



**PROJECT SEA DRAGON  
STAGE 1 LEGUME GROW-OUT FACILITY  
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**VOLUME 1 - PROJECT OVERVIEW  
CHAPTER 6 - APPROVALS, CONDITIONS AND  
AGREEMENTS**

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# 1 INTRODUCTION

On behalf of the proponent, the Commonwealth Government's Major Projects Approval Agency prepared a draft Regulatory Approvals Map (RAM) for Project Sea Dragon. Based on an assessment of the draft RAM this chapter describes the regulatory framework for the Stage 1 Legume Grow-out Facility (the Project). It provides an overview of the legislation that is likely to be applicable to the Project and the approvals required to be obtained from Commonwealth and Northern Territory (NT) government agencies. It specifically considers legislation that falls under the auspices of this Environmental Impact Statement (EIS). A number of other Acts are included in this chapter for completeness, however, are not addressed further in this EIS as they do not relate to the Project's Terms of Reference for the Preparation of an Environmental Impact Statement (ToR). These Acts are denoted with an asterisk preceding them.

## 1.1 TERMS OF REFERENCE ADDRESSED IN THIS CHAPTER

Table 1 summarises the requirements from the ToR for the Project and where they have been addressed in this chapter.

Section	Terms of Reference	Chapter Section
2.3	<b>Approvals, Conditions and Agreements</b>	
	The EIS must provide information on requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the Project, including, but not limited to:	
	<ul style="list-style-type: none"> <li>■ a description of any approvals that will be required from State, Territory or Commonwealth agencies and/or authorities</li> </ul>	Section 3
	<ul style="list-style-type: none"> <li>■ a summary of current agreements between the Proponent, the Northern Territory, and/or the Australian Governments, and/or other stakeholders, including Traditional Owners and/or land managers</li> </ul>	Section 2
	<ul style="list-style-type: none"> <li>■ details of the monitoring, enforcement and review procedures that apply, or are likely to apply, to the Project.</li> </ul>	The Environmental Management Plan (Volume 4, Chapter 3)
	When describing the individual approvals, certificates, permits etc. that will be required the Proponent must include details of any conditions likely or expected to be imposed. Consideration should be given, but not limited to, the following legislation:	
	<ul style="list-style-type: none"> <li>■ <i>Fisheries Act</i></li> </ul>	Section 3.2.4
	<ul style="list-style-type: none"> <li>■ <i>Pastoral Land Act</i></li> </ul>	Section 3.2.11
	<ul style="list-style-type: none"> <li>■ <i>Aboriginal Land Rights Act 1976</i></li> </ul>	Section 3.1.1
	<ul style="list-style-type: none"> <li>■ <i>Native Title Act 1993</i></li> </ul>	Section 3.1.7
	<ul style="list-style-type: none"> <li>■ <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> </ul>	Section 3.1.1

Section	Terms of Reference	Chapter Section
	☛ <i>Territory Parks and Wildlife Conservation Act</i>	Section 3.2.14
	☛ <i>Heritage Act</i>	Section 3.2.6
	☛ <i>Northern Territory Aboriginal Sacred Sites Act</i>	Section 3.2.10
	☛ <i>Water Act</i>	Section 3.2.16
	☛ <i>Waste Management and Pollution Control Act</i>	Section 3.2.15
	☛ <i>Work Health and Safety Act</i>	Section 3.2.18
	☛ <i>NT Dangerous Goods Act</i>	Section 3.2.18
	☛ <i>Public and Environmental Health Act &amp; Regulations</i>	Section 3.2.8
	☛ <i>Bushfires Act</i>	Section 3.2.1
	☛ <i>Building Act</i>	Not applicable
	☛ <i>Liquor Act</i>	Section 3.2.18
	☛ <i>Traffic Act.</i>	Section 3.2.18

## 2 CURRENT AGREEMENTS

The proponent has current agreements in place with the Commonwealth and NT governments (Section 2.1) and the owners of Legune Station (Section 2.2). The proponent is currently consulting and negotiating with the Traditional Owners regarding the development of an Indigenous Land Use Agreement (ILUA) (Section 2.3).

