

## ENVIRONMENT PROTECTION APPROVAL

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

<b>Approval Holder</b>	PROJECT SEA DRAGON PTY LTD
<b>Approval Number</b>	<b>EPA270 - 02</b>
<b>Registered Business Address</b>	PROJECT SEA DRAGON PTY LTD 66 Smith Street Darwin NT 0800
<b>ABN</b>	11 604 936 192
<b>Premises Address</b>	N.T. Portion 03192 plan(s) S86/198 BYNOE
<b>Anniversary Date:</b>	31 May
<b>Commencement Date:</b>	31/05/2022
<b>Expiry Date:</b>	30/05/2023
<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>	<b>Listed waste</b> means either or both of:  <ul style="list-style-type: none"><li>a. pond water which contains or which may contain any one or more of prawn effluent, prawn faeces, prawn moult, prawn detritus or dead prawns (collectively described as 'prawn waste'); and</li><li>b. pond soil, sludge, sediment or spoil which contains or which may contain prawn waste.</li></ul>

**Premises** means any one or more of:

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1. Discharge Pipeline using single 355mm diameter high-density polyethylene (HDPE) pipe in two sections:
  - a. 874m long connecting the BMC to a series of three settlement ponds;
  - b. 837m long connecting the settlement ponds to the authorised discharge point specified in Environment Protection Licence (EPL317); and
2. Seawater Discharge Outfall structure from which a listed waste will be disposed of.

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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 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 Beneficial Use Declaration (BUD) is relevant to this approval:
    - Fog Bay Area beneficial uses:
      - *aquatic ecosystems protection*
      - *recreation water quality, and*
      - *aesthetics.*
- NTG Gazette No. G20, 27 May 1998.

### **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 approval holder must ensure the contact details recorded in NT EPA Online for this approval are correct at all times.
- 2 The approval holder must at all times have a 24 hour emergency contact.
- 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.
- 4 All notices, reports, documents or other correspondence required to be 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 waste@nt.gov.au).
- 5 Within 10 business days of any amendment being made to a document listed in Table 1 the approval holder must provide the amended document to the NT EPA, along with:
  - 5.1 a tabulated summary of the amendment(s) with document references;
  - 5.2 reasons for the amendment(s); and
  - 5.3 an assessment of environmental risk associated with the amendment(s).
- 5.4 **Table 1: Approval Documents**

Document Ref.	Document
EN02-MP4001 REV0	Environmental Management Plan
HOR20190312001	Erosion and Sediment Control Plan
- 6 The NT EPA may require the approval holder to revise or amend and resubmit any amended document. Where the NT EPA requires a document to be resubmitted, the approval holder must submit it to the NT EPA by the date specified by the NT EPA.
- 7 The approval holder must, for the duration of this approval, implement, maintain and follow a Consultation and Communication Plan which includes a strategy for communicating with persons who are likely to have a real interest in, or be affected by, the activity.
- 8 The approval holder must display the community feedback number:
  - 8.1 where the approval holder has a website, in a prominent location on the approval holders website;
  - 8.2 in the Consultation and Communication Plan; and
  - 8.3 in other publicly available documents relating to the activity.
- 9 The approval holder must operate and maintain a community feedback number.
- 10 The approval holder must maintain a Complaint Log for all complaints received by the approval holder in relation to the activity.
- 11 The approval holder must ensure that the Complaint Log includes, for each complaint received by the approval holder, the following information:

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- 11.1 the person to whom the complaint was made;
  - 11.2 the person responsible for managing the complaint;
  - 11.3 the date and time the complaint was reported;
  - 11.4 the date and time of the event(s) that led to the complaint;
  - 11.5 the contact details of the complainant if known, or where no details are provided a note to that effect;
  - 11.6 the nature of the complaint;
  - 11.7 the nature of event(s) giving rise to the complaint;
  - 11.8 prevailing weather conditions at the time (where relevant to the complaint);
  - 11.9 the action taken in relation to the complaint, including any follow-up contact with the complainant; and
  - 11.10 if no action was taken, why no action was taken.
- 12 The approval holder must implement, maintain and follow an Emergency Response Plan that addresses procedures for responding to emergencies associated with the activity that may cause environmental harm.

### OPERATIONAL

- 13 The approval holder must provide a Construction Quality Assurance Plan (CQAP) for the activity to the NT EPA at least 10 business days prior to commencing construction of the activity. The CQAP must:
- 13.1 include a scope of works;
  - 13.2 include the final specifications and design drawings of the works;
  - 13.3 include the roles and responsibilities for the implementation of the CQAP;
  - 13.4 provide the technical qualifications of the person(s) who will be overseeing the CQAP;
  - 13.5 provide the technical qualifications of the person(s) who will be certifying the works upon completion;
  - 13.6 describe the details of any proposed inspection, testing and verification methods (including procedures, responsibilities, frequency and reporting);
  - 13.7 include any hold points, timeframes and milestones;
  - 13.8 include non-conformance and corrective action procedures;
  - 13.9 be reviewed by a qualified person prior to submission to the NT EPA; and
  - 13.10 be provided to the NT EPA with a copy of the suitably qualified person(s) review.
- 14 The NT EPA may require the approval holder to revise, amend and/or resubmit the CQAP submitted under condition 13. Where the NT EPA requires the CQAP to be resubmitted the approval holder must submit the plan to the NT EPA by the date specified by the NT EPA.
- 15 The approval holder must construct the activity in accordance with the CQAP submitted to the NT EPA under conditions 13 and 14.

