

Regulatory Efficiency Program

Actions to streamline and accelerate environmental and natural resource approvals

The Department of Environment, Parks and Water Security (DEPWS) has responsibility for the administration of 22 Acts and supporting subordinate legislation that cover environmental protection and licensing, management of the parks estate, natural resource allocation and management, bushfires management and pastoral lease administration and management (among others).

Collectively, this legislation and its administration by the Department is critical to the economic, social and cultural development of the Territory and integral to the start-up and operating approvals for agribusiness, mining and petroleum operations, horticulture developments and waste services, as well as industries and services such as tourism and water, roads, pipelines and other linear infrastructure.

Since 2018, DEPWS and its predecessor have had a sustained focus on supporting the Territory Government's economic and environmental reform agenda across multiple programs. It has focused on ensuring legislation is fit for purpose and the front-end decision-making is robust, consistent and underpinned by documented policy and procedure to provide clarity, consistency and guidance where appropriate. Furthermore, we have put in place practices that ensure there is accountability and transparency in our decision making. As a result, the *Petroleum (Environment) Regulations 2016*, *Water Act 1992*, *Water Regulations 1992* and *Pastoral Land Act 1992* have been modernised, and the new *Environment Protection Act 2019* commenced.

These reforms have resulted in increased rigour and confidence that environmental and natural resource decisions are carefully considered and impartial.

However, there is inevitably some lag in the benefit of these changes and new legislation being understood by all stakeholders, some industry groups and individual proponents have called for clear, upfront advice on what is required of them, navigable processes and agreed timeframes which demonstrate an understanding of their project and its imperatives, and regulation that is flexible and proportionate to risk.

These views were echoed by the Territory Economic Reconstruction Committee's reports to Government and were adopted as the Territory Government's Economic Recovery Agenda.

The Northern Territory Government commits to streamlined regulatory processes to make it easy to do business in the Territory with a focus on; timeliness, a proportionate regulatory approach based on risk, efficiencies through coordination and modern digital architecture, transparency and accountability.

This paper highlights measures that DEPWS has or will adopt or develop to protect the environment and accelerate the economic recovery of the Northern Territory. It should be noted there is other work progressing that is not highlighted in this document. Further work includes contemporising and modernising other Acts under DEPWS responsibility as we work towards a longer-term shift in culture, capability and practice for a better client and regulator experience while balancing sustainable development and evidence based conservation of the Territory's environment.

Program Objectives for Regulatory Efficiency

DEPWS is focused on efficient and outcome-driven administration of regulation that is consistent with best practice in administrative law and decision-making, which achieves ecologically sustainable development. To achieve this, the following objectives have been identified to guide and build continuous improvements in our application and administration of legislation:

1. Coordinated and streamlined assessment, authorisation and compliance action
2. Transparent, predictable and consistent assessment and compliance methods, standards and other requirements
3. Timely, clear and well-reasoned regulatory advice and decisions
4. Assessment and compliance activity that is proportionate to risk and adaptable to specific project needs

Commitments and Actions

Customer Service Charter and Strategic Plan 2021-24

The DEPWS Customer Service Charter and Strategic Plan 2021-24 are strongly focused on using the best available science and information to support sustainable economic development. Both documents have a strong focus on effective decision making with the environment, proponent and key stakeholders front of mind. Ongoing training of DEPWS staff will be undertaken to ensure each of the key reform objectives are met, supported by a community of practice across senior staff in DEPWS.

Development Coordination

A common frustration experienced by project proponents and across Government is the apparent complexity of regulatory requirements across multiple Acts for a single project, many of which are managed by DEPWS.

To respond to this DEPWS has established a Director, Development Coordination to support clients and proponents on the range of regulatory and policy requirements under the administration of DEPWS and to assist with the effective coordination of these requirements across the legislation it administers. This position is based within the Development Coordination Branch, Rangelands Division as an extension of its current responsibilities to coordinate development approval advice across the agency.

The Director Development Coordination is responsible to:

- Provide a central point of contact (i.e. a “single door”) for project proponents and other departments, including internal management of DEPWS correspondence and statutory requirements.
- Provide proponents and relevant government agencies with regular updates on progress of applications.
- Map the regulatory approval processes for different categories of projects (e.g. mines, large-scale horticultural projects etc.) that DEPWS has responsibility for and prepare flowcharts and guidance material outlining timeframes and stages to assist proponents and government to be fully apprised of, and to be able to navigate, environmental and natural resource approval processes.

- Find synergies across regulatory approvals and recommend and enable potential efficiencies and reforms.
- Engage with key industry associations (e.g. NT Farmers, NTCA, Minerals Council, APPEA, etc.) to consult on the approvals process and provide high level information and advice to support economic development in the Territory.

