

## ENVIRONMENT PROTECTION APPROVAL

(Pursuant to section 34 of the *Waste Management and Pollution Control Act*)

<b>Approval Holder</b>	City of Darwin*
<b>Approval Number</b>	<b>EPA350</b>
<b>Registered Business Address</b>	City of Darwin* 1 Harry Chan Avenue Darwin NT 0800
<b>ABN</b>	11 503 313 301
<b>Premises Address</b>	Lot 03952 Town of Sanderson plan(s) S 79/149A VANDERLIN DR, HOLMES
<b>Anniversary Date:</b>	29 November
<b>Commencement Date:</b>	29/11/2022
<b>Expiry Date:</b>	28/11/2024
<b>Scheduled Activity</b>	Constructing, installing or carrying out works in relation to premises, other than sewage treatment plants, for the storage, re-cycling, treatment or disposal of listed wastes on a commercial or fee for service basis.
<b>Description</b>	The construction of a 15 ML covered leachate storage pond at the Shoal Bay Waste Management Facility and associated infrastructure including pipelines, groundwater drainage system, and leakage collection system.

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## ATTACHMENTS

There are no attachments

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### INFORMATION ABOUT THIS APPROVAL

- This approval does not in any way relieve the approval holder from its obligations to comply with the *Waste Management and Pollution Control Act* (WMPC Act), including the general environmental duty in section 12 of the WMPC Act and the duty to notify of incidents causing or threatening to cause pollution under section 14 of the WMPC Act.

### Duration of an approval (section 41 of the WMPC Act)

- An approval will remain in force until:
  1. its expiry date; or
  2. a licence for the activity at the premises to which the approval relates comes into force; or
  3. where no expiry date is stated in the approval, two years.
- The approval holder may apply to the NT EPA for an extension or reduction of the period specified on an approval.

### Amendment or Revocation of conditions of an approval (section 37 of the WMPC Act)

- The approval holder may apply to amend or revoke a condition of this approval.
- A fee applies and the application must be made using the designated form via NT EPA Online.
- The NT EPA may also amend or revoke a condition of this approval as set out in section 38 of the WMPC Act.

### Transfer of an approval (section 46 of the WMPC Act)

- The approval holder can apply to transfer their approval to another person.

### Extension of an approval (section 41 of the WMPC Act)

- The approval holder may apply to extend their approval not earlier than 90 days, and not later than 30 days, before their approval expires.
- A fee applies and the application must be made via NT EPA Online.

### Public Register

- A copy of environment protection approvals and any plans for environmental management, required as a condition of an environment protection approval, will be placed on a register in accordance with section 9 of the WMPC Act.
- A copy of the Annual Return will be placed on the register.
- The NT EPA makes this register freely available from the NT EPA website.

### Environment Protection Objectives (Part 4 of the WMPC Act), and Water Quality Standards (section 73 of the *Water Act*)

- An Environment Protection Objective (EPO) is a statutory instrument to establish principles on which:
  - a. environmental quality is to be maintained, enhanced, managed or protected;
  - b. pollution, or environmental harm resulting from pollution, is to be assessed, prevented, reduced, controlled, rectified or cleaned up; and
  - c. effective waste management is to be implemented or evaluated.
- In accordance with section 18 of the WMPC Act a beneficial use, quality standard, criteria or objective declared under section 73 of the *Water Act* and in force is an environment protection objective for the purposes of the WMPC Act.

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- The following EPOs and Beneficial Use Declarations (BUDs) are relevant to this approval:
  - Declared Beneficial Use for the Darwin Harbour Area: Water Quality Objectives, NTG Gazette 29 June 2010.

### Environmental Interests

- This section highlights sensitivity of the surrounding land use and environment associated with the location of the approved activity.
- Sites of Conservation Significance
  - Shoal Bay SOCS number 8; and
  - Darwin Harbour SOCS number 6.
- No Ramsar wetlands.

### Cultural Interests

- It is the approval holder's responsibility to contact the Aboriginal Areas Protection Authority and ensure that any Authority Certificates required as a result of conducting the activity are obtained and complied with.

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### RULES FOR INTERPRETING THE CONDITIONS OF THIS APPROVAL

- Where there is a discrepancy between the conditions of this approval and any plan, standard, guideline or other document referred to in this approval, the conditions of this approval prevail to the extent of the inconsistency.
- Any reference to any standard (Australian or international) in this approval means the relevant parts of the current version of that standard.
- A reference to any guideline or code of practice (or to the relevant parts of any guideline or code of practice) in this approval means the current version of the guideline or code of practice.
- Under section 39 of the WMPC Act, any contravention of or failure to comply with this approval by the approval holder may be an offence.
- In determining whether the approval holder has committed an offence, the approval holder may be liable for the conduct of its directors, employees or agents.
- The approval holder should ensure that each of its directors, employees, contractors or agents are aware of, and comply with, this approval.
- In this approval, unless the contrary intention appears, words that are defined in the WMPC Act are intended to have the meaning given to them in that Act.

