Guidelines on waste discharge licensing under the Northern Territory Water Act 1992

NORTHERN TERRITORY GOVERNMENT

Document Control

Document title	*Guidelines on waste discharge licensing under the Northern Territory Water Act 1992*
Contact details	Environment Division
Approved by	
Date approved	
Document review	Annually
TRM number	NTEPA2020/0095-001~0008

Document change history

The following table records the history of any significant changes made to this document. The version number of the document is incremented as follows:

- by 1.0 for significant changes
- by 0.1 for changes made for clarity and reading ease only

Version	Date	Author	Changes made
0.1	16/12/2020	Mark Donnelly	Draft
0.2	30/01/2021	Leonie Cooper	Review
1.0	7/07/2021	Freya Mulvey	Review and addition of details on amendment, transfer, surrender, revoking and reviewing WDLs
1.1	16/05/2022	Tess Cole-Adams	Review

Acronyms	Full form
DEPWS	Department of Environment, Parks and Water Security
EIS	Environmental Impact Statement
NT	Northern Territory
NT EPA	Northern Territory Environment Protection Authority
NTG	Northern Territory Government
PER	Public Environmental Report
WDL	Waste Discharge Licence

Contents

1. Purpose

In the Northern Territory it is an offence to allow waste to come into contact with water or water to be polluted. The presence of waste or pollutants in water may present a risk to the environment and public health. Discharge of waste or pollutants to water may lead to the accumulation of contaminants in surface water, groundwater, sediments, animals and plants. Waste or pollutants can reduce ecosystem function, make waterways unsafe for recreational use, and contaminate domestic and livestock drinking water supplies.

In the Northern Territory (NT) the Controller of Water Resources (Controller) has the statutory power to grant waste discharge licences (WDL) to grant to a person a WDL to carry out an action that would otherwise be an offence against the Act. WDLs are most commonly granted for waste discharges associated with the following activities:

- Controlled discharge of treated waste water from sewage treatment plants
- Controlled discharge of treated waste water from mining leases
- Dredged material (spoil) disposal within NT coastal waters

This document provides guidance to persons who may want to apply for, amend, modify, transfer or surrender a WDL under the *Water Act 1992* (NT) (the Act), and sets out the rights and responsibilities of the holder of a WDL.

2. Scope

These guidelines relate to:

- the grant or renewal of a WDL under section 74 of the Act,
- WDL amendment, modification and revocation under section 93 of the Act,
- WDL transfer under section 92 of the Act, and
- surrender of a WDL under section 94 of the Act.

These guidelines do not extend to the grant of any other licence or approval under the Act.

In considering the grant, amendment, modification, revocation or renewal of WDLs, the following guidelines and principles will be considered.

- Water quality standards issued from time to time pursuant to s 73 of the Act.
- The National Water Quality Management Strategy.
- Ecologically sustainable development of Australia's water resources.
- Australian & New Zealand Guidelines for Fresh & Marine Water Quality (Water Quality Guidelines).
- Declared beneficial uses and water quality objectives made under the Act.
- Natural justice (procedural fairness).

There will be an emphasis on identifying existing problems, minimising environmental impacts and reducing environmental risk. Licensees and applicants are encouraged to take responsibility for their actions and to continually improve their environmental performance.

3. What is a waste discharge licence (WDL)

A WDL is an authorisation under the Act that permits waste to be discharged or come in contact with water. A WDL contains a number of conditions to regulate the quality and quantity of waste and/or pollutants discharged to water to protect the ecosystem function, use of land, public water supply, rural water supply, activities such as fishing, recreation and tourism, and future economic development.

As a whole, WDLs provide a transparent and consistent basis for the regulation of potentially polluting activities, ensuring that industry operates in a manner consistent with the triple bottom line principles of social, economic and environmental responsibility.

