

ANNUAL REPORT 2023-2024

Gayngaru Wetlands



Giant Scorpion





Table of contents

Letter from the Chairperson NT EPA to the Minister	3
Chairperson's message	4
Purpose and function of the NT EPA	6
Independence, accountability and Statement of Intent	7
Relationships	7
Priorities and activities of the NT EPA	8
Core responsibilities	
Environmental impact assessment	9
Waste and pollution management	13
Strategic advice and assurance	16
Strategic priorities	
Stakeholder engagement	18
An effective and efficient regulator	20
Strategic advice and assurance	23
Greenhouse gases and climate change	24
Guidance and information	25
Looking ahead	26
Appendices	
Appendix 1: NT EPA membership	28
Appendix 2: Decisions made under the NT Environment Protection Act in 2023–2024	32
Appendix 3: Compliance and enforcement actions in 2023–2024	33





Letter from the Chairperson NT EPA to the Minister

The Hon. Joshua Burgoyne MLA
Minister for Lands, Planning and Environment
Parliament House
State Square 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 2024, 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 2023–2024 financial year including its activities outlined in the NT EPA's Statement of Intent 2023–2027.



Dr Paul Vogel AM
Chairperson

Northern Territory Environment Protection Authority
25 October 2024

Chairperson's message

It is my pleasure to present the Northern Territory Environment Protection Authority's (NT EPA) Annual Report 2023–2024, the first report against the NT EPA's Statement of Intent 2023–2027.

The NT is facing complex challenges in protecting environmental, cultural and social values while facilitating economic development. This year, the NT EPA assessed a number of multi-faceted projects of a scale and complexity rarely seen by jurisdictions of a similar size. Environmental impact assessments (EIA) completed or progressed in 2023–2024 included:

- the Australia-Asia PowerLink Project, the world's first intercontinental power grid with the largest solar energy infrastructure and the Territory's first, large-scale renewable energy project. Its construction includes a 12,000 hectare solar farm in the Barkly region, with a high voltage transmission power network from the Barkly to Darwin (approximately 800 kilometres) and a subsea cable power transmission network to Singapore
- critical maritime, defence and tourism infrastructure projects responding to an increased need for supply services and all-tide vessel access in Darwin Harbour. These projects will see the construction of wet and dry berth vessel maintenance facilities at East Arm Wharf (Darwin Ship Lift and Marine Industries), upgrades to the HMAS Coonawarra Fremantle Wharf Basin, construction of new future eastern wharf facility to cater for deeper draft Australian naval vessels and construction of a new ferry terminal at Mandorah
- various projects to support a growing agribusiness sector in the Territory which involve large scale land clearing and significant water extraction
- the Middle Arm Sustainable Development Precinct, a proposed strategic industrial precinct located in Darwin Harbour to support current and emerging industries such as renewable hydrogen, carbon capture and storage and minerals processing. It is the first strategic proposal to be assessed under the *Environment Protection Act 2019* (EP Act), and the first of its kind in Australia.

These projects present several multi-dimensional environmental challenges associated with cumulative impacts from greenhouse gas emissions, pollution and dredging and their potential impact on cultural values and critical terrestrial and aquatic ecosystems.

The NT EPA continues to tackle the challenge of assessing cumulative impacts across a range of proposed developments. Strategic assessments such as that for Middle Arm can be more effective in assessing cumulative impacts than project by project assessments, with the NT EPA very focused on how cumulative impacts from that proposal, such as potential impacts from emissions to Darwin's airshed, will be predicted and managed. The NT EPA has also provided advice on a strategic approach to dredging in Darwin harbour.



Frilled neck lizard

There is a national focus on improving the efficiency of planning and environmental approvals to support decarbonisation objectives and the energy transition. In this regard, the NT has a positive story to tell with the EP Act delivering substantial reductions in EIA timeframes compared to the previous legislation, whilst maintaining the necessary focus on environmental outcomes.

Limited opportunities for recycling, reprocessing and/or disposal of e-waste was a key consideration in assessment of the AA PowerLink Project, contributing to the NT EPA's advice to the Minister to require an environmental bond for the project. This is the first environmental bond required for a proposal under the EP Act, reflecting the uncertainty and potential significance of environmental impacts from e-waste. It is imperative that national work on a product stewardship scheme for e-waste, including end of life solar panels, provides a longer-term solution to the safe recycling and reprocessing of this waste.

The NT EPA continued to play an important role in providing advice to the Minister in relation to environmental management plans for onshore petroleum activities. The NT EPA's advice is assisting the onshore petroleum industry to move from the exploration phase of development into appraisal and production phases in a safe and sustainable way.

The NT EPA endorsed its first Compliance Plan for 2023–2024. The plan is a best practice regulatory tool that targets regulatory effort on high-risk matters such as mining, onshore gas and hydrocarbon processing. The NT EPA will shortly release a report card providing insights into the compliance work that was undertaken during 2023–2024, the trends that were observed, and the actions taken by the NT EPA and the Department that supports it to drive positive environmental outcomes and behaviour change where required.

The NT EPA had the privilege of hosting the annual Australasian Environmental Law Enforcement and Regulators Network (AELERT) conference in Darwin in February 2024 in partnership with the NT Government. This forum provided a wonderful opportunity for environmental regulators from across Australia to come together to discuss common and emerging regulatory challenges. The NT EPA thanks the coordinators in the Department of Environment, Parks and Water Security (DEPWS) and AELERT for coordinating this important and rewarding event.

I am proud of the significant achievements of the NT EPA in ensuring that development in the NT is conducted in an ecologically sustainable manner and thank my colleagues on the NT EPA board and the staff of DEPWS for their tireless efforts in delivering on the NT EPA's responsibilities over the past year. I also would like to also thank the proponents, community and industry organisations that the NT EPA has worked with in 2023–2024 to deliver positive environmental outcomes for the Territory.

Dr Paul Vogel AM
Chairperson



Red dragonfly

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 *NT Environment Protection Act 2019* (EP Act), the *NT Environment Protection (Beverage Containers and Plastic Bags) Act 2012* (EP (BC&PB) Act), the *NT Waste Management and Pollution Control Act 1998* (WMPC Act) and supporting regulations.

Casuarina mangroves

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 2023–2027 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 *NT 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 (CEO) of the Department of Environment, Parks and Water Security (DEPWS) provides the NT EPA with access to staff (employees from the Department's Environment Division) and facilities to enable it to properly exercise its powers and perform its functions. These employees support the NT EPA by conducting the environmental impact assessment (EIA) 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 approach enables the NT EPA to focus on significant and strategic matters, while DEPWS staff of the Environment Division 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 against the NT EPA's Statement of Intent 2023–2027.

The NT EPA's core responsibilities are environmental impact assessment, waste and pollution management and provision of strategic advice and assurance in line with the NT EPA's objectives.

In delivering on these responsibilities, the NT EPA's Statement of Intent 2023–2027 identifies the following strategic priorities:

- Stakeholder engagement.
- An effective and efficient regulator.
- Strategic advice and assurance.
- Greenhouse gases and climate change.
- Guidance and information.

Core responsibilities

Environmental impact assessment

The NT EPA is responsible for implementing the EIA process under the EP Act, and considering the significance of environmental impact of a proposal on the environment. Proponents are encouraged to engage early on proposals, and DEPWS officers work with proponents to ensure the environmental decision-making hierarchy is applied and that environmental impacts are avoided or mitigated where they cannot be avoided. It is frequently the case that a proposal's environmental impacts are substantially avoided or mitigated through the EIA process and this is one of the significant benefits of a legislated, public assessment process. The NT EPA independently considers whether a proposal is environmentally acceptable and provides its advice to the Minister in the form of an assessment report and, where appropriate, a draft environmental approval for the Minister's consideration.

In 2023–2024, there were 23 proposals under assessment (Figure 1). The NT EPA made 45 separate decisions under the EP Act this year. Key assessment decisions of the NT EPA in 2023–2024 are listed in Appendix 2.

