

# EAST ARM WHARF EXPANSION WORKS EPBC APPROVAL 2010/5304

## COMPLIANCE REPORT #9 FOR THE PERIOD ENDING 31 DECEMBER 2020

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## 1. Introduction

The East Arm Wharf Expansion Works in Darwin Harbour consisted of the construction and operation of three separate components:

- A Marine Supply Base (MSB) – (completed in 2014)
- A Multi-User Barge Ramp Facility - (completed in 2016); and
- A tug pen and small ships basin - (outstanding).

The Marine Supply Base was completed in 2014 and is managed as a BOOT operation (Build, Own, Operate, Transfer) by the ASCO Group and will be managed under this arrangement for 20 years before reverting back to the Northern Territory Government.

The Multi-User Barge Ramp Facility was jointly funded with the Department of Defence and is part of the Land Development Corporation's Common User Facility. The Multi User Barge Ramp Facility was completed in September 2016 and is currently in operation.

The East Arm Wharf was leased to a private company in October 2015. After the port privatisation, Darwin Port Operations Pty Ltd (DPO) became the designated operator for the Port of Darwin. The lease is for 99 years and included the proposed location and operation of the tug pens and small ships basin that were part of the original East Arm Wharf Expansion Project.

The tug pen and small ships basin is now under the control of the DPO and all decisions regarding whether it proceeds or does not proceed are commercially based. The current status is that the project has not commenced due to commercial reasons. The DPO dredge licence for the project has lapsed and the DPO has reapplied for the licence but at this point in time, it has not been received. The licence is in case the tug pens or small ships berth does become a live project.

Documentation for the tug pen and small ships basin has been completed with the dredge and dredge spoil placement management plan being approved by the Minister on 30 April 2016.

Condition 40 requires the implementation of the Coastal Offsets Plan. The Plan has been approved and implementation of the plan is complete.

The Department previously gazetted 50 hectares of protected dolphin habitat in Shoal Bay and as a requirement installed signage in January 2020. A communication plan and a public awareness strategy have been implemented.

The tug and small ships pens are now the responsibility of DPO.



FIGURE 1 - LOCATION

## 2. Purpose of Report

EPBC Approval 2010/5304 Condition 3 requires an annual compliance report to be published by 30 March each year.

This report presents the Northern Territory Government's compliance with the Conditions of Approval and addresses its actions in light of the approval from project commencement to the period ending 31 December 2020.

Table 1 outlines the Territory's compliance with approval conditions.

Note that the Conditions of Approval refer to the former Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) which is now known as the Department of Agriculture, Water and the Environment. Further to this, the Department of Lands, Planning and Environment (DLPE) is now known as the Department of Infrastructure, Planning and Logistics (DIPL). The following Table will continue to reference the former departmental names where compliance with the relevant condition was gained during that period.

It should be noted that no construction or design work was undertaken in 2020 and there is no further work planned for the future.

### 3. Table 1 – EPBC CONDITIONS

Item	Action	Marine Supply Base	Multi-User Barge Ramp	Tug Pen / Small Ship Basin
1	Within 14 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Works Complete in 2014. Notice submitted to SEWPaC 18 May 2012 that preparatory works commenced 30 April 2012. Advice of the commencement followed receipt of NT Development Consent on 22 May 2012 and was provided to SEWPaC 23 May 2012	Works Complete in 2016. Notice submitted to SEWPaC 18 May 2012 that preparatory works commenced 30 April 2012. Advice of the commencement followed receipt of NT Development Consent on 22 May 2012 and was provided to SEWPaC 23 May 2012	Notice submitted to SEWPaC 18 May 2012 that preparatory works commenced 30 April 2012. Advice of the commencement followed receipt of NT Development Consent on 22 May 2012 and was provided to SEWPaC 23 May 2012.
2	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plans or strategy required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of	Works Complete in 2014 – relevant records are being maintained	Works Complete in 2016 – relevant records are being maintained	With Darwin Port Operations Pty Ltd – no longer under the control of the Northern Territory Government