It is important to note that:

- The Act does not apply to waste and pollution that occurs in the course of carrying out a mining or petroleum activity, where the waste or pollution is confined within the boundary of a mining or petroleum site (section 7 of the Act). This means that a WDL can only be applied when pollutants leave the boundary of a mining or petroleum site. Management of waste and pollutants within the boundary of a mine or petroleum site (or mine lease) is regulated under the *Mine Management Act 2001* (NT) or *Petroleum Act 1984* (NT).
- There is no right to obtain a WDL. A WDL will only be granted if the polluting activity will not cause material or significant environmental harm and it can be demonstrated that all reasonable and practicable measures have been taken to minimise the discharge of pollutants to water. Environmental considerations and natural justice principles (procedural fairness) are applied in reaching decisions for granting a WDL.
- WDLs are not granted for discharges to stormwater drainage systems. No waste or pollutants should be discharged or disposed of into stormwater or stormwater drains.
- WDLs can be granted for up to ten years (section 74(3) of the Act) and can be surrendered at any time (section 94 of the Act).

4. Do I need a waste discharge licence

All activities that discharge waste to water require a WDL. A WDL is required if, in the course of an activity, waste comes into contact with water or where there is a risk of polluting water or a risk of a waste coming into contact with water.

As examples, discharges generated by the following activities have been granted WDLs:

- wastewater treatment plants or sewage plants;
- mine sites;
- dredged material (spoil) disposal within the NT Coastal Waters.

A WDL may also be required for activities that involve discharging to land where the discharge may seep into the land and cause pollution to groundwater.

5. Public register of waste discharge licences

WDLs are maintained on a register that is freely available to the public (WDL Public Register).

Any plans for environmental management, including monitoring plans and reports as a condition of a WDL are available on the individual licence pages.

6. How do I obtain a waste discharge licence

A person must apply for a WDL using the approved application form. Application forms can be obtained from How to Apply.

Any person conducting an activity that includes a discharge to water must apply for a WDL noting that it is an offence under the Act to allow waste to come into contact with water or to pollute water without authorisation (section 16(2B) of the Act).

A separate WDL is required for each activity, as each application must be assessed individually on its merits. Batch applications will not be accepted.

Regulation 15(2)(b) of the *Water Regulations 1992* (NT) (Regulations) requires that applications for renewal of a WDL be submitted at least 60 business days prior to expiry of the WDL.

For applications other than an application for renewal of a WDL, the Controller of Water also advises the application be submitted at least 60 business days prior to when the licence will be required.

The Controller advises that the process of assessing a WDL application may take up to 60 business days depending on the complexity of the proposal and the potential environmental risks. For very complex applications this process may be longer. The timeframe for assessment does not begin until all required information is submitted and the application is accepted by the Department of Environment, Parks and Water Security (DEPWS).

Applications should be lodged electronically by emailing waste@nt.gov.au.

7. What information is required for an application

7.1. Applicant details

This section must be completed by the person or entity that will hold the licence. The applicant must be the person, body corporate, statutory authority, council or incorporated association with overall management and control of the activity generating the discharge to water.

Licences cannot be issued to a partnership, a joint venture name or a trading name. If several individuals operate a partnership, the WDL can be issued to one or more of the persons involved. Where a company is the operator, it is essential that the company holds the WDL not an individual manager or director. The name of the company to be licensed must be the registered name of the company.

For further information on joint interests refer to regulation 18 of the Regulations.

7.2. Location of the premises

The location of the premises to which the activity applies must be clearly identified. Identification details including Land Search Parcel number, Lot number, Folio identifier or Volume-folio, Registered Deed number and/or mineral/petroleum title references must be provided as applicable.

The coordinates for the points of interchange for the boundaries of the site must be included. For example, if the site is close to rectangular, four sets of coordinates taken at the corners of the rectangle would be sufficient. However, if the site is a different shape please include as many readings as necessary to clearly identify the land included.

The coordinates must be recorded in longitude and latitude using decimal degrees with a minimum of five decimal places including relevant mapping references.