Legislative precedence

As projects continue to increase in size and scale, coupled with the requirement to assess significant impacts under the *Environment Protection Act 2019*, the relative role and precedence of instruments such as the Petroleum (Environment) Regulations 2016, the *Water Act 1992* and the *Pastoral Land Act 1992* become less clear cut. DEPWS will undertake a regulatory mapping project exercise that will identify and set guidance on referrals under the *Environment Protection Act 2019* and when and how environmental impact assessment operates as an alternate to or in conjunction with the specific assessment and decisions enshrined in other legislation. Overall, the goal is to reduce duplicative processes while ensuring environmental outcomes are met.

A Bilateral Assessment Agreement with the Australian Government is in place for projects requiring assessment under both the *Environment Protection Act 2019* and the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. This will reduce the duplication for proponents and regulators. The development of a Bilateral Approval Agreement with the Australian Government for projects requiring approvals under both the *Environment Protection Act 2019* and the *EPBC Act* is a priority for the Northern Territory Government and DEPWS. The development of Bilateral Approval Agreements with State and Territory Governments were announced by the Prime Minister in late July 2020 as an early and agreed recommendation of the Samuel Review of the EPBC Act.

Performance evaluation

Accountability to the Regulatory Efficiency Program and assessment of performance against its objectives will be delivered through the development of a performance and evaluation framework. Measures against key approval legislation on matters such as number of approvals, timeframes met and requests for review/appeals will be reported biannually internally, and publicly reported through the Agency's website.

Technology

DEPWS supports measures to develop technology solutions to provide a single portal or interface for applicants and the principle of 'one touch' applications by proponents. The TERC Final Report commits to an investment in modern digital architecture to provide for a single application portal that can track and monitor applications for licences, approvals and authorisations and can also manage statutory notification periods, the payment of fees and the publication of final approval decisions, including any conditions of those decisions.

The Department is also highly supportive of the Australian Government's Digital Environmental Assessment Pilot and has nominated to be part of the pilot program. This project provides a digital solution for the collation and management of data collected for environmental impact assessment that is available to all regulators, and subsequently for other proponents to inform their own impact assessment.

Resourcing

Resourcing for staff, teams and statutory bodies involved in the assessment and issuing of approvals, permits and licences within DEPWS is an important consideration in achieving timeframes and advising and delivering decisions. DEPWS should not, for example, accept responsibility for making decisions under the *EPBC Act* without corresponding funding or staff resources. Likewise, while there are processes and mechanisms that could reduce red and beige tape, there is a limit to what can be achieved in an environment of diminishing resources to administer efficient and effective approvals and make statutory decisions.

Efficiencies for key approvals and authorisations

DEPWS set new efficient timeframes for decisions in the *Environment Protection Act 2019*. Our priority is to ensure that we consistently meet and report on these timeframes.

Each Division has been tasked to review and set public performance measures for timeframes for the most common decisions needed for projects to proceed, considering all matters such as public notification requirements, assessment requirements, and mechanisms for timely decisions by the approving body or entity. This is being achieved through 1) triaging approvals, 2) reducing some assessment requirements based on risk, 3) the application of standards and conditions in approvals, and 4) further delegation of decision-making.

Each Division is investigating these opportunities, as well as how multiple approval requirements across different legislative regimes for different types of development (i.e. aquaculture, horticultural or mining exploration) can be coordinated and aligned.

These reforms are being realised through new Government approved policies and regulatory and/or legislative changes as required, including through the TERC Omnibus Amendment Bill.

Appendix 1 sets out the agreed timeframes for specific approval decisions under the *Water Act 1992*, *Pastoral Land Act 1992*, *Petroleum (Environment) Regulations 2016* and *Waste Management and Pollution Control Act 1998*. It also details options under current investigation to institute efficiencies across nominated development approvals and authorisations administered by DEPWS.

The Territory Government has set Government agencies challenging but achievable tasks. The past four years has demonstrated that we have a highly skilled, capable and committed workforce that has delivered on a reform agenda of a magnitude that belies the size of our agency. DEPWS has the collaborative leadership, technical experience, expertise and proven capability to deliver on these expectations and to lead on the intent of the TERC recommendations for accelerated economic recovery and growth across the Northern Territory.

Appendix 1

Approvals under the Water Act

Water Extraction Licences

Sustainable use and certainty about water access underpins the success of many Territory businesses including irrigated agriculture and tourism. Water extraction licences are required for taking groundwater or surface water for activities other than rural stock and domestic use. Water extraction licences are issued for up to 10 years and conditions determine the volume of water that can be taken (both annually and seasonally) and require a licence holder to measure and report the volume of water taken.

The Controller of Water Resources is responsible for making licence decisions in accordance with the requirements of the *Water Act 1992*. Water allocation plans (WAPs) declared by the Minister, set allocations to the environment, cultural and consumptive beneficial use categories. WAPs guide water resource management and licensