



ntepa

# ANNUAL REPORT

2021–2022



# Letter from the Chairperson NT EPA to the Minister

The Hon. Lauren Moss MLA

Minister for Environment, Climate Change and Water Security  
Parliament House  
Darwin NT 0800

Dear Minister

I am pleased to present you with the annual report of the Northern Territory Environment Protection Authority (NT EPA) for the year ended 30 June 2022, as required under section 33 of the *Northern Territory Environment Protection Authority Act 2012*.

The report describes the performance of the NT EPA's functions during the 2021–2022 financial year, including its activities outlined in the Statement of Intent 2020–2022.



Dr Paul Vogel AM  
Chairperson

Northern Territory Environment Protection Authority  
25 October 2022



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## Chairperson's message

This year's annual report provides a comprehensive account of the Northern Territory Environment Protection Authority's (NT EPA's) performance in carrying out its functions against its Statement of Intent 2020–2022. This is the second year the NT EPA has reported against the Statement of Intent, which is available on the NT EPA website.

The 2021–22 financial year saw the NT EPA navigating the challenges of administering new legislation while managing an increasing demand for environmental impact assessment and authorisation of proposals under a range of legislation. The *Environment Protection Act 2019* (EP Act) commenced in June 2020, establishing a new environmental impact assessment process and environmental approval for proposals assessed by the NT EPA. Over the past year the NT EPA implemented a number of features of the EP Act for the first time. The NT EPA has made a number of assessment decisions that require a shorter method of assessment than experienced under the previous legislation, and provided advice to the Minister for Environment, Climate Change and Water Security (the Minister) on the assessment and approval of three proposals, including a recommended draft environmental approval for each. The Minister subsequently issued the environmental approvals without change.

The NT EPA will apply its early learnings from administering the EP Act in 2021–22 to future assessments.

The NT EPA continued to provide advice to the Minister on all onshore petroleum environment management plans (EMPs) submitted for approval under the Petroleum (Environment) Regulations 2016. The NT EPA has been encouraging petroleum interest holders to submit more holistic EMPs that cover a greater scope of activities. It is pleasing to see an increase in the submission of whole-of-scope EMPs for approval, enabling greater consideration of cumulative impacts by the NT EPA and the Minister.

A low-profile yet significant part of the NT EPA's role is to administer the approval and licensing requirements of the *Waste Management and Pollution Control Act 1998*. Environment protection approvals and licences set the standards and expectations for environmental management of a range of activities, from the transport of waste to the production of liquefied natural gas. In 2021–22 the NT EPA experienced an increase in licences and approvals administered, a trend that has continued since the NT EPA was established in 2013.



Monitoring and enforcing compliance is a key function of environmental regulation. In early 2022 the NT EPA and the officers that support it, undertook a targeted inspection program of licensed activities in remote areas of the Territory. These types of programs are resource intensive due to the size and remoteness of the Territory. Officers observed that the unlawful stockpiling and disposal of end-of-life tyres is an increasing problem across the Territory and the NT EPA and officers will be working strategically with stakeholders to address this problem in the years ahead. Officers will also be working with stakeholders to address issues with illegal dumping and working with local councils and operators to improve the environmental outcomes of the Territory's urban and remote landfills. To support and guide the compliance and enforcement activities of the NT EPA and the officers that support it, the NT EPA's compliance and enforcement policy is being refreshed and will be published on the NT EPA's website in the next financial year.

It has been an incredibly busy year interrupted by the ongoing impacts of COVID-19. I would like to thank the staff of the Department of Environment, Parks and Water Security that support the NT EPA to fulfil its roles and responsibilities. They bring integrity, professionalism and passion to a challenging and

often contested function. Thank you also to my colleagues, members of the NT EPA, who continue to bring a wealth and a variety of expertise and insight to the independent decision making of the NT EPA.

I would particularly like to acknowledge the contribution of Dr Ian Wallis to the NT EPA. Dr Wallis was an inaugural member of the NT EPA, commencing in 2013 until his membership ended at the end of 2021. Dr Wallis brought a unique mix of technical expertise and strategic thinking to the NT EPA and played a key role in the assessment of a number of complex proposals, including the Mt Todd and McArthur River Mine assessments. I wish Dr Wallis all the best.

Dr Paul Vogel AM  
Chairperson, NT EPA

# Purpose and function of the NT EPA

The NT EPA is established by the *Northern Territory Environment Protection Authority Act 2012* (NT EPA Act). The NT EPA is an independent body providing expert advice on environmental matters in the Northern Territory (NT).

Its purpose is to ensure the environment is protected for the benefit of current and future generations, and its objectives are defined in the NT EPA Act, to:

- promote ecologically sustainable development (ESD)
- protect the environment, having regard to the need to enable ESD
- promote effective waste management and waste minimisation strategies
- enhance community and business confidence in the environmental protection regime of the Territory.

The objectives guide the NT EPA's decision making when fulfilling its functions under a range of legislation. The NT EPA's advisory powers are contained in the NT EPA Act; its powers and functions are enabled by the *Environment Protection Act 2019*, the *Environment Protection (Beverage Containers and Plastic Bags) Act 2012*, the *Waste Management and Pollution Control Act 1998* and their supporting regulations.





# Independence, accountability and Statement of Intent

The NT EPA's independence is enshrined in the NT EPA Act ensuring that neither the NT EPA (as a separate legal entity) nor any of its members are subject to direction by the Minister or government in the performance of the NT EPA's powers and functions.

The NT EPA is accountable to the NT community and government. This expectation and obligation is reflected under various provisions in the NT EPA Act. The NT EPA Act requires the NT EPA to provide the Minister with a Statement of Intent specifying the NT EPA's priorities and activities to meet those priorities for the period of the statement. The NT EPA reports on the fulfilment of its activities under the NT EPA Statement of Intent 2020–2022 in this annual report.

The NT EPA comprises seven members appointed by the NT Administrator, and the chair of the Northern Territory Planning Commission who is appointed by the NT Minister for Infrastructure, Planning and Logistics, in accordance with the *Planning Act 1999*. The NT EPA member details are at Appendix 1.

## Relationships

The NT EPA relies on its relationship with the community, industry and government to help it achieve the important objectives and functions it is responsible for, including ensuring good environmental management outcomes are achieved and facilitating ESD in the NT.

The Chief Executive Officer of the Department of Environment, Parks and Water Security (DEPWS) provides the NT EPA with access to staff and facilities (primarily employees from the Department's Environment Division) to enable it to properly exercise its powers and perform its functions. These employees (NT EPA officers) support the NT EPA by conducting the environmental impact assessment process, administering licences and approvals to protect the environment from the impacts of waste and pollution, investigating pollution complaints and potential breaches of environmental legislation, and preparing draft reports and other advisory material to enable the NT EPA to provide the Minister with strategic advice. This set-up allows the NT EPA to focus on significant and strategic matters, while Environment Division employees provide administrative and operational support to the NT EPA including acting under delegation from the NT EPA.

# Priorities and activities of the NT EPA

This annual report outlines the NT EPA's achievements and future priorities according to its four key areas of responsibility consistent with its Statement of Intent 2020–2022:

- Environmental impact assessment
- Onshore petroleum activities
- Waste and pollution
- Guidance and support.

## Environmental impact assessment

### Priority 1 – Deliver regulatory responsibilities for environmental impact processes

The NT EPA is responsible for implementing the environmental impact assessment process in the NT under the *Environment Protection Act 2019* (EP Act) and the Environment Protection Regulations 2020, in particular, undertaking assessments of development proposals that have the potential to have a significant impact on the environment, to inform the Minister about whether to grant an environmental approval.