The applicant must provide a location map in relation to surrounding land uses, drawn to scale showing:

- Scale bars;
- True north;
- Contours;
- Site boundaries;
- Other adjoining premises (residential, commercial and/or industrial);
- All sensitive ecological receptors and local water drainage areas, including all nearby creeks, wetlands, lakes, rivers, endangered flora and fauna, local habitats;
- Discharge points and expected flow or course to receiving waters;
- Proposed mixing zone, if any; and
- The location of proposed monitoring points including in-stream monitoring points that demonstrate the extent of impact of the proposed discharge.

7.3. Emergency contact

The Controller requires information on who will be the emergency contact for the licensed activity. This person must be contactable 24 hours a day and be capable of responding to incidents associated with the licensed activity.

7.4. Permission to use land

Where an activity generating the waste to be discharged is conducted on land owned by a person or entity other than the WDL applicant, or where the waste traverses over land that is owned by a person or entity other than the WDL applicant, evidence of permission to use land for the purpose must be provided with a WDL application. Permission must be provided by the land owner. Where land owner consent cannot be provided a note to that effect with reasons must be provided with a WDL application.

7.5. Activity

The applicant must specify the activities relating to the WDL application and those that create the waste discharge.

This must include details of the activity that are essential for predicting impact to water, including microbiological and physicochemical properties and concentration of all wastewater pollutants and the risks they pose to the receiving waters, for example the resource being mined, any treatment processes, and the nature and characteristics of the discharge.

The applicant must provide scale diagrams of site design, layout and discharge processes showing:

- True north;
- Existing and/or proposed facilities;
- Plans and cross-sectional drawings of existing and/or proposed works, including inlet and outlet points, baffles or other works to be installed at the discharge point;
- A longitudinal-section drawing along the outfall drainpipe or diffuser for the disposal of waste to waters; and
- A schematic flow diagram of the treatment and disposal processes proposed, including a piping and instrument diagram where appropriate.

The applicant must provide details of any treatment that occurs prior to discharge

7.6. Discharge points

The applicant must provide details of all discharge points pertaining to the licensed activity.

The coordinates must be recorded in longitude and latitude using decimal degrees with a minimum of five decimal places including relevant mapping references.

The description of the discharge point(s) must include proximity of the discharge to water and an assessment of the sensitivity/significance from an environmental, cultural, and/or economic perceptive. Beneficial Use Declarations and Sites of Conservation Significance will assist in identifying environmental values and are available on the following websites:

Beneficial Use Declarations

Biodiversity Conservation Sites

7.7. Mixing zone

The applicant should clearly identify any proposed mixing zone. The Controller requires on a case by case basis any proposed mixing zone to be supported by a model with data. For further information on mixing zones refer to the *Guidelines on Mixing* Zones which is available here:

Guidelines for Mixing Zones

7.8. Factors to be considered under section 90 of the Act

In deciding whether to grant, amend or modify a licence the Controller must take any number of factors into account. The relevant factors are described below.

7.8.1. The availability of water in the area in question

The applicant should provide sufficient discussion on the availability of water in the area subject to the proposed discharge. This discussion may consider any potential impacts the proposed discharge(s) may have in relation to water availability for other uses and/or the available options with respect to water receiving the proposed discharge(s). Water availability information may be sought from Water Resources Division.

7.8.2. Water allocation plans applying to the area in question

The Act allows for enhanced water resource management in certain areas through the development of Water Allocation Plans. The applicant should be familiar with and identify in the application what, if any, Water Allocation Plans are in effect for the region in which the proposed discharge(s) will occur. Water Allocation Plans are administered by Water Resources Division. Further information on Water Allocation Plans is available from the Water Licensing Portal

7.8.3. The existing and likely future demand for water for domestic purposes in the area in question

The applicant must consider the existing and future demand for water for domestic purposes from the proposed discharge area and the potential impact of the proposed discharge on this specific use. This information, and how the potential risks (if any) are to be addressed, must be submitted with the WDL application. Information on existing and future demand for water for domestic purposes may be available from the Department.

7.8.4. Adverse effects likely to be created as a result of activities under the permit, licence or consent on the supply of water to which any person other than the applicant is entitled under this Act

The applicant should describe what, if any, adverse effects the discharge(s) is likely to create as a result of the licensed activity on anyone else who may be using, or exposed to, the receiving water body and how these will be managed.