### 2.1 COMMONWEALTH AND NORTHERN TERRITORY GOVERNMENTS

On 27 July 2015 the NT and Commonwealth governments announced the granting of Major Project Status to Project Sea Dragon, including the Stage 1 Legune Grow-out Facility. Major Project Status is awarded to projects that will have a significant contribution to the economic development of the NT and/or Australia. It is granted in recognition of the potential complexity of government approvals processes associated with major projects, and aims to ensure that all Commonwealth, State and Territory processes are coordinated.

As part of achieving Major Project status, the Northern Territory government and the Proponent signed a non-binding Project Facilitation Agreement. As is common practice, the parties are working towards a Project Development Agreement.

### 2.2 LEGUNE STATION

In 2015 the proponent entered into a three year access and option agreement with the owners of Legune Station. The access and option agreement allows the proponent to:

- Secure the land tenure for aquaculture and obtain all relevant environmental approvals and licences required for the development and operation of the Project.
- Access Legune Station for the purpose of carrying out studies, tests and assessments for the environmental approvals and licences and for the completion of a bankable feasibility study for the Project.
- Purchase Legune Station at a predetermined price at any time during the three year term of the access and option agreement.

### 2.3 TRADITIONAL OWNERS

Native title exists on parts of NT Portions 798 and 3222 of Legune Station (Determination Name: Simon v Northern Territory of Australia, 31 May 2011). The recognised Native Title holders comprise members of the Gajirrabung<sup>1</sup> language group which comprise members of the Gajirrabung Wadanybang, Gajirrabung Gurrbijim and Gajirrabung Jarrajarrany<sup>2</sup> groups. The proponent and the Native Title Claimant Group are currently discussing the development of an ILUA for the Project Area.

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<sup>1</sup> The Gajirrabung language and people are also referred to as “Gajerrong” and this name was used in the Federal Court’s determination of Native Title holders over the Legune pastoral lease.

<sup>2</sup> Jarrajarrany is spelt “Djarrajarany” in the determination of Native Title. The draft EIS has adopted the orthography recommended by the Native Title Representative Body.

## 3 REGULATORY FRAMEWORK

### 3.1 COMMONWEALTH LEGISLATION

Commonwealth legislation likely to be applicable to the Project is summarised in Table 2 and detailed in Sections 3.1.1 to 3.1.7.

**TABLE 2 COMMONWEALTH GOVERNMENT LEGISLATION**

Legislation	Responsible Agency/Authority	Specific requirements/permit
<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	Prime Minister and Cabinet and Attorney-General's Department	Agreement from the claimants in areas subject to Land Claim 188
<i>*Australian Jobs Act 2013</i>	Department of Industry, Innovation and Science	Australian Industry Participation Plan
<i>*Customs Act 1901</i>	Department of Immigration and Border Protection	Permit or licence for imported goods
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of the Environment and Energy	Approval is required under sections 130(1) and 133 of the Act
<i>*Migration Act 1958</i>	Department of Immigration and Border Protection	If required, subclass 457 visa
<i>National Greenhouse and Energy Reporting Act 2007</i>	Clean Energy Regulator	If applicable, registration and reporting under the Act
<i>Native Title Act 1993</i>	The Attorney-General and Attorney-General's Department	Negotiation of an Indigenous Land Use Agreement

#### 3.1.1 Aboriginal Land Rights (Northern Territory) Act 1976

The *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act) is a Commonwealth Act with application to the Northern Territory. It provides for the granting of freehold title to traditional Aboriginal land in the Northern Territory for the benefit of Aboriginal people and for other purposes. It also provides for the formation of Land Councils tasked with protecting the rights of Aboriginal people in the NT, particularly in regards to land claims under the Land Rights Act and Native Title Act.

Planned water intake in Forsyth Creek is in part of the area subject to Land Claim 188. Accordingly the Project is working through the process established under the Act to obtain agreement from the claimants. This matter is expected to be addressed as part of the ILUA.

#### 3.1.2 Australian Jobs Act 2013

The *Australian Jobs Act 2013* requires that Major Projects (>\$500M) complete a Australian Industry Participation Plan, which outlines how the proponent will provide full, fair and reasonable opportunity to Australian Industry to supply goods and services. The proponent has commenced the process towards development of the plan.

### 3.1.3 Customs Act 1901

All goods intended for import into Australian whether as cargo by sea or air or international mail must have clearance from the Department of Immigration and Border Protection under the *Customs Act 1901*. There are some goods that are restricted or prohibited imports.