Implementation of the EP Act (which commenced on 28 June 2020) continues to demonstrate positive outcomes of greater efficiency and certainty. The NT EPA made 30 decisions under the EP Act in 2021–2022, with 83% of these decisions made within statutory timeframes. Key assessment decisions of the NT EPA in 2021–2022 are listed in Appendix 2, Tables 1 and 2.

The NT EPA completed the assessment of three proposals in 2021–2022, providing advice to the Minister in the form of an assessment report and draft environmental approval for the following proposals:

- Crowley Australia Pty Ltd – Project Caymus Bulk Fuel Storage Facility
- Core Lithium Ltd – Finiss Lithium Project BP33 Underground Mine
- Department of Infrastructure, Planning and Logistics – Paru Road Upgrade.

These are the first proposals to receive environmental approval under the EP Act.

The NT EPA received its first referral for a strategic assessment – the Middle Arm Sustainable Development Precinct proposed by the Department of Infrastructure, Planning and Logistics. This was

referred as a “proponent initiated environmental impact statement (EIS)”, a referral option that offers potential time savings for the proponent to reach the stage of final terms of reference for an EIS.

The NT EPA decided three proposals to be assessed by Supplementary Environmental Report (SER), a mid-tier method of assessment introduced under the EP Act.

The NT EPA continues to assess a small number of proposals under the former *Environmental Assessment Act 1982*. These proposals are being assessed under transitional arrangements that include the requirement for these proposals to obtain an environmental approval from the Minister. Engagement with stakeholders and the community remains critical, particularly during environmental impact assessment.

The NT EPA has engaged with proponents, stakeholders and the community during environmental impact assessment processes. At the commencement of the EP Act the NT EPA launched a new website to assist in notifying stakeholders of new consultations and publishing documents required under the EP Act. The NT EPA website includes a dedicated consultation hub for open and closed consultations and a ‘submit comment’ button to assist in streamlining the engagement process. A new online subscription function for environmental impact assessments (EIA) was activated mid-2022 which allows subscribers to be notified when the NT EPA opens public consultations or news items are published.

Communicating assessment outcomes to stakeholders is equally important to close the loop on the engagement process. Once an assessment decision is made, it is made available on the NT EPA's website.

### Priority 2 – Improve mine planning, rehabilitation and closure

The NT EPA continues to focus its efforts on improving outcomes for mine planning, rehabilitation and closure within the environmental impact assessment process. The NT EPA included recommendations to the Minister in its advice on the Core Lithium Ltd BP33 Underground Mine Project proposal. Draft conditions addressed five environmental outcomes to be achieved during implementation and mine closure and rehabilitation. The NT EPA recommended an environmental performance report requiring a comparison of the

predicted impacts of the action against the actual impacts of the action – for the mine life. In its assessment the NT EPA also recognised the approval and regulatory process under the *Mining Management Act 2001*.

The Chairperson of the NT EPA is the Deputy Chair of the Cooperative Research Centre for Transformations in Mining Economies (CRC TiME) Board. The CRC TiME is a partnership of over 70 organisations across a range of stakeholder groups. It represents mining and mining service companies, regional development organisations, State and Commonwealth governments and research organisations. The CRC TiME ensures coordinated investment into innovative research that addresses the complex challenges underpinning mine closure and relinquishment. Collectively the CRC TiME members are contributing networks, time and knowledge to support Australian communities into a successful post mining future.

Through its partnership with CRC TiME, the NT EPA and DEPWS will be able to use the findings and outcomes of CRC TiME projects to develop guidance and direction that results in improved environmental outcomes in mine rehabilitation and supports effective mine closure.

### **Priority 3 – Improve integration between land use planning and environmental protection**

Throughout 2021–2022, the NT EPA implemented a strategic approach to input on planning and development applications, including by:

- Engaging with proponents in the early stages of projects on how land use and planning will impact referral and licensing requirements under NT law.
- Offering consistent advice on obligations, standards, and guidelines that need to be considered to meet the general environment duty.
- Improving intra and inter-departmental collaboration on the environmental requirements for projects that may require multiple approvals.

## **Onshore petroleum activities**

### **Priority 4 – Provide advice and recommendation on EMPs for managing petroleum activities**

Under the Petroleum (Environment) Regulations 2016, the Minister is the regulator for environment management plans (EMPs) and approvals for the onshore petroleum industry in the NT. A petroleum interest holder is required to submit an EMP to the Minister for review and a decision. EMPs are required to be approved by the Minister prior to commencing an onshore petroleum regulated activity.

The Minister has requested that the NT EPA provides advice on the appropriateness of proposed EMPs for managing petroleum activities under the Petroleum (Environment) Regulations 2016. The NT EPA's Onshore Gas Committee (Appendix 1) provides expert assessment and advice to the NT EPA to inform its recommendation to the Minister on EMPs.

In 2021–2022, the NT EPA provided advice to the Minister on nine EMPs; an increase on the previous year. The Onshore Gas Committee has continued to provide feedback on EMP content and assessment processes. The Onshore Gas Committee has recommended interest holders submit whole of scope exploration EMPs rather than individual EMPs for each regulated activity to provide the regulator and community with a clearer understanding of whole exploration programs and to enhance assessment of cumulative impacts. The NT EPA is observing an increase in the number of whole of scope EMPs that are being submitted.

Since February 2019, the NT EPA has provided independent advice and additional scrutiny on 27 EMPs.

The NT EPA has actively engaged with onshore petroleum proponents on matters specific to this industry. Engagement has occurred regarding the application of the NT Government's policy on 'Greenhouse Gas Emissions Management for New and Expanding Large Emitters' to the assessment and approval of EMPs under the Petroleum (Environment) Regulations 2016 as well as future onshore petroleum production activities which may require assessment under the EP Act. The NT EPA developed a series of principles to guide decision makers on how greenhouse gases should be managed by the onshore gas industry.

## Waste and pollution

### Priority 5 – Deliver waste and pollution regulatory responsibilities

#### Licences and approvals

The *Waste Management and Pollution Control Act 1998* (WMPC Act) establishes an environmental approval and licensing regime for certain activities. The licensing and approval regime established by the WMPC Act enables the Territory economy to grow without compromising environmental values. Compliance with approvals and licences under the WMPC Act gives industry and the regulated community a roadmap for earning a social licence in the Territory. Environment protection approvals (EPAs) and environment protection licences (EPLs) are in place for a range of activities and facilities across the economy, including in relation to waste management (e.g. waste transporters, waste transfer facilities and landfills) and each of the three liquefied natural gas (LNG) facilities in the Territory.

During the 2021–2022 financial year, the NT EPA administered 20 EPAs and 217 EPLs (Figure 1); continuing the trend of modest increases over previous years. Further details of the EPAs and EPLs are available on the NT EPA website.

#### Container deposit scheme

The *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (the EPBCPB Act) establishes the container deposit scheme (CDS). The CDS is a key initiative that helps reduce beverage container waste and increase resource recovery and recycling across the NT.

Reforms to streamline the CDS approval process commenced on 2 October 2021 removing the requirement for CDS eligible beverage containers to be approved before being supplied for sale in the NT. The reforms established a register of beverage suppliers selling containers into the NT and a requirement for suppliers to have a waste management arrangement (WMA) in place with CDS coordinators (a supplier arrangement) at all times. The onus of responsibility to ensure containers sold in the NT comply with the requirements of the Act, including that the containers are recyclable or reusable, now rests with the beverage suppliers.