	<p>the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Departments web site. The results of audits may also be published through the general media.</p>			
3	<p>By 30 March of each year after the commencement of the action, the person taking the action must publish a report on their web site addressing compliance with the conditions of the approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions must be reported to the Department at the same time as the Compliance Report is published.</p>	<p>Works Complete in 2014.</p>	<p>Works Complete in 2016.</p>	<p>There have been eight previous reports with the first report provided on the 30<sup>th</sup> March 2013, this is the latest report – Report #9 for the year ending 31 December 2020.</p>
4	<p>Upon the direction of the Minister, the person taking the action must ensure that an Independent Audit of compliance with the conditions of approval is conducted and a</p>	<p>Works Complete in 2014. The Minister has not required that an independent audit be undertaken.</p>	<p>Works Complete in 2016. The Minister has not required that an independent audit be undertaken.</p>	<p>With Darwin Port Operations Pty Ltd – no longer under the control of the Northern Territory Government</p>

	<p>report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>			
5	<p>If the person taking the action wishes to carry out an activity otherwise than in accordance with the plans or strategy as specified in the Conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of the plans or strategy. The varied activity shall not commence until the Minister has approved the varied plans or strategy in writing. The Minister will not approve a varied plan or strategy unless the revised plans or strategy result in an equivalent or improved environmental outcome over time. If the Minister approves the revised plans or strategy, the plans or strategy must be</p>	<p>Works Complete in 2014.</p>	<p>Works Complete in 2016.</p>	<p>There were no revised plans or strategies for the year ending 31 December 2020.</p>



	implemented in place of the plans or strategy originally approved.			
6	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened or listed migratory species to do so, the Minister may request that the person taking the action make specified revision to the plans or strategy specified in the conditions and submit the revised plans or strategy for the Minister's written approval. The person taking the action must comply with any such request. The revised approved plans or strategy must be implemented. Unless the Minister has approved the revised plans or strategy, the person taking the action must continue to implement the plans or strategy originally approved, as specified in the conditions.</p>	Works Complete in 2014.	Works Complete in 2016.	Not Applicable - The Minister has not submitted a request for a revised plan.
7	<p>If, at any time after 5 years from the date of this Approval, the Person taking the action has not substantially commenced the</p>	Project commenced in 2011, so this condition is no longer applicable.	Project commenced in 2011, so this condition is no longer	With Darwin Port Operations Pty Ltd - no longer under the control

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	action, then the person taking the action must not substantially commence the action without the written agreement of the Minister	Marine Supply Base stage was completed in 2014.	applicable. Works complete in 2016.	of the Northern Territory Government
8	Unless otherwise agreed in writing by the Minister, the person taking the action must publish all plans and strategies referred in these conditions of approval on their website. Each plan or strategy must be published on the website within one month of being approved.	Works Complete in 2014. At time of publishing this report; all approved plans have been uploaded to the following web site <a href="http://www.eastarmwharf-eis.nt.gov.au">www.eastarmwharf-eis.nt.gov.au</a> ,	Works Complete in 2016. At time of publishing this report; all approved plans have been uploaded to the following web site <a href="http://www.eastarmwharf-eis.nt.gov.au">www.eastarmwharf-eis.nt.gov.au</a>	At time of publishing this report; all approved plans have been uploaded to the following web site <a href="http://www.eastarmwharf-eis.nt.gov.au">www.eastarmwharf-eis.nt.gov.au</a>
9	The expansion of the East Arm Wharf must be constructed in accordance with the footprint as shown at Annexure 1 of this approval, subject to the Conditions set out below.	Works complete in 2014.	Works complete in 2016.	With Darwin Port Operations Pty Ltd – no longer under the control of the Northern Territory Government .
10	No Blasting Works are to be undertaken	No blasting was undertaken for the construction of the Marine Supply Base	No blasting was undertaken for the Multi-User Barge Ramp	No blasting is planned for the tug pen stag
11	The person taking the action must ensure a dredging Technical Advisory Group (TAG) is established, prior to and for the duration of <b>dredging</b> operations, to provide advice to the person taking the action on	Works complete in 2014.	Works complete in 2016.	The TAG was not established or required for the year ending 31 December 2020.