For development of the Project the proponent proposes to source feed from national/international sources. Feed from overseas will be imported in accordance with an import license or permit. The proponent already holds an import licence for feed under the Customs Act for its Cardwell facility.

### 3.1.4 Environment Protection and Biodiversity Conservation Act 1999

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a controlled action is defined as a proposed action that is likely to have an impact on a matter of national environmental significance (MNES). Proposed actions that may have an impact on a MNES are required to be referred to the Commonwealth for a determination as to whether or not the action is a controlled action.

The Project was referred to the Commonwealth Minister for the Environment on 20 July 2015. On 31 August 2015 the Minister decided that the proposed action is a controlled action and the relevant controlling provisions are:

- listed threatened species and communities (section 18 and 18A)
- listed migratory species (sections 20 and 20A).

Accordingly, the Project requires assessment and approval under the EPBC Act before it can proceed. On 14 September 2015 it was decided that the project would be assessed in accordance with the 'bilateral agreement made under section 45 of the EPBC Act relating to environmental assessment' between the Commonwealth of Australia and the Northern Territory. The bilateral agreement allows the Commonwealth Minister for the Environment to assess the Project using the accredited environmental impact assessment processes of the NT. The applicable environmental impact assessment process of the NT is described in Section 3.2.3. This includes an assessment of the significant residual impacts of the Project on matters of national environmental significance, including any assessments for offsets if required.

### 3.1.5 Migration Act 1958

The Temporary Work (skilled) subclass 457 visa is designed to enable employers to address labour shortages by bringing in genuinely skilled workers where they cannot find an appropriately skilled Australian. The subclass 457 visa allows businesses to employ overseas workers for up to 4 years in skilled occupations only.

The proponent has not yet determined if foreign workers are required. The proponent is aware of the requirements of this Act and will ensure any utilisation of foreign workers, in the event that they are required, would be in accordance with the requirements of this Act.

### 3.1.6 National Greenhouse and Energy Reporting Act 2007

The Commonwealth *National Greenhouse and Energy Reporting Act 2007* (NGER Act) introduced a single national framework for reporting and disseminating information about greenhouse gas emissions and energy use by corporations. The NGER Act makes registration and reporting mandatory for corporations whose energy production, energy use or greenhouse gas emissions meet specified thresholds.

There are two types of thresholds which determine which corporations are required to participate in the National Greenhouse and Energy Reporting Scheme (NGERS). The first threshold applies to specific facilities and the second to corporate groups. Currently, the NGERS applies to facilities that emit 25 kilotonnes (kt) or

more of carbon dioxide equivalent (CO<sub>2</sub>-e) or produce or consume 100 tetrajoules (TJ) or more of energy or corporations that emit 50 kt or more of CO<sub>2</sub>-e or produce or consume 200 TJ or more of energy.

Should the Project trigger these thresholds, the proponent will register and report all energy use and greenhouse gas emissions under the NGERs.

### 3.1.7 Native Title Act 1993

The Commonwealth *Native Title Act 1993* provides for the recognition and protection of the traditional rights and interests of Aboriginal and Torres Strait Islander people to land and water and contains processes for effecting native title claims. The Native Title Act sets out the processes by which native title rights are established and protected, and compensation determined.

Native title exists on parts of NT Portions 798 and 3222 of Legume Station (Determination Name: Simon v Northern Territory of Australia, 31 May 2011). The recognised Native Title holders comprise members of the Gajirrabung language group which comprise members of the Gajirrabung Wadanybang, Gajirrabung Gurrbijim and Gajirrabung Jarrajarrany groups. The native title determination gives the Native Title holders rights to:

- maintain and protect sites and places on those areas that are of significance under their traditional laws and customs
- engage in cultural activities on land, including participating in cultural practices relating to birth and death
- conducting ceremonies and meetings
- teaching the physical and spiritual attributes of sites and places on areas of significance under Aboriginal traditional laws and customs

The proponent is currently negotiating the development of an ILUA for the Project Area.

## 3.2 NORTHERN TERRITORY LEGISLATION

Northern Territory legislation likely to be applicable to the Project is summarised in Table 3 and described in Sections 3.2.1 to 3.2.18.

