

**NOTICE OF DECISION AND STATEMENT OF REASONS**Section 55 of the *Environment Protection Act 2019* (EP Act)Regulations 57(2)(b) and 63 of the *Environment Protection Regulations 2020* (EP Regulations)

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| <b>Name of proposed action</b>            | Mandorah Marine Facilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Proponent</b>                          | Department of Infrastructure, Planning and Logistics (DIPL)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>NT EPA reference</b>                   | EP2022/014 Referral accepted 23 March 2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Description of proposed action</b>     | <p>To develop a safe, weather-resistant ferry berthing facility at Mandorah (within Lots 116 and 50, Hundred of Bray), to improve transport connectivity between the Cox Peninsula and Darwin.</p> <p>The proposal area would cover six hectares comprising:</p> <ul style="list-style-type: none"><li>• northern and southern rock armoured breakwaters</li><li>• dredging of an access channel, turning basin and berthing areas (15,000 m<sup>3</sup> of unconsolidated marine sediments, and approximately 70,000 m<sup>3</sup> of rock material)</li><li>• a new single lane boat ramp and car park modification</li><li>• floating pontoon, gangway, jetty and rock armoured access causeway, and</li><li>• a ferry terminal building</li></ul> <p>The proposal also includes:</p> <ul style="list-style-type: none"><li>• offshore spoil disposal</li><li>• maintenance dredging estimated to occur every 5-7 years.</li></ul> |
| <b>Nature of proposed action</b>          | Coastal and marine                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Decision</b>                           | <p><b>Standard environmental impact assessment is required</b> in accordance with section 55 of the EP Act and regulation 57(2)(b)(i) of the EP Regulations, and</p> <p><b>Assessment by supplementary environmental report</b> to be the method of environmental impact assessment in accordance with regulation 57(2)(b)(ii).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Person authorised to make decision</b> | Dr Paul Vogel AM – Chairperson, as delegate of the Northern Territory Environment Protection Authority (NT EPA)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Signature</b>                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Date of decision</b>                   | 8 June 2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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Matters considered under  
EP Regulation 56

The NT EPA has considered the following:

- the accepted referral (including the referral form, referral report and appendices), and
- submissions made in relation to the accepted referral.

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Consultation

- Consultation and stakeholder engagement prior to submission of the referral has occurred on three occasions (project development, concept/options analysis, and design development stages)
- Submission period 24 March to 22 April 2022
- Submissions received:
  - government authority: 7
  - public: 1
- Public and government authority submissions identified potential impacts and risks on landforms, coastal processes, marine environmental quality, marine ecosystems (habitats), community and economy, sacred sites, culture and heritage.

All submissions are available on the NT EPA website.

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Statement of Reasons

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Overview

The NT EPA considers that the proposed action has the potential to have a significant impact on environmental values associated with six environmental factors<sup>1</sup>.

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| LAND | <ul style="list-style-type: none"><li>• <b>Landforms</b> - Two large rock armoured breakwaters will be constructed to form a safe harbour protecting ferry berthing and new passenger boarding infrastructure. The construction of these structures is a physical change to the terrestrial landform, and may alter nearby coastal landforms due to their effect on coastal processes. The long term evolution of the shoreline and foreshore could be impacted by altered rates and patterns of erosion and accretion.</li><li>• <b>Terrestrial ecosystems</b> – A temporary 30,000 m<sup>2</sup> area for stockpiling up to 70,000 m<sup>3</sup> of dredge spoil will be utilised. Saline run-off from dredge spoil has the potential to contaminate soil in the storage area and surrounding environment.</li></ul>                                                                                                                                       |
| SEA  | <ul style="list-style-type: none"><li>• <b>Coastal processes</b> - The installation of two large rock armoured breakwaters will interrupt nearshore hydrodynamics, waves, and sediment transport, altering erosion and accretion patterns leading to ongoing physical impacts along the coastline.</li><li>• <b>Marine environmental quality</b> - The marine environment including water quality and biota will be impacted by construction of breakwaters, dredging and dredge spoil disposal. There is currently insufficient information to assess cumulative impacts of the proposal's construction and dredging activities, with other activities in Darwin Harbour.</li><li>• <b>Marine ecosystems</b> – Changes to longshore drift and sediment transport has the potential to have a significant impact on sensitive receptors and benthic habitats. Additionally, impacts from changes in turbidity/total suspended solids can adversely</li></ul> |

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<sup>1</sup> [NT EPA Environmental factors and objectives](#)

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|        | impact sensitive receptors such as benthic primary producer habitats, corals and seagrass habitats, and can result in potential loss of ecosystem function and marine fauna.                                                                                                                                                      |
| PEOPLE | <ul style="list-style-type: none"> <li>• <b>Culture and heritage</b> - There is potential for significant impacts to known and unknown Aboriginal sacred sites, heritage sites and objects directly during construction, dredging and maintenance activities, as well as indirectly through altered coastal processes.</li> </ul> |

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 assessment by **supplementary environmental report** is required having regard to:

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| Regulation 59 (a) | the significance of the potential impacts of the proposed action as described above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Regulation 59 (b) | <p>the level of confidence in predicting potential significant impacts of the proposed action taking into account the extent and currency of existing knowledge, particularly in relation to:</p> <ul style="list-style-type: none"> <li>• the significance of potential impacts to marine environments, including water quality and biota, sediment plume modelling to determine zones of impact and influence, and appropriate thresholds and actions for managing sedimentation and turbidity</li> <li>• habitat mapping and the significance of potential impacts to threatened and important habitat</li> <li>• the significance of potential impacts to sacred sites, and cultural and heritage sites and objects.</li> </ul> |
| Regulation 59 (c) | <p>the level of confidence in the effectiveness of the proposed measures to avoid, mitigate, or manage potential significant impacts with respect to:</p> <ul style="list-style-type: none"> <li>• the marine environment, including water quality and biota</li> <li>• threatened and important marine species and habitats</li> <li>• sacred sites, and cultural and heritage sites and objects, with additional measures that address both direct and indirect impacts</li> <li>• the marine environment and culture and heritage regarding ongoing siltation dredging, and implementation of a sand bypassing system to manage and re-distribute the build-up of sediments.</li> </ul>                                          |
| Regulation 59 (d) | <ul style="list-style-type: none"> <li>• Community engagement has commenced in relation to the proposed action, with residents of Cox Peninsula including the communities of Wagait and Belyuen, and commercial operators at key stages of the proposal.</li> <li>• Consultation focused on concerns regarding access for existing users, increasing accessibility and connectivity for users, and impacts to the environment and nearby Aboriginal sacred sites.</li> </ul>                                                                                                                                                                                                                                                        |

## Conclusion

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

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

- the objects of the Act in section 3 of the EP Act
- the purpose of the environmental impact assessment process in section 42 of the EP Act
- the matters under regulation 56 of the EP Regulations
- the matters relevant to a consideration of the method of environmental impact assessment in regulation 59 of the EP Regulations.