

Environmental Regulatory Reform Discussion Paper

NT EPA provided its Roadmap for a Modern Environmental Regulatory Framework for the Northern Territory

The Roadmap should clearly articulate processes to inform and allow appropriate comment and direction for assessment.

While the intention is to identify the NT EPA's suggestions for reforms to the assessment and approvals system it should clearly identify the triggers in the initial review process which determine the environmental assessment pathway which is required to be undertaken for any environmental approval (where required).

It will become onerous for development to create another layer of approval for environmental impacts and assessment of "smaller" projects" which can be adequately dealt with by the Planning Scheme (with incorporated environmental legislation).

A two-tiered framework system may provide a streamlined approach for "simple" and "complex" proposals:

1. Simple proposals: General environmental requirements and approvals could be legislated and administered under the NT Planning Scheme similar to the Land Capability Assessment for Subdivisions and smaller developments as is currently undertaken by the Scheme.
2. Complex proposals: Environmental approvals for larger strategic industry proposals which require more detailed information to be provided for environmental assessment

It should not be in the interest of Government and the NT EPA to create another layer of environmental planning approval for general development projects where environmental issues can be easily identified and addressed and or mitigated.

In addition, the proposed Self-assessment process needs to be straight-forward, difficult to falsify, and the "early go-no-go" decision timing should be articulated on the assessment pathway flow-charts that are eventually developed.

Quality of information used in decision making processes

The quality of the information required for assessment purposes should be clearly stated. Fact sheets or similar should clearly identify the information required to enable assessment.

Strategic development proponents should clearly articulate and demonstrate all facets of their proposal. Risks and mitigation measures should also be clearly articulated by proponents. Feedback from the EPA can advise what additional relevant information will need to be provided for the EIA.

Consultation through AAPA and Heritage with Traditional Owners should be undertaken as part of any preliminary assessment. This should inform and identify any additional action processes.

Encouraging public participation

Draft Environmental Assessment Reports should be made available for review to both proponents and the public. It should be a transparent process.

By making the Draft Reports available for review you ensure that the process is clear, but more importantly someone may pick up on an important issue which could have been missed by the report process.

While the quality of information obtained during the public consultation process can vary, it is imperative that the public get the opportunity to comment.

Draft environmental assessment reports should clearly articulate risks and mitigation measures for public review .

All referral documents should contain a consultation report and ongoing stakeholder engagement plans for major strategic development projects.

Any consultative meetings and workshops should require clear agendas and specified outcomes. The timing of public consultation needs to be clearly shown on the assessment pathway flow-charts.

Where public comment or significant issues are raised there should be an appropriate mechanism as to how the information is dealt with and the public/stakeholder are formally advised as to how their comments have been addressed or why they were discarded.

A draft EIS for adequacy review could be provided to stakeholders and the public for consultation once it has passed its review by the EPA.

Making the best use of our community's eyes and ears

Third party referrals can be informative providing that they are administered correctly.

Introducing review (appeals) processes

The review process should be identified "up front" in the relevant assessment pathway flow charts so that it can be assessed by any proponent during initial considerations of a proposal.

Frivolous and vexatious applications may be avoided if there are specific legislative guidelines as to what you can appeal against. This would also identify the parameters for any such appeal.

There is merit in keeping the process within the confines of one agency with the ability for judicial review of any assessment decisions. Our preference is that this would apply only to major projects with minor projects being dealt with under the NT Planning Scheme.

The NT EPA's role could be better articulated. There is currently a lot of confusion as to when specific environmental processes need to occur for Government Agencies and developers. To date the public view is that they are not really listened to and development is going to occur anyway so what is the point of consultation.

Roles and responsibilities

If the NT EPA is going to be charged with its existing responsibilities it needs to be appropriately resourced to enable it to undertake its role effectively. It should be working with other

government service authorities to ensure collective communication and transparency to ensure efficiency in its role.

Any other comments?

The NT EPA should acknowledge that there will always be development but we need to ensure that the development occurs in a sustainable manner. This means that the NT EPA need to have more than a regulatory role but to also liaise closely with strategic developers to ensure that the development is sustainable with minimal environmental impacts.

It is not clear to many developers when the Australian Governments requirements under the EPBC Act are triggered. This also needs to be clearly articulated in flow chart documentation or similarly within the Planning Scheme process.

The flowcharts provided in the discussion paper do not clearly articulate environmental assessment requirements and timing of key processes. Flow charts for each Assessment Pathway need to be clear and concise to provide certainty to all stakeholders of the required assessment process.