TABLE 3 NORTHERN TERRITORY LEGISLATION		
Legislation	Responsible Agency/Authority	Specific requirements/permit
<i>Bushfires Act 1980</i>	Department of Land Resource Management	Fire Management Plan
<i>*Control of Roads Act 2001</i>	Department of Transport	Permit to conduct work within a road reserve, or for temporary closure or restricted use of a road
<i>Environmental Assessment Act</i>	NT Environment Protection Authority	Approval under the Act
<i>*Food Act 2005</i>	Department of Health	Project will be required to comply with the Act.
<i>Fisheries Act</i>	Department of Primary Industries and Fisheries	Aquaculture Licence

Legislation	Responsible Agency/Authority	Specific requirements/permit
<i>Heritage Act</i>	Heritage Branch of the NT Department of Lands, Planning and the Environment	Application to carry out work on a Heritage Place or Object
<i>*Liquor Act</i>	Department of Business and Industry	A Liquor Licence will be required for the wet mess
<i>Marine Act</i>	Department of Transport	Approval for the erection of structures below the high water mark or for attaching structures to the sea floor
<i>Marine Pollution Act</i>	Department of Lands, Planning & Environment	When operating a vessel at sea in NT waters, the proponent will comply with the requirements of the Act and associated regulations
<i>Northern Territory Aboriginal Sacred Sites Act</i>	Aboriginal Areas Protection Authority	Aboriginal Areas Protection Authority (authority certificate)
<i>Pastoral Land Act</i>	Pastoral Land Board	Non-pastoral use permit Vegetation clearing permit
<i>Public and Environmental Health Act</i>	Department of Health	Project will be required to comply with the Act and, if applicable, a waste water works design approval for disposal to land
<i>Soil Conservation and Land Utilisation Act 1969</i>	Department of Land Resource Management	Project will be required to comply with the Act. A sedimentation and erosion control plan will be prepared (see Volume 4, Chapter 3)
<i>Territory Parks and Wildlife Conservation Act</i>	Parks and Wildlife Commission NT	Permit to take or interfere with wildlife
<i>Waste Management and Pollution Control Act</i>	NT Environment Protection Authority	Environment protection approval Environment protection licence
<i>Water Act</i>	NT Environment Protection Authority Water Resources Division of the Department of Land Resource Management	Waste discharge licence Surface water extraction licences

### 3.2.1 Bushfires Act

The NT *Bushfires Act* and associated regulations relates to the prevention and suppression of bushfires. Bushfires NT, a branch of the Department of Land Resource Management is responsible for rural fire management in the NT. Bushfires NT's primary role is to administer the provisions set out in the *Bushfires Act* and support landholders in fire mitigation and management.

The Bushfires Act stresses the need for individual landholders, be they public or private, to have fire management plans in place to prevent and manage large and intense fires. A Bushfire Management Plan will be developed which will detail measures to prevent and manage bushfires in and surrounding the Project Area.

A review is currently being undertaken to assess the effectiveness of the Act and to provide advice on changes that could lead to improved bushfire management in the Northern Territory. Any changes made to the Act as a result of the review will be taken into consideration and incorporated into the Bushfire Management Plan for the Project.

### 3.2.2 Control of Roads Act 2001

The *Control of Roads Act 2001* controls activities undertaken on NT government roads and road reserves. Permits are required for conducting works and for the movement of heavy and oversized vehicles on NT roads.

A permit is required to conduct works within a road reserve including new access to private property, telecommunications and power installations. A permit is also required for the temporary closure or restricted use of a road including a permit to move an oversize/overmass load on NT managed roads.

### 3.2.3 Environmental Assessment Act and Administrative Procedures

The environmental assessment process in the NT is governed by the NT *Environmental Assessment Act* (EA Act) and Environmental Assessment Administrative Procedures. The EA Act and Procedures establish the framework for the assessment of potential or anticipated environmental impacts of development. The NT Environment Protection Authority (NT EPA) is the administering authority for EA Act.

The process for environmental assessment in the NT is illustrated in Figure 1.

