



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 178

WRITTEN QUESTION

K McNamara to the Minister for Lands, Planning and Environment, Hon Joshua Burgoyne MLA:

Project Caymus

1. Did Project Caymus follow the ordinary building certification process?

Project Caymus is a fuel storage facility constructed by Crowley Australia Pty Ltd (Crowley) comprising of 11 fuel storage tanks and ancillary buildings located at East Arm Port on land owned by the Land Development Corporation (LDC).

In accordance with the Building Act 1993 (the Act), the process to obtain occupancy certification is to obtain a Building Permit prior to construction and to achieve an occupancy permit at the conclusion of construction, which concludes the legal process.

In the Northern Territory (NT) by law building certification services including the issuing of Building and Occupancy Permits are carried out by private, registered building certifiers.

The purpose of the Building Permit is to ensure that construction is compliant with the requirements set out in the National Construction Code (NCC) and any relevant standards.

A Building Permit was not obtained by Crowley prior to commencement of construction of the tanks under the Act. A Building Permit cannot be issued retrospectively.

Without a Building Permit prior to construction, a private certifier cannot issue a Certificate of Occupancy at the conclusion of construction, irrespective of how the tanks are constructed.

Crowley engaged a registered building certifier to undertake building certification services for the ancillary buildings and Building Permits were issued for those buildings. This did not occur for the tanks because Crowley believed it was not required. Crowley subsequently sought an exemption for the facility (incorporating both the ancillary buildings and the tanks) as the legal means to confirm the building standards had been met.

2. If not, what process was followed?

The only legal option available to Crowley was to seek agreement from the Minister to consider an exemption to the permit requirements and certification in the Building Act with verification from a Northern Territory registered structural engineer that the tanks met the requirements of the NCC and the relevant Australian Standards.

Crowley has provided evidence with a Compliance Statement from a Northern Territory registered structural engineer confirming that the tanks address storm surge management; cyclone resilience (to Category 4); fire protection; and spill containment in accordance with the National Construction Code (NCC) and relevant Australian standards.

The evidence provided to the Minister is the same level of information that would be required by a building certifier, if a permit had been granted for the tanks before construction.

Further, the Northern Territory Fire and Emergency Service also reviewed all fire engineering reports submitted by Crowley and has accepted the fire strategies for the facility, in line with the NCC.

3. Do defence or foreign defence projects have different building certification processes compared to ordinary developments?

No, all construction projects are required to comply with the Act if the works are within Building Control Areas declared by the Minister in the NT Government Gazette. The exception would be if the construction project is undertaken on Commonwealth owned land.

4. Did the Minister receive any advice on the risks of this project?

The Minister was briefed and provided with a comprehensive report from Crowley and the Department detailing all evidence addressing storm surge management, cyclone resilience, fire protection and spill containment, including mitigation measures to satisfy requirements for the Minister to consider an exemption.

Taking the evidence into account, the Minister determined to grant an exemption under section 65(1A) (a) of the Act which was published on 5 September 2025.

5. What information was provided to the Northern Territory Government by Crowley Australia Pty Ltd regarding the facility compliance?

Refer to Question 4.

6. Was the Department informed that independent reviewers had identified non-conformances in tank design, containment systems, and fire protection systems?

In March 2024, the Department was informed by the then building certifier of allegations that the tanks were non-compliant with the NCC and relevant standards.

In October 2025 the Department received an anonymous submission alleging the fuel facility was non-compliant with the NCC and relevant standards. These allegations were based on reports and design documentation from 2023 and up until early 2024. The authors and submitters of those allegations would have no recent knowledge of the subsequent work undertaken by Crowley to meet relevant standards and to satisfy certification requirements.

The decision to grant an exemption was based on the final design documentation and evidence provided and verified in late 2025.

7. If so, when was the Department informed?

Refer to Question 6.

8. Was the Government informed that the project building certifier had been terminated by Crowley during active certification review?

On 21 August 2024, Crowley submitted a request for change of certifier for the ancillary buildings to the Director of Building Control (the Director). Section 45 (1) of the Act provides a mechanism whereby a certifier can be removed from an engagement with the consent from the Director. The Director did not consent to the request.

9. If so, what reason was provided for this termination?

Not Applicable – Refer to Question 8.

10. If not, who was responsible for ensuring decision-makers had complete information?

Not Applicable – Refer to Question 8.

11. Did the Government investigate why the certifier was removed during active compliance review?

The Director did not approve the request to change of certifier for the ancillary buildings. However, the Director did agree to Crowley pursuing the exemption for the facility to resolve the impasse with the construction of the tanks onsite. Crowley has provided sufficient evidence that the tanks as well as all ancillary buildings at the facility have been designed and constructed in accordance with the National Construction Code requirements.

12. What steps did the Government take to ensure independent oversight continued after the certifier removal?

The Department provided advice to Crowley on what information was required to enable the Minister to consider making a declaration of exemption under s65(1A) (a) of the Act.

13. Does the Department hold any ongoing concerns that this facility is not up to the necessary cyclone standards?

The Department is satisfied that the facility is compliant. A Northern Territory registered structural engineer has determined the structural integrity of the tanks corresponds to Importance Level 2 which is in accordance with the NCC and relevant Australian standards.

The tanks are constructed to withstand winds equivalent to a Category 4 cyclone under the Bureau of Meteorology's cyclone categories.