During 2023–2024, 7 new referrals were made under the EP Act, 3 less than the previous year. The NT EPA made its assessment decision (whether or not to assess a referred proposal) on 8 referred proposals with 5 requiring assessment and 3 not requiring assessment.

Of the 5 decisions to assess a proposal, one decision was to assess by referral information, 2 decisions were to assess via supplementary environmental report (SER), and 2 were to assess by environmental impact statement (EIS).

The NT EPA provided advice to the Minister on the assessment of 7 proposals in 2023–2024, 2 more than the previous year (Appendix 2).

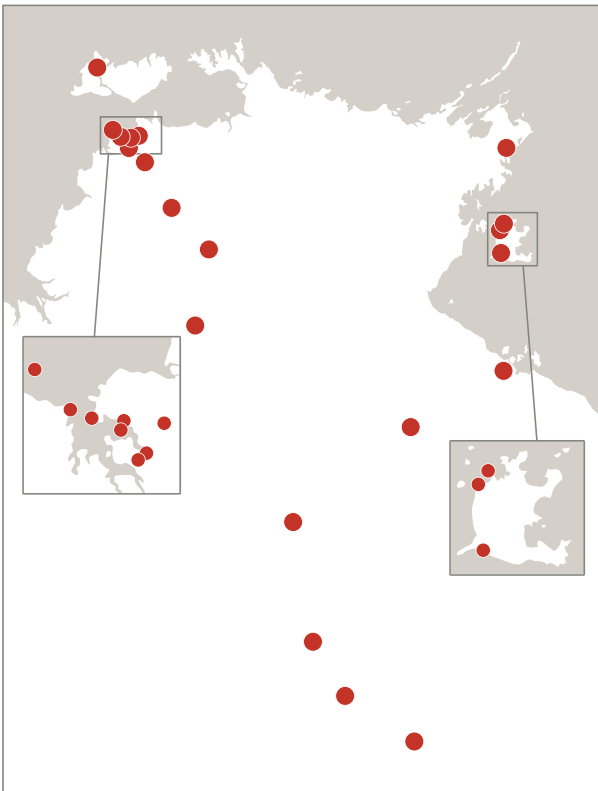


Figure 1 – Location of proposals (23) under assessment in 2023–24



CASE STUDY

Australia-Asia PowerLink Project assessment

In June 2024, the NT EPA completed its assessment of the Australia-Asia PowerLink Project (AA PowerLink), a large-scale renewable energy project that is potentially the 'world's first intercontinental power grid using the world's largest solar energy infrastructure network'. The giga scale project is to facilitate generation of power from a 12,000 hectare (ha) solar farm in the Barkly Region and transmit it to Singapore via an 800 kilometre (km) overhead transmission line and 800 km subsea cable.

While the proposal is for renewable energy, there is still potential for the proposal to have a significant impact on the environment, including on protected matters under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The NT EPA conducted an environmental impact assessment under the EP Act and an accredited assessment under the EPBC Act.

The nature, scale and geographic extent of the proposal across a diverse environment required the NT EPA to turn its mind to complex matters and future challenges. The assessment included consideration of:

- potential impacts from electro and magnetic fields from direct current on the largest maternal ghost bat colony in the world
- potential impacts from electro and magnetic fields on protected marine species
- noise from such a high voltage direct current transmission line in proximity to human sensitive receptors
- effect of migratory birds mistaking a large area of solar panels for a lake
- large emissions from land clearing in the NT from a project that would contribute a significant reduction of emissions at a global scale

- uncertainty about when recycling, reuse or remanufacturing options for the large volume of solar panels, inverters and energy storage system batteries generated by the project will become available, and the associated potential financial risk to the Northern Territory Government.

The overhead transmission line was initially proposed to pass approximately 400 m from the largest maternal ghost bat colony in the world. During the assessment process, the proponent agreed to revise the location of the transmission line to allow an 8 km buffer to avoid impacts to the maternal site, effectively applying the precautionary principle.

The NT EPA's assessment report acknowledged that the proposal would avoid approximately 485 million tonnes carbon dioxide equivalent (Mt CO₂-e) emissions from electricity and power generation in Singapore, and potentially the NT, and that this would deliver significant benefit to the decarbonisation plans of Singapore and Australia.

The NT EPA recognises that solar panel waste is an emerging global issue due to the rapid expansion of solar panel production, the cost to recycle solar panels, and the lack of currently available technologies needed to extract valuable materials for recycling. There is currently no mandatory scheme in place nationally to ensure large photovoltaic (PV) system operators are incentivised to reduce waste, and facilitate development of commercial scale remanufacturing options.

The NT EPA's assessment report recommended that an environment protection bond be held in trust for the NT government to secure payment of reasonable costs in relation to solar precinct PV system e-waste management, and associated environmental risks and impacts throughout the life of action. This is the first time the NT EPA has recommended a condition to require an environment protection bond under the EP Act.

The NT EPA concluded that the proposed action can be implemented and managed in a manner that is environmentally acceptable and recommended approval, subject to the recommendations and conditions in its draft environmental approval.

Statutory timeframes apply to all stages of the EIA process, providing increased certainty for proponents on expected decision-making timeframes. Meeting statutory timeframes is a key performance indicator for the NT EPA, while noting that few jurisdictions have statutory timeframes for impact assessment processes. Table 1 provides a comparison of the NT EPA's performance in meeting timeframes since the EP Act commenced in 2020. In 2023–2024, 74% of statutory timeframes for decisions under the EP Act were met. This can largely be attributed to the NT EPA considering several highly complex assessments in this period. Underlying capacity constraints relating to recruitment in the current labour market have also played a part in this performance.

Table 1 – Percentage of statutory timeframes met for environmental impact assessment since EP Act commencement

Year	2020–2021	2021–2022	2022–2023	2023–2024
% statutory timeframes met	100%	83%	68%	74%



Red grasshopper



CASE STUDY

Review of Performance of the NT EPA in EIA under the *Environment Protection Act*

The NT EPA reviewed its performance of contemporary environmental impact assessment four years since the commencement of the EP Act. The review identified that the overall efficiency of the new EIA system has improved significantly under the EP Act. The average time to complete an assessment process entirely under the EP Act is about 18 months. Comparatively, in the last 10 years of operation of the former NT *Environmental Assessment Act 1982*, the average time taken to complete an assessment was approximately 38 months (Figure 2). The significant decrease in overall assessment times can be attributed to the introduction of new assessment methods including assessment by referral information (RI) and assessment by supplementary environmental report (SER), and statutory timeframes for processes and decisions.

The average time to complete an assessment by RI under the EP Act is just under 7 months, while the average time to complete an assessment by SER is 20 months.

The average time to complete an assessment by environmental impact statement is 29 months compared to 46 months under the former Act.

While the overall performance is encouraging now, it will be important to continue to progressively monitor performance, and continue to focus on efficiency improvements, particularly as some of the larger environmental impact statements are progressed.