A Notice of Intent for (NOI) the Project was submitted to the NT EPA on 15 July 2015. The purpose of the NOI was to inform the NT EPA's decision on whether assessment is required under the EA Act. On 14 September the NT EPA determined that the Project required formal assessment under the EA Act at the level of an EIS. Issues that contributed to the decision included the:

- potential impacts on threatened, marine and migratory species listed under the EPBC Act and the Territory Parks and Wildlife Conservation Act (TPWC Act)
- potential impacts on the Legume coastal floodplain site of conservation significance and associated migratory bird-life aggregations of international significance
- potential impacts from the discharge of waste from the prawn farming activities into receiving waters
- management requirements for solid and liquid waste and the potential detrimental effects of inappropriate management practices
- potential impacts on the local amenity and the environment including those from increased access to the area by unauthorised third-parties for recreational fishing, camping and hunting
- implications of predation by birds on prawn stock held in ponds, both on the Project feasibility and on bird aggregations
- need for consideration of decommissioning of the site in the event of unplanned closure
- potential economic, social and cultural impacts on the region and the Northern Territory, including the risks of the Project not realising its projected economic and social benefits.

On 6 November 2015, the NT EPA issued the 'Terms of Reference for the Preparation of Environmental Impact Statement' (ToR). This draft EIS has been prepared to address the ToR and inform the NT EPA's assessment decision.

This draft EIS will go on public exhibition for a minimum of eight weeks to provide an opportunity for the public and government advisory bodies to comment on the Project or specific environmental issues of concern. Issues raised during the public exhibition will be addressed in the form of a supplement to this draft EIS.

Following the submission of the supplement the Environmental Assessment Unit prepares a draft assessment report and recommendations for consideration by the NT EPA. The assessment report is then provided by the NT EPA Minister to the responsible Minister (i.e. the Minister of the Department of Primary Industry and Fisheries) for consideration and final determination as to whether or not an approval will be issued, and if so, the conditions that may be applied. Under the bilateral agreement with the Commonwealth government (Section 3.1.1), the NT EPA will also provide the assessment report to Commonwealth Department of the Environment and Energy for consideration and approval under the EPBC Act.

#### **3.2.4 Fisheries Act**

The NT *Fisheries Act* provides for the regulation, conservation and management of fisheries and fishery resources so as to maintain their sustainable utilisation. The Fisheries Act also regulates the sale and processing of fish and aquatic life. An aquaculture licence is required under the Fisheries Act for the breeding or farming of fish or aquatic life for sale. The proponent will apply for an aquaculture licence to operate the grow-out facility on Legume Station. An aquaculture licence application is required to be submitted to the Department of Primary Industry and Fisheries. The aquaculture licence will only be issued once all other approvals, licences and permits have been obtained from the relevant authorities and an Environmental Management Plan has been developed for the facility.

#### **3.2.5 Food Act 2005**

All food preparation at construction camps will be required to conform to this Act, and food safety standards.

#### **3.2.6 Heritage Act**

The NT *Heritage Act* provides a system for the identification, assessment, protection and conservation of the NT's natural and cultural heritage. The Heritage Act affords protection for two classes of cultural heritage:

- ▀ all places and objects formally assessed and added to the NT Heritage Register and
- ▀ all Aboriginal and Macassan archaeological sites and/or objects.

Approval must be sought under the Heritage Act to carry out work on, disturb or salvage heritage places or objects declared or protected under the Act. No places or objects listed under the Heritage Act have been identified within the immediate Project Area and based on the predicative archaeological modelling developed for the Project there is low likelihood of discovery of any archaeological sites in the Project Area. The Heritage Management Plan for the Project will contain procedures in the event that a place or object protected under the Heritage Act is identified.