7.8.5. The quantity or quality of water to which the applicant is or may be entitled from other sources

The applicant is required to provide copies of permits or licences which entitle the applicant to water. Where no permits or licences are held by the applicant a statement to this effect must be provided.

7.8.6. The designated beneficial uses of the water and the quality criteria pertaining to the beneficial uses

Information on the beneficial uses of the receiving water body and/or water bodies downstream of the receiving water body must be provided and the water quality objectives, if any are prescribed, should be outlined. A description of the measures proposed to protect the designated beneficial uses should be included.

7.8.7. The provisions of any agreement made by or on behalf of the Territory with a State of the Commonwealth concerning the sharing of water

Include information, where known, of any agreements between the Northern Territory and State or Commonwealth governments relating to the receiving water body. This would be particularly relevant when discharges enter water bodies that may cross jurisdictions (for example, the Ord River Scheme).

7.8.8. The existing or proposed facilities on, or in the area of, the land in question for the retention, recovery or release of drainage water, whether surface or sub-surface drainage water

Provide a summary of other activities conducted upstream and downstream of the proposed discharge. Consider who else is using water from the receiving water body or catchment area and how they might be using the water. For example, are there others who may be discharging or extracting water, or participating in recreational or cultural activities in the same receiving water body and catchment area.

7.8.9. The adverse effects, if any, likely to be created by such drainage water resulting from activities under the licence on the quality of any other water or on the use or potential use of any other land

The information required to address this factor should consider the impacts if any of the proposed discharge(s) on any other water or land use current or future. In other words, will the discharge(s) alter the way the surrounding water or land may be used today or in the future.

7.8.10. The provisions under the Planning Act relating to the development or use of land in the area in question

Information must be provided to demonstrate that the activity being conducted in association with the proposed discharge(s) is consistent with the provisions of the *Planning Act*, or where there is no zoning or the *Planning Act* does not apply, a statement to that effect. The statement may be in the form of a copy of the *Administrative Title* available through Land Title Searches. Refer to this site for more information on Land Use Zones. The applicant should describe the zoning of the land and whether or not the activity is permitted within the zone.

Under the *Planning Act* many developments in the Northern Territory, new and/or modifications to existing activities, including zone changes, require a Development Application which is available through Development Applications Online. A copy of the Development Consent Permit and details of how the consent conditions that relate to an applicant's WDL application will be met, must be submitted with a licence application. Where a Development Consent Permit has not been issued the applicant must provide a statement to that effect.

7.8.11. Other factors the Controller considers should be taken into account or that the Controller is required to take into account under any other law in force in the Territory

Provide a summary of any other information, including supporting documentation, you think that the Controller or their delegate should consider when assessing your WDL application. This may be information relating to your performance under other licences or permits granted under the Act or your activities in other jurisdictions.

8. Application supporting documentation

8.1. Environmental assessment

The Applicant must provide information as to whether the activity required environmental assessment under the *Environment Protection Act 2019* (EP Act). Evidence must be provided as to whether assessment at the Supplementary Environmental Report (SER) or Environmental Impact Statement (EIS) level was required or not.

A description of how the requirements of the EIS or SER will be implemented and adhered to and how the recommendations in the Environmental Assessment Report and/or Environmental Approval, relevant to the WDL application, have been addressed must be included with a WDL application.

The Controller strongly recommends that applicants refer the proposed activity to the NT EPA prior to submitting a WDL application. This is to ensure licence applications are in an acceptable form and contain the information required by the Controller to enable it to be accepted, assessed and an appropriate decision made in a timely manner. It is not a statutory requirement, however it can be a critical administrative process to ensure the applications can be efficiently and accurately assessed.

Under section 50(2)(c) of the EP Act, the Controller may refer an application for a WDL to the NT EPA where a proponent does not refer an action to the NT EPA that the Controller considers should be referred.