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## APPROVAL CONDITIONS

### GENERAL

- 1 The works must be constructed in accordance with the approval application accepted on 26 October 2022 and additional information as per Table 1.

**Table 1.**

Document name	Document date
Shoal Bay Waste Management Facility Leachate Storage Pond 3 CQA Plan (PS132636-013-R-Rev0_CQA Plan)	23/11/2022
Construction Environmental Management Plan Shoal Bay Waste Management Facility Leachate Storage Pond 3 (PS132636-018-RCEMP_Rev0)	14/11/2022
Quality Management Plan Shoal Bay Waste Management Facility Leachate Storage Pond 3 (PS132636-009-QMP-Rev0)	23/11/2022
Shoal Bay Waste Management Facility Leachate Storage Pond 3 Design (PS132636-016-R-001-016_REV0)	24/11/2022
Shoal Bay Waste Management Facility Leachate Storage Pond 3 Technical Specification (PS132636-004-R-001_Rev0_Technical Specification)	24/11/2022

- 2 The approval holder must ensure the contact details recorded in NT EPA Online for this approval are correct at all times.
- 3 The approval holder must provide to the NT EPA, within 10 business days of a request, a copy of any document, monitoring data or other information in relation to the activity, in the format requested by the NT EPA.

### OPERATIONAL

- 4 Prior to carrying out works in relation to the premises, the approval holder must develop and implement a Construction Environmental Management Plan (CEMP) for the activity that identifies potential environmental impacts associated with the construction phase and mitigation measures to be implemented. The CEMP must include:
- 4.1 an Emergency Response Plan that addresses procedures for responding to emergencies associated with the activity that may cause environmental harm;
  - 4.2 erosion and sediment control measures;
  - 4.3 environmental nuisance control measures;
  - 4.4 solid and liquid waste management measures; and
  - 4.5 any other control measures to manage construction environmental impacts associated with the activity.
- 5 The approval holder must ensure all relevant personnel have received training in the implementation of the CEMP.
- 6 The approval holder must submit a final Construction Quality Assurance Plan (CQAP) for the activity to the NT EPA at least 5 business days prior to commencing construction of the activity. The CQAP must:

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- 6.1 include a scope of works;
  - 6.2 include the final specifications and design drawings of the works;
  - 6.3 address recommendations made by any qualified person(s) reviewing specifications and design drawings;
  - 6.4 include roles and responsibilities for the implementation of the CQAP;
  - 6.5 provide the technical qualifications of the person(s) who will be overseeing the CQAP;
  - 6.6 provide the technical qualifications of the qualified person(s) who will be certifying the works upon completion;
  - 6.7 describe the details of any proposed inspection, testing and verification methods (including procedures, responsibilities, frequency and reporting);
  - 6.8 be reviewed by a suitably qualified person(s) prior to submission to the NT EPA; and
  - 6.9 be submitted to the NT EPA with a copy of the suitably qualified person(s) review.
- 7 The approval holder must conduct the activity in accordance with the CQAP submitted to the NT EPA.

### DISCHARGES AND EMISSIONS

- 8 This approval does not authorise any discharges.

### MONITORING

- 9 There are no specified conditions relating to monitoring of discharges in this approval.

### RECORDING AND REPORTING

- 10 All notices, reports, documents or other correspondence provided as a condition of this approval, unless otherwise specified as a condition of this approval, must be provided in electronic form by uploading the document via NT EPA Online (or by emailing [environmentalregulation@nt.gov.au](mailto:environmentalregulation@nt.gov.au)).
- 11 The approval holder must submit to the NT EPA within 10 business days of completion of the activity and prior to use of the storage pond, a review of the completed activity with certification from a qualified person(s) that the works:
- 11.1 were constructed in accordance with condition 1;
  - 11.2 were constructed in accordance with the final CQAP or if applicable the revised CQAP;
  - 11.3 'as constructed' will deliver the intended purpose; and
  - 11.4 are compliant with condition 7 of this approval.
- 12 Where the completed activity was not constructed in accordance with the plans provided under condition 11, the approval holder must submit to the NT EPA amended plans reviewed by a suitably qualified person(s), to reflect the design 'as constructed'.
- 13 Where amended plans reflecting 'as constructed' design are submitted under condition 12, the plans must be accompanied by a certification from a suitably qualified person(s) that the works conducted under the activity:
- 13.1 'as constructed' will deliver the intended performance;

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- 13.2 are compliant with condition 11 of this approval; and
- 13.3 where recommendations are made by the suitably qualified person(s), the amended plans must detail how the recommendations have been implemented by the licensee.



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### END OF APPROVAL CONDITIONS

This approval is not valid unless signed below:



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Peter Vasel  
Director Environmental Operations  
Delegate of the Northern Territory  
Environment Protection Authority  
Dated: 29/11/2022

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### DEFINITIONS

All terms in the Approval which are defined in the *Waste Management and Pollution Control Act* have the meaning given in that Act unless otherwise or further defined in this section.