	the development, endorsement, implementation and review for adaptive management purposes of the Dredge and Dredge Spoil Placement Management Plan (DDSPMP), referred to at condition 16.			
12	The members of the TAG must include at least three independent scientific experts, with expertise in water quality, migratory birds, and large marine fauna species, and an independent dredging technical advisor. The membership of the TAG must be submitted to the Department for approval in writing prior to the development and submission of the DDSPMP to the Minister for Approval.	Works complete in 2014.	Works Complete in 2016.	The TAG was not established or required for the year ending 31 December 2020.
13	<p>The person taking the action must ensure that the TAG undertakes the following:</p> <p>a) provide advice on the design and ongoing review of the DDSPMP, including development and revision of appropriate trigger levels, monitoring programs, management actions,</p>	Works complete in 2014.	Works Complete in 2016.	The TAG was not established or required for the year ending 31 December 2020.

	<p>interaction with the INPEX LNG Project (EPBC2008/4208) dredging program, and dredge and spoil placement methodology to protect water quality, dolphins, marine turtles, dugongs, migratory birds and their habitat; and</p> <p>b) Provide advice on exceedance of trigger values and changes to dredge practices, through the DDSPMP, as required.</p>			
14	<p>The person taking the action must provide to the Minister, a copy of all advice and recommendations made by the TAG and an explanation of how this advice and recommendations will be implemented or an explanation of why the person taking the action does not propose to implement certain recommendations. This information must be provided to the Minister within one week of the person taking the action receiving advice from the TAG in respect to Condition 13a) and within 48 hours in respect to condition 13b)</p>	<p>Works complete in 2014.</p>	<p>Works Complete in 2016.</p>	<p>The TAG was not established or required for the year ending 31 December 2020.</p>

15	Condition 15 revoked	Not Applicable.	Not Applicable	Not Applicable
16	The person taking the action must submit a DDSMP to the Minister for approval.	Works complete in 2014.	Works Complete in 2016.	A Tug Pens Dredging and Dredge Spoil Placement Management Plan was submitted on 20 April 2016. No Dredging occurred in 2020. A waste discharge licence issued by NTEPA was valid until 18 July 2020 with respect to the proposed dredging. DIPL does not have any further information on the status of the Waste Discharge Licence, it is a commercial issue with the Darwin Port Operations Pty Ltd
17	The DDSMP must include the following Monitoring, trigger levels and management actions to ensure that areas outside the zones of high impact, moderate impact and influences as identified in Annexure 2 are not impacted by suspended sediment concentrations. Monitoring, trigger levels and management actions which consider the dredging program for the INPEX LNG Project (EBC2008/4208) and areas that	Works complete in 2014.	Works Complete in 2016.	No Dredging occurred in 2020.  Pond D is located within the Darwin Port Operations lease and is no longer managed by Northern Territory Government. Darwin Port Operations Pty Ltd has protected the pond as per the EPBC requirements by:  a) Maintaining signage that advises it is a migratory bird protected area b) included a requirement to "Manage the East Arm Wharf Migratory Bird Protected area

