

Fact Sheet 5: A new environmental approval

Under the draft environment protection Bill and Regulations

Introduction

Reforms to the environmental management and protection framework are introducing a new environmental approval to be granted following the environmental impact assessment process.

The decision to grant or refuse this new environmental approval will be made by the Minister for Environment and Natural Resources, based on the advice of the Northern Territory Environment Protection Authority (NT EPA). This advice is provided in the form of an 'assessment report'.

As part of deciding whether or not to grant an environmental approval, the Minister is required to consider whether the proponent is a 'fit and proper person'. The draft Regulations identify those matters the Minister should consider in making that judgement.

Managing significant environmental impacts

The environmental approval is designed to regulate environmentally significant impacts. This is consistent with the purpose of the environmental impact assessment process which is to consider, and identify opportunities to avoid, mitigate and manage, environmentally significant issues.

The new approval is in addition to, and does not replace, existing project approval requirements in the Territory. For example, if a proposed project requires authorisation under the *Mining Management Act* in order to operate, the environmental approval will not replace this authorisation. Rather, it will work in conjunction with that authorisation.

The environmental approval fills a gap in the current regulatory system which has allowed some large development projects to occur without appropriate environmental impact assessment or environmental regulatory controls.

It provides a proponent with certainty that the proposed project can proceed, and will support financial investment decisions and enable proponents to invest in the detailed design of the projects.

The Chief Executive Officer (CEO) of the Department of Environment and Natural Resources will be responsible for ensuring that holders of environmental approvals comply with the conditions of the approval. The draft Bill contains offences for failing to comply with the conditions of an environmental approval, and a range of regulatory tools that the CEO can use to encourage compliance with the approval.

In addition to establishing the environmental approval process, the Bill contains provisions allowing the Minister to amend, transfer, suspend and revoke an approval.

Managing operational environmental impacts

Non-significant environmental impacts will be managed through operational authorisations. For example, dust from a development site that has the potential to be a source of environmental nuisance for neighbouring residents rather than a source of significant impact to threatened fauna or human health could be managed through an operational authorisation, such as a licence.

Projects may require both an environmental approval, to manage significant environmental impacts, and an operational authorisation, to manage non-significant impacts.

Transitional regulation arrangements

When the new environment protection Act commences, non-significant environmental impacts will be managed under existing project approval legislation.

In the longer term, as the environment protection Act is expanded to include the management of wastes, pollution, native vegetation clearing and the environmental impacts of mining activities, the regulation of non-significant environmental impacts will occur under the environment protection Act.

Once this transfer is complete, it will create an environmental management system where a single piece of legislation manages environmental impacts. This will enable the environmental approval and any operational approval to fit together, and ensure that these authorisations are subject to the same regulatory and compliance tools and compliance and enforcement approaches. This will improve consistency across and within industry and development projects.