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- 16 The approval holder must ensure the activity is designed and constructed to ensure the:
- 16.1 sediment pond liners are to be constructed to a permeability that prevents seepage of contaminants to groundwater;
  - 16.2 sediment pond liners are resistant to chemical attack, drying, and salinisation;
  - 16.3 sediment ponds are constructed to allow inspection and cleaning without damage to the liner;
  - 16.4 earthen bunded sediment drying area and pad is constructed to a permeability that prevents seepage of contaminants.
- 17 Within 60 days of completing the construction activity the approval holder must submit a third party audit report assessing compliance with the conditions of this approval. The audit report is to be undertaken by a qualified person, and shall include:
- 17.1 a review of the approval holders compliance with the CQAP; and
  - 17.2 a certified copy of completion of works certificate in accordance with the CQAP.
- 18 The approval holder must ensure any plant and equipment used by the approval holder in conducting the activity:
- 18.1 is reasonably fit for the purpose and use to which it is put;
  - 18.2 is maintained; and
  - 18.3 is operated by a person trained to use the plant and equipment.
- 19 The approval holder must ensure that wastewater generated from washing plant and equipment associated with the activity does not cause pollution.
- 20 The approval holder must segregate waste generated at the premises in clearly designated areas for recycling, re-use or disposal.
- 21 The approval holder must ensure that all materials that are likely to cause environmental harm are handled and stored in areas with a containment system in accordance with the relevant Australian Standard. Where no relevant Australian Standard exists, the containment system must be sized to contain 110% of the volume of the largest container within the area.

### DISCHARGES AND EMISSIONS

- 22 The approval holder must ensure there is no migration or overflow of a contaminant or waste, which causes or may cause environmental harm, beyond the boundary of the land on which the premises are located. (For the avoidance of doubt, this condition is not intended to authorise the discharge of a contaminant or waste to any land or water which discharge has not been specifically authorised by another condition of this approval.)

#### Discharges to water

- 23 The approval holder must not allow a contaminant or waste, which causes or may cause environmental harm, to enter water.
- 24 The approval holder must ensure that stormwater does not come into contact with a contaminant or waste, which causes or may cause environmental harm.

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### Emissions to air

- 25 The activity must not cause or release, beyond the boundary of the premises:
- 25.1 dust or particulates; or
  - 25.2 noise which 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.

### MONITORING

- 26 The approval holder must undertake monitoring of the following activities in accordance with the approval documents specified in Table 1:
- 26.1 pre-construction and construction phase monitoring for Acid Sulfate Soils (ASS); and
  - 26.2 erosion and sediment control audits.
- 27 The approval holder must ensure that all samples and field environmental data are representative of the conditions at the time of sampling.
- 28 The approval holder must ensure that all samples and field environmental data are collected in accordance with recognised Australian Standards and guidelines (such as AS/NZS 5667, ANZECC/ ARMCANZ).

### RECORDING AND REPORTING

- 29 The approval holder must keep records of all non-compliances with this approval. These records must be adequate to enable the approval holder to comply with the non-compliance notification conditions of this approval.
- 30 The approval holder must notify the NT EPA of any non-compliance with this approval by completing the Non-Compliance Notification via NT EPA Online (or by emailing [waste@nt.gov.au](mailto:waste@nt.gov.au)), as soon as practicable after (and in any case within 24 hours after) first becoming aware of the non-compliance.
- 31 The approval holder must include in the notification of non-compliance the following information:
- 31.1 when the non-compliance was detected and by whom;
  - 31.2 the date and time of the non-compliance;
  - 31.3 the actual and potential causes and contributing factors to the non-compliance;
  - 31.4 the risk of environmental harm arising from the non-compliance;
  - 31.5 the action(s) that have or will be undertaken to mitigate any environmental harm arising from the non-compliance;
  - 31.6 corrective actions that have or will be undertaken to ensure the non-compliance does not reoccur;
  - 31.7 if no action was taken, why no action was taken; and
  - 31.8 a date when an incident investigation report will be submitted to the NT EPA.
- 32 The approval holder must submit a completed Annual Return via NT EPA Online within 10 business days after each anniversary date of this approval, which report relates to the preceding 12 month period.
- 33 The approval holder must complete and provide to the NT EPA a Monitoring Report, as prescribed by

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this approval, within 10 business days after each anniversary date of this approval.

