



**East Arm Wharf Expansion Works
EPBC Approval 2010/5304**

**COMPLIANCE REPORT #2 FOR THE
PERIOD ENDING 31 DECEMBER 2013**

INTRODUCTION

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

- A Marine Supply Base (MSB);
- A barge ramp and hardstand area; and
- A tug pen and small ships basin.

Work on the MSB construction commenced on 23 May 2012. Initial investigations and testing is underway for the barge ramp and the tug pen and small ships basin components of the East Arm wharf Expansion.

The MSB (refer figure 1 for location) will service and support the existing and planned offshore oil and gas exploration and production industries. The MSB is to be of international standard and capable of supporting the offshore industry in northern Australian waters.

The proposed MSB comprises over 8 ha of land for warehousing, associated infrastructure and laydown areas.

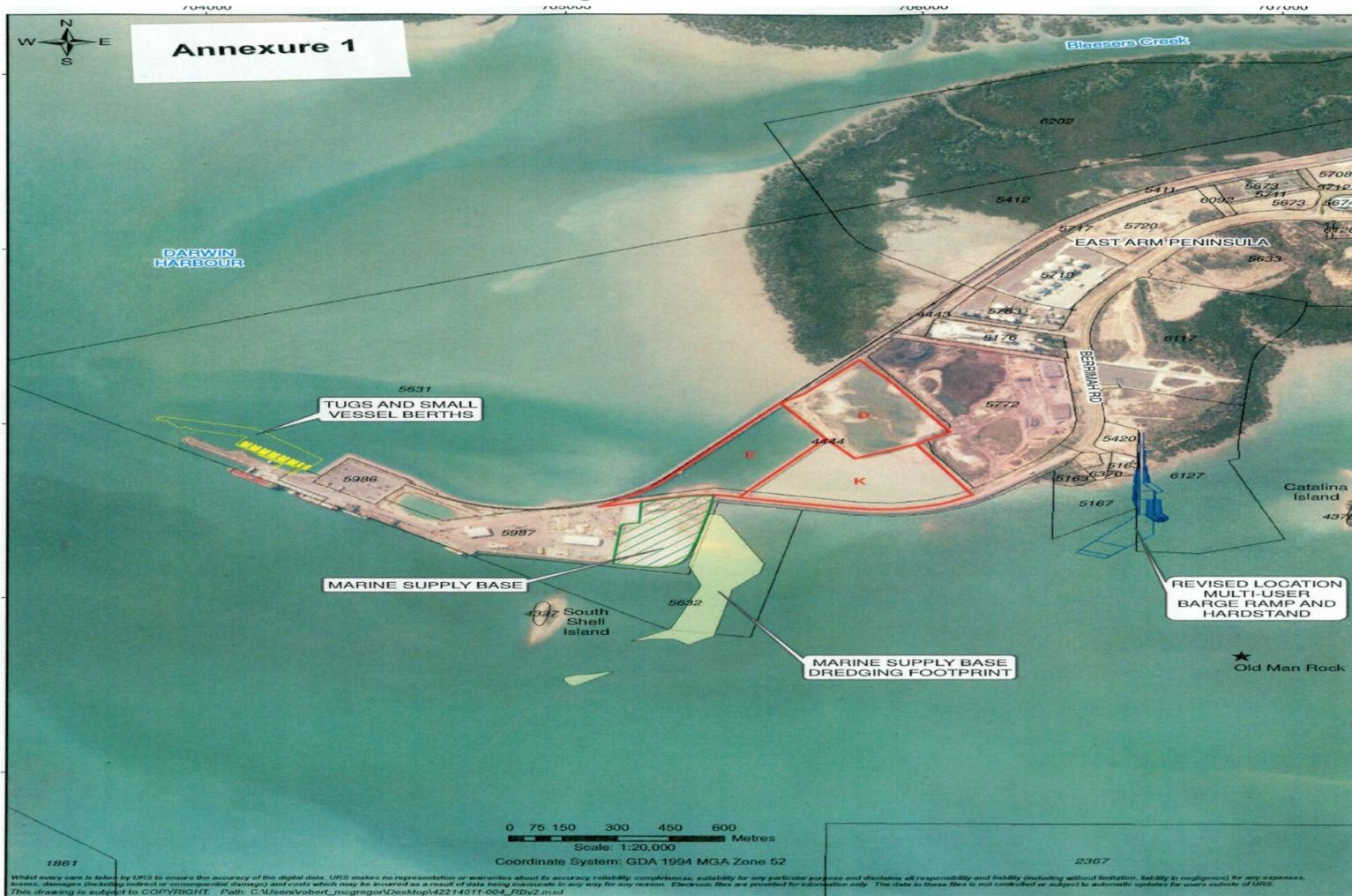
Dredging is required to construct the berthing areas, a swing basin and access channel from the MSB to existing shipping channels within Darwin Harbour. The approach channel, swing basin and berth areas extend over an area of 15.1 ha and will be dredged to -7.7m Chart Datum (CD) to cater for berthing of vessels. A total of 685,000m³ of sediment, sand and rock will be dredged with the spoil being deposited into reclamation spoil ponds at East Arm.