From 1 February 2022, WMAs between collection depot operators and CDS coordinators no longer need approval by the NT EPA. These reforms reflect a greater focus on auditing and compliance of the scheme, and significant reduction of administrative and legislative burden on industry and the NT EPA.

In 2021–2022:

- 267 CDS approvals and registrations were administered, comprising four coordinator approvals, 27 depot approvals (Figure 2) and 236 supplier registrations.
- A total of 136,142,198 regulated containers were sold in the NT, down 5.5% from 144,097,535\* in the previous year.
- Over 104 Million containers were redeemed at collection depots during the financial year, which is 77% of container sales. Of those, 67% were in the Greater Darwin area and 33% in regional localities. This saw over \$10 million in container deposit refunds issued to Territorians.

\* Incorporates corrected sales data reported to the NT EPA during 2021–2022.

Figure 1: Licences and approvals administered

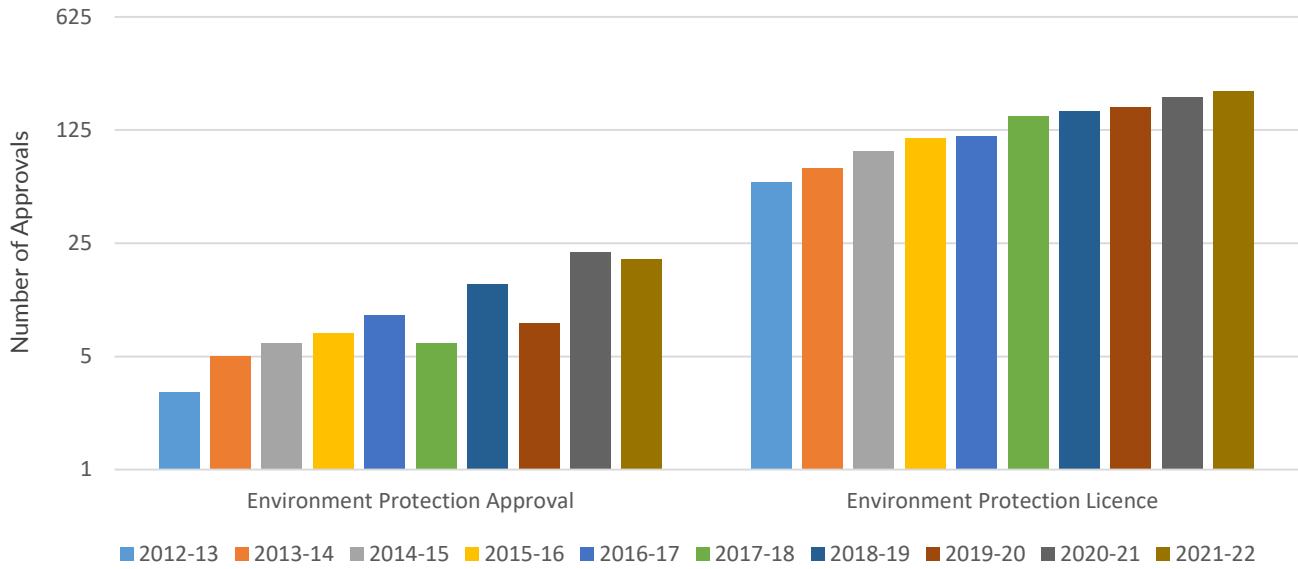
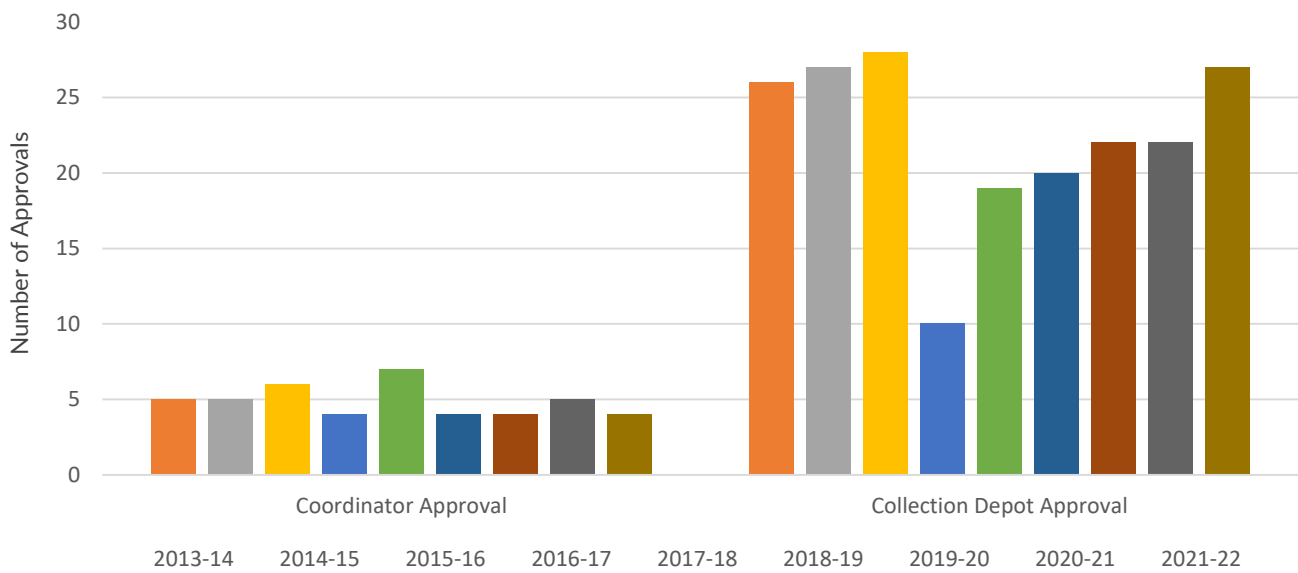


Figure 2: CDS approvals





## Making the container deposit scheme more efficient

In 2021–2022 the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* was amended to streamline container deposit scheme (CDS) approval processes. A new CDS supplier registration scheme came into effect on 2 October 2021, and removed the need for each type of beverage container to be approved for supply or sale in the NT. Beverage manufacturers and importers of regulated containers must be a registered CDS supplier to supply regulated containers for sale in the NT and hold a CDS supplier registration certificate issued by the NT EPA. CDS supplier registration may be granted for up to 10 years. Under the transitional arrangements beverage suppliers that held a valid supply approval immediately before the amended Act commenced (207 suppliers), became registered CDS suppliers. Eligible suppliers were issued a certificate of CDS supplier registration shortly after the changes came into effect. Collectively these suppliers held approvals for over 5,600 containers immediately before the provisions for CDS supplier registration commenced.

The requirements for waste management arrangements between CDS participants to be approved were also removed during 2021–2022. Whilst all registered CDS suppliers and CDS approval holders must maintain waste management arrangement/s that comply with the requirements of the Act, the changes mean that these arrangements no longer require approval by the NT EPA.

Together these changes have significantly reduced the number of applications for CDS approvals and the processing times associated with applications, thereby reducing the administrative and regulatory burden for industry and the regulator, and enabling the regulator to focus on strategic priorities, such as supporting increasing access to the CDS depots in regional and remote areas (refer to image). The changes also deliver on the recommendations of the CDS review regarding streamlining the CDS approval process and incentivising resource recovery.

## Compliance and enforcement

Authorised officers monitor compliance with environmental approvals and licences under the WMPC Act and respond to pollution events and reports as they occur via the pollution hotline. In early 2022 officers undertook a series of remote inspections to improve the NT EPA's understanding of, and gain a better picture of, compliance with licences in remote areas.