	<p>may be impacted by both dredging programs;                  Consider the results of the Sediment Sampling and Analysis Plan required at Condition 24;                  Management measures, including consideration of avoiding dredging outgoing tides and low tidal heights to minimise impact upon sensitive receptors;                  Management measures, trigger levels, contingency measures, corrective actions, operational procedures and responsible persons to minimise the impacts to marine turtles, dolphins, dugong, sawfishes, migratory birds and their habitat during dredging and dredge spoil placement;                  Ongoing management measures to ensure the existing pond D, as labelled in Annexure 1, is maintained or enhanced as suitable high tide roosting habitat for migratory birds in perpetuity.                  This must include undertaking at least two summer surveys each year in the existing Pond D, as</p>			<p>in accordance with the Environmental Protection and Biodiversity Conservation Act approval”, in its EMP</p> <ul style="list-style-type: none"> <li>c) drafted an “Environmental Management Procedure – Pond D Migratory bird habitat management”</li> <li>d) Not undertaken any activity or use of the Pond D protected area that has impacted on the requirement to protect it in perpetuity</li> </ul>
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	<p>labelled in Annexure 1, until five years after the cessation of dredge spoil placement at Pond D, to monitor the use of the dredge spoil ponds by migratory birds and the effectiveness of management measures at Pond D.</p> <p>The surveys identified in 17(f)(i) must be compliant with the current Significant impact guidelines for 36 migratory shorebird species policy statement, produced by the Department</p> <p>Reporting within one business day to the Minister when injury to, or mortality of EPBC Act listed threatened Species or EPBC Act listed migratory species occurs from dredging or dredge spoil placement activities.</p> <p>Unless otherwise agreed in writing by the Minister, the person taking the action must publish a monitoring program report which shows the monitoring results for the DDSPMP on their website each year for the previous 12 months</p>			
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	on 30 March of each year, from the start of dredging operations until 6 months after dredging operations are completed.			
18	Following receipt of advice from the TAG, the DDSMP must be submitted for approval by the Minister prior to the commencement of dredging, unless otherwise approved in writing by the Minister.	Works complete in 2014.	Works Complete in 2016.	The revised DDSMP for the Tug Pen and small ships basin was approved on 30 April 2016. No dredging occurred in 2020.
19	The DDSMP must be reviewed and revised upon the advice of the TAG, referred to in Condition 11, to enable continuous improvement and adaptive management of the dredge and spoil placement methodology	Works complete in 2014.	Works Complete in 2016.	No Dredging occurred in 2020.
20	Any proposed alteration to Monitoring, trigger levels or Management actions must be referred to TAG for advice, referred to at Condition 11, prior to submission to the Minister, in accordance with Condition 5	Works complete in 2014.	Works Complete in 2016.	No Dredging occurred in 2020.
21	The person taking the action must not commence Dredging unless the Minister has approved the DDSMP. If the Minister approves the DDSMP then the	Works complete in 2014.	Works Complete in 2016.	No Dredging occurred in 2020.



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	approved DDSMP must be implemented			
22	The person taking the action must ensure all water flows out from the ponds must be controlled.	Works complete in 2014.	Works Complete in 2016.	No Dredging occurred in 2020.
23	The person taking the action must not undertake any overwater maintenance, to limit impacts to listed threatened species or listed migratory species.	Works complete in 2014.	Works Complete in 2016.	No overwater maintenance is proposed to be undertaken
24	The person taking the action must submit a Sediment Sampling and Analysis Plan (SAP) to determine the status of sediments, including all potential contaminants and acid sulphate soils.	Works complete in 2014.	Works Complete in 2016.	The tug pen and small ships basin SAP was submitted and approved in 2014.
25	The SAP must detail the sampling and testing methodology in accordance with the National Assessment Guidelines for Dredging (2009). The SAP must be submitted for approval by the Minister. If the Minister approves the SAP then the approved SAP must be implemented.	Works complete in 2014.	Works Complete in 2016.	The tug pen and small ships basin SAP was submitted and approved in 2014.

26	The person taking the action must not commence Dredging or Dredge Spoil Placement until the results of the SAP are provided to the Department and incorporated into the Water Quality Management Plan referred to at Condition 27	Works complete in 2014.	Works Complete in 2016.	The Water Quality Management Plan is included in the approved DDSPMP.
27	The person taking the action must submit a Water Quality Management Plan (WQMP) to the Minister for approval, to minimise the impacts to marine turtles, dolphins, dugongs, sawfish, migratory birds and their habitat during dredging, dredge spoil placement and dewatering	Works complete in 2014.	Works Complete in 2016.	The Water Quality Management Plan is included in the approved DDSPMP.
28	<p>The WQMP must include the following:</p> <ul style="list-style-type: none"> <li>a) Consideration of the results of the SAP (Condition 24);</li> <li>b) Monitoring program, management triggers, contingency measures, corrective actions and responsible persons to manage impacts to the marine environment from potential contaminants as identified by</li> </ul>	Works complete in 2014.	Works Complete in 2016.	The Water Quality Management Plan is included in the approved DDSPMP.

