

28 November 2018

Please quote: 3932347 SG:kl

Ms Jo Townsend  
Chief Executive  
Officer  
Northern Territory Department  
of Environment and Natural Resources

Via email - [environment.policy@nt.gov.au](mailto:environment.policy@nt.gov.au)

Dear Ms Townsend

City of Darwin commends the initiative to undertake significant Environmental Regulatory Reform.

Council has advocated for a more robust environmental regulatory system for a number of years. City of Darwin is a significant land owner and manager with a range of facilities and operations that will be impacted by these changes. As such, Council maintains that consistency and clarity in our approval systems is paramount for business certainty.

City of Darwin welcomes the opportunity to work with your department in the ongoing process of reform and in particular to ensure our own operations comply and indeed exceed best practice environmental management.

Detailed comment is contained in the attached document and reflects endorsed Council policies and position statements. This submission has been placed before the 2<sup>nd</sup> Ordinary Council meeting on Tuesday 27 November 2018 where it was endorsed by Council.

Should you have any questions regarding City of Darwin's comments on the draft Bill please don't hesitate to contact me.

Yours Sincerely

**SHENAGH GAMBLE**  
**EXECUTIVE MANAGER ENVIRONMENT AND COMMUNITY**



## City of Darwin

### Submission on Northern Territory Government draft Environment Protection Bill and Regulations

City of Darwin (CoD) welcomes the opportunity to provide a response to the Northern Territory draft Environmental Protection Bill and Regulations. The following response was prepared by officers and was endorsed by Council at its 2nd Ordinary Council meeting on Tuesday 27 November 2018.

The vision of Council is for Darwin to be a tropical liveable city. We value our natural environment, our history and culture, our outdoor lifestyle and close relationship with the ocean and coast. Our strategic vision and a number of Council policies directly align with the goals and objectives of the Coastal and Marine Management Strategy, as highlighted below.

City of Darwin is committed to lead and advocate for sustainability and the protection of our environment. Council values biodiversity, the natural environment and the green open spaces that all contribute to the tropical lifestyle of this capital city. Council will strive to continually improve on its environmental performance and to foster a culture of environmental awareness and sustainability among its staff and the community<sup>1</sup>.

Comments contained below address the discussion questions posed in the paper and how these impact on the community, local government in general and City of Darwin in particular.

City of Darwin supports the inclusion of the principals of sustainable development in the draft Bill. This builds on previous commentary provided by Council advocating for a more robust definition of Ecologically Sustainable Development.

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<sup>1</sup> City of Darwin Policy No. 006 - Environment



**City of Darwin requests further detail on the following:**

**1. Council requests consultation on the merits review process in the new legislation.**

It is noted that the Government will look to introduce merits review in the new environment protection legislation for operational approvals made by the Department of Environment and Natural Resources (DENR) to regulate wastes and pollution and the environmental impacts of mining and other industries. This will be subject to consultation with industry. The Shoal Bay Waste Management Facility functions as a regional facility for Greater Darwin. As the manager of this site City of Darwin should be considered as an industry stakeholder when considering any changes to the Waste Management and Pollution Control Act.

**2. Definition of significant impact**

S10 provides that:

A **significant impact** is an impact of major consequence having regard to:

- (a) the context and intensity of the impact; and
- (b) the sensitivity, value and quality of the environment impacted on and the intensity, duration, magnitude and geographic extent of the impact.

Whilst clearly stated, these terms remain open to interpretation. CoD requests clarification by way of examples and precedence.

**3. Explanation of operational authorisations**

**Operational authorities** are not defined in the draft Bill or Regulations. CoD requests further detail on the nature of operational authorisations. Operational authorisations will be used to manage non-significant impacts. It is reasonable to think that there would be many non-significant impacts across the territory, and in fact by virtue of good project design (as advocated for through the fact sheets) significance of impact should be minimised. It is these cumulative,



non-significant impacts that will need to be closely managed. A transparent and public process for operational authority is recommended.

#### **4. *Provision of templates for self-assessment***

Self-assessments will be used for proponents to determine need for referral. The provision of templates, example, guidance and advice in self-assessment is essential to ensure equitable self-assessment. Self-assessments should be made publicly available.

#### **5. *Transitional provisions***

CoD questions the 12 month expiration of regulations made under S268 Transitional regulations and the use of retrospective operation of regulations. No regulations have been provided. CoD requests a timeframe for transitional regulations and seeks to work directly with DENR on determining relevant transitional provisions.

#### **6. *What assistance will be made available to ensure compliance of large (and small) organisations***

Implementation of environmental regulatory reform will require engaging with affected industry stakeholders, both large and small. CoD advocates that DENR acknowledge the role of local government in leading by example and engages with local government across the territory to develop and implement best practice environmental management.

### **In Conclusion**

The draft Environmental Protection Bill and Regulations are robust instruments to embed sustainable development in Territory processes. City of Darwin commends this approach and invites further engagement from the Department of Environment and Natural Resources with Council, staff and the community throughout the reform process.