## Remote landfill inspection blitz

The Northern Territory has a large number of unapproved and unlicensed landfills servicing remote towns, roadhouses, Aboriginal communities and regional industrial sites. Because they have no approvals, these types of landfills are not routinely recorded and are often geographically remote and resource intensive to visit.

In early 2022 authorised officers inspected over 20 waste disposal and landfill sites across the Katherine, Tiwi, Borroloola/Barkly, East Arnhem, West Daly, Victoria Daly and Alice Springs regions. This data gathering exercise will inform future compliance planning and strategies to improve landfill management and promote circular economy opportunities.

At the beginning of the year, Authorised Officers put together a comprehensive inspection schedule for regional sites that have existing approvals and reported sites requiring investigation (e.g. PFAS, contaminated land, pollution incidents, illegal dumping). Officers designed and scheduled the regional inspections for known landfills and waste disposal areas. At the same time officers were on the lookout for other potentially problematic sites. This “piggyback strategy” approach meant that a number of sites could be inspected for the first time in a cost effective and resource efficient way. Previously, with the limited knowledge available to inform risks, these suspect sites had been assumed to be low risk and individual inspections were seen as cost prohibitive.

What did the officers find? The usual suspects were waste tyres, industrial metal and building products, whitegoods and e-wastes, listed and hazardous wastes (oils, chemicals, paints etc). These materials are not only environmentally harmful, they also represent a missed economic opportunity for the Territory as they could be contributing to a circular economy through secondary uses. Perhaps most worrying was the discovery of dead livestock and animals, asbestos, sites being set alight as a method of routine management and, at one site, the mining of metals.

The data gathered is being used to inform decision making on these smaller and unlicensed sites and inform strategic approaches to remote waste disposal practices more generally.

Authorised officers continue to deal with the significant issue of waste tyre dumping through the pollution hotline. Additionally, officers have commenced a number of investigations into significant commercial scale waste tyre dumping.

Notices have been issued to a number of land owners and occupiers requiring them to address the immediate environmental risks posed by the tyres, while investigations continue. There are a number of prosecutorial matters that are ongoing at the various levels in the NT Court system involving contraventions of pollution abatement notice requirements and environmental harm associated with the illegal dumping of waste and contaminants, with waste tyres being a prominent issue all over the NT.

A total of 72 penalty infringement notices (PINs) have been issued (Appendix 3). In 2021–2022, there were 37 authorised officer directions issued for a variety of environmental issues to be addressed and 71 section 14 (pollution report) incidents triggering a duty to notify. In February 2022, the NT Government initiated amendments to the *Environmental Offences and Penalties Act 1996* resulting in a tenfold increase to the dollar amounts prescribed for PINs, bringing them into line with other offences of a similar scale and level. This recognition of the importance of environmental legislation and higher penalties for non-compliance will allow officers to continue to ensure the NT is protected for all Territorians.





## Understanding and addressing the Territory's problem with end-of-life tyres

The unlawful disposal and/or stockpiling of end-of-life (EOL) tyres is a significant issue in all Australian states and territories. EOL tyres have become a national environmental issue which has been compounded by the Commonwealth banning the export of tyres from Australia in December 2021.

The unlawful disposal, re-use and/or stockpiling of EOL tyres represents a significant environmental and human health risk, particularly if they are burnt. Emissions from burning tyre stockpiles can be toxic and stored tyres can store vermin and leach contaminants into surface and groundwater systems. The unlawful disposal and/or stockpiling or burning of EOL tyres is an offence under the Territory's *Waste Management and Pollution Act 1998*. Tyres are considered a listed waste under that legislation.

The Northern Territory's problem with EOL tyres is arguably exacerbated by the very large distances and limitations on the regulator's ability to access remote parts of the Territory and understand, and address, the full extent of the problem. The NT EPA is aware of large stockpiles and is actively managing the issue in partnership with the NT Government.

The solution to the Territory's problem with EOL tyres requires a multi-faceted response. The NT EPA is developing a strategy to address the Territory's significant issue with EOL tyres. The strategy will include a combination of guidance/education material to inform the public and industry of their legal requirements in relation to EOL tyres, working with key stakeholders and industry to increase understanding of the legal requirements around tyres, compliance and enforcement action where appropriate, and working with the NT Government to identify appropriate end markets for EOL tyres. The NT EPA strongly supports the NT's Circular Economy Strategy 2022–2027, which is an achievable action plan that will help transition the Territory towards a circular economy.

## Pollution reporting and response

In 2021–22 there was a reduction in the environmental incidents reported to the NT EPA's pollution hotline number, down to 845 from 1001 the previous year. Low level environmental harm and nuisance complaints relating to dust, smoke, noise and odour made up over 40% of all reports received. Just over 20% of reports received related to noise. When reports of noise issues and noise nuisance from residential sources are received, officers will initially encourage the parties to engage with each other and seek mediation if necessary. In some cases complainants alleging low level environmental harm are also referred to another more appropriate agency or regulator with the primary responsibility to deal with the reported issue.

## Online waste tracking system

The online waste tracking project was implemented on time and within budget. The system has been in use since January 2021 and has tracked over 1790 inter-state hazardous waste movements to their destination, an average of 5 movements per day. National reporting requirements and standards are currently being developed by the Commonwealth in collaboration with all states and territories, which may require future updates to the system.





## Air quality

During 2021–2022, NT EPA continued to maintain and operate a network of ambient air quality monitoring stations (AQMS) for compliance reporting under the National Environment Protection (Ambient Air Quality) Measure (AAQ NEPM), which establishes national ambient air quality standards for key pollutants. The AAQ NEPM is implemented in the Territory under the WMPC Act and the *National Environment Protection Council (Northern Territory) Act 1994*. Three of the stations, located in the Darwin region at Palmerston, Winnellie and Stokes Hill, measure the concentrations of air pollutants including carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>) and particulates (as PM<sub>10</sub> and PM<sub>2.5</sub>). Katherine Town Council (KTC) operates an AQMS in Katherine under a WMPC Act Performance Agreement with the NT EPA. The Katherine AQMS only measures PM<sub>10</sub> and PM<sub>2.5</sub>. Real-time and historical air quality data measured at the four ambient air quality monitoring stations are available to the public on the NT EPA website.

AAQ NEPM standards for CO, O<sub>3</sub> and NO<sub>2</sub> were strengthened by the National Environment Protection Council (NEPC) in May 2021, following a review of the AAQ NEPM. Air quality in Darwin remains generally good and no exceedances of the new

standards were recorded for these air pollutants. The graphs in Figures 3 and 4 show that the AAQ NEPM standards for particulates were exceeded on several occasions in Darwin Region and Katherine during the Dry season. Katherine recorded 11 exceedances of the 1-day average PM<sub>10</sub> standard, and 22 exceedances of the 1-day average PM<sub>2.5</sub> standard during the period July 2021 – June 2022. The other stations recorded less, yet significant numbers of exceedances. These exceedances were caused by smoke from planned and unplanned bushfires.

The NT EPA undertakes the National Pollutant Inventory (NPI) reporting in the NT. The NPI is an internet database that provides the community, industry and government with information about the emissions and transfers of 93 toxic substances to the environment in Australia. Facilities that use NPI substances at levels above certain thresholds are legally required to report any emissions of those substances. The latest emissions/transfer data (2020–2021) is available on the NPI website, with 112 NT facilities reporting their emissions for this period. The most commonly reported emitted substances in the NT for this period were total volatile organic compounds, toluene, xylenes, benzene and polycyclic aromatic hydrocarbons.

