

ENVIRONMENT PROTECTION LICENCE

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

Licensee	PASPALEY PEARLING COMPANY PTY. LIMITED
Licence Number	EPL283
Registered Business Address	PASPALEY PEARLING COMPANY PTY. LIMITED 19 Smith Street Mall Darwin NT 0800
ACN	009 591 708
ABN	67 009 591 708
Premises Address	Section 01864 Hundred of Ayers plan(s) S2001/213 1235 CHANNEL ISLAND RD, WICKHAM
Anniversary Date:	24 November
Commencement Date:	24/11/2019
Expiry Date:	23/11/2024
Scheduled Activity	Operating premises , other than a sewage treatment plant, associated with collecting, transporting, storing, re-cycling, treating or disposing of a listed waste (as per Table 1) on a commercial or fee for service basis.
Description	Operation of a pearl oyster aquaculture nursery, which results in the storage and disposal of a listed waste (<i>Animal effluent and residues</i>). Waste is stored in pond water, wastewater is disposed of through continuous discharge via the authorised discharge point to Blackmore River (Darwin Harbour).

ENVIRONMENT PROTECTION LICENCE 283

Table 1 - Listed Wastes Authorised to be Handled

Listed Waste	Collection	Transport	Storage	Treatment	Recycling	Disposal
Animal effluent and residues	✘	✘	✓	✘	✘	✓

✓ Activity authorised by this licence

✘ Activity not authorised by this licence

ENVIRONMENT PROTECTION LICENCE 283

TABLE OF CONTENTS

INFORMATION ABOUT THIS LICENCE	4
RULES FOR INTERPRETING THE CONDITIONS OF THIS LICENCE	6
LICENCE CONDITIONS	7
GENERAL	7
EARLY SURRENDER OF LICENCE	8
OPERATIONAL	8
DISCHARGES AND EMISSIONS	9
MONITORING	9
RECORDING AND REPORTING	10
PERFORMANCE IMPROVEMENT	12
DEFINITIONS	14

ATTACHMENTS

- 1 Attachment 1 Monitoring Plan
- 2 Attachment 2 Site Plan
- 3 Attachment 3 Monitoring Locations

ENVIRONMENT PROTECTION LICENCE 283

INFORMATION ABOUT THIS LICENCE

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

Duration of a licence (section 40, 43 and 45 of the WMPC Act)

- A licence will remain in force until its expiry date or until it is surrendered by the licensee or is suspended or cancelled in accordance with the WMPC Act.
- The licensee must notify the Northern Territory Environment Protection Authority (NT EPA) within 14 days after ceasing to conduct the activity.
- The licensee may, with the approval of the NT EPA, surrender the licence to the NT EPA.

Amendment or Revocation of a licence (section 37 of the WMPC Act)

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

Transfer of a licence (section 46 of the WMPC Act)

- The licensee can apply to transfer their licence to another person.

Renewal of a licence (section 40 of the WMPC Act and section 3 of the Regulations)

- The licensee may apply for the renewal of their licence not earlier than 90 days, and not later than 30 days, before their licence expires.
- A fee applies and the application must be made via NT EPA Online.

Public Register

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

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

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

ENVIRONMENT PROTECTION LICENCE 283

- The following EPOs and Beneficial Use Declarations (BUDs) are relevant to this licence:
 - Darwin Rural Water Control District (Northern Territory Government Gazette No. G21, 2 June 1999)
 - Darwin Harbour Region (Northern Territory Government Gazette No. G27, 7 July 2010)

Environmental Interests

- This section highlights sensitivity of the surrounding land use and environment associated with the location of the approved activity.
- Sites of Conservation Significance (SOCS) are:
 - Darwin Harbour (SOCS Number 6)

Cultural Interests

- It is the licensee's responsibility to contact the Aboriginal Areas Protection Authority, appropriate land council or other governing body and ensure that any Authority Certificates required as a result of conducting the licenced activity are obtained and complied with.