#### **3.2.7 Liquor Act**

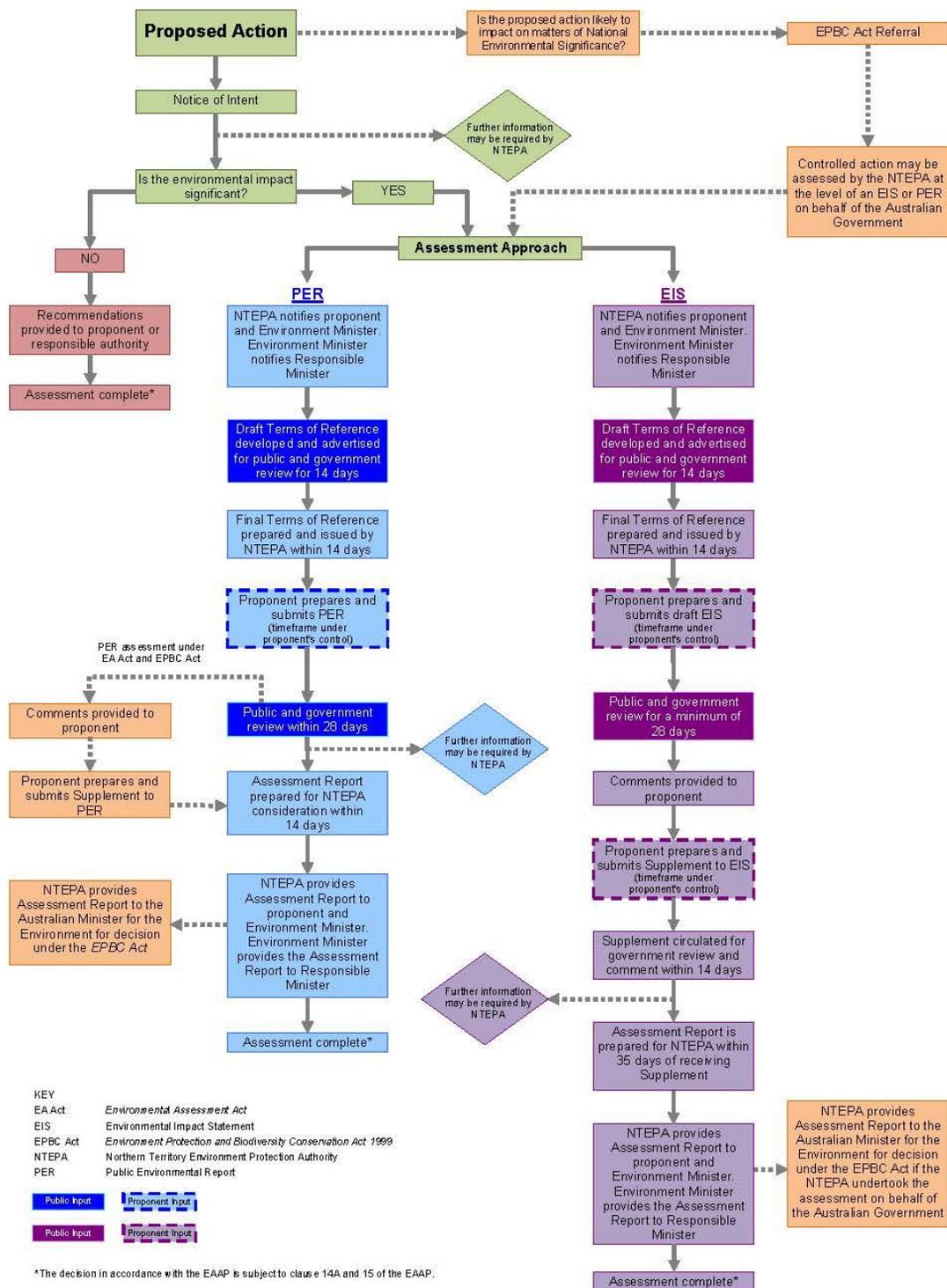
The NT *Liquor Act* regulates the sale, provision, promotion and consumption of alcohol in the NT. Legume is not located within a designated liquor restricted area.

A liquor licence is required under the Liquor Act to sell alcoholic beverages on a specific premise. The proponent will apply for a liquor licence should alcohol be sold in the mess areas for the accommodation camp.



## NORTHERN TERRITORY ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

Pursuant to the *NT Environmental Assessment Act* & Environmental Assessment Administrative Procedures



**FIGURE 1** NT ENVIRONMENTAL ASSESSMENT PROCESS

### 3.2.8 Marine Act

In accordance with Section 188A of the NT *Marine Act*, approval is required to erect structures below the high water mark or attach structures to the sea floor in NT waters. Approval under the Act is likely to apply to the construction of the intake which will be constructed below the high water mark on Forsyth Creek.

### 3.2.9 Marine Pollution Act

The *Marine Pollution Act* and Marine Pollution Regulations regulate water pollution at sea in order to protect the marine and coastal environment by minimising intentional and negligent discharges of ship-sourced pollutants into coastal waters, and for related purposes.

The NT Marine Pollution Act and Regulations apply to all vessels in NT Waters which is generally 3 nautical miles to seaward of the low water mark.

Under this Act, all reportable incidents must be notified to Marine Safety Branch. Section 50 of the Act define a reportable incident means

- a discharge or probably discharge from a ship of oil or noxious liquid substance; or
- jettisoning from a ship of a harmful substance that is carried in packaged form.