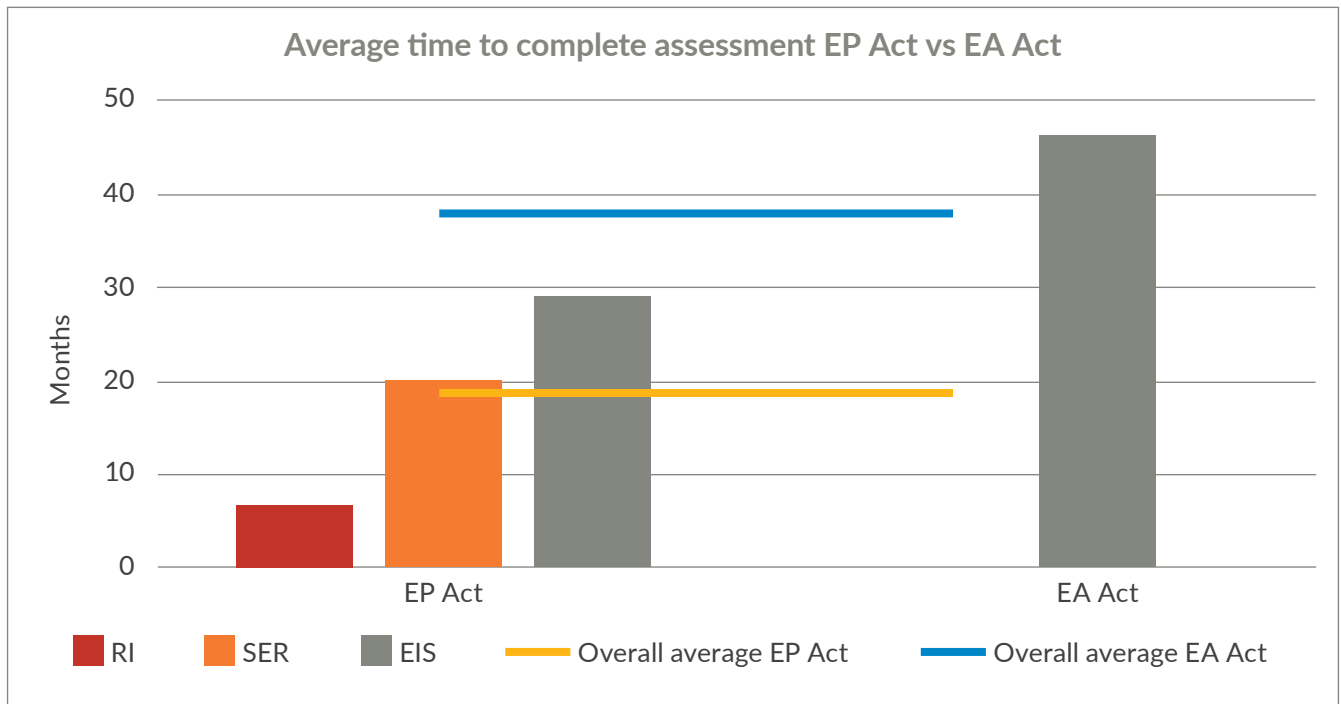


Figure 2 – Average time to complete an EIA process under Environment Protection Act 2019 versus Environmental Assessment Act 1982

The number of referrals received under the EP Act has decreased compared to the EA Act, however the number of referred proposals that have required assessment by the NT EPA has increased (Figure 3). This indicates that whilst fewer proposals are being referred under the EP Act, those proposals which are referred are more likely to have the potential to have a significant impact. This suggests that there is an improved understanding of the types of proposals requiring referral and assessment, supported by the NT EPA's referral guidance.

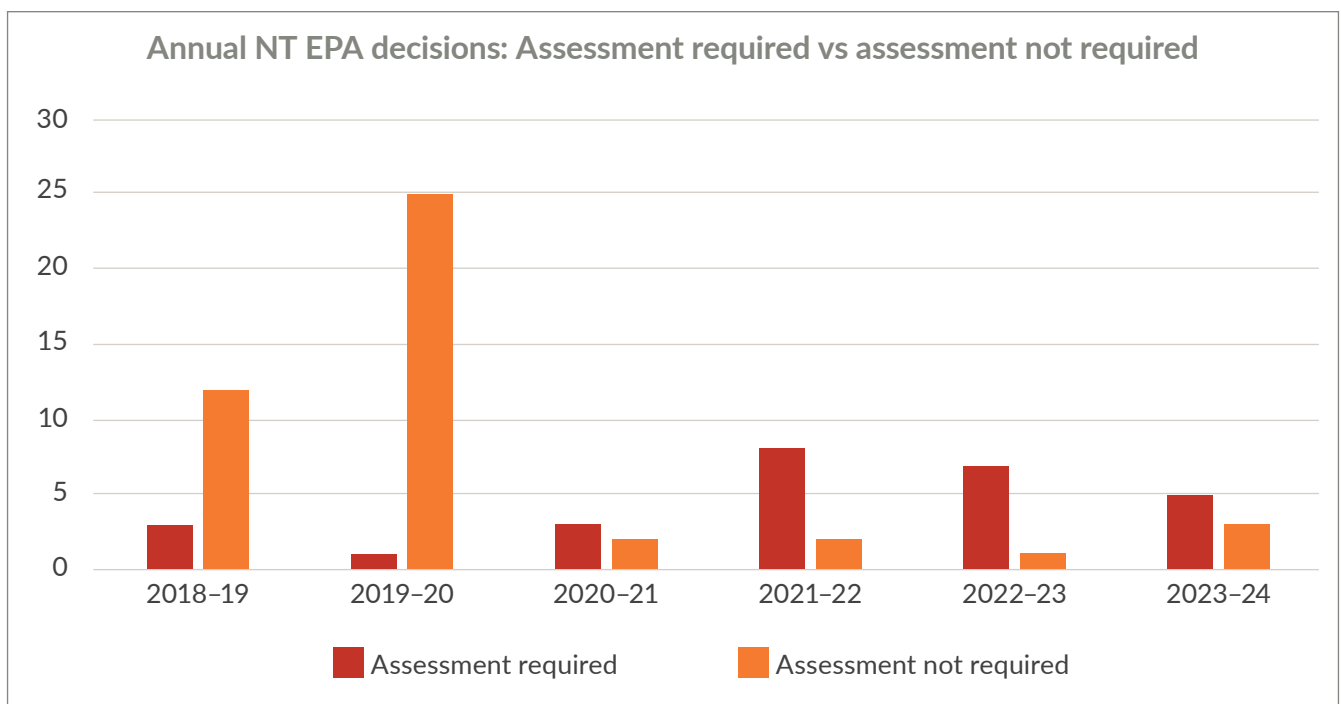


Figure 3 – Decisions under Environment Protection Act 2019

Waste and pollution management

The WMPC Act establishes an environmental approval and licensing regime for certain activities. The regime enables the NT economy to grow without compromising environmental values. Compliance with approvals and licences under the WMPC Act also gives industry and the regulated community a roadmap for earning a social licence in the NT.

Environment protection approvals (EPA) and environment protection licences (EPL) 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 hydrocarbon processing (including LNG) facilities in the NT.

Corresponding with the regulatory maturity of the NT EPA and the requirements of the regulated community, licences are now generally issued for 10 years. This provides industry certainty by reducing administrative red tape associated with frequent renewals and enables the NT EPA to focus on strategic compliance activities as outlined in the annual compliance plan.

During 2023–2024, the NT EPA administered:

- 7 EPA including the processing of 6 applications related to EPA
- 148 EPL including the processing of 43 applications related to EPL. These applications included applications for new licences, renewals, amendments or surrendering of licences.

There was 1 EPA application and 13 EPL applications under assessment at 30 June 2024.



Oil containers

Air quality

An emerging issue that attracted community interest during the 2023–2024 period was air quality in the Darwin airshed. Ambient air quality modelling and monitoring are the primary tools to assess and report air quality levels. Monitoring informs our understanding of air quality and guides regulation to prevent or mitigate impacts from pollutants emitted from projects. The National Environment Protection (Ambient Air Quality) Measure (AAQ NEPM) sets goals and standards for the major air pollutants and is the primary measure against which ambient air quality and the effect of air pollution from projects (individually and cumulatively) is assessed.

Ambient air quality monitoring is conducted at three locations in Darwin (Palmerston, Winnellie and Stokes Hill), and one location in Katherine, and informs compliance reporting under the AAQ NEPM. Concentrations of air pollutants including carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), sulfur dioxide (SO₂) and particulates (as PM₁₀ and PM_{2.5}) are measured in Darwin, and only PM₁₀ and PM_{2.5} are measured in Katherine. Particulates PM₁₀ and PM_{2.5} are associated with smoke from bushfires. 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.