Dredging will be undertaken in two-phases. The first phase commenced 3 October 2012 and ceased 23 November 2012. The second phase began on 1 May 2013 and paused on 20 December 2013 for a break and will recommence in early January 2014.

The barge ramp and hardstand area and the tug pens and small ships basin are expected to proceed during 2014

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Figure 1 - Location



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 for the period commencing 1 January 2013 and ending 31 December 2013.

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

Note that the Commonwealth Department has changed names, the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) is now known as the Department of the Environment (DoE). The following Table will continue to reference the former department name where compliance with the relevant condition was gained during that period.

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Condition Number	Action	Comment
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.	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 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.	Ongoing – accurate records are being maintained
3	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.	On 30 March 2013, the 1 st Annual Compliance Report was uploaded. This report covers the period 1 January 2013 to 31 December 2013.
4	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 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.	Not applicable. The Minister has not required that an independent audit take place.

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Condition Number	Action	Comment
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 implemented in place of the plans or strategy originally approved.</p>	<p>Approved Plans and strategies – Sediment Sampling and Analysis Plan (SSAP); Dredge and Dredge Spoil Disposal Management Plan (DDSPMP); BIMOS (refer Condition 8)</p> <p>During the period 1 January 2013 to 31 December 2013, all approved plans and strategies were complied with. The DDSPMP was routinely revised, submitted and approved as per the requirements of the condition.</p>
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>	<p>Not Applicable – The Minister has not submitted a request for a revised plan</p>
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 action, then the person taking the action must not substantially commence the action without the written agreement of the Minister</p>	<p>Work has commenced, so this condition is no longer applicable.</p>
8	<p>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.</p>	<p>At time of publishing this report all approved plans have been uploaded to the following web site www.eastarmwharf-eis.nt.gov.au,</p>
9	<p>The expansion of the East Arm Wharf must be constructed in accordance with the footprint as shown at Annexure 1 of this</p>	<p>Annexure 1 was revised to show the revised location for the barge ramp. This has been</p>

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Condition Number	Action	Comment
	approval, subject to the Conditions set out below.	approved and early investigative work is progressing.
10	No Blasting Works are to be undertaken	No blasting was undertaken during the period.
11	The person taking the action must ensure a dredging Technical Advisory Group (TAG) is established, prior to and for the duration of dredging operations, to provide advice to the person taking the action on 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.	The TAG was appointed 25 March 2012, prior to the commencement of dredge operations on 2 October 2012.
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.	The TAG includes independent experts on water quality, turtles, dolphins, migratory birds, water quality and dredging.
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, 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>	The TAG is providing advice on the range of matters specified in the approval.
14	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	All TAG advices/recommendations have been referred to DoE.

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	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)	
15	Condition 15 revoked	Not Applicable.
16	The person taking the action must submit a DDSPMP to the Minister for approval.	The original DDSPMP was approved on 2 October 2012.
17	<p>The DDSPMP must include the following</p> <ul style="list-style-type: none"> a) 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. b) Monitoring, trigger levels and management actions which consider the dredging program for the INPEX LNG Project (EBC2008/4208) and areas that may be impacted by both dredging programs; c) Consider the results of the Sediment Sampling and Analysis Plan required at Condition 24; d) Management measures, including consideration of avoiding dredging outgoing tides and low tidal heights to minimise impact upon sensitive receptors; e) 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; f) 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. <ul style="list-style-type: none"> i. This must include undertaking at least two summer surveys each year in the existing Pond D, as 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. ii. The surveys identified in 17(f)(i) must be compliant with the current <i>Significant impact guidelines for 36 migratory shorebird species</i> 	Complied – refer Condition 16

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	<p><i>policy statement</i>, produced by the Department</p> <p>g) 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>h) 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 DDSMP on their website each year for the previous 12 months on 30 March of each year, from the start of dredging operations until 6 months after dredging operations are completed.</p>	<p>The monitoring report for the 2012 calendar year prepared and published in March 2013. The monitoring report for the 2013 calendar year is to be published by the end of March 2014</p>
18	<p>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.</p>	<p>The Dredge operation commenced immediately following receipt of the Minister's approval of the DDSMP on 2 October 2012.</p>
19	<p>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</p>	<p>The TAG reviews all weekly, monthly and exceedance reports in association with the DDSMP. Various comments/recommendations have been made and appropriate adaptive management steps implemented.</p>
20	<p>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</p>	<p>Complied</p>
21	<p>The person taking the action must not commence Dredging unless the Minister has approved the DDSMP. If the Minister approves the DDSMP then the approved DDSMP must be implemented</p>	<p>Complied</p>
22	<p>The person taking the action must ensure all water flows out from the ponds must be controlled.</p>	<p>Weir boxes and bund walls regulate and control tailwater flows out from the ponds.</p>
23	<p>The person taking the action must not undertake any overwater maintenance, to limit impacts to listed threatened species or listed migratory species.</p>	<p>No overwater maintenance was undertaken</p>
24	<p>The person taking the action must submit a Sediment Sampling and</p>	<p>The MSB SAP was submitted and approved.</p>