### 3.2.10 Northern Territory Aboriginal Sacred Sites Act

The Northern Territory *Aboriginal Sacred Sites Act* is administered by the Aboriginal Areas Protection Authority (AAPA). The Act provides for the location, recognition, description and protection of sites sacred under Aboriginal tradition. All sacred sites are protected under the Act (even those which have not been registered) and it is an offence to enter or carry out work on a sacred site without an authority certificate issued by the AAPA. The authority certificate sets out conditions for any works undertaken on or near sacred sites.

There are currently no registered or recorded sacred sites within the Project Area. Consultation with AAPA and the Traditional Owners is currently being undertaken by the proponent and an application for an authority certificate for the Project has been lodged. The sacred site assessment required for the authority certificate is being undertaken separately to this EIS.

A Cultural Heritage Management Plan will be developed for the Project and will contain procedures and protocols for the management of sacred sites in and surrounding the Project Area.

### 3.2.11 Pastoral Land Act

Legume Station is a pastoral lease and is therefore governed by the NT *Pastoral Land Act*. The Pastoral Land Act provides for the administration, management and conservation of pastoral land. The Pastoral Land Act also establishes the Pastoral Land Board which is the statutory authority charged with the administration of pastoral leases in accordance with the Act. The Pastoral Land Board has a range of responsibilities and is the consent authority for non-pastoral uses of pastoral land and the clearing of native vegetation on pastoral land.

Under the Pastoral Land Act, pastoral leases are intended primarily for pastoral purposes. An application can be made, however, for a non-pastoral use permit to use parts of the lease for other activities to improve the economic viability of the pastoral operations. An application will be made by the proponent for a non-pastoral use permit which will allow the use of part of the Legume Station pastoral lease for a non-pastoral purpose (i.e. aquaculture). Pastoral activity will still be the dominant land use and will be maintained as a viable enterprise throughout Stage 1 construction and operation.

The proponent will also lodge an application to clear vegetation for the project under the Pastoral Land Act. Under the Pastoral Land Act, formal approval is required from the Pastoral Land Board before undertaking

clearing on a pastoral lease. Vegetation clearing for the Project will be undertaken in accordance with the Northern Territory Planning Scheme Land Clearing Guidelines which have been adopted by the Pastoral Land Board so that they apply to land clearing on pastoral leases.

### **3.2.12 Public and Environmental Health Act**

The *Public and Environmental Health Act* and associated regulations create a framework for the regulation of particular activities to protect public health in the NT. The Act and regulations are administered by the NT Department of Health.

Accommodation facilities including food preparation facilities and potable water sources for the Project will be required to comply with the Public and Environmental Health Act. A waste water works design approval will also be required to be obtained from the Department of Health for the disposal of waste water from the accommodation village.

### **3.2.13 Soil Conservation and Land Utilisation Act 1969**

The *Soil Conservation and Land Utilisation Act 1969* makes provision for the prevention of soil erosion and for the conservation and reclamation of soil. Project activities must comply with this legislation to manage erosion on construction sites. A sedimentation and erosion control plan will be prepared for the Project (see Volume 4, Chapter 3).

### **3.2.14 Territory Parks and Wildlife Conservation Act**

The TPWC Act lists those species of plants and animals that are protected within the NT. Under the TPWC Act, permits are required to take or interfere with protected plants or animals. The TPWC Act may apply if protected flora or fauna are encountered during the Project's life. The proponent will seek all appropriate permits and approvals required under the TPWC Act.

### **3.2.15 Waste Management and Pollution Control Act**

The purpose of the NT *Waste Management and Pollution Control Act* is to protect the environment through the encouragement of effective waste management and pollution prevention and control practices. This Act facilitates the implementation of national environment protection measures made under the *National Environment Protection Council (Northern Territory) Act 1999*, and incorporates environmental compliance plans and audits.

Environment protection approvals and licences are required under the Act for activities listed in schedule 2 of the Waste Management and Pollution Control Act. These activities are associated with:

- the disposal of waste by burial
- the collection, transportation, storage, recycling, treatment or disposal of listed waste
- the processing of hydrocarbons so as to produce, store or dispatch liquefied natural gas or methanol.