During 2023–2024, there were no exceedances of the AAQ NEPM standards for SO₂, NO₂, CO and O₃ recorded in the Darwin region. However, there were several exceedances of the AAQ NEPM standards for particles (PM₁₀ and PM_{2.5}) during the dry season when bushfires typically occur in Darwin and Katherine.

The air monitoring stations detected that the 1-day average PM_{2.5} standard was exceeded on 48 days in Winnellie, 15 days in Palmerston, 14 days in Katherine and 13 days at Stokes Hill (Figure 4).

There were also several exceedances of the 1-day average PM₁₀ standard at most of the stations. The 1-day average PM₁₀ standard was exceeded on 28 days in Winnellie, 6 days in Palmerston, 2 days in Katherine and 8 days at Stokes Hill (Figure 5). Smoke from planned and unplanned bushfires is generally responsible for these exceedances and can contribute to poor air quality at certain times during the year.

Licences for LNG processing premises issued by the NT EPA under the WMPC Act regulate air emissions at the point of release (stacks). Licences include the environmental standards at which pollutants may be released into the atmosphere and include requirements for monitoring of emissions. These environmental standards and monitoring are informed by air quality monitoring data provided by the licensees in line with the National Pollutant Inventory and New South Wales (NSW) Environment Protection Authority's approved methods for the modelling and assessment of air pollutants in NSW as well as data from the network of air quality monitoring stations, which is administered by the Department. The NT EPA published a regulatory statement, Regulation of LNG and other emissions, to assist the community in understanding how potential and actual air pollution emissions from liquefied natural gas processing activities and other sources are assessed and monitored in the NT.

Mandorah marine precinct construction

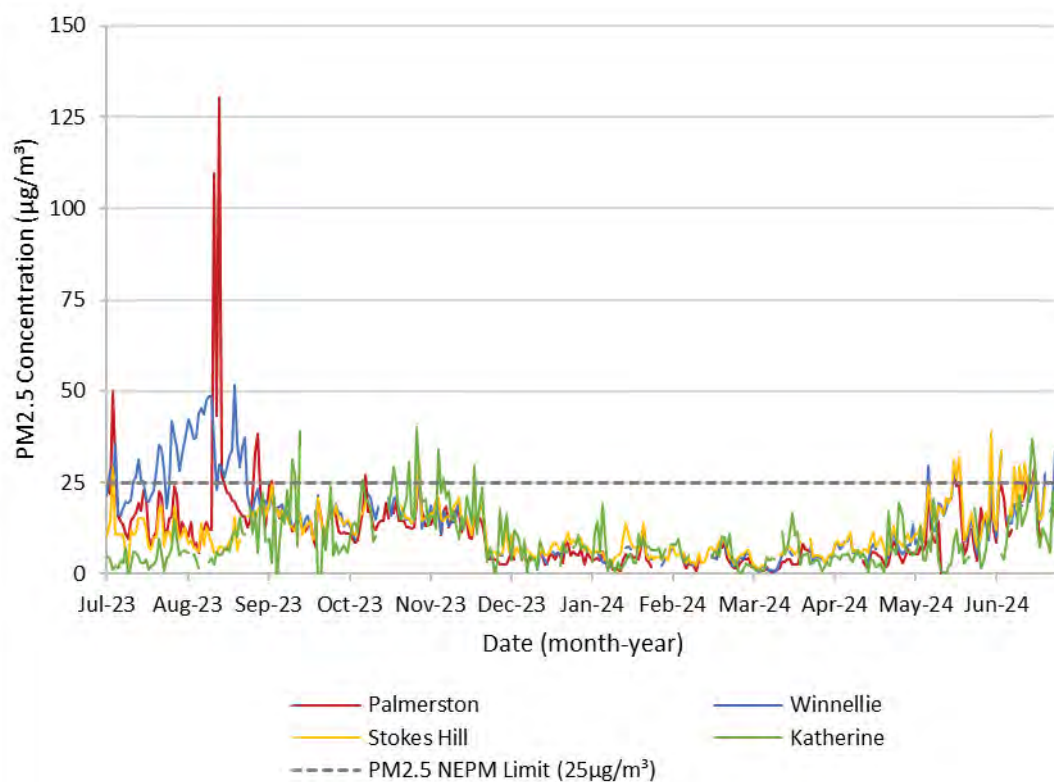


Figure 4 – One-day average particulates ($\text{PM}_{2.5}$) concentrations at the air quality monitoring stations (2023–2024)

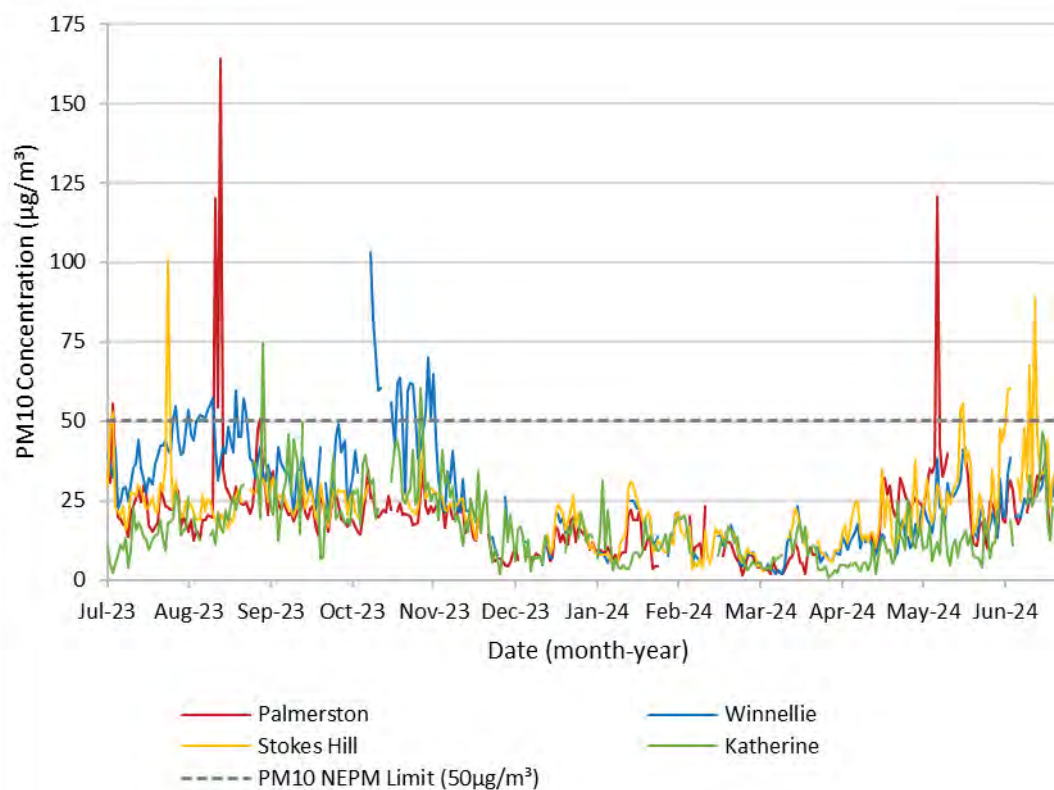


Figure 5 – One-day average particulates (PM_{10}) concentrations at the air quality monitoring stations (2023–2024)

Container Deposit Scheme

The EP (BC&PB) Act establishes the NT container deposit scheme (CDS), a key initiative that reduces beverage container waste and increases resource recovery and recycling across the NT.

During 2023–2024, the NT EPA administered:

- 4 CDS coordinator approvals facilitating return of CDS containers back to the beverage container suppliers
- 19 CDS depot approvals, including renewal of 4 depot approvals – there are now 18 CDS depot approvals which cover 30 locations in the NT
- 288 CDS supplier registrations authorising the sale of CDS regulated containers in the NT, including 22 new registrations.