Figure 3: One-day average particulates (PM<sub>10</sub>) concentrations at the air quality monitoring stations (2021–2022)

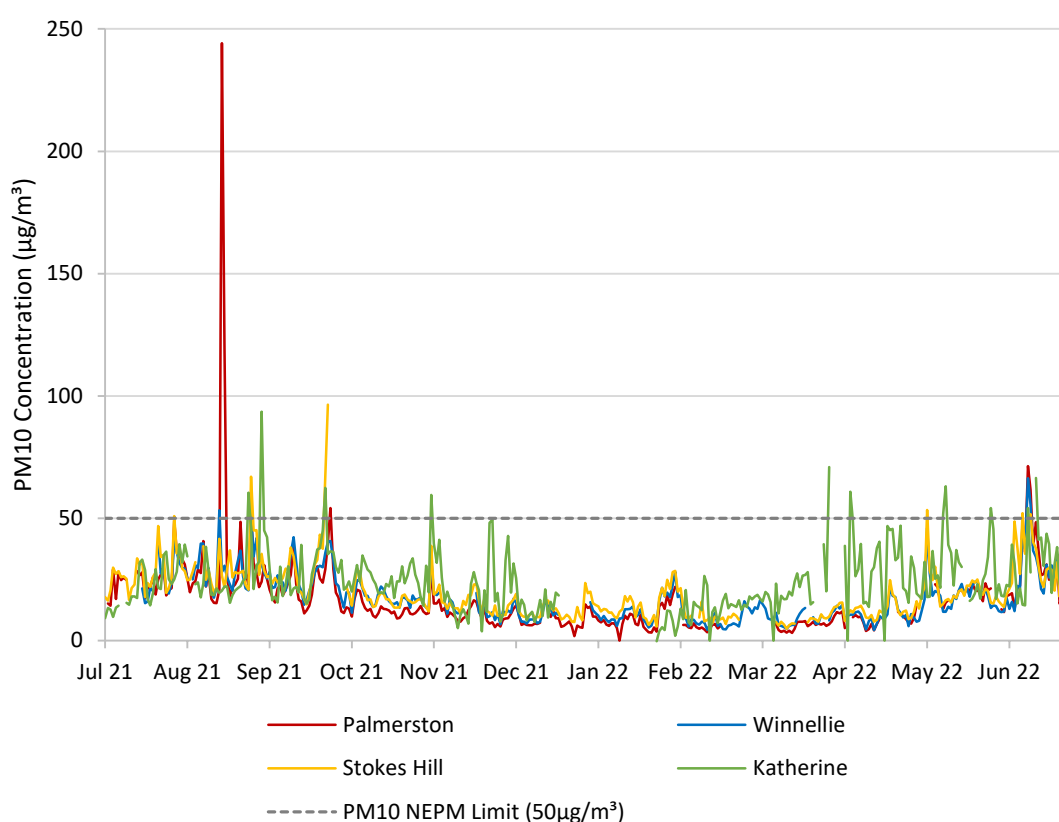
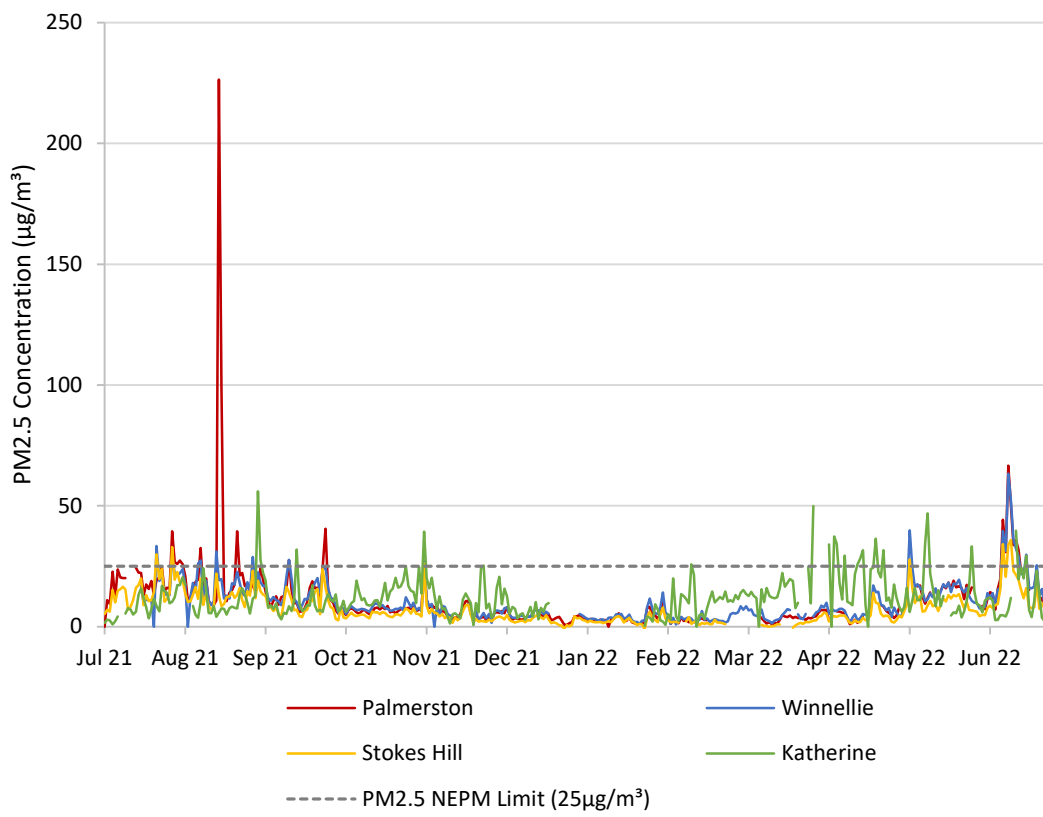


Figure 4: One-day average particulates (PM<sub>2.5</sub>) concentrations at the air quality monitoring stations (2021–2022)



## Contaminated land

In 2021–2022 authorised officers issued seven Section 48 Notices (requirement to undertake an audit), four pollution abatement notices, and oversaw the voluntary audit of seven contaminated sites across the NT.

The NT EPA widened the scope of auditors approved to work in the NT by recognising auditor accreditation schemes in all Australian States and Territories. The number of auditors available to undertake contaminated land investigations and remediation programs in the Territory has increased from approximately 80 to 115. This provides business with increased flexibility.

Authorised officers facilitated the implementation of an interactive spatial layer into DEPWS NR Maps. The new layer shows all known contaminated land audits and pollution abatement notices in the NT and improves transparency around the NT EPA's use of statutory instruments under the WMPC Act. It also promotes informed decision-making around land use.

## PFAS

PFAS investigations continued in accordance with the NT PFAS strategy. As part of that strategy, an authorised officer direction for a due diligence audit of facilities was issued to the NT Police, Fire and Emergency Services. The audit will enable the NT EPA and NT Government to better understand the nature and extent of PFAS contamination at firefighting facilities operated by the NT Government. Audits have also been required in relation to the Vopak terminal and Alice Springs fire station.

## Engagement with industry, government and the community

Authorised officers are working with a wide range of stakeholders to address key environmental issues in the NT, including:

- Barkly Regional Council, to address issues at Tennant Creek landfill.
- Tiwi Islands Regional Council, Tiwi Land Council, Department of Health and Department of Chief Minister and Cabinet to improve waste management practices on the Tiwi Islands.
- Local Government Association of the Northern Territory (LGANT), to discuss priority actions for local councils in waste management and recycling.
- Power and Water, to address ongoing issues with its licensed and unlicensed facilities across the Territory.
- City of Darwin, to improve environmental outcomes at the Shoal bay waste management facility.