Environment protection approvals are granted for works associated with the construction phase and environment protection licences are granted for the operational phase of the Project. The proponent will apply for the appropriate approvals and licences under the Act for relevant activities during the construction and operational stages of the Project.

The Waste Management and Pollution Control Act also establishes a process for notifying the NT EPA about incidents causing, or threatening to cause pollution. Waste management controls and response procedures for potential environmental incidents will be developed for the Project and detailed in the Environmental Management Plan (Volume 4, Chapter 3).

### 3.2.16 Water Act

The *Water Act* provides for the investigation, allocation, use, control, protection and management of surface water and groundwater resources within the NT. The regulatory functions of the *Water Act* cover:

- the discharge of waste to water
- the extraction of water from surface water sources
- the drilling and abstraction of groundwater from bores
- construction or alteration works undertaken within a waterway (i.e. dam construction and/or roadworks).

Surface water extraction licences will be required for the Project to extract and use saline water from Forsyth Creek and fresh water from Forsyth Creek Dam. Legune Land Pty Ltd already has a surface water extraction licence for Forsyth Creek Dam and this licence is considered sufficient to cover the freshwater requirements for the Stage 1 Legune Grow-out Facility. The proponent will apply to have this licence transferred following the acquisition of Legune Station. The proponent will also amend this licence or apply for a new licence to extract and use saline water from Forsyth Creek.

A waste discharge licence will be required to discharge waste water from the grow-out facility into Alligator Creek. The waste discharge licence will contain conditions relating to the quantity and quality of the waste water being discharged from the Project as well as conditions for ongoing monitoring and reporting to assess the impact of the waste water on the surrounding environment.

As no groundwater is proposed to be used for the Project, no bores are required to be constructed and a groundwater extraction licence is not required under the *Water Act*.

### 3.2.17 Water Supply and Sewerage Services Act

The NT *Water Supply and Sewerage Act* regulates the water supply and sewerage services industries. The purpose of the Act is to:

- promote the safe and efficient provision of water supply and sewerage services
- establish and enforce standards of service in water supply and sewerage services
- facilitate the provision of financially viable water supply and sewerage services
- protect the interests of customers.

Under the Act, the supply of water and sewerage services are to be licensed. A waste water design approval will be obtained under the Act for operation of the waste water treatment plant.

### 3.2.18 Other Northern Territory Legislation

Other NT legislation with which the project must comply, but does not trigger the requirement for a specific approval or permit, includes the following:

- *Dangerous Goods Act*
- *Traffic Act*
- *Weed Management Act*
- *Work Health and Safety (National Uniform Legislation) Act*

### 3.3 NORTHERN TERRITORY POLICIES AND GUIDELINES

#### 3.3.1 Northern Territory Environmental Protection Authority Guidelines

The NT EPA has developed a series of draft and current guidelines related to the Environmental Assessment Act and Waste Management and Pollution Control Act. The NT EPA guidelines are policy documents that describe the minimum expectations of the NT EPA in relation to a particular matter. The NT EPA guidelines that are potentially relevant to the Project include:

- Guidelines for the Preparation of an Economic and Social Impact Assessment
- Guidelines for Assessment of Impacts on Terrestrial Biodiversity
- Guidelines on Conceptual Site Models
- Guidelines on Mixing Zones
- Guidelines on Environmental Offsets and Associated Approval Conditions
- Draft Guideline for the Preparation of an Environmental Management Plan
- Noise Guidelines for Development Sites in the Northern Territory
- Guideline for the Siting, Design and Management of Solid Waste Disposal Sites in the Northern Territory.

#### 3.3.2 Northern Territory Department of Land Resource Management Guidelines

The Department of Land Resource Management has developed standardised methodologies for surveying vertebrate fauna and flora in the NT. These include:

- Guidelines and Field Methodology for Vegetation Survey and Mapping
- Guidelines for Surveying Terrestrial Vertebrate Fauna in the Northern Territory.

The flora and fauna surveys for the Project were undertaken with reference to the above guidelines.

#### 3.3.3 Other Guidelines

The following guidelines may also be applicable to the Project:

- Guidelines for Preventing Mosquito Breeding Sites Associated with Aquaculture Developments in the NT
- Guidelines for Preventing Mosquito Breeding Associated with Construction Practice near Tidal Areas in the NT
- Australian Drinking Water Guidelines
- Public and Environmental Health Guidelines for Public Accommodation.