	<p>the SAP at Condition 24, as a result of dredging, dredge spoil placement and dewatering.</p> <p>c) Design methodology and management of the bund walls to ensure appropriate design to prevent water quality impacts by leaching material through the bund wall, decant waters and storm water run-off.</p>			
29	<p>The WQMP must be submitted for approval by the Minister prior to the Commencement of dredging, unless otherwise approved in writing by the Minister. The approved WQMP must be implemented.</p>	<p>Works complete in 2014.</p>	<p>Works Complete in 2016.</p>	<p>The Water Quality Management Plan is included in the approved DDSPMP.</p>
30	<p>The person taking the action must undertake marine piling in the following way:</p> <p>a) Marine piling exclusion zones must be established and implemented so to ensure that marine turtles, Dugongs and dolphins are not exposed to sound exposure levels (SEL) of greater than or equal to 183 dBre 1<math>\mu</math> Pa<sup>2</sup>.s for longer than 5 continuous minutes. The marine piling exclusion zones</p>	<p>Works complete in 2014.</p>	<p>Works Complete in 2016.</p>	<p>No Marine Piling occurred in 2020.</p>

	<p>must consider the range of marine piling source energy and the marine piling exclusion zones must not be less than 500 metres from the pile hammer.</p> <p>b) Pre-start-up visual observations: Visual observations for marine turtles, Dugongs and dolphins must be undertaken to the extent of the marine piling exclusion zones by a dedicated and suitably trained crew member, for at least 30 minutes before the commencement of marine piling activities.</p> <p>c) Operating procedures: While marine piling is undertaken, the following procedures must be implemented:</p> <p>i. Visual observations covering the extent of the marine piling exclusion zones must be maintained continuously to identify if there are any marine turtles, Dugongs or dolphins present.</p>			
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	<p>ii.If marine turtles, Dugongs or dolphins are sighted within the marine piling exclusion zones, action to cease all marine piling within 2 minutes or soon as safely possible.</p> <p>iii.Marine piling activities must not recommence until marine turtles, Dugongs or dolphins are observed to move outside the marine piling exclusion zones or 30 minutes have passed since the last sighting.</p> <p>iv.Soft 'fairy taps' start procedure: Marine piling must be initiated at the soft 'fairy taps' start level and then build up to full operating impact force. The soft 'fairy taps' start procedures may only commence if no marine turtles, Dugongs or dolphins have been sighted within the marine piling exclusion zone during the pre start up visual observations as required by condition 30 (b)</p> <p>v.Marine piling commenced prior to sunset or prior to a period of low visibility can continue between the hours of sunset</p>			
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	and sunrise, unless marine piling is suspended for more than 15 minutes or there have been three or more marine turtle, Dugong or dolphin instigated shut-down situations within the previous 12 hours.			
31	<p>The person undertaking the action must undertake Piling in the following way:</p> <ul style="list-style-type: none"> <li>a) Establish a 500m exclusion zone for marine turtles, dugongs and dolphins;</li> <li>b) Pre-start visual observations: Visual observations for marine turtles, dugongs and dolphins must be undertaken to the 500m exclusion zone by a dedicated and suitably trained crew member for at least 30 minutes before the commencement of piling activities.</li> <li>c) Operating procedure: While piling is undertaken, the following procedures must be implemented: <ul style="list-style-type: none"> <li>i. Visual observations of the 500m exclusion zones from the pile hammer must be maintained continuously to identify if there are any marine</li> </ul> </li> </ul>	Works complete in 2014.	Works Complete in 2016.	No Marine Piling occurred in 2020.