## Priority 6 – Improve the regulatory framework for waste and pollution

The NT EPA aspires to be a transparent, consistent and proportionate regulator. In 2021–2022 the NT EPA worked on refreshing its Compliance and Enforcement Policy. The new Policy will outline the NT EPA's approach to ensuring compliance with the law and how the NT EPA and authorised officers will respond to breaches of the law. The Policy, which will be published on the NT EPA's website in the next financial year, will clarify that the NT EPA adopts a risk-based approach to compliance and administers the law in accordance with the principles of regulatory best practice.

The new Policy will be supported by an Enforcement Guideline, which will provide detail on the different enforcement tools and the considerations relevant to the exercise of statutory powers by authorised officers. The NT EPA is also supporting the development of a new Authorised Officer Policy, which will provide clarity on how authorised officers are appointed and how they exercise their powers. These documents will all be published on the NT EPA's website in the next financial year.



## **Local businessman convicted of offences under the *Waste Management and Pollution Control Act 1998***

In December 2021, Darwin Local Court Judge Alan Woodcock convicted and fined Michael Adrian Anthony and his company DWD Project Pty Ltd for serious breaches of the WMPC Act. Judge Woodcock found that the defendants had intentionally contravened or intentionally failed to comply with Pollution Abatement Notices (PANs) that were issued to them.

The purpose of the PANs were for the defendants to remove approximately 15,000 tonnes of demolition and construction waste and other contaminants they had dumped on land and into Darwin Harbour. The waste material and contaminants included asbestos, timber, concrete and PFAS contaminated soils.

The defendants were convicted and fined a total of \$300,000. The defendants were also ordered to pay victims levies and some of the NT EPA's legal costs. To date this is the largest fine ever handed down in the Local Court for contraventions of the WMPC Act.

**In December 2021  
the court imposed a  
sentence of \$300,000  
in addition to victims  
levies and some  
NT EPA legal costs**

## **Guidance and support**

### **Priority 7 – Develop guidance material to support proponents and the community**

The NT EPA has a role in enhancing community and business confidence in the environmental protection regime of the NT. This role includes building understanding around regulatory processes, and clarifying responsibilities, expectations and opportunities for proponents and the community through the development of guidance material.

#### **Environmental impact assessment**

The NT EPA reviewed and revised guidance on its environmental factors and objectives and referring a proposal to the NT EPA (including updates to the pre-referral screening tool).

The NT EPA consulted on draft Environmental Factor guidance for its atmospheric processes and culture and heritage environmental objectives. This guidance will be finalised in 2022–2023.

#### **Seabed mining**

The NT EPA's 'Review of Seabed Mining in the Northern Territory – Environmental Impacts and Management' (2020) (the Report) was provided to the Minister for Environment in December 2020. Following consideration of the NT EPA's report and a report prepared by the Aboriginal Areas Protection Authority, the Minister undertook the process of declaring seabed mining a prohibited action under section 38 of the EP Act. On 4 August 2021, the Minister for Environment declared seabed mining to be a prohibited action. The Minister's declaration notice and supporting Statement of Reasons is available on the DEPWS website.

## Regulatory management system

During 2021–2022, DEPWS undertook extensive investigations into the development of a contemporary integrated regulatory management system (RMS) to support the range of regulatory management functions undertaken by the Department, including those undertaken on behalf of, and in support of, the NT EPA. An RMS would reduce reliance on key operational personnel and automate labour intensive (and repetitive) tasks. This would leave more time for authorised officers to focus on other aspects of the business, which would support improved environmental outcomes and achieve environmental objectives. Introduction of an RMS would also improve efficiency for proponents and reduce administrative costs.

## Landfill guidelines

An independent review of the NT EPA's 'Guidelines for the Siting, Design and Management of Solid Waste Disposal Sites in the Northern Territory' (2013) commenced in 2021–2022. The review consists of two priority areas:

- (a) Technical elements of the NT EPA Landfill Guidelines in terms of leachate management, capping and closure, engineering and monitoring.
- (b) Identification required improvements to the NT EPA Landfill Guidelines in the context of regional and remote landfills.

This review will ensure that landfills in the Territory, including in regional and remote areas, are managed in a manner that protects the environment and our communities from hazardous wastes.



# NT EPA strategic engagement

The NT EPA met 14 times, both by video conference and in face to face meetings.

COVID-19 continues to present challenges to people, organisations, business and governments around the globe. Prior to COVID-19, the NT EPA regularly met in person with several stakeholders, and visited various proposals and development sites.

The NT EPA's broader site visit and in-person engagement activities continued to be disrupted in 2021–2022. The NT EPA had 14 stakeholder engagements and 5 Chairperson's engagements in 2021–2022.

In 2021–2022, the NT EPA Chairperson met with the Minister and the Chief Executive Officer of DEPWS on a regular basis. The NT EPA Chairperson engages with the CRC TiME in his role as deputy chairperson, and the NT Planning Commission as an ex-officio member.

The NT EPA met with the following stakeholders:

- Tyre Stewardship Australia – tyre management and resource recovery plan for the NT
- CEO, Waste Recycling Industry Association Northern Territory (WRINT) – NT waste reduction discussion regarding unique NT waste issues
- CEO, City of Darwin – strategy presentation on Council matters
- Executive Director Flora and Fauna (F&F) – Gouldian Finches habitat and potential impacts arising; Strategic Regional Environmental Baseline Assessment (SREBA)
- CEO, Cotton Australia Pty Ltd – cotton growing in north Australia
- Santos Ltd – presentation on current and future projects
- CEO, Executive Director Flora and Fauna and Executive Director Rangelands of the Department of Environment, Parks and Water Security – land clearing, Fortune Agribusiness Singleton Horticulture Project
- Department of Infrastructure, Planning and Logistics – Middle Arm Strategic Assessment team – presentation on Middle Arm Strategic Assessment
- Fortune Agribusiness – Singleton Horticultural Project
- Department of Industry, Tourism and Trade – Rum Jungle Mine Rehabilitation
- Origin Energy Pty Ltd – Production planning and greenhouse gas emissions management.

## Heads of EPAs

The NT EPA is an active participant in the activities of the Heads of EPAs (HEPA). HEPA is a high level forum comprising chairpersons/CEOs or equivalent representatives from all Australian jurisdictions and New Zealand that provides an opportunity to share knowledge and experiences, identify opportunities for improvements in nationally consistent regulation, and promote greater coherence in regulatory practice and policy across jurisdictions.

The NT EPA Chairperson attended a HEPA meeting held in Melbourne on 29 October 2021. The Chairperson also attended a meeting virtually on 1 April 2022.



# Looking ahead

The NT EPA is required to provide the Minister with a new Statement of Intent to guide its priorities and activities for the period 2023–2026. This presents an opportunity early in the 2022–2023 financial year for the NT EPA to reflect on its role within the evolving context in which it operates and plan for the delivery of its functions in the future.

Environmental impact assessment under the EP Act will continue to be a core function of the NT EPA. Lessons learned over the past two years will be applied to future assessments and advice, including lessons gained from experience with the lower methods of assessment available under the EP Act, and in providing advice to the Minister on draft environmental approvals. Experience with new processes should bring greater efficiencies, which will be important as the NT EPA aims to deliver an increasing demand for the assessment of proposals under tight statutory timeframes.