8.2. Mining and petroleum sites

Where the WDL application relates to a mining or petroleum site the applicant must submit:

- a copy of their authorisation to carry out mining or petroleum activities;

- the parts of the most current approved mine management plan or the equivalent for petroleum activities that relate to waste water management; and
- the most recent environmental monitoring report with the WDL application.

8.3. Waste discharge licence justification

A justification for why a WDL should be issued must be submitted with all WDL applications. The justification should include a comparative analysis of considered options including environmental criteria and an application of the waste hierarchy.

The WDL application will not be considered to have sufficient information unless a robust justification is included.

8.4. Improvement plan

Where applicable an Improvement Plan must be submitted as a demonstration of commitment to the reduction and/or elimination of discharge(s) through improved waste quality and processes.

The Improvement Plan must focus on reducing the zone of impact or any declared mixing zone and progressively move towards the discharge quality not compromising any beneficial use declaration or relevant water quality criteria for the receiving waters. Unless otherwise specified, the water quality criteria are those derived from the Water Quality Guidelines.

An Improvement Plan may extend over a number of years in excess of 2 year WDL. The plan may be used to inform licence conditions relating to preventing or minimising pollution or legacy issues.

8.5. Discharge specifications

A proposed discharge schedule must be submitted with the WDL application. The discharge schedule must list the details for each discharge point. It must indicate discharge flow rates, duration of discharge, discharge volume(s), time(s) of discharge and discharge patterns and monitoring regimes and must demonstrate consideration of the water cycle based on tides and seasonal variations. Where rates or volumes are unknown, an estimation, including how the estimated rate(s) and volume(s) have been determined, must be provided.

The proposed discharge specifications for each discharge point, must include a description of mechanisms for the control and measure of discharge(s), and details of major items of equipment (for example aerators, diffusers, sprinkler types, pumps).

Proposed discharge specifications must include a description of the concentration of pollutants both before and after treatment at the point of discharge. Pollutants and indicators must be defined in accordance with the type of activity and assessment criteria determined by the beneficial use of the receiving waters. Unless otherwise specified in a beneficial use declaration the water quality criteria for pollutants in a receiving water body are those specified in Water Quality Guidelines or any future revisions.

Proposed discharge specifications should include criteria for discharge(s) (e.g. flow rate, river height, dilution etc.), trigger values and monitoring regimes. They must take into consideration the characteristics and hydrology of the receiving waters and the cumulative effects of a number of pollutants.

Where proposed discharge specifications are reliant on dilution the dilution factor must be specified including information on how the dilution factor was determined (e.g. ecotoxicology reports).

The discharge schedule must describe, where applicable, the details of multiple point discharges and their combined impact.

8.6. Monitoring plan

The application must be accompanied by a proposed monitoring plan designed to assess any potential impacts associated with the waste discharge(s) for approval by the Controller.

The Water Quality Guidelines and the *Australian/New Zealand Standards for Water Quality AS 5667* provide suitable references for the development of monitoring plans and selection of appropriate monitoring points, including monitoring points to demonstrate compliance with a declared mixing zone.

The monitoring plan should include provision for the analysis of physico-chemical, biological and chemical parameters of discharge waters, receiving waters and sediments to be conducted by laboratories accredited by the National Association of Testing Authorities (NATA) or equivalent.

Monitoring plans should incorporate upstream, in-stream and downstream monitoring points to assess and demonstrate the extent of the potential impact of the waste discharge(s) on the beneficial uses of the receiving water. Where applicable monitoring plans should include parameters to assess the potential impacts associated with beneficial uses that include human consumption of aquatic foods and/or drinking water.

8.7. Monitoring reports

For activities with a history of monitoring, including water quality, sediment, biological or other monitoring, a tablature and trend analysis of monitoring results associated with the discharge(s) must be provided. These results must reflect the assessment criteria and discharge specifications in accordance with any defined monitoring plan and cover multiple Wet and Dry seasons where data are available.

For new activities or activities with no history of monitoring, microbiological and physio-chemical data of comparable discharge water and a reference point in the receiving waters must be submitted as part of the application.