A total of 122,305,414 regulated containers were sold in the NT in 2023–2024, a decrease of 5% from 128,821,922 the previous year. Over 100 million containers were redeemed at collection depots, with over 67% of the containers returned in the Greater Darwin area and 33% in regional and remote locations. Over \$10 million in container deposit refunds were issued to Territorians through the scheme. 82% of all permitted containers sold in the NT were returned to CDS coordinators by collection depots in 2023–24.

Strategic advice and assurance

The NT Petroleum (Environment) Regulations 2016 require the Minister to approve environment management plans (EMPs) for the onshore petroleum industry in the NT prior to commencing an onshore petroleum regulated activity.

The Minister has requested that the NT EPA provides advice on the appropriateness of EMPs for managing petroleum activities under the Petroleum (Environment) Regulations 2016. The NT EPA's Onshore Gas Committee provides expert assessment and advice to the NT EPA to inform its recommendation to the Minister on EMPs. In 2023–24 the NT EPA provided independent advice and additional scrutiny on 6 EMPs that outline the management of environmental impacts from a range of activities, including:

- civil works involving construction and maintenance of exploration infrastructure (e.g. wells pads, access tracks, water storage facilities, drilling sump, flare pit, camp pads, temporary work sites, helipads, fence lines, firebreaks and gravel pits)
- seismic acquisition
- drilling
- hydraulic fracturing
- construction and operation of wastewater gathering lines
- well testing
- production operation
- well maintenance and monitoring works
- suspension and decommissioning of wells and infrastructure.

Since February 2019, the NT EPA has provided advice to the Minister on 38 EMPs.





Strategic priorities

Stakeholder engagement

Stakeholder engagement is an important part of the EIA process and best practice environmental regulation. The NT EPA's stakeholders include the Minister, proponents, licence and approval holders, the Territory community, Aboriginal Land Councils, representative bodies of traditional owners, industry and business, the CEO of DEPWS and other statutory authorities, local government, relevant non-government organisations including environment groups and land owners.

The NT EPA has two priority focus areas for stakeholder engagement in relation to the environmental impact assessment process: enhancing community involvement and engagement in environmental decision-making processes; and encouraging proponents to engage early with the NT EPA.

During the environmental impact assessment process, the NT EPA engages with the community at various stages, including consultation on:

- a referral for a proposal
- a supplementary environmental report
- draft terms of reference for an assessment by EIS
- a draft EIS and supplement to the EIS.

Submissions from the community assist the NT EPA to determine and assess the potential impacts of a proposal on the environment. In 2023–2024, the NT EPA conducted 20 separate statutory consultation processes in relation to 13 proposals.

The NT EPA's online consultation hub is the primary point of engagement with the community for environmental assessments and general news updates of the NT EPA. The number of subscribers to the online consultation hub increased by over 30% in 2023–2024, expanding the reach of environmental impact assessment consultation and general news email campaigns to a wider audience.

The DEPWS Environment Division hosts the Environmental Assessment Forum to bring together representatives from across government to discuss proposals under impact assessment, and allow proponents to present to government representatives to inform their advice to the NT EPA. Three Environmental Assessment Forums were held in 2023–2024, one in relation to the Winchelsea Island Manganese Mine Project and two related to the AA PowerLink Project.

The NT EPA communicates with the regulated community which includes licence and approval holders, and industries which may cause environmental harm but are not required to have a licence or approval. DEPWS staff engage with licence and approval holders on behalf of the NT EPA on applications and associated information requirements and on compliance matters.

The NT EPA also consults with stakeholders in developing regulatory guidance and strategic advice to the Minister.

An important focus of stakeholder engagement is to ensure that Aboriginal stakeholders have input to the NT EPA's activities. The NT EPA's engagement is primarily with the relevant Aboriginal land council(s) in the area that would be potentially affected by a proposal. The NT EPA met with the Central Land Council (CLC) a number of times in 2023–2024 to discuss the consideration of cultural values in the environmental impact assessment process, proposals undergoing assessment and effective engagement with Aboriginal people. Advice from land councils will inform the NT EPA's development of guidance for the Culture and Heritage Environmental Factor.

The NT EPA met 12 times in 2023–2024, both by video conference and in face to face meetings. The NT EPA frequently uses these meetings to engage with stakeholders on strategic matters and to inform its EIA and licensing responsibilities.

The NT EPA Chairperson met with the Minister and the CEO of DEPWS on a regular basis. The NT EPA Chairperson is an ex-officio member of the NT Planning Commission and participated in 6 meetings of the Commission in 2023–2024. The NT EPA met with 21 stakeholders, attended two site visits and the Chairperson met with 31 stakeholders in 2023–2024.

The NT EPA met with the following stakeholders:

- Commonwealth Scientific and Industrial Research Organisation – *Carbon Capture Storage*
- Aboriginal Areas Protection Authority – *Understanding respective roles and responsibilities*
- Department of Infrastructure, Planning and Logistics – *Darwin Harbour Dredge Strategy; planning for renewable energy projects; Middle Arm Sustainable Development Precinct*
- DEPWS, Flora and Fauna Division – *Typhonium Regional Conservation Plan; EIA of proposals*
- Pastoral Land Board – *Assessment and approval of land clearing proposals*
- AA PowerLink Australia Assets Pty Ltd – *AA PowerLink proposal*
- Santos NA Barossa – *Darwin Pipeline Duplication Project*
- Equatorial Launch Australia Pty Ltd – *Phase 2 Expansion of the Arnhem Space Centre proposal*
- Tamboran Resources Limited – *Overview of activities and Environmental Management Plans EP98 and EP117*
- Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) – *AA PowerLink proposal*
- Australian Space Agency – Australian Government Department of Industry, Science and Resources – *Regulation of Australia's space and rocket activities*
- Fortune Agribusiness – *Singleton Horticulture Project*
- CLC – *Environmental impact assessment; Singleton Horticulture Project*
- Chair Gas Taskforce, Department of Chief Minister and Cabinet – *Environmental impact assessment for onshore gas proposals.*

The NT EPA Chairperson is the NT's representative on the Heads of Environment Protection Authority (HEPA) and attended four meetings throughout the year. HEPA is a high level forum comprising chairpersons/CEO or equivalent representatives from all Australian jurisdictions and New Zealand that provides an opportunity to share knowledge and experiences, identify improvements in nationally consistent regulation and promote greater coherence in regulatory practice and policy across jurisdictions.



Stakeholder engagement

An effective and efficient regulator

A strategic approach to compliance and enforcement

The NT EPA's compliance and enforcement action in 2023–2024 was undertaken in line with the Compliance and Enforcement Policy, Enforcement Guideline and the 2023–24 Compliance Plan. The policy and guideline adopt a risk-based approach to compliance and enforcement, and commit to applying proportionate, accountable, consistent, targeted and transparent (PACTT) principles to the delivery of all regulatory functions. The 2023–24 Compliance Plan targeted regulatory efforts on activities with the potential to have the most impact on the environment and of concern to the community. The compliance plan provides a transparent overview of the compliance and monitoring priorities of the NT EPA.

All sites that posed the highest potential risk to the environment were inspected on at least one occasion throughout the year and were audited for compliance with licence requirements. This included premises that had an environmental approval issued under the EP Act and hydrocarbon processing premises and landfills with a licence or approval under the WMPC Act.

The regulatory response to non-compliances will always depend on the circumstances, taking into account the level of environmental harm and the person's attitude to compliance (culpability). Responses included a range of the following:

- supporting compliance through the provision of advice and guidance
- formal cautions and warning letters
- remedial action, such as issuing notices requiring environmental audits (section 48 WMPC Act)
- in instances where culpability was considered higher, for example for those who had faced enforcement action in the past, infringement notices were issued as a more serious level of enforcement action.



CASE STUDY Pollution Reports

In 2024 the NT EPA endorsed the Environmental Regulation Triage Guideline for Pollution Reports. The guideline provides a clear framework for prioritising and responding to pollution reports based on the potential impact of the pollution incident on the environment. The guideline has proven to be effective, and enabled officers to efficiently triage and respond to pollution reports.