ENVIRONMENT PROTECTION LICENCE 283

RULES FOR INTERPRETING THE CONDITIONS OF THIS LICENCE

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

ENVIRONMENT PROTECTION LICENCE 283

LICENCE CONDITIONS

GENERAL

- 1 The licensee must ensure the contact details recorded in NT EPA Online for this licence are correct at all times.
- 2 The licensee must at all times have a 24 hour emergency contact.
- 3 The licensee must pay the annual fee calculated in accordance with the method prescribed in the Regulations within 50 business days of the anniversary of the commencement date of this licence, for each year or part of a year that this licence is in force.
- 4 The licensee must cause clear and legible signage, in English, to be displayed in a prominent location at each public entrance to the premises that includes the following details:
 - 4.1 environment protection licence number issued under the WMPC Act; and
 - 4.2 24 hour emergency contact details.
- 5 The licensee must cause a copy of this licence to be available for inspection by any person:
 - 5.1 in hard copy, form at the premises; and
 - 5.2 on the licensee's website.
- 6 The licensee must provide to the NT EPA, within 10 business days of a request, a copy of any document, monitoring data or other information in relation to the activity, in the format requested by the NT EPA.
- 7 All notices, reports, documents or other correspondence required to be provided as a condition of this licence, unless otherwise specified as a condition of this licence, must be provided in electronic form by uploading the document via NT EPA Online (or by emailing waste@nt.gov.au).
- 8 The NT EPA may require the licensee to revise or amend and resubmit any amended document. Where the NT EPA requires a document to be resubmitted, the licensee must submit it to the NT EPA by the date specified by the NT EPA.
- 9 The licensee must, for the duration of this licence, implement, maintain and follow a Consultation and Communication Plan which includes a strategy for communicating with persons who are likely to have a real interest in, or be affected by, the activity.
- 10 The licensee must maintain a Complaint Log for all complaints received by the licensee in relation to the activity.
- 11 The licensee must ensure that the Complaint Log includes, for each complaint received by the licensee, the following information:
 - 11.1 the person to whom the complaint was made;
 - 11.2 the person responsible for managing the complaint;
 - 11.3 the date and time the complaint was reported;
 - 11.4 the date and time of the event(s) that led to the complaint;
 - 11.5 the contact details of the complainant if known, or where no details are provided a note to that effect;

ENVIRONMENT PROTECTION LICENCE 283

- 11.6 the nature of the complaint;
 - 11.7 the nature of event(s) giving rise to the complaint;
 - 11.8 prevailing weather conditions at the time (where relevant to the complaint);
 - 11.9 the action taken in relation to the complaint, including any follow-up contact with the complainant;
and
 - 11.10 if no action was taken, why no action was taken.
- 12 The licensee must implement, maintain and follow an Emergency Response Plan that addresses procedures for responding to emergencies associated with the activity that may cause environmental harm.

EARLY SURRENDER OF LICENCE

- 13 Any reports, records or other information required or able to be provided by the licensee under this licence must be submitted to the NT EPA prior to the licensee surrendering the licence. If the date on which a report, record or other information is required falls after the date the licensee requests to surrender this licence, the licensee must provide the report, record or information as far as possible using data available to the licensee up to and including the date the request to surrender the licence is made.

OPERATIONAL

- 14 The licensee must not collect, transport, store, recycle, treat or dispose of listed waste other than the listed waste specified in Table 1.
- 15 The licensee must, without limiting an other condition of this licence, do all things reasonable and practicable to ensure the activity does not adversely affect the Declared Beneficial Uses and Objectives as declared from time to time, including those applying to:
- 15.1 Darwin Rural Water Control District (Northern Territory Government Gazette No. G21, 2 June 1999); and
 - 15.2 Darwin Harbour Region (Northern Territory Government Gazette No. G27, 7 July 2010).
- 16 The licensee must ensure any plant and equipment used by the licensee in conducting the activity:
- 16.1 is reasonably fit for the purpose and use to which it is put;
 - 16.2 is maintained;
 - 16.3 is operated by a person trained to use the plant and equipment; and
 - 16.4 is operated by, or operated by a person accompanied by, a person trained to handle, store or dispose of listed waste in connection with the activity.
- 17 No change, replacement, or alteration of plant or equipment is permitted if the change, replacement or alteration increases the risk of environmental harm, unless approved by the NT EPA.

ENVIRONMENT PROTECTION LICENCE 283

DISCHARGES AND EMISSIONS

Discharges to water

- 18 This licence authorises the discharge of wastewater to Blackmore River (Darwin Harbour) from the authorised discharge point as identified in Table 2 and Attachment 3, and as otherwise allowed in accordance with the conditions of this licence.

Table 2 - Authorised Discharge Point

Authorised Discharge Point	Description	Source(s)	Location
TSF Discharge 1	A continual gravitational flow system whereby wastewater is released from the discharge pond via the authorised discharge point.	Wastewater from the operation of a pearl oyster aquaculture facility. Wastewater contains <i>Animal effluent and residues</i> from production ponds or tanks.	Latitude: -12.56831 Longitude: 130.91230

Note: See Attachment 2 - Site Plan and Attachment 3 - Monitoring Locations (including TSF Discharge 1).