Proposals requiring assessment in the NT are as complex as any across the country, and like elsewhere the NT EPA is experiencing a wave of proposals for renewable projects and new technologies to support decarbonisation objectives, such as hydrogen production. The NT EPA will need to ensure it has the capacity and expertise to assess and provide advice on these emerging technologies.

The strategic environmental assessment of the Middle Arm Sustainable Development Precinct will be a key priority for the NT EPA over coming years. This will be the first strategic assessment undertaken by the NT EPA under the EP Act, and the first strategic assessment of a government-proposed industrial precinct in Australia. The strategic assessment will allow for improved assessment of cumulative impacts and is expected to lead to efficiencies in approval processes. It will require dedicated focus from the NT EPA and supporting officers and close collaboration with the Commonwealth Department of Climate Change, Energy, the Environment and Water to ensure it can deliver effectively on its objectives.

The assessment and regulation of greenhouse gas emissions is receiving increased attention in the NT, but the Territory is not alone in this regard. Stakeholder and shareholder sentiments are driving expectations for greater emissions reductions. Industry and governments are setting their own targets and in the case of the Australian Government, introducing major policy and legislative reforms. Third party appeals of decisions based on the assessment and management of greenhouse gas emissions has seen a sustained increase nationally and globally. Environment Protection Agencies across Australia are considering their role in regulating greenhouse gas emissions. For the NT EPA, the EP Act establishes the requirement to assess the impacts of a changing climate. The NT Government has made its policy position clear through its Greenhouse Gas Emissions Management for New and Expanding Large Emitters Policy. A priority for the NT EPA in 2022–2023 is to finalise its 'Environmental factor guidance: Atmospheric processes' to set clear expectations for environmental impact assessment of greenhouse gas emissions.

Another priority for the NT EPA in 2022–2023 is to finalise guidance on the environmental impact assessment of impacts on culture and heritage, including Aboriginal culture. The NT EPA has experienced increased demand for it to “call-in” proposals for assessment under the EP Act based on their potential to impact on cultural values. This interest reflects a heightened focus on the cultural impacts of development in the Territory and Australia and how such impacts are avoided or mitigated through regulatory processes. This is an area that will benefit from greater engagement by the NT EPA with relevant authorities, including land councils and the Aboriginal Areas Protection Authority.

The Australian Government is considering its response to the Samuel's Review of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, and how it will implement its commitment to a national environment protection agency. The NT EPA will keep a close watch on reforms to national environmental legislation to identify any implications for environmental assessment and approvals in the NT.

As the onshore petroleum industry progresses towards production, the role of the NT EPA in providing strategic advice to the Minister on EMPs under the Petroleum (Environment) Regulations 2016 will likely increase. It is expected novel issues will arise in relation to production, which may require a reduced focus on exploration and an increased focus on production.

Officers in the Environment Division will continue to support the NT EPA with their compliance and enforcement functions under the WMPC Act. The NT EPA is in the process of refreshing its Compliance and Enforcement Policy, which will be supported by a Compliance Plan that clearly articulates the NT EPA's compliance priorities over the coming year. Intelligence collected by officers during audits and inspections this year support a renewed focus on the emerging issue of unlawful waste tyre disposal; ensuring high risk industries, such as LNG and onshore gas, are complying with their approvals; improving the environmental outcomes of our urban waste management facilities; and working with the NT Government to address the Territory's issues with PFAS, which remains a key environmental challenge across Australia. The refreshed Compliance and Enforcement Policy and associated documents will reaffirm the NT EPA's commitment to being a transparent, independent and accountable regulator that takes a risk-based approach to its compliance and enforcement action.



# Appendices

## Appendix 1: NT EPA membership



### Dr Paul Vogel AM, NT EPA Chair

Dr Paul Vogel was appointed as the chair of the NT EPA on 14 November 2016.

Now a non-executive board director and strategic consultant, Dr Vogel was the chair of Western Australia's (WA's) Environmental Protection Authority from 2007 to 2015.

Dr Vogel was also the inaugural Chief Executive and chair of the South Australian Environmental Protection Authority from 2002 to 2007 and prior to that held senior executive positions in the WA departments of the Premier and Cabinet and Environmental Protection.

Dr Vogel has a PhD in chemistry from the University of WA and has extensive knowledge and experience across a broad range of environmental issues and sustainability, in organisational and regulatory reform and in the delivery of strategic environmental and business outcomes.

Dr Vogel is Chair of the WA Marine Science Institution, Deputy Chair of CRC TiME – CRC on Transformations in Mining Economies, and a member of the Australia Institute of Company Directors. He was appointed to the NT EPA from 1 January 2016.



### Ms Janice van Reyk

Ms Janice van Reyk is an experienced non-executive director on a number of boards and audit and risk committees in the infrastructure and utilities sector including Lochard Energy, Australian Naval Infrastructure and Ports Victoria. She previously served on the Audit, Risk and Finance Committee of Sustainability Victoria and the three person Ministerial Advisory Committee to inquire into the future strategic role of the Environment Protection Authority Victoria.

Ms van Reyk's environmental experience includes advising on a range of socio-economic assessments, stakeholder consultations, environmental and remediation issues. Together with her executive management and experience in industry she brings great depth to the NT EPA.

Ms van Reyk is a Fellow of the Australian Institute of Company Directors, a member of the Environment Institute of Australia and New Zealand and a Fellow of the Certified Practising Accountants. She has a Master of Environment specialising in water, energy and urban issues; a Master of Commerce specialising in corporate finance, economics and accounting; a Bachelor of Arts and a Bachelor of Laws.



### **Mr Joe Woodward**

Mr Joe Woodward brings more than 35 years' experience managing and advising on environmental regulation and approvals having worked in a variety of roles in the New South Wales Environment Protection Authority and its predecessor, the State Pollution Control Commission.

Mr Woodward has extensive experience in environmental management and regulation. As Deputy Director General of the NSW Department of Environment and Conservation he oversaw assessment and regulation of air, water, noise, waste, chemicals and radiation, as well as biodiversity, threatened species and Aboriginal cultural heritage protection. He has served as a Commissioner for the NSW Independent Planning Commission responsible for statutory assessments and determinations of state significant development proposals including mining, major industrial and urban developments.

Mr Woodward holds a Masters of Engineering and Bachelor of Science. In 2009 he was awarded the Public Service Medal for Outstanding Contribution to the Environment in New South Wales.



### **Ms Samantha Nunan**

Ms Nunan is experienced in providing environmental regulatory and policy advice to industry and governments across multiple jurisdictions, including the NT. Working in industry for many years, Ms Nunan has significant experience in participating in regulatory reviews and reform processes, predominantly as an industry participant, but also during her time in government.

During her time as a practising lawyer, Ms Nunan provided advice to businesses and statutory bodies relating to compliance frameworks and responses to environmental regulatory investigations.

Ms Nunan has had extensive exposure to environmental assessment processes, securing project approvals and the application of regulatory policies and legislation across a range of different industries, including resources, renewables, waste, agriculture and planning. With this experience, Ms Nunan brings a good understanding of the existence of, and the importance of, overlapping interests in land and resources by various stakeholders including Traditional Owners, Government, Industry and broader communities.



### Dr Rod Lukatelich

Dr Rod Lukatelich has a Bachelor of Science (Hons) and a PhD from the University of Western Australia (WA).