8.8. Conceptual site model

A conceptual site model should be developed to:

- identify the primary source(s) of contamination in the environment and the key contaminants of concern;
- show how these contaminants of concern, at the original point of release, might move in the environment (fate and transport);
- identify the different ecological receptors (e.g. birds, mammals, fish, plants) that might come into contact with the discharge; and
- list the potential exposure pathways (e.g., ingestion of contaminated water, ingestion of contaminants in soil or food, direct contact with contaminated soil or water) that may occur for each population.

The extent and complexity of the conceptual model should reflect the environmental risks of the discharge. A guideline on conceptual models is available at:

Guideline for Conceptual Site Models

The conceptual site model will assist in identifying risks and risk mitigation measures and the refinement and development of monitoring plans by identifying sites and parameters to assess and monitor potential impacts.

8.9. Environmental aspects and impacts register

The register is a record of the environmental aspects and impacts associated with waste discharge specific to discharge points and receiving waters which have or can have a significant impact on the environment. All environmental aspects and impacts associated with waste discharge(s) specific to discharge points and receiving waters must have appropriate management/mitigation controls in place. Details as to how the environmental aspects will be managed must be provided. The length and detail of the register should reflect the complexity of the proposed management and mitigation plans. The register should:

- describe existing environmental conditions prior to discharge as evidence of baseline data from which to measure impact of discharge;
- identify potential pollutants and estimate discharges by quantity, source and discharge point;
- estimate the nature and extent of all pollutants (surface waters, ground water and sediment) and whether a mixing or impact zone is required;
- describe the fate and effects of pollutant(s) using biological, physio-chemical and ecotoxicological evidence, including an assessment of cumulative impact in the environment;
- describe the methodology used for the assessment; and
- the assessment must identify gaps in information and data relevant to significant impacts of the proposal and actions proposed to address the gaps to enable the development of appropriate management actions.

8.10. Emergency response plan

An emergency response plan that includes contingency plans for addressing unexpected weather events (e.g. floods, cyclones and unseasonal rain), fire, spills, mechanical failure or malfunction that may impact the nature of the discharge must be included with the application.

The emergency response plan should consider the cumulative impacts of discharges associated with unexpected events.

The emergency response plan should include, where applicable, procedures for reporting events to the NT EPA Pollution Hotline.

8.11. Consultation and communication plan

A consultation and communication plan must describe the consultation process conducted with key stakeholders and interested community members prior to the submission of a WDL application and the outcomes, and an ongoing plan for communicating with the same for the duration of the licence period.

A consultation and communication plan describes the mechanisms for communicating with key stakeholders and should be tailored to the needs of the licensed activity.

The communication plan must clearly identify key stakeholders, what information will be provided to specific stakeholders, why that information is important to communicate and when and how the information will be provided.

The communication plan must incorporate a process for recording and managing complaints and must include a process for recording the following details:

- the date and time of the complaint;
- the contact details of the complainant, or where no details are provided a note to that effect;
- the nature of the complaint;
- the nature of the incident giving rise to the complaint;
- prevailing weather conditions at the time of the incident; and
- the action taken in relation to the complaint, including any follow-up contact with the complainant.

8.12. Declaration

The declaration must be completed by the applicant or by a person(s) who is/are authorised to act for the applicant.

9. Amending or modifying a waste discharge licence

The Controller may, during the currency of a licence, serve a notice on the holder of the licence amending or modifying the terms and conditions of the licence in such manner as specified in the notice.

A licence holder may use the Departmental form to make an application to amend its WDL. To allow for the application to be processed, the Department recommends any such application be submitted at least 60 business days prior to the expiry of the Licence.

10. Renewing a waste discharge licence

A person who holds a permit or licence may renew it by applying for another permit or licence in accordance with the appropriate approved form. The application must be lodged at least 60 business days before the day the licence expires.

When considering whether to grant a licence renewal, the Controller must consider the appropriate approved form completed by the licensee, and those considerations in section 90 of the Act and set out above at 7.8. Non-compliance with an existing licence may be a reason for the Controller to determine not to renew a licence.

If amendments are proposed to be made to a renewed WDL, particularly the activity, discharge points, mixing zone, discharge specifications or monitoring plan, the amendments may need be processed separately to the renewal application.

11. Transfer a waste discharge licence

Where a licence is granted to a person in relation to the person's use of land and, during the period of the licence, the person's interest in the land is transferred to another person, the waste discharge licence shall be deemed to have also been transferred to the other person (section 92 Act).

As set out in the conditions of a licence, the licensee must ensure the contact details recorded with the Administering Agency for the licence are correct at all times. Accordingly, it is recommended the transferee complete the Controller of Water Resources approved notification of transfer of a waste discharge licence form.

12. Revoking a waste discharge licence

Where the Controller is satisfied that the holder of the licence has contravened or failed to comply with a term or condition of the licence or of any other licence previously held by the person for a similar purpose during the 12 months immediately preceding the grant of the first-mentioned licence, the Controller may, by notice served on the holder of the licence:

(a) revoke the licence; or

(b) suspend the licence for such period as is specified in the notice.

13. Application for review of decisions

In accordance with section 30 of the Act, a person aggrieved by a decision made by the Controller or their delegate in relation to a WDL, may apply to the Minister to have the decision reviewed. This provision does not apply where a decision is made subject to an order by the Supreme Court for the Controller to amend, modify or revoke a licence. An application to review a decision must be made within 30 days after a decision has been made or action taken (regulation 4 of the Regulations). The application must be made using the approved form available from the website at: Review a water decision - NT.GOV.AU.

14. Definitions

For the purposes of these Guidelines and in accordance with the section 16 of the Water *Act 1992* ("the Act"):

- *Water means*:

  a) water flowing or contained in a waterway;

  b) groundwater; or

  c) tidal water.

  - *Groundwater*[1] *means*: water occurring or obtained from below the surface of the ground (other than water contained in works, not being a bore, for the distribution, reticulation, transportation, storage or treatment of water or waste) and includes water occurring in or obtained from a bore or aquifer.

- Tidal water[1] means:

  a) water within the geographical area constituting the Northern Territory that is directly affected by the tide; and

  b) water within the geographical area constituting the Territory seaward of water referred to in paragraph (a) that is not coastal waters of the Territory within the meaning of the *Coastal Waters (Northern Territory Powers) Act 1980* of the Commonwealth; and

  c) coastal waters of the Territory within the meaning of the Coastal Waters (Northern Territory Powers) Act 1980 of the Commonwealth, declared under section 5(6) to be tidal waters.

[1] For complete definition see section 4 of the Act

- Waterway[1] means any of the following:

  a) a river, creek, stream or watercourse;

  b) a natural channel in which water flows, whether or not the flow is continuous;

  c) a channel formed wholly or partly by the alteration or relocation of a waterway described in paragraph (a) or (b);

  d) a lake, lagoon, swamp or marsh, whether formed by geomorphic processes or modified by works:

     i. in which water collects, whether or not the collection is continuous; and

     ii. into, through or out of which a current (which forms the flow or part of the flow of a river, creek, stream or watercourse) passes, whether or not that passage is continuous;

  e) land on which, as a result of works constructed on a waterway described in paragraph (a), (b) or (c), water collects, whether or not the collection is continuous;

  f) land which is intermittently covered by water from a waterway described in paragraph (a), (b), (c), (d) or (e), but does not include any artificial channel or work which diverts water away from such a waterway;

  g) if any land described in paragraph (f) forms part of a slope rising from the waterway to a definite lip, the land up to that lip; or

  ga) shallow groundwater immediately underlying the bed or banks of a waterway;

  h) land declared under section 5(1) of the Water Act to be a waterway.

- *Waste means*: includes a matter or thing whether wholly or partly in a solid, liquid or gaseous state, which, if added to water, may pollute the water.

- *Pollute means*: in relation to water, means directly or indirectly to alter the physical, thermal, chemical, biological or radioactive properties of the water so as to render it less fit for a prescribed beneficial use for which it is or may reasonably be used, or to cause a condition which is hazardous or potentially hazardous to:

  a) public health, safety or welfare;

  b) animals, birds, fish or aquatic life or other organisms; or

  c) plants.

Terms used in this Guideline which are defined in the *Water Act 1992* have the meaning given in that Act unless specifically indicated otherwise.

"the Act"	Means the *Water Act 1992*

"Beneficial Use"	Beneficial use has the same meaning as in the Act. Beneficial Use Declaration is a legislated process that aims to reduce the effects of water pollution. It is a consultative process whereby the community decides the uses that should be protected for a particular water body by choosing one or more beneficial uses of water which are described in section 4 (3) of the *Water Act* and listed below: (a) agriculture – to provide irrigation water for primary production including related research; (b) aquaculture – to provide water for commercial production of aquatic animals including related research; (c) public water supply – to provide source water for drinking purposes delivered through community water supply systems; (d) environment – to provide water to maintain the health of aquatic ecosystems; (e) cultural – to provide water to meet aesthetic, recreational and cultural needs; (f) industry – to provide water for industry uses not mentioned elsewhere in this list; (g) rural stock and domestic – to provide water for the purposes permitted under sections 10, 11 and 14 of the *Water Act*. (h) mining activity – to provide water for a mining activity; (i) petroleum activity – to provide water for a petroleum activity; (j) Aboriginal economic development – to provide water for Aboriginal economic development.
"Conceptual site model"	A conceptual illustration of the characteristics of the environment into which discharges will be directed. May include a graphical or schematic diagram, flowchart or detailed process model.
"Ecosystem function"	The physical, chemical and biological processes or attributes that contribute to the self-maintenance of the ecosystem. Assessing ecosystem function requires understanding what the ecosystem does and how this is maintained.
"Ecotoxicological assessments"	Is a multidisciplinary field of study that assesses the environmental effects of natural and synthetic chemicals released into a biosphere. An ecotoxicological assessment must quantify the effects of toxic stressors upon natural populations, communities, or ecosystems.

"Impact zone/ mixing zone"	Means an area or volume of receiving water contiguous to a waste discharge where the receiving waters within a specified zone may not meet all applicable water quality criteria. The impact zone is where the waste and the receiving waters mix. Mixing zones are unique to a WDL and are developed on a site specific basis with consideration of the pollutants in the discharge and the receiving environment.
"Legacy issue"	Historic events that may have caused pollution through inappropriate management of discharges, faulty equipment or limited emergency response or clean-up of previous environmental pollution.
"Pollution"	Is a derivative of pollute and has the same meaning as in the Act.
"the Regulations"	*Water Regulations 1992* (NT)
"Site capability assessment"	Determines the capability of the site to contain potential toxic discharges and its ability to recover following a pollution event.
"Trigger value"	Means the value that prompts an action. The Water Quality Guidelines provide water quality values that if exceeded trigger an action to ensure protection of environmental uses and values.
"Waste Management Hierarchy"	A systematic approach to assessing options for waste management where avoidance of the creation of waste is the most preferred option and disposal of the waste the least preferred.

"Water Quality Guidelines"	ANZG 2018. Australian and New Zealand Guidelines for Fresh and Marine Water Quality. Australian and New Zealand Governments and Australian state and territory governments, Canberra ACT, Australia. Available at www.waterquality.gov.au/anz-guidelines.

15. Further Reading

Northern Territory of Australia *Water Act 1992*

Northern Territory of Australia *Water Regulations 1992*

Northern Territory of Australia *Marine Pollution Act 1999*

Northern Territory of Australia *Marine Pollution Regulations 2003*

Northern Territory of Australia *Waste Management and Pollution Control Act 1998*

Northern Territory of Australia *Waste Management and Pollution Control (Administration) Regulations 1998*

Australian and New Zealand Guidelines for Fresh and Marine Water Quality

Australian Government, Department of Industry, Innovation and Science, Leading Practice Sustainable Development Program handbooks

Ecologically Sustainable Development

Beneficial Use Declarations

Sites of Conservation Significance in the NT