- 19 The licensee must ensure that all discharge events at each authorised discharge point consist only of waste from the source(s) as specified in Table 2.
- 20 The licensee must ensure that the discharge from the authorised discharge point does not exceed the trigger values at the compliance point, in accordance with Attachment 1.
- 21 The licensee must, for each authorised discharge point, install, operate and maintain a device to measure and record:
- 21.1 the discharge rate of flow; and
 - 21.2 the discharge volume.
- 22 The licensee must ensure that the discharge from all discharge events at each authorised discharge point does not:
- 22.1 contain any floating debris, oil, grease, petroleum hydrocarbon sheen, scum, litter or other objectionable matter;
 - 22.2 cause or generate odours which would adversely affect the use of surrounding waters;
 - 22.3 cause algal blooms in the receiving water;
 - 22.4 cause visible change in the behaviour of fish or other aquatic organisms in the receiving water;
 - 22.5 cause mortality of fish or other aquatic organisms; or
 - 22.6 cause adverse impacts on plants.

ENVIRONMENT PROTECTION LICENCE 283

MONITORING

- 23 The licensee must conduct surface water monitoring in accordance with Attachment 1 ("the Monitoring Plan").
- 24 The licensee must ensure that all samples and field environmental data are representative of the conditions at the time of sampling.
- 25 The licensee must ensure that all samples and field environmental data are collected in accordance with recognised Australian Standards and guidelines (such as AS/NZS 5667, ANZECC/ARMCANZ)
- 26 The licensee must ensure that all monitoring samples are analysed at a laboratory with current NATA accreditation or equivalent, for the parameters to be measured.
- 27 The licensee must for all land based monitoring points specified in the Monitoring Plan:
- 27.1 install and maintain appropriate identification signage so that they are reasonably identifiable at all times; and
 - 27.2 maintain safe access and egress, as is reasonably practicable.
- 28 The licensee must ensure any samples collected in accordance with the Monitoring Plan or in connection with the activity or this licence, are obtained by, or under the supervision of a qualified sampler.
- 29 The licensee must ensure that, for each sample collected in accordance with the Monitoring Plan or the activity, the following information is recorded and retained:
- 29.1 the date on which the sample was collected;
 - 29.2 the time at which the sample was collected;
 - 29.3 the location at which the sample was collected;
 - 29.4 the name of the person who collected the sample;
 - 29.5 the chain of custody forms relating to the sample;
 - 29.6 the field measurements (if any) and analytical results (if any) relating to the sample; and
 - 29.7 laboratory quality assurance and quality control documentation.

RECORDING AND REPORTING

- 30 The licensee must retain records relating to waste, including listed waste, as required by the conditions of this licence, for a period of 2 years after the end of the 12 month period to which the record relates.
- 31 The licensee must keep records of all non-compliances with this licence. These records must be adequate to enable the licensee to comply with the non-compliance notification conditions of this licence.
- 32 The licensee must notify the NT EPA of any non-compliance with this licence by completing the Non-Compliance Notification via NT EPA Online (or by emailing waste@nt.gov.au), as soon as practicable after (and in any case within 24 hours after) first becoming aware of the non-compliance.
- 33 The licensee must include in the notification of non-compliance the following information:
- 33.1 when the non-compliance was detected and by whom;
 - 33.2 the date and time of the non-compliance;