The guideline has been approved and published on the NT EPA website and demonstrates the NT EPA's commitment to applying the PACTT principles (proportionate, accountable, consistent, targeted and transparent) when responding to pollution reports.

The development of a pollution case management system will automate certain aspects of the triage guideline, further enhancing efficiency and providing the community with a straightforward way to report pollution events. The new system will also facilitate a holistic approach to pollution reports and enable the regulator to identify emerging environmental trends so regulatory effort can be targeted accordingly.

The inclusion of targeted information and contact details for appropriate regulators and service providers on the NT EPA webpage has contributed to a noticeable decline in pollution reports. The new webpage is assisting the public to identify the most appropriate regulator or service provider to address their concerns. The graph below shows the general declining trend over the last three years.

Compliance action is always taken in line with the NT EPA endorsed Enforcement Guideline and the commitment to taking an approach in line with the PACTT principles.

The NT EPA also pursued two prosecutions relating to waste crime in 2023–2024, including:

- The NT EPA defended an appeal to the Supreme Court by Mr Michael Anthony and his company DWD Project Pty Ltd who were convicted and fined \$300,000 in 2021 for failing to comply with orders by the NT EPA to clean up pollution illegally dumped into Darwin Harbour. This conviction represented one of the NT's largest and most significant fines for illegal dumping activity. The Supreme Court dismissed Mr Anthony's appeal and the conviction was upheld.
- In early 2024, Norblast Industrial Solutions Pty Ltd (Norblast) was convicted in Darwin Local Court and fined \$20,000 for failing to comply with a PAN issued by the NT EPA under the WMPC Act.

The NT EPA has also committed to publishing an annual compliance report card, reporting on compliance activities in 2023–2024.



CASE STUDY

Norblast Prosecution

Norblast Industrial Solutions Pty Ltd (Norblast) is an NT based private company specialising in corrosion prevention.

A pollution abatement notice (PAN) was issued in 2021 for Norblast to engage an appropriately licensed listed waste handler to remove and dispose of all listed wastes contained within the premises, including, but not limited to:

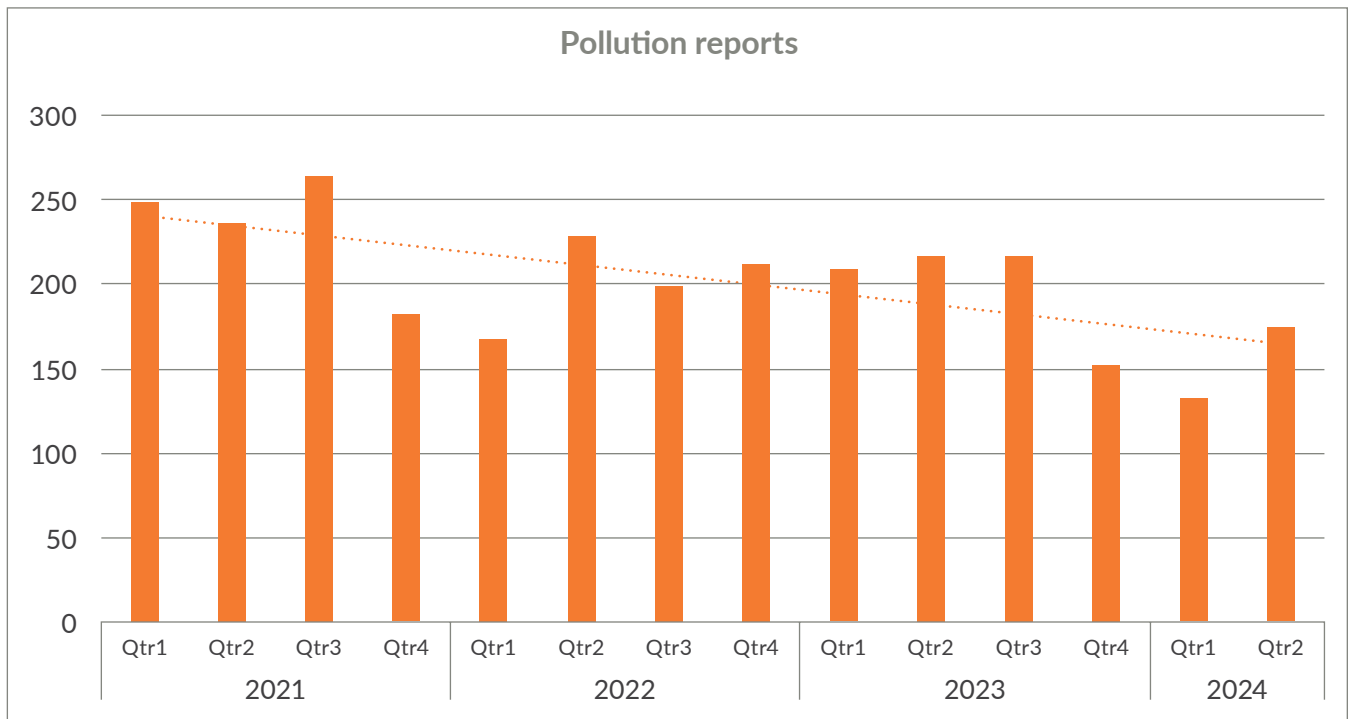
- all waste oils, including waste diesel and diesel mixtures
- all waste mixtures, or waste emulsions, of oil and water or hydrocarbon and water, including bilge water
- all waste resulting from surface treatments of metal including all garnet and steel shot wastes.

Norblast failed to comply with the PAN. Norblast's culpability was considered more serious due to previous non-compliances and so the NT EPA pursued a prosecution. Norblast pleaded guilty in the Darwin Local Court to one count of offending against section 80(2) of the WMPC Act.

In sentencing, the Local Court Judge took into consideration the seriousness of the offence, that the company was a recidivist offender, the need for specific deterrence to cease the offending and the company's capacity to pay a fine. Norblast was convicted and fined \$20,000 plus the victims' levy.

Norblast has subsequently cleaned up the premises specified in the PAN. This is a positive outcome, with regulatory action leading to a successful clean-up effort.

The PAN was revoked on 21 August 2024 following inspections of the premises to ensure the clean-up work had been finalised.



Enhance delivery of the NT EPA’s regulatory functions, including through improved systems and technology

The NT EPA will continue to support the introduction of a regulatory management system to streamline environmental assessments, approvals and compliance work undertaken on behalf of the NT EPA.

Funding was received in 2023–2024 for a long overdue replacement of the Pollution Response Line Database. The new Pollution Case Management (PCM) system is the first component of the regulatory management system and will improve efficiency and streamline the regulatory service provided by the NT EPA.

The PCM system will enhance current processes by:

- automating the triage process outlined in the Triage Guideline, helping officers to target resources to the incidents with the most risk of environmental harm
- removing manual data collection for pollution reports
- providing an intuitive interface and dashboards for managing compliance and enforcement workflows
- providing reporting and business intelligence features

It is anticipated that the new system will be implemented in late 2024.

Detailed investigation and analysis of options is underway in relation to the development of a single, national portal for approvals across all Australian container deposit schemes. There is strong stakeholder support to reduce the administrative burden and a single portal would assist in promoting harmonisation as part of expanding the scope of the core range of containers within container deposit schemes.

Strategic advice and assurance

Support the ecologically sustainable development of the Territory through the provision of strategic advice

The NT EPA continued its strategic environmental assessment of the Middle Arm Sustainable Development Precinct. This is the Territory's first strategic proposal to undergo environmental impact assessment and the first strategic assessment of an industrial precinct of this nature in Australia. The landscape-scale approach to assessing impacts from this proposal enables improved consideration of cumulative impacts and their management, while the strategic environmental assessment process can provide regulatory efficiency for proponents. The proposal is being assessed by the EIS method, with the EIS expected to be submitted to the NT EPA in 2024-2025. The NT EPA has met with the proponent, the Department of Infrastructure, Planning and Logistics, throughout 2023-2024 to receive updates and clarify expectations for the EIS. The proposal is also being assessed under the EPBC Act, and the NT EPA is closely engaged with the Commonwealth Department of Climate Change, Energy, the Environment and Water on the assessment.

