

17 December 2019

Jo Townsend
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25 Chung Wah Terrace
PALMERSTON NT 0830

(vial email: joanne.townsend@nt.gov.au)

Dear Ms Townsend,

RE: Consultation on draft NT environment protection regulations

Thank you for your letter of 26 November 2019 seeking comment on the Draft *Environment Protection Regulations*. APPEA welcomes the opportunity to provide comment on the draft regulations.

The review of new legislation and regulations can be difficult without examples / case studies where companies have already navigated the regulatory framework. As such, we broadly support the intent of the legislation in modernising the framework to update requirements, reduce unnecessary regulation, improve certainty for proponents, and provide a high level of protection for the environment.

APPEA particularly welcomes changes outlined in the regulations that are intended to improve the certainty and timeliness in the assessment system. A clear process with statutory decision-making timeframes is an important part of improving certainty for investment.

APPEA members have raised concerns around the referral triggers. There are three different referral triggers established in the legislation (Significance-based referral, Activity-based referral and a Location-based referral). The introduction of 'activity-based triggers' in particular could result in a distortion of the assessment process where restrictions are applied to one industry that do not apply to another. The assessment of a project should be based on the potential for significant environmental impact and not the activity which has resulted in the impact. Particularly in the case of land clearing, water use and greenhouse gas emissions, the scrutiny on the petroleum industry is often disproportionately more than that of other industries. APPEA believes that the significance-based referral trigger should be enough to meet the objects of the *Environment Protection Bill 2019*, whilst delivering the desired environmental protection outcomes and equal standing between industries. Further guidance on when, and how the application of activity based triggers are implemented should be provided.

Significant impacts are also defined broadly in the legislation, but further guidance as to how that definition is interpreted and implemented is required. We recognise that the consultation paper does state that further "*environmental objectives will be developed to help proponents gauge significant impact*" and this is supported.

Further work on outlining approaches and requirements for the pre-referral stage would also assist proponent in undertaking a self-assessment of their project.

Yours sincerely



Keld Knudsen
Director – Northern Territory