ENVIRONMENT PROTECTION LICENCE 283

- 33.3 the actual and potential causes and contributing factors to the non-compliance;
 - 33.4 the risk of environmental harm arising from the non-compliance;
 - 33.5 the action(s) that have or will be undertaken to mitigate any environmental harm arising from the non-compliance;
 - 33.6 corrective actions that have or will be undertaken to ensure the non-compliance does not reoccur;
 - 33.7 if no action was taken, why no action was taken; and
 - 33.8 a date when an incident investigation report will be submitted to the NT EPA.
- 34 A non-compliance with this licence includes:
- 34.1 an exceedance of a trigger value at the compliance point, as specified in Attachment 1, on three consecutive sampling occasions;
 - 34.2 an exceedance of three times or more a trigger value at the compliance point, as specified in Attachment 1, on a single sampling occasion.
- 35 The licensee must keep electronic records of all water quality monitoring results for both laboratory analysis and field parameters, as specified in Attachment 1.
- 36 The licensee must keep records of all exceedances of trigger values specified in Attachment 1. The licensee must ensure that the record includes the following information:
- 36.1 when the exceedance was detected and by whom;
 - 36.2 the date and time of the exceedance;
 - 36.3 the actual and potential causes and contributing factors to the exceedance;
 - 36.4 the risk of environmental harm arising from the exceedance assessed against Attachment 1;
 - 36.5 the action(s) that have or will be undertaken to address the exceedance and/or environmental harm; and
 - 36.6 if no action was taken, why no action was taken.
- 37 The licensee must as soon as practicable (and in any case within 24 hours) after becoming aware, notify the NT EPA of any potential or actual environmental harm or pollution.
- 38 The licensee must comply with the requirements of section 14 of the WMPC Act.
- 39 The licensee must submit a completed Annual Return via NT EPA Online within 10 business days after each anniversary date of this licence, which relates to the preceding 12 month period.
- 40 The licensee must complete and provide to the NT EPA a Monitoring Report, as prescribed by this licence, within 10 business days after each anniversary date of this licence.
- 41 The licensee must ensure that each Monitoring Report:
- 41.1 is prepared in accordance with the requirements of the NT EPA 'Guideline for Reporting on Environmental Monitoring';
 - 41.2 includes a tabulation of all monitoring data required as a condition of this licence, provided both as an attachment to the Monitoring Report and electronically in Microsoft Excel format;
 - 41.3 includes an analysis of the monitoring data to demonstrate any influence on water quality associated with the activity;

ENVIRONMENT PROTECTION LICENCE 283

- 41.4 includes the relevant laboratory quality assurance and quality control documentation as an Appendix to the Monitoring Report;
 - 41.5 includes long term trend analysis of monitoring data to demonstrate any environmental impact associated with the activity over a minimum period of three years (where the data is available);
 - 41.6 includes an assessment of environmental impact from the activity based on annualised monitoring data (annual means) compared against trigger values in Attachment 1; and
 - 41.7 includes a review of the water quality monitoring program and provides recommendations on monitoring frequency, parameters and site specific trigger values (SSTVs).
- 42 The NT EPA may require the licensee to revise or amend and resubmit any Monitoring Report. Where the NT EPA requires the Monitoring Report to be resubmitted, the licensee must submit it to the NT EPA by the date specified by the NT EPA.

PERFORMANCE IMPROVEMENT

- 43 The licensee must provide to the NT EPA, within 6 months of the commencement date of this licence, an updated Consultation and Communication Plan, which meets the requirements of condition 9.
- 44 The licensee must provide to the NT EPA, within 6 months of the commencement date of this licence, an updated Emergency Response Plan which meets the requirements of condition 12.
- 45 The licensee must provide to the NT EPA, within 12 months of the commencement date of this licence, an updated Environmental Management Plan. The licensee must ensure that the Environmental Management Plan:
- 45.1 advises how wastewater discharge quality, disposal of animal residues, noise, odour and hazardous substances will be managed to avoid adverse impacts on the environment;
 - 45.2 is drafted in accordance with requirements the NT EPA Guideline 'Preparation of an Environmental Management Plan'; and
 - 45.3 provides information on how potential risks from nutrient enrichment in the receiving environment associated with the activity will be minimised.

ENVIRONMENT PROTECTION LICENCE 283

END OF LICENCE CONDITIONS

This licence is not valid unless signed below:



Leonie Cooper
Director Environment Authorisations
Delegate of the Northern Territory
Environment Protection Authority
Dated: 28/11/2019

ENVIRONMENT PROTECTION LICENCE 283

DEFINITIONS

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

DEFINITION	In this licence, unless a contrary intention appears:
24 hour emergency contact	the phone number of a person who can be contacted at any time and be capable of responding to and providing information about any incident associated with the activity.
Activity	the Scheduled activity as described on the covering page of this licence.
Annual fee	yearly fee payable in respect of the activity as specified in the WMPC Act and the Regulations.
Annual Return	an NT EPA prescribed format for demonstrating and reporting compliance with the conditions of this licence and providing information on waste volumes for the preceding 12 month period.
ANZECC/ARMCANZ	Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand, 2000: National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting.
Business days	a day not Saturday, Sunday or a public holiday, in the Northern Territory.
Complaint Log	a register of complaints to be maintained by the Licensee that records the details of each complaint received in relation to the activity.
Consultation and Communication Plan	a written plan documenting proposed consultation and communications for the activity before, during and after the activity which includes a strategy for communicating with members of the public who are likely to have a real interest in, or be affected by, the activity.
Contact details	includes the 24 hour emergency contact, and name, position title and phone number of a representative of the licensee who can be contacted about the licence and activity.
Contaminant	a solid, liquid or gas or any combination of such substances and includes: (a) noise, odour, heat and electromagnetic radiation; (b) a prescribed substance or prescribed class of substances; and (c) a substance having a prescribed property or prescribed class of properties.
Discharges	allow a liquid, gas or other substance to flow out from where it has been confined.
Emergency Response Plan	a written plan documenting the licensee's procedures for responding to emergencies caused by, resulting from or associated with the activity and that may cause environmental harm.
Environmental harm	(a) any harm to or adverse effect on the environment; or (b) any potential harm (including the risk of harm and future harm) to or potential adverse effect on the environment, of any degree or duration and includes environmental nuisance.
Environmental nuisance	means: (a) an adverse effect on the amenity of an area that:

ENVIRONMENT PROTECTION LICENCE 283

	(i) is caused by noise, smoke, dust, fumes or odour; and (ii) unreasonably interferes with or is likely to unreasonably interfere with the enjoyment of the area by persons who occupy a place within the area or are otherwise lawfully in the area; or (b) an unsightly or offensive condition caused by contaminants or waste.
Incident	includes: (a) an accident, emergency or malfunction; and (b) a deliberate action, whether or not that action was taken by the person conducting the activity in the course of which the incident occurred.
Land	includes water and air on, above or under land.
Listed waste	a waste included under Schedule 2 of the Regulations.
Maintain	kept in a manner that it does not present or cause a risk of environmental harm or a hazard to persons or property or, for the purposes of documents including plans, a process of reviewing and amending documentation to ensure it is relevant.
Material environmental harm	environmental harm that: (a) is not trivial or negligible in nature; (b) consists of an environmental nuisance of a high impact or on a wide scale; (c) results, or is likely to result, in not more than \$50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the environmental harm or rehabilitate the environment; or (d) results in actual or potential loss or damage to the value of not more than \$50,000 or the prescribed amount (whichever is greater).
NATA	National Association of Testing Authorities, Australia.
Non-compliance	failure or refusal to comply, whether by act or omission, with obligations or requirements and includes any exceedance of a licence limit.
Non-compliance notification	an NT EPA prescribed format for notifying the NT EPA of a non-compliance.
NT EPA Online	online system for Environment Protection Licence (EPL), Environment Protection Approval (EPA) and Waste Discharge Licence (WDL) lodgement and maintenance.
Plant and equipment	all material items used in association with the activity, including (but not limited to) storage vessels and containers, pipe work and hosing, vehicles (including vessels), tools, and measuring equipment.
Pollute	(a) emit, discharge, deposit, or disturb, directly or indirectly, a contaminant or waste; or (b) cause, permit, or fail to prevent, directly or indirectly, the emission, discharge, deposition, disturbance or escape of a contaminant or waste.
Pollution	(a) a contaminant or waste that is emitted, discharged, deposited or disturbed or that escapes; or (b) a contaminant or waste, effect or phenomenon, that is present in the environment as a consequence of an emission, discharge, deposition, escape or disturbance or a contaminant or waste.
Premises	the premises identified in this licence which includes equipment, plant and structures, whether stationary or portable, and the land on which premises are situated.
Public entrance	access to the premises that is utilised by the public.

ENVIRONMENT PROTECTION LICENCE 283

Qualified sampler	a person who has training and experience in obtaining samples from the relevant environmental medium.
Regulations	<i>Waste Management and Pollution Control (Administration) Regulations.</i>
Serious environmental harm	environmental harm that is more serious than material environmental harm and includes environmental harm that: (a) is irreversible or otherwise of a high impact or on a wide scale; (b) damages an aspect of the environment that is of a high conservation value, high cultural value or high community value or is of special significance; (c) results or is likely to result in more than \$50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the environmental harm or rehabilitate the environment; or (d) results in actual or potential loss or damage to the value of more than \$50,000 or the prescribed amount (whichever is greater).
Stormwater	water flowing over ground surfaces, in natural streams and drains as a direct result of rainfall over a catchment and consists primarily of rainfall runoff.
Trigger values	assigned value for each indicator used to assess the risk to an environmental value, a value that initiates some type of pre-defined management action.
Waste	(a) a solid, a liquid or a gas; or (b) a mixture of such substances, that is or are left over, surplus or an unwanted by-product from any activity (whether or not the substance is of value) and includes a prescribed substance or class of substances.
Wastewater	water that contains a contaminant or waste.
Water	includes: (a) surface water, ground water and tidal waters; (b) coastal waters of the Territory, within the meaning of the <i>Coastal Waters (Northern Territory Powers) Act 1980</i> of the Commonwealth; and (c) water containing an impurity.
WMPC Act	the Northern Territory <i>Waste Management and Pollution Control Act</i> .