DEFINITION	In this approval, unless a contrary intention appears:
24 hour emergency contact	the phone number of a person who can be contacted at any time and be capable of responding to and providing information about any incident associated with the activity.
Activity	the Scheduled activity as described on the covering page of this approval.
Business days	a day not Saturday, Sunday or a public holiday, in the Northern Territory.
Complaint Log	a register of complaints to be maintained by the approval holder that records the details of each complaint received in relation to the activity.
Contact details	includes the 24 hour emergency contact, and name, position title and phone number of a representative of the approval holder who can be contacted about the approval and activity.
Contaminant	a solid, liquid or gas or any combination of such substances and includes: (a) noise, odour, heat and electromagnetic radiation; (b) a prescribed substance or prescribed class of substances; and (c) a substance having a prescribed property or prescribed class of properties.
Discharges	allow a liquid, gas or other substance to flow out from where it has been confined.
Emergency Response Plan	a written plan documenting the approval holder's procedures for responding to emergencies caused by, resulting from or associated with the activity and that may cause environmental harm.
Environmental harm	(a) any harm to or adverse effect on the environment; or (b) any potential harm (including the risk of harm and future harm) to or potential adverse effect on the environment, of any degree or duration and includes environmental nuisance.
Environmental nuisance	means: (a) an adverse effect on the amenity of an area that: (i) is caused by noise, smoke, dust, fumes or odour; and (ii) unreasonably interferes with or is likely to unreasonably interfere with the enjoyment of the area by persons who occupy a place within the area or are otherwise lawfully in the area; or (b) an unsightly or offensive condition caused by contaminants or waste.
Incident	includes: (a) an accident, emergency or malfunction; and (b) a deliberate action, whether or not that action was taken by the person conducting the activity in the course of which the incident occurred.
Land	includes water and air on, above or under land.
Listed waste	a waste included under Schedule 2 of the Regulations.
Maintain	kept in a manner that it does not present or cause a risk of environmental harm or a hazard to persons or property or, for the purposes of documents including plans, a

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process of reviewing and amending documentation to ensure it is relevant.

Material environmental harm	environmental harm that: (a) is not trivial or negligible in nature; (b) consists of an environmental nuisance of a high impact or on a wide scale; (c) results, or is likely to result, in not more than \$50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the environmental harm or rehabilitate the environment; or (d) results in actual or potential loss or damage to the value of not more than \$50,000 or the prescribed amount (whichever is greater).
Non-compliance	failure or refusal to comply, whether by act or omission, with obligations or requirements and includes any exceedance of a approval limit.
Non-compliance notification	an NT EPA prescribed format for notifying the NT EPA of a non-compliance.
NT EPA Online	online system for Environment Protection Approval (EPL), Environment Protection Approval (EPA) and Waste Discharge Approval (WDL) lodgement and maintenance.
Plant and equipment	all material items used in association with the activity, including (but not limited to) storage vessels and containers, pipe work and hosing, vehicles (including vessels), tools, and measuring equipment.
Pollute	(a) emit, discharge, deposit, or disturb, directly or indirectly, a contaminant or waste; or (b) cause, permit, or fail to prevent, directly or indirectly, the emission, discharge, deposition, disturbance or escape of a contaminant or waste.
Pollution	(a) a contaminant or waste that is emitted, discharged, deposited or disturbed or that escapes; or (b) a contaminant or waste, effect or phenomenon, that is present in the environment as a consequence of an emission, discharge, deposition, escape or disturbance or a contaminant or waste.
Premises	the premises identified in this approval which includes equipment, plant and structures, whether stationary or portable, and the land on which premises are situated.
Qualified person	a person registered under Section 68 of the WMPC Act.
Regulations	<i>Waste Management and Pollution Control (Administration) Regulations 1998.</i>
Serious environmental harm	environmental harm that is more serious than material environmental harm and includes environmental harm that: (a) is irreversible or otherwise of a high impact or on a wide scale; (b) damages an aspect of the environment that is of a high conservation value, high cultural value or high community value or is of special significance; (c) results or is likely to result in more than \$50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the environmental harm or rehabilitate the environment; or (d) results in actual or potential loss or damage to the value of more than \$50,000 or the prescribed amount (whichever is greater).
Stormwater	water flowing over ground surfaces, in natural streams and drains as a direct result of rainfall over a catchment and consists primarily of rainfall runoff.
Waste	(a) a solid, a liquid or a gas; or

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(b) a mixture of such substances, that is or are left over, surplus or an unwanted by-product from any activity (whether or not the substance is of value) and includes a prescribed substance or class of substances.

Wastewater

water that contains a contaminant or waste.

Water

includes:

- (a) surface water, ground water and tidal waters;
- (b) coastal waters of the Territory, within the meaning of the *Coastal Waters (Northern Territory Powers) Act 1980* of the Commonwealth; and
- (c) water containing an impurity.

WMPC Act

the Northern Territory *Waste Management and Pollution Control Act 1998*.