- 34 The approval holder must ensure that each Monitoring Report:
  - 34.1 is prepared in accordance with the requirements of the NT EPA 'Guideline for Reporting on Environmental Monitoring';
  - 34.2 includes a tabulation of all monitoring data required as a condition of this approval;
  - 34.3 includes an assessment of environmental impact from the activity.
- 35 The NT EPA may require the approval holder to revise or amend and resubmit any Monitoring Report. Where the NT EPA requires the Monitoring Report to be resubmitted, the approval holder must submit it to the NT EPA by the date specified by the NT EPA.
- 36 The reporting requirements under condition 17 may be submitted with the Annual Return where the authorised activity is completed within 90 days of the anniversary date of this approval.

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### END OF APPROVAL CONDITIONS

This approval is not valid unless signed below:



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Peter Vasei  
Director Environmental Operations  
Delegate of the Northern Territory  
Environment Protection Authority  
Dated: 19/05/2022

### END NOTES

This approval is an extension and it replaces EPA270-01 when it expires on 30 May 2022.

EPA270-01 was an extension that superseded EPL270 which was issued on 31 May 2019.

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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.
Air	includes any layer of the atmosphere.
Annual fee	yearly fee payable in respect of the activity as specified in the WMPC Act and the Regulations.
Annual Return	an NT EPA prescribed format for demonstrating and reporting compliance with the conditions of this approval and providing information on waste volumes for the preceding 12 month period.
ANZECC/ARMCANZ	Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand, 2000: National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting.
Asbestos containing material	any material that contains asbestos.
Business days	a day not Saturday, Sunday or a public holiday, in the Northern Territory.
Community feedback number	a telephone number enabling members of the public to contact, at any time, a person or voice mail system that can accept, on behalf of the approval holder, enquiries or complaints about the activity, and to which the approval holder must respond.
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.
Consultation and Communication Plan	a written plan documenting proposed consultation and communications for the activity before, during and after the activity which includes a strategy for communicating with members of the public who are likely to have a real interest in, or be affected by, 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: <ol style="list-style-type: none"><li>a. noise, odour, heat and electromagnetic radiation;</li><li>b. a prescribed substance or prescribed class of substances; and</li><li>c. a substance having a prescribed property or prescribed class of properties.</li></ol>
Discharges	allow a liquid, gas or other substance to flow out from where it has been confined.

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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 audit	has the meaning given in section 47 of the WMPC Act.
Environmental harm	<ol style="list-style-type: none"><li>a. any harm to or adverse effect on the environment; or</li><li>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.</li></ol>
Environmental nuisance	means: <ol style="list-style-type: none"><li>a. an adverse effect on the amenity of an area that:<ol style="list-style-type: none"><li>i. is caused by noise, smoke, dust, fumes or odour; and</li><li>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</li></ol></li><li>b. an unsightly or offensive condition caused by contaminants or waste.</li></ol>
Incident	includes: <ol style="list-style-type: none"><li>a. an accident, emergency or malfunction; and</li><li>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.</li></ol>
Land	includes water and air on, above or under land.
Litter	litter, garbage, rubbish, refuse or waste matter, and includes the body of a dead animal.
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 process of reviewing and amending documentation to ensure it is relevant.
Material environmental harm	environmental harm that: <ol style="list-style-type: none"><li>a. is not trivial or negligible in nature;</li><li>b. consists of an environmental nuisance of a high impact or on a wide scale;</li><li>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</li><li>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).</li></ol>
NATA	National Association of Testing Authorities, Australia.
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.

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NT EPA Online	online system for Environment Protection Licence (EPL), Environment Protection Approval (EPA) and Waste Discharge Licence (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.
Point source discharge	means any discernible, confined or discrete conveyance from which contaminants or waste are or may be discharged.
Pollute	<ol style="list-style-type: none"><li>a. emit, discharge, deposit, or disturb, directly or indirectly, a contaminant or waste; or</li><li>b. cause, permit, or fail to prevent, directly or indirectly, the emission, discharge, deposition, disturbance or escape of a contaminant or waste.</li></ol>
Pollution	<ol style="list-style-type: none"><li>a. a contaminant or waste that is emitted, discharged, deposited or disturbed or that escapes; or</li><li>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.</li></ol>
Public entrance	access to the premises that is utilised by the public.
Qualified person	a person: <ol style="list-style-type: none"><li>a. registered under Section 68 of the WMPC Act; or</li><li>b. who is independent of the project design and supervision, and has professional qualifications, training, skills and experience relevant to the nominated subject matters.</li></ol>
Qualified sampler	a person who has training and experience in obtaining samples from the relevant environmental medium.
Regulations	<i>Waste Management and Pollution Control (Administration) Regulations.</i>
Rehabilitation Plan	a written plan to ensure that the objectives of rehabilitation are achieved as set out in the NT EPA Guidelines for the Siting, Design and Management of Solid Waste Disposal Sites in the Northern Territory.
Serious environmental harm	environmental harm that is more serious than material environmental harm and includes environmental harm that: <ol style="list-style-type: none"><li>a. is irreversible or otherwise of a high impact or on a wide scale;</li><li>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;</li><li>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</li><li>d. results in actual or potential loss or damage to the value of more than \$50,000 or the prescribed amount (whichever is greater).</li></ol>
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.

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Waste

- a. a solid, a liquid or a gas; or
- 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*.