The NT EPA provided a written submission to the Middle Arm Industrial Precinct Senate Inquiry in October 2023, and the NT EPA Chairperson provided evidence during a public hearing on Monday 17 June 2024.

The NT EPA continued to assess proposals on a case-by-case basis with advice provided to the Minister on the management of impacts for each proposal. Five of the seven proposals assessed this year involved dredging in Darwin Harbour. Through its assessment of these proposals, the NT EPA advised the Minister that there is a need for a more strategic approach to managing the impacts of dredging in the harbour and that the NT Government's proposed harbour-wide dredging strategy, comprising a long-term monitoring program supported by a management and decision-making framework, is appropriate for effective long-term management of cumulative impacts on the values of Darwin Harbour.

Promote effective waste management of emerging and high risk problematic waste streams

In 2023-2024, the NT EPA focused its efforts on two high-risk waste issues: waste tyres and waste crime. Across the country and the NT, waste tyres are the cause of long-term environmental harm. To protect Territorians from the risks of tyre stockpiles, the NT EPA is planning to publish guidance for private landholders on stockpiling waste tyres (for more information see 'Guidance and Information').

Incidents of waste crime, particularly illegal dumping of waste in the Alice Springs region, is an ongoing issue, with incidents of dumping increasingly being reported to the Alice Springs Town Council, Department of Infrastructure, Planning and Logistics (DIPL), DEPWS, and the NT EPA. In 2023-2024, the NT EPA committed to address illegal dumping in the Alice Springs region in collaboration with local councils, local Aboriginal organisations and other relevant NT departments.



Greenhouse gases and climate change

The NT EPA's Environmental Factor Guidance: Atmospheric Processes was published in August 2023. The guideline provides advice to proponents on how the NT EPA considers greenhouse gas emissions in the EIA process, and when to consider referring a proposal based on greenhouse gas emissions for the NT EPA's consideration. The guideline also clarifies the NT EPA's ability to consider other statutory decision-making processes such as the Australian Government's Safeguard Mechanism, which may mitigate potential environmental impacts through requirements for reductions in emissions from a proposal, to meet the NT EPA's objectives.

The NT EPA assessed the greenhouse gas emissions and climate impacts of a diverse range of proposals undergoing EIA in 2023–2024:

- **AA PowerLink Project** – the NT EPA assessed the emissions from construction and operation of the proposal that would occur in the NT, and the potential emissions avoided through the supply of renewable energy. The proposal has the potential to avoid approximately 485 million tonnes carbon dioxide equivalent (MtCO₂-e) of emissions in Singapore and the NT and make a significant contribution to decarbonisation objectives.
- **Santos Darwin Pipeline Project** – the NT EPA provided advice to the Minister on the potential indirect and cumulative impact of emissions from the project and the broader Barossa Gas Project being assessed by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*. The Darwin Pipeline Project is estimated to generate 286 kilotonnes of carbon dioxide equivalent (ktCO₂-e) of emissions over the life of the project, a small share of the 276,003 ktCO₂-e estimated for the Barossa Gas Project. The NT EPA advised that the emissions will be managed in accordance with requirements under the Safeguard Mechanism established by the *National Greenhouse and Energy Reporting Act 2007* (NGER Act).
- **Pancho Beef Mathison Station Land Clearing proposal** – the NT EPA assessed the potential emissions from the clearing of 4,517 ha for growing hay and fodder crops and proposed measures to reduce emissions. The NT EPA highlighted uncertainty about the rate of soil organic carbon sequestration in savannah woodlands in the NT and recommended the collection of data (including baseline data) and monitoring to improve the accuracy of the estimated emissions from land clearing and inform options to avoid or mitigate those emissions in a revised Greenhouse Gas Abatement Plan.

The NT EPA also considered the management of greenhouse gas emissions in its advice to the Minister on the appropriateness of EMPs for onshore petroleum activities.

The establishment of the Environmental Assessment (Future Industries) team in DEPWS in 2023–2024 increased the NT EPA's capacity to prioritise the assessment of environmental impacts from emerging industries that will support decarbonisation such as green hydrogen, critical minerals, and renewable energy.



Guidance and information

The EP Act was amended in 2023–2024 to improve clarity and certainty in the operation of the EIA process. To reflect these amendments and to capture feedback received on the application of the NT EPA's guidance material, the NT EPA reviewed and revised the following guidance:

- Guide to environmental impact assessment and approvals in the NT
- Guide to the NT EPA environmental factors and objectives
- Referring a proposal to the NT EPA
- Preparing a supplementary environmental report (SER)
- Preparing an environmental impact statement (EIS)
- Making a public submission during the environmental impact assessment process.

The NT EPA consulted on a revised draft of the Guideline for the Environmental Assessment and Authorisation of Marine Dredging in the Northern Territory. The NT EPA also continued to develop the Environmental factor guidance: Culture and Heritage. Both guidelines are expected to be published in 2024–2025.

At the NT EPA's request, DEPWS and the Department of Industry, Tourism and Trade engaged the CRC TiME to undertake a review and comparative analysis of Australian and international mine closure guidance. The report will inform a position on the adoption and/or possible development of mine closure guidance for EIA and the regulation of mining in the NT.

The release of the Triage Guideline in early 2024 and updates to the NT EPA pollution report landing page have improved guidance to the public on who is the best regulator to contact for certain issues and helps to ensure that the NT EPA is receiving reports of environmental harm and emerging environmental issues.



Kings Canyon, Watarrka National Park

Looking ahead

In the coming year, the NT EPA will continue to assess and advise on the impacts of a diverse range of complex and sometimes unique proposals, including mining, rocket launches and the Middle Arm Sustainable Development Precinct.

Onshore petroleum activities are likely to move into a production phase in the Beetaloo Sub-basin, potentially requiring assessment and advice from the NT EPA.

The NT EPA will continue to consider proposals on a case-by-case basis and take a flexible approach to support innovation and improvement in best practice technologies. The NT EPA will reflect on how it can continue to streamline its processes and work with proponents, the regulated community and other stakeholders to improve decision making during EIA, and granting licences and approvals. Enhanced stakeholder engagement with Aboriginal stakeholders and Land Councils during the EIA process where a proposal has the potential to impact culture and heritage values, will be important in 2024–2025.

The need for an improved understanding of the environment is becoming increasingly important. Government and proponents have a role in providing ongoing, relevant and timely information and scientific evidence to improve understanding of the NT's environmental baseline, whether it be of water, air quality, biodiversity, and to assist proponents and the regulated community to identify, manage and mitigate environmental harm.

The Commonwealth Nature Positive Agenda including reforms to the EPBC Act will be an important matter for the NT EPA in 2024–2025. These reforms propose the establishment of Environment Protection Australia, Environment Information Australia and implementation of national environmental standards. For the NT, this will have a major impact on assessment of projects requiring both Commonwealth and NT approvals.

The NT EPA will continue to focus on building trust with Territorians and the regulated community through transparency and accountability about its assessment processes, its compliance priorities and its approach to environmental regulation by publishing assessment performance, an annual compliance plan and reporting on its implementation.





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 chair/director and strategic consultant, Dr Vogel was the Chair of Western Australia's Environmental Protection Authority from 2007 to 2015.

Dr Vogel was also the inaugural Chief Executive and Chair of the South Australian Environment 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 (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 mainly in the infrastructure and utilities sector including Lochard Energy, Australian Naval Infrastructure, NSW Ports, Repurpose It and Australian Super. 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. He currently is a Member of the NSW Regional Planning Panels with responsibility for determining regionally significant planning proposals.