14. Is the Department doing any ongoing investigations of the structural safety of these tanks?

The Department is currently not investigating the structural safety of the tanks for building safety. However, the Department will continue to liaise with NT Worksafe on all operational aspects of the fuel facility.

15. Can the Minister guarantee that the tanks are structurally sound and safe for operation in cyclonic conditions?

Refer to Question 13.

16. Have any structural modifications been made to the tanks since the potential deficiencies were identified?

The allegations of deficiencies are based on a range of technical documents and reports from the reference period 2022 to early 2024. In completing the construction of the tanks Crowley has made modifications to the tanks in accordance with the National Construction Code (NCC) and relevant Australian standards and meet the satisfaction of the structural engineer.

17. If so, what modifications were made?

The exemption is based on the completed infrastructure at the facility. The NT Government is not aware of the detail or progress of the modifications made nor is it a requirement for them to be informed.

18. If so, who made these modifications?

Not Applicable

19. Has the issue of a leak been investigated?

To date, there has been no allegations or reports of a fuel leak from the tanks. As such, no fuel leaks have been investigated.

Prior to any of the tanks being filled with fuel, officers from the environmental regulator investigated the reported ingress of groundwater into the underground leak detection system of the tanks.

Regarding the groundwater ingress into the Release Prevention Barriers (RPBs), Crowley notified the environmental regulator on 23 June 2025 about a final certified repair design for the sub-floor RPB, tank leak detection system. The design was prepared and certified by an accredited API 653 Inspector and compliant with API 650 Annex I (guidance on design and construction for under tank drainage and leak detection systems). The design addressed the ingress of groundwater into the leak detection system under the tank floors. The repair design has been implemented for four tanks. These four tanks now hold JET A-1 aviation fuel. Repairs for the remaining seven tanks RPBs are ongoing. Once repaired and certified, the remaining seven tanks will hold JP-5 aviation fuel.

This investigation included: a site visit on 27 June 2024, obtaining repair plans for compromised RPBs and verifying implementation of the planned repair prior to the tanks being filled with fuel.

20. If so, are there ongoing concerns about a leak?

There was no fuel in any of the tanks at the time of reported water ingress to the underground RPB. Consequently, there was no risk of environmental pollution.

Groundwater ingress into the RPBs did not indicate a leak of fuel from the tanks was occurring or would be possible. Rather, it indicated that the RPBs, located below the tank floors, were compromised and needed repair to ensure potential leaks would be contained.

Crowley repaired the RPBs on four tanks (Tanks 8, 9, 10 and 11) prior to filling those four tanks with fuel. These repairs have been certified against API 653 (a standard for the inspection, repair, alteration and reconstruction of tanks). RPB repairs must be completed and certified for the remaining seven tanks prior to filling those tanks. There are no ongoing concerns regarding leaks in the four tanks holding fuel.

21. If there are leaks from these tanks, what has been done to remedy this issue?

See Question 19

22. Have any independent reviews of this leak been completed?

Crowley engaged independent engineers to certify the leak prevention system and RPB repairs.

23. If so, what were the findings?

On 23 September 2025, Crowley provided the environmental regulator with independent engineering reports regarding the RPB repairs. Crowley provided copies of API 653 Repair Certificates and API 653 Repair Assessment Reports for four tanks (Tanks 8, 9, 10 and 11). The

assessments and repair certificates, issued by accredited API 653 Inspectors, verify that all repair works were carried out in accordance with the requirements of API 653 (5th Edition), and repair scopes have been reviewed and certified. These reports confirmed that the RPBs on four tanks had been tested and met the relevant standard. The remaining seven tanks are required to meet the same standard prior to filling with fuel.

24. Do the tanks pass the needed fire safety tests?

Yes, The NTFRS confirm all fire and occupant safety systems at the Project Caymus Bulk Fuel Storage Facility meet and maintain the compliance requirements of all relevant Australian and International Standards, in line with the Fire Safety Strategies outlined in the Fire Engineering Report and the fire safety recommendations and comments provided in the Building Fire Safety Report.

25. Has an independent engineer tested the tanks for their fire safety?

Refer to Question 24.

26. What is the current fire detection and suppression capability at the facility?

Refer to Question 24.

27. Has the Department received conflicting advice from different technical specialists regarding facility compliance?

In early 2024, the former Department sought desktop advice on the importance level for the tanks. Technical advice was also sought from the Executive Director Engineering, Joint Logistics Command of the Department of Defence.

28. If so, how were these conflicts resolved and who made the final determination?

The Department moved away from determining the importance level of the tanks and used a facility wide approach as the legal means to conclude the building process. In November 2024, Crowley agreed to provide the Department with a report which would document how the tanks comply with relevant Australian and international standards and a certificate of compliance by a Northern Territory registered structural engineer that the tanks are safe and do not pose a threat to life on the site or adjoining properties in the event of a natural hazard such as a cyclone, storm surge or earthquake.

29. Are there any repercussions for the US military for their failure to get the necessary permissions for these tanks?

No, in this case Crowley is the responsible entity for ensuring building compliance under NT laws.

30. What systems are in place to ensure that a similar bypassing of proper process does not occur again?

The Department will work with all relevant regulators and government agencies to provide early building certification advice on future projects to enable confirmed agreement with the proponents on how the project will comply with the building requirements.