Regulation 59 (a) the significance of the potential impact of the proposed action as described above.

Regulation 59 (b) The NT EPA's level of confidence in predicting potential significant impacts of the proposed action taking into account the proponent's site-specific data collected prior to, during and after the capital dredging program in relation to:

- sediment and turbidity related water quality impacts on benthic habitats and communities and fish during dredging
- impacts on protected marine fauna from vessel movements, dredging activity, underwater noise or accidental introduction of marine pests

¹ [NT EPA Environmental factors and objectives](#)

- accidental release of chemicals, hydrocarbons or other contaminants during vessel operation
- damage to heritage objects or sacred sites due to vessel movements, anchoring and dredging
- cumulative impacts on water quality and sedimentation and subsequent habitat impacts due to sequential or concurrent dredging activity in Darwin Harbour.

Regulation 59 (c)

The NT EPA's level of confidence in the effectiveness of proposed measures to avoid, mitigate or manage potential significant impacts, which were informed by the proponent's site specific data, with respect to:

- marine water quality and the proposed management triggers for light availability, turbidity and suspended sediment during dredging
- sediment concentration and sediment deposition tolerance limit measures for benthic and pelagic habitats during dredging
- physical damage to cultural heritage including sacred sites and underwater cultural heritage objects through implementation of exclusion zones and chance find procedures
- the capacity of proposed suspended sediment concentration management measures during dredging to mitigate cumulative impacts with consideration of other dredging projects occurring sequentially or concurrently with the proposal.

Regulation 59 (d) and (e)

the extent of community engagement that has occurred in relation to the proposal, and the capacity of communities and individuals to access and understand information about the proposal and its impacts

The proponent consulted with 39 stakeholders during the pre-referral stage, including community organisations (including Aboriginal community organisations), government authorities, statutory bodies and businesses. The list of stakeholders consulted in provided at Appendix D of the Referral Report.

Table 7-1 of the Referral Report summarises the stakeholder feedback received and how it has been addressed by the proponent. The proponent received feedback from the following stakeholders:

- Territory Families, Housing and Communities – Heritage Branch
- Department of Defence – Northern Territory
- Santos Barossa Pty Ltd
- Department of Infrastructure, Planning and Logistics – Darwin Harbour Infrastructure Projects
- Department of Agriculture, Water and the Environment – Biosecurity Operations Division
- Department of Environment, Parks and Water Security – Environment Division.

Conclusion

The NT EPA considers that the proposed action has potential for significant impacts on three environmental factors, and that environmental impact assessment is required. The method of assessment will be assessment on referral information.

In making its decision under EP Regulation 57, the NT EPA has considered the:

- objects under section 3 of the EP Act
 - purpose of the environmental impact assessment process under section 42 of the EP Act
 - matters under regulation 56 of the EP Regulations
 - criteria under regulation 59 of the EP Regulations.
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