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| Fact sheet 13: A new environmental approval |

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An improved environmental approval system

# Introduction

The environmental reforms include 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 (the Minister), 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 also required to consider whether the proponent is a ‘fit and proper person’. The Environment Protection Bill 2019 (the Bill) provides information to help the Minister make this decision.

## 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 Northern Territory (the Territory). For example, if a proposed project requires authorisation under the Mining Management Act 2001 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 happen without appropriate environmental impact assessment or environmental regulatory controls.

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

The Bill requires the Minister to decide to grant or refuse an environmental approval within 30 business days of receiving the NT EPA’s assessment report. If the Minister does not meet this timeframe, the NT EPA’s recommendation is taken to be the decision of the Minister. That is, if the NT EPA recommends the Minister grant an approval, the draft approval prepared by the NT EPA is deemed to be the approval granted to the proponent.

The Chief Executive Officer of the Department of Environment and Natural Resources (the CEO) will be responsible for ensuring holders of environmental approvals comply with the conditions of the approval. The Bill contains offences for failing to comply with 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. Timeframes are also imposed on the Minister to make decisions about the transfer or amendment of an approval.

## Managing operational environmental impacts

Non-significant environmental impacts will continue to be managed through operational authorisations under existing legislation. 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 arrangements

When the new legislation starts, non-significant environmental impacts will be managed under existing project approval legislation.

In the longer term, as the Environment Protection Act (the 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 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. This will streamline processes and make sure 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.