Dr Lukatelich has 28 years' oil and gas industry experience and is now semi-retired, working as an environmental consultant. He has extensive experience in environmental approvals and impact assessment, wastewater treatment, atmospheric emissions management and assessment and remediation of contaminated sites. Previously, Dr Lukatelich held an academic position at the University of WA where his research included studies on the impacts of eutrophication on algae and seagrasses in lakes and estuaries; development of ecological models; and the relationships between hydrodynamics and water quality in reservoirs, rivers and estuaries.

Dr Lukatelich has been a Board Director of the Cooperative Research Centre on Contamination and Remediation of the Environment since its inception in 2005; was Chairperson of the Great Australian Bight Research Program Management Committee and was a member of the Environmental Protection Authority of Western Australia between 2009 and 2014. Rod is a Director of Perth Racing; and is a Board member of the Western Australian Marine Science Institution.



### Dr Vaughan Beck

Dr Vaughan Beck, AM is a Fellow of the Australian Academy of Technological Sciences and Engineering and The Institution of Engineers, Australia. He was a member of the NT Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, 2016–2018.

Dr Beck was recently Senior Advisor, Technical to the Australian Academy of Technological Sciences and Engineering (ATSE) and Executive Director – Technical, responsible for the Academy's research projects and the development of policy advice to government in energy, water, infrastructure, innovation, technology, technology and health, education and climate change. During his appointments with ATSE, Dr Beck was: Chairperson of the International Council of Academies of Engineering and Technological Sciences, Low Carbon Energy Group; Deputy Chairperson of the Australian Council of Learned Academies project report on Shale Gas; and Deputy Chairperson of the ATSE Unconventional Gas Conference and International Workshop.

Dr Beck has qualifications in mechanical engineering, structural engineering and fire safety and risk engineering. He was Visiting Professorial Fellow, Warren Centre of Advanced Engineering, University of Sydney and led the Fire Safety Systems project. He was appointed Professor and Director at the Centre for Environmental Safety and Risk Engineering at Victoria University and subsequently, Pro-Vice Chancellor (Research) at the University.



### **Dr David Ritchie, Chair of the NT Planning Commission (ex-officio member)**

Dr David Ritchie has over 35 years' experience working for organisations responsible for heritage protection and land management, in a combination of professional, expert and also senior management and executive roles. This work includes extensive experience with statutory boards with roles under land rights, native title, and environment and heritage legislation. For more than 20 years he has held Chief Executive roles, leading organisations responsible for land resource planning, remote service delivery, parks and wildlife, natural resource management, environment protection, Aboriginal policy, Aboriginal cultural heritage and museums, art galleries and archives.

Dr Ritchie's work has involved extensive field work in remote regions of the NT working closely with Aboriginal communities and developers on cultural heritage surveys for major infrastructure developments – ranging from gas pipelines and the North Australian Railway to mines, aquaculture and newly created National Parks.

Dr Ritchie is a graduate of the Australian Institute of Company Directors and a Fellow of the Australian Anthropological Society. He is also a Director of Ninti One Limited, on the board of the Northern Territory Land Corporation and Chairperson of the Northern Territory Grants Commission.



### **Dr Ian Wallis**

Dr Ian Wallis brings 30 years' experience as an environmental engineer providing advice to water and sewerage authorities and industries. He has been a registered environmental auditor for 17 years providing advice in the form of environmental studies, audits, investigations and inputs into environmental impact assessments.

Dr Wallis conducted postgraduate research at Monash University in sediment transport, the dispersion of wastes in estuarine and ocean waters, and the social and technical issues involved in managing pollution, and was a researcher at various Universities and laboratories in the UK and USA.

Dr Wallis has extensive experience in environmental assessments, air quality, water quality and oceanographic studies, and is recognised as one of Australia's experts in these fields. He was a member of the Expert Panels on Desalination and on Dredging in Darwin Harbour.

Dr Wallis served as a member of the NT EPA and Onshore Gas Committee until 31 December 2021.

#### **NT EPA Onshore Gas Committee membership**

- Mr Joe Woodward (Chair)
- Dr Vaughan Beck
- Dr Rod Lukatelich
- Ms Samantha Nunan

## Appendix 2: Decisions made under the *Environment Protection Act 2019* in 2021–2022

**Table 1: Decisions that assessment is required**

PROPONENT	PROPOSAL	DATE OF DECISION
AA Powerlink Ltd (formerly Sun Cable Pty Ltd)	AA Powerlink (Significant variation)	5 October 2021
Winchelsea Mining Pty Ltd	Winchelsea Island Manganese Mine Project	10 August 2021
Primary Gold Limited	Rustlers Roost and Quest 29 Open-cut Mine Redevelopment	5 October 2021
Department of Infrastructure Planning and Logistics	Paru Road Upgrade – Melville Island	16 July 2021
Crowley Government Services Inc. (Crowley)	Project Caymus Bulk Fuel Storage Facility	14 October 2021
Santos	Darwin Pipeline Duplication	7 April 2022
Department of Infrastructure Planning and Logistics	Mandorah Marine Facilities	7 June 2022
Department of Defence	NCIS-5 – HMAS Coonawarra – Dredging and Dredged Material Management	28 June 2022

**Table 2: Decisions that assessment is not required**

PROPONENT	PROPOSAL	DATE OF DECISION
Ucha Pty Ltd (trading as Cleveland Agriculture)	Clearing of native vegetation on Ucharonidge Station	4 November 2021
KTT Investment Pty Ltd	North One Hotel and Apartments (commonly referred to as Little Mindil)	7 December 2021

**Table 3: Advice to Minister**

PROPONENT	PROPOSAL	DATE OF DECISION
Crowley Australia Pty Ltd	Project Caymus Bulk Fuel Storage Facility	24 November 2021
Core Lithium Ltd	Finniss Lithium Project BP33 Underground Mine	8 April 2022
Department of Infrastructure, Planning and Logistics	Paru Road Upgrade – Melville Island	8 June 2022

### Appendix 3: Compliance and enforcement actions in 2021–2022

**Table 1: Entities issued with penalty infringement notices**

ENTITY	NUMBER OF PINS ISSUED
Northern Territory Livestock Exporters Association Inc.	1
Johnny Spitzbarth	2
Steven Alexander Canavan	1
Shannon Mark Beath	2
Manolis Kavouklis Nominees Pty Ltd	1
PTC (NT) Pty Ltd	1
Franky Anouar Zayat	1
Absolute Car Restorations and Parts PTY LTD	1
Northern Transportables Pty Ltd	2
City of Darwin	17
Humpty Doo Developments Pty Ltd	1
Northline Nomineeco Pty Ltd	1
Integrity Pty Ltd	2
IOR Pty Ltd	1
David Divilly	1
Ostojic Group Pty Ltd	2
BMD Urban Pty Ltd	1
Smorgon Fuels Pty Ltd	2
Vinai Chaipom	2
Bishdun Pty Ltd	10
Jocelyn Dunning	5
Malcolm Bishop	5
Kassiou Constructions Pty Ltd	4
Tsikouris Investments Pty Ltd	1

Table 2: Prosecutions

DATE	DEFENDENT	OFFENCES	PENALTY \$
20/12/2021	DWD Project Pty Ltd	Intentionally contravened or intentionally failed to comply with a Pollution Abatement Notice (Local Court)	\$250,000 – with conviction
7 June 2021	Michael Adrian Anthony	Intentionally contravened or intentionally failed to comply with a Pollution Abatement Notice (Local Court)	\$50,000 – with conviction





**Northern Territory Environment Protection Authority**

GPO Box 3675, Darwin  
Northern Territory 0801

[www.ntepa.nt.gov.au](http://www.ntepa.nt.gov.au)

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