	<p>turtles, dugongs or dolphins present.</p> <p>ii.If marine turtles, dugongs or dolphins are sighted within the exclusion zone action to cease all piling within 2 minutes or as soon as is safely possible.</p> <p>iii.Piling activities must not recommence until marine turtles, dugongs, dolphins are observed to move out of the exclusion zone or 30 minutes have passed since the last sighting.</p> <p>iv.Soft Fairy Taps start procedures: Piling activities must be initiated at the soft fairy taps start level and then build up to full operating impact force, the soft fairy start procures may only commence if no marine turtles, dugongs or dolphins have been sighted within the exclusion zone during the pre start up visual observations.</p> <p>v.Piling commenced prior to sunset or prior to a period of low visibility can continue between the hours of sunset to sunrise, unless piling has been suspended for more than 15 minutes or there have been three or more marine turtle, dugong, dolphin instigated shut</p>			
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	down situations within the previous 12 hours.			
32	The person taking the action must submit a Biodiversity Impact Mitigation and Offset Strategy [BIMOS] to the Minister for approval. The strategy must address the consequential and residual impacts to EPBC Act listed dolphins, migratory birds, dugongs and marine turtles from the expansion of the East Arm Wharf, including dredging, increases vessel usage of the area and associated impacts to the species.	The BIMOS was approved on 2 October 2012. Works Complete in 2014.	The BIMOS was approved on 2 October 2012. Works Complete in 2016.	The BIMOS was approved on 2 October 2012.
33	To address residual impacts to listed and threatened migratory marine species, the BIMOS must include the establishment and operation of a regional indigenous marine rangers program to be operated out of Darwin. The Program should fully fund all costs associated with supporting a minimum of two full time equivalent ranger positions until the marine works are completed. The program should:	The BIMOS was approved on 2 October 2012. Reporting on the Indigenous Rangers Program can be found at <a href="https://eastarmwharf-eis.nt.gov.au/reports">https://eastarmwharf-eis.nt.gov.au/reports</a>	The BIMOS was approved on 2 October 2012. Reporting on the Indigenous Rangers Program can be found at <a href="https://eastarmwharf-eis.nt.gov.au/reports">https://eastarmwharf-eis.nt.gov.au/reports</a>	The BIMOS was approved on 2 October 2012. Reporting on the Indigenous Rangers Program can be found at <a href="https://eastarmwharf-eis.nt.gov.au/reports">https://eastarmwharf-eis.nt.gov.au/reports</a> The Indigenous Rangers Program is no longer funded from this project



	<p>Address threats to listed threatened species and listed migratory species in Darwin Harbour and Surrounds</p> <p>Provide harbour surveillance patrols and reporting for vessel speed and vessel interactions with listed threatened species and listed migratory species.</p> <p>Monitor and handle stranded, injured or dead large marine fauna species.</p> <p>Increase community awareness about marine debris.</p> <p>Assist with the implementation of the education campaign at Condition 45d).</p>			
34	<p>The BIMOS must include a timeline for submission and implementation of the Migratory Bird Management Plan (MBMP), at Condition 36, the Coastal Offset Plan (COP), at Condition 40, and the Port Environmental Protection Plan (PEPP), at Condition 45.</p>	<p>The BIMOS was approved on 2 October 2012.</p>	<p>The BIMOS was approved on 2 October 2012.</p>	<p>The BIMOS was approved on 2 October 2012.</p>
35	<p>The person taking the action must not commence marine works unless the Minister has approved the BIMOS. If the</p>	<p>The BIMOS was approved on 2 October 2012.</p>	<p>The BIMOS was approved on 2 October 2012.</p>	<p>No works have commenced</p>

	Minister approves the BIMOS then the approved BIMOS must be implemented.			
36	<p>The person taking the action must submit a Migratory Bird management Plan (MBMP) to the Minister for approval. The MBMP must address the consequential and residual impacts to EPBC Act listed migratory birds from the expansion of East Arm Wharf, including dredge and dredge spoil disposal and the associated impacts to the species. The MBMP must include, but may not be limited to the following: Protection and maintenance of the existing Pond D, as identified in Annexure 1, as suitable high tide roosting habitat for migratory birds in perpetuity, Including: Restriction of access to public and animals (dogs); Management and control of feral animals and invasive species within the area to be protected. Undertake at least two summer surveys each year compliant with</p>	<p>A MBMP was submitted in November 2012 and approved on 3 June 2013 Spoil was last placed in Pond D in 2012.</p>	<p>A MBMP was submitted in November 2012 and approved on 3 June 2013 Spoil was last placed in Pond D in 2012.</p>	<p>No dredge spoil will be placed in Pond D. Pond D is located within the Darwin Port lease and is no longer managed by Northern Territory Government. Darwin Port Operations Pty Ltd has protected the pond as per the EPBC requirements by:</p> <ul style="list-style-type: none"> <li>a) Maintaining signage that advises it is a migratory bird protected area</li> <li>b) included a requirement to “Manage the East Arm Wharf Migratory Bird Protected area in accordance with the Environmental Protection and Biodiversity Conservation Act approval”, in its EMP</li> <li>c) drafted an “Environmental Management Procedure – Pond D Migratory bird habitat management”</li> <li>d) Not undertaken any activity or use of the Pond D protected area that has impacted on the</li> </ul>

