



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our reference: 2012/10911
EPBC number: 2010/5304

Mr Ken Gardner
Project Officer – Major Projects
Department of Lands and Planning
GPO Box 2520
DARWIN NT 0801

Dear Mr Ken Gardner

**East Arm Wharf Expansion Works, Darwin NT (EPBC 2010/5304)
Decision Variation to Conditions, Darwin Marine Supply Base Dredging and
Dredge Spoil Placement Management Plan, and Biodiversity Impact Mitigation
and Offsets Strategy**

I refer to the following correspondence from the Department of Lands and Planning:

1. Letters to me and to Arwen Tilney dated 15 June 2012 and 11 July 2012 respectively, requesting a variation to Annexure 2 of the approval.
2. The Dredging and Dredge Spoil Management Plan (which includes the Water Quality Management Plan for the Marine Supply Base), submitted in your email to Bethanie Adams on 25 September 2012, as required under conditions 17 to 21 and 27 to 29 of the approval decision dated 5 March 2012 and the variation to the approval decisions dated 28 May 2012.
3. The Biodiversity Impact Mitigation and Offsets Strategy, attached to your correspondence dated 24 August 2012, as required under conditions 32 to 35 of the approval decision dated 5 March 2012.

As delegate of the Minister for Sustainability, Environment, Water, Population and Communities, I have decided to approve your request to vary Annexure 2 of the approval, as referred to in condition 17, in accordance with the provisions of the national environment law, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposal must now be undertaken in accordance with the varied condition 17a and Annexure specified in the approval, which has been attached for your information.

The variation to the condition and Annexure of the approval does not relieve the person to whom it has been granted from an obligation to comply with any other law of the Commonwealth, state or territory that is applicable to do the action and to have any right, title or interest that is required to access land or waters and to do the action.

Please ensure that you maintain accurate records of all activities associated with, or relevant to the conditions of approval, so that they can be made available to the department on request. Such documents may be subject to audit and used to verify

compliance. Summaries of results of audits may be published by the department. Information about the monitoring and audit program can be found on the department's website at www.environment.gov.au/epbc/compliance/auditing.html.

You should note that any transfer of this approval to another person must have the consent of the Minister for Sustainability, Environment, Water, Population and Communities under section 145B of the EPBC Act.

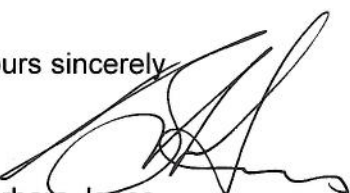
The Darwin Marine Supply Base Dredging and Dredge Spoil Placement Management Plan has been reviewed by officers of the department and has been found to meet the requirements of the condition for dredging of the Marine Supply Base. On this basis, and as delegate of the Minister for Sustainability, Environment, Water, Population and Communities, I have decided to approve the Plan. The approved plan must be implemented.

I note the Department of Lands and Planning has elected to submit for approval, a separate/updated Dredging and Dredge Spoil Placement Management Plan (which includes the Water Quality Management Plan) for the other dredging components of the project.

The Biodiversity Impact Mitigation and Offsets Strategy has been reviewed by officers of the department and has been found to meet the requirements of the condition. On this basis, and as delegate of the Minister for Sustainability, Environment, Water, Population and Communities, I have decided to approve the Plan. The approved plan must be implemented.

If you have any enquiries please contact the project manager, Bethanie Adams, by email to beth.adams@environment.gov.au, or telephone 02 6274 2189 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Barbara Jones
Assistant Secretary
North West and Offshore Assessment Branch
2 October 2012

Note: Under s 491 of the *Environment Protection and Biodiversity Conservation Act 1999* it is an offence to knowingly provide false and/or misleading information to a departmental officer.