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	Analysis Plan (SAP) to determine the status of sediments, including all potential contaminants and acid sulphate soils.	
25	The SAP must detail the sampling and testing methodology in accordance with the <i>National Assessment Guidelines for Dredging (2009)</i> . The SAP must be submitted for approval by the Minister. If the Minister approves the SAP then the approved SAP must be implemented.	The MSB SAP was approved 9 May 2012, and implemented.
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	SAP provided to SEWPaC 9 May 2012 and incorporated into the WQMP contained in the DDSPMP approved 2 October 2012.
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	The WQMP forms part of the approved DDSPMP
28	<p>The WQMP must include the following:</p> <ul style="list-style-type: none"> a) Consideration of the results of the SAP (Condition 24); 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 the SAP at Condition 24, as a result of dredging, dredge spoil placement and dewatering. 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. 	The WQMP forms part of the approved DDSPMP
29	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.	The WQMP forms part of the approved DDSPMP

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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 dB re 1μ Pa².s for longer than 5 continuous minutes. The marine piling exclusion zones 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> <ol style="list-style-type: none"> 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. 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. 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. 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 	<p>Marine Piling was undertaken in accordance with the requirements of the condition.</p> <p>An independent underwater noise expert (PGM Consulting) was engaged to assess and determine appropriate marine piling exclusion zones in accordance with condition 30.</p> <p>The consultant’s recommended exclusion zones were then implemented by the marine piling contractor.</p>

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	<p>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 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.</p>	
31	<p>The person undertaking the action must undertake Piling in the following way:</p> <p>a) Establish a 500m exclusion zone for marine turtles, dugongs and dolphins;</p> <p>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.</p> <p>c) Operating procedure: While piling is undertaken, the following procedures must be implemented:</p> <ul style="list-style-type: none"> i. Visual observations of the 500m exclusion zones from the pile hammer must be maintained continuously to identify if there are any marine turtles, dugongs or dolphins present. ii. If marine turtles, dugongs o dolphins are sighted within the exclusion zone action to cease all piling within 2 minutes or as soon as is safely possible. 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. iv. Soft Fairy Taps start procedures: Piling activities must be initiated 	<p>The piling was undertaken in accordance with the condition.</p>

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	<p>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 o 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 down situations within the previous 12 hours.</p>	
32	<p>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.</p>	<p>The BIMOS was approved on 2 October 2012.</p>
33	<p>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:</p> <ul style="list-style-type: none"> a) Address threats to listed threatened species and listed migratory species in Darwin Harbour and Surrounds b) Provide harbour surveillance patrols and reporting for vessel speed and vessel interactions with listed threatened species and listed migratory species. c) Monitor and handle stranded, injured or dead large marine fauna species. d) Increase community awareness about marine debris. e) Assist with the implementation of the education campaign at Condition 45d). 	<p>The BIMOS was approved on 2 October 2012.</p>

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34	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.	The BIMOS was approved on 2 October 2012.
35	The person taking the action must not commence marine works unless the Minister has approved the BIMOS. If the Minister approves the BIMOS then the approved BIMOS must be implemented.	The BIMOS was implemented with the engagement of the Indigenous Rangers. A report has been loaded onto the website.
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:</p> <ul style="list-style-type: none"> a) 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: <ul style="list-style-type: none"> i. Restriction of access to public and animals (dogs); ii. Management and control of feral animals and invasive species within the area to be protected. b) Undertake at least two summer surveys each year compliant with the current <i>Significant impact guidelines for 36 migratory shorebird species policy statement</i>, 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. c) 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). 	A MBMP was submitted in November 2012 and approved on 3 June 2013

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	d) Undertake adaptive Management Measures for 36a), taking into account the surveys completed through Conditions 36b) and 36 c).	
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.
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
39	If the Minister approves the MBMP then the approved MBMP must be implemented.	The MBMP has been implemented. Two reports are 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.	Plan under development.
41	The COP must include identification of 50 hectares of verified habitat for dolphins and provision for the protection and management of the area in perpetuity.	Plan under development.
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 May 18 2012. COP due for submission before May 18 2014.
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.	Preliminary investigations and design work underway. No civil or preparatory works or alterations to site have commenced
44	If the Minister approves the COP then the approved COP must be implemented.	Not Applicable.
45	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	The PEPP was submitted to the Commonwealth on 10 October 2012.

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	<p>and must include:</p> <ul style="list-style-type: none"> a. 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. b. 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. c. 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. d. 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. 	
46	The PEPP must be submitted for approval by the Minister no later than six months from the commencement of the action.	The PEPP was submitted on 10 October 2012.
47	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.	The revised PEPP was approved on 3 June 2013
48	Commercial use of the MSB cannot begin until the Minister has approved the PEPP	The PEPP was approved on 3 June 2013
49	If the Minister approves the PEPP then the approved PEPP must be implemented.	The PEPP will be implemented when the MSB becomes operation as stated in the approved Plan.