	<p>the current Significant impact guidelines for 36 migratory shorebird species policy statement, produced by the Department, in the existing pond sites, including Pond D, until 5 years after the cessation of dredge spoil placement at Pond D to monitor the use of the dredge spoil ponds by the migratory birds and to measure the effectiveness of the management measures at pond D.</p> <p>Consideration of capturing, banding and marking migratory shorebirds that currently use the East Arm Wharf dredge Spoil Ponds, to track their response to the expansion works and to monitor the effectiveness of the management measures referred to under section 36a).</p> <p>Undertake adaptive Management Measures for 36a), taking into account the surveys completed through Conditions 36b) and 36 c).</p>			<p>requirement to protect it in perpetuity.</p>
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37	The MBMP must be submitted for approval by the Minister no later than one year from commencement of action	The MBMP plan was submitted to the Commonwealth 27 Nov 2012.	The MBMP plan was submitted to the Commonwealth 27 Nov 2012.	The MBMP plan was submitted to the Commonwealth 27 Nov 2012.
38	The person taking the action must not commence work on the Tug and small vessel berths or barge ramp and hardstand area, as identified in Annexure 1, until the Minister has approved the MBMP.	The MBMP was approved on 3 June 2013.	The MBMP was approved on 3 June 2013.	The MBMP was approved on 3 June 2013.
39	If the Minister approves the MBMP then the approved MBMP must be implemented.	The MBMP has been implemented. Last report is on the website.	The MBMP has been implemented. Last report is on the website.	The MBMP has been implemented. Last report is on the website.
40	The person taking the action must submit a Coastal Offset Plan (COP) to the Minister for approval. The strategy must address the consequential and residual impact to the EPBC Act listed threatened and migratory marine fauna from the expansion of East Arm Wharf, including dredging and increased vessel usage of the area and associated impacts to species.	A revised Coastal Offset Plan dated 12 February 2016 was uploaded to the website. The revision in the plan addressed the timeframes for gazettal of a dolphin habitat in the Northern Territory.	A revised Coastal Offset Plan dated 12 February 2016 was uploaded to the website. The revision in the plan addressed the timeframes for gazettal of a dolphin habitat in the Northern Territory.	A revised Coastal Offset Plan dated 12 February 2016 was uploaded to the website. The revision in the plan addressed the timeframes for gazettal of a dolphin habitat in the Northern Territory.
41	The COP must include identification of 50 hectares of verified habitat for dolphins and provision for the protection and	50 hectares of verified dolphin habitat was identified and is protected in perpetuity as required. The proclamation	50 hectares of verified dolphin habitat was identified and is protected in perpetuity as required. The proclamation	50 hectares of verified dolphin habitat was identified and is protected in perpetuity as required.