Mr Woodward holds a Masters of Engineering, Bachelor of Science and a Post Graduate Certificate in Public Health. 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 CRC CARE Pty Ltd since 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 Board member of the Western Australian Marine Science Institution.



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 Chairman of the Tiwi Land Council Audit & Risk Committee and a board-member of the Northern Territory Land Corporation.

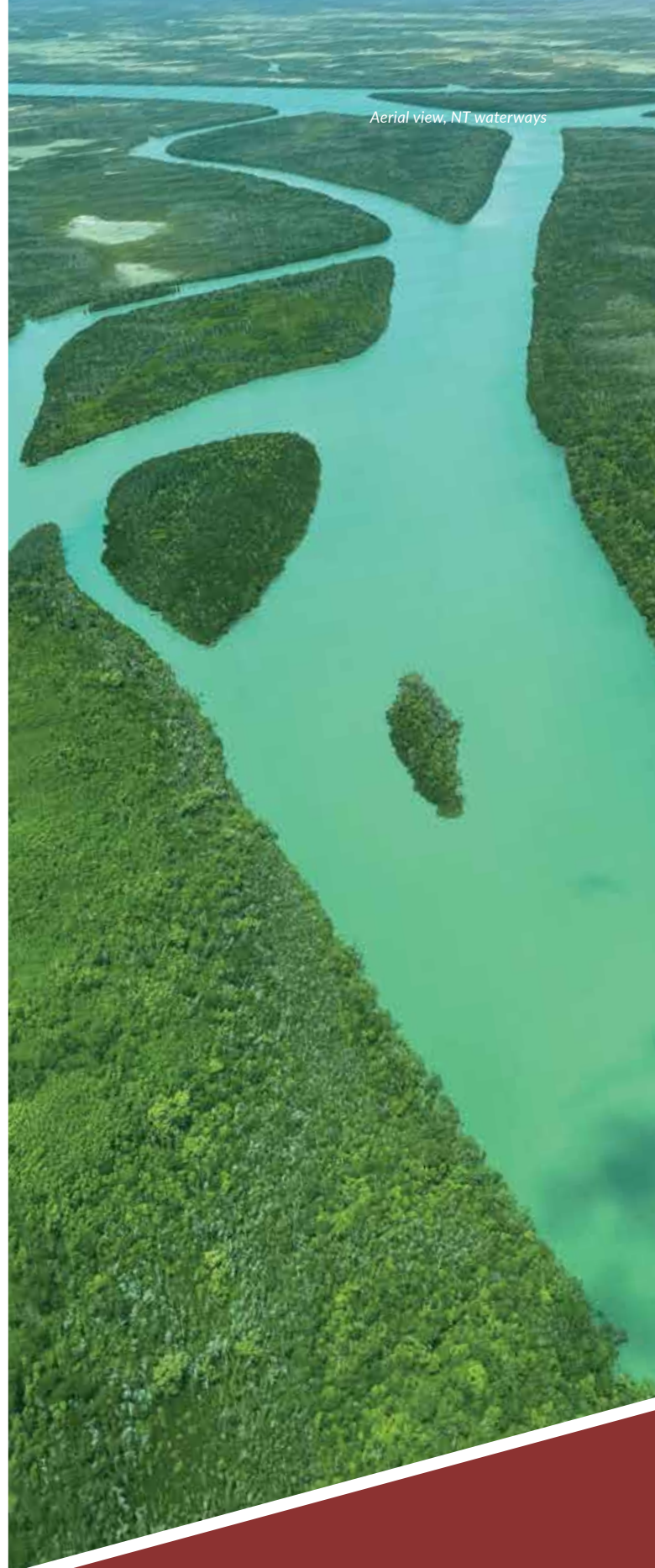


Ms Jordy Bowman

Ms Jordy Bowman is a local Territorian, with more than a decade of experience in Aboriginal land use and planning, and community and economic development in remote Australia and transitioning economies. Ms Bowman has worked across federal and Territory governments, Aboriginal corporations and not-for-profit organisations and brings a wealth of local knowledge and experience to the NT EPA.

During her career, Ms Bowman has worked in partnership with Traditional Owners, Land Councils, regional and remote communities to support land use, industry and business development that aligns with economic, social and cultural aspirations.

Ms Bowman is also a member of the Cooperative Research Centre on Transformations in Mining Economies Impact Committee and holds a Bachelor of Laws and Bachelor of Arts.



Aerial view, NT waterways

Appendix 2: Decisions made under the NT Environment Protection Act in 2023–2024

Table 1 – Decisions that assessment is required under regulations 57 and 58

Proponent	Proposal	Date of decision
Verity Nature Pty Ltd	Blue Carbon Restoration Research Pilot Project	16 August 2023
Groote Eylandt Mining Company Pty Ltd (GEMCO)	Southern Lease Mining Project	16 August 2023
NTR AG Pty Ltd and the Trustee for Mohr-Bell Family Trust and the Trustee for Pancho Trust (trading as Pancho Beef)	Mathison Station Land Clearing	16 August 2023
Equatorial Launch Australia Pty Ltd	Phase 2 Expansion of the Arnhem Space Centre	9 January 2024
Castile Resources Pty Ltd	Rover 1 Project	9 January 2024

Table 2 – Decisions that assessment is not required under regulations 57 and 58

Proponent	Proposal	Date of decision
Power and Water Corporation (NT)	Manton Dam Return to Service Project	9 January 2024
Imperial Oil & Gas Pty Ltd	Carpentaria Pilot Project	14 May 2024
Aurizon Operations Ltd	Berrimah Freight Terminal Expansion Project	12 June 2024

Table 3 – Completed assessment processes

Proponent	Proposal	Date of decision
Department of Infrastructure, Planning and Logistics	Holtze Development Area	27 July 2024
Department of Infrastructure, Planning and Logistics	Darwin Ship Lift and Marine Industries Project (Note: transitional proposal completed under former <i>Environmental Assessment Act 1982</i>)	27 July 2023
Department of Defence	HMAS Coonawarra – Dredging and Dredged Material Management	23 August 2023
Department of Infrastructure, Planning and Logistics	Mandorah Marine Facilities	28 August 2023
Santos NA Barossa Pty Ltd	Darwin Pipeline Duplication Project	16 November 2024
NTR AG Pty Ltd and the Trustee for Mohr-Bell Family Trust and the Trustee for Pancho Trust (trading as Pancho Beef)	Mathison Station Land Clearing	16 November 2023
AAPowerLink Australia Assets Pty Ltd	Australia-Asia Powerlink Project	24 June 2024

Appendix 3: Compliance and enforcement actions in 2023–2024

Table 1 – Summary of compliance and enforcement action in 2023–2024

Compliance and enforcement action	Number
Pollution reports	676
Monitoring compliance	150 licences and approvals under WMPC Act
Administrative compliance	Over 300 container deposit scheme approvals issued under the EP (BC&PB) Act.
Inspections	92 site inspections. 100% of premises that had an environmental approval issued under EP Act in place on 1 July 2023. 100% of hydrocarbon processing facilities and landfills licensed under WMPC Act.
Warnings	Issued 10 warning letters for non-compliance with EPL conditions. Issued 2 warning letters for dumping of waste.
Penalty Infringement Notices	3
Environment Audit Notices (s48 WMPC Act)	4
Prosecutions	2

Table 2 – Entities issued with penalty infringement notices

Entity	Number of PINs issued
ENI Australia B V	1
Ichthys LNG Pty Ltd	2

Table 3 – Entities issued with environmental audit notices

Entity	Number of audit notices issued
Central Petroleum Mereenie Pty Ltd	1
NT Fire & Rescue Service	3

Table 4 – Prosecutions

Defendant	Offences	Penalty \$
Norblast Industrial Solutions Pty Ltd	Failure to comply with a Pollution Abatement Notice	\$20,000



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