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	management of the area in perpetuity.	occurred on 20 September 2019	occurred on 20 September 2019	The proclamation occurred on 20 September 2019
42	The COP must be submitted for approval by the Minister no later than two years from the commencement of the action.	DoE advised that commencement of preparatory works began on 18 May 2012. COP was submitted before 18 May 2014. The COP was approved 10 March 2015 and a subsequent revised COP was approved on 14 March 2016.	DoE advised that commencement of preparatory works began on 18 May 2012. COP was submitted before 18 May 2014. The COP was approved 10 March 2015 and a subsequent revised COP was approved on 14 March 2016.	A revised COP dated 12 February 2016 is the current approved COP
43	The person undertaking the action must not commence work on the tug and small vessel berths or barge ramp and hardstand area, as identified in Annexure 1, unless the Minister has approved the COP.	The COP was approved 10 March 2015 and a subsequent revised COP was approved on 14 March 2016	The COP was approved 10 March 2015 and a subsequent revised COP was approved on 14 March 2016	A revised COP dated 12 February 2016 is the current approved COP
44	If the Minister approves the COP then the approved COP must be implemented.	The NTG undertakes regular monitoring of the species within the Darwin Harbour.  Mega Marine Fauna and Dolphin Habitat signage has been finalised, with locations identified for installation in December 2019	The NTG undertakes regular monitoring of the species within the Darwin Harbour.  Mega Marine Fauna and Dolphin Habitat signage has been finalised, with locations identified for installation in December 2019	The NTG undertakes regular monitoring of the species within the Darwin Harbour.  Mega Marine Fauna and Dolphin Habitat signage was installed in January 2020.  The Dolphin Habitat Reserve was declared on 20 September 2019

		The Dolphin Habitat Reserve was declared on 20 September 2019	The Dolphin Habitat Reserve was declared on 20 September 2019.	
45	<p>The person taking the action must submit a Port Environment Protection Plan (PEPP) to the Minister for approval. The PEPP must address the consequential and residual impacts of EPBC Act listed threatened and migratory marine fauna from the expansion of East Arm Wharf. The PEPP must be implemented for the life of the project and must include:</p> <p>Measures to manage the risk of vessel strike to marine fauna. The must include prescribed maximum commercial vessel speed limits; enforcement of speed limits; monitoring and reporting of vessel strike; and adaptive management measures.</p> <p>Measures to increase the response capacity of Darwin Harbour to respond to accidental fuel, oil or chemical spills to address the increased likelihood of a spill as a result of increased vessel usage of the wharf.</p>	The PEPP was submitted to the Commonwealth on 10 October 2012.	The PEPP was submitted to the Commonwealth on 10 October 2012.	<p>The PEPP was submitted to the Commonwealth on 10 October 2012.</p> <p>The PEPP is managed by Darwin Port Operations Pty Ltd as operator of Darwin Port.</p>

	<p>Measures that minimise the risk of introduced marine pest species over the life of the project, including ballast water management and vessel inspections for non-domestic vessels.</p> <p>An educational campaign for all port personnel including the provision of information that fosters a culture of awareness of the environmental values, including the EPBC Act listed species that may occur within the project area, and the related responsibilities of the port personnel.</p>			
46	<p>The PEPP must be submitted for approval by the Minister no later than six months from the commencement of the action.</p>	<p>The PEPP was submitted on 10 October 2012.</p>	<p>The PEPP was submitted on 10 October 2012.</p>	<p>The PEPP was submitted on 10 October 2012.</p>
47	<p>The person undertaking the action must not commence work on the Tug and small vessels berths or barge ramp and hardstand area, as identified in Annexure 1, unless the Minister has approved the PEPP.</p>	<p>The revised PEPP was approved on 3 June 2013.</p>	<p>The revised PEPP was approved on 3 June 2013.</p>	<p>The revised PEPP was approved on 3 June 2013.</p>

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48	Commercial use of the MSB cannot begin until the Minister has approved the PEPP	The revised PEPP was approved on 3 June 2013.	The revised PEPP was approved on 3 June 2013.	The PEPP was approved on 3 June 2013.
49	If the Minister approves the PEPP then the approved PEPP must be implemented.	The PEPP was implemented when the MSB became operational on 25 June 2014.	The PEPP was implemented when the MSB became operational on 25 June 2014.	The PEPP is now under Darwin Port Operations Pty Ltd. The PEPP is currently referenced by Darwin Port Operations Pty Ltd as part of the environment management of the port.



## 4. Migratory Bird Management Plan

Condition 36 has been met, including the undertaking of surveys in existing ponds (including Pond D) until 5 years after cessation of dredge spoil in Pond D. The ongoing management of Pond D at East Arm is the responsibility of Darwin Port Operations. A research team is still actively recording the presence of migratory birds over the entire harbour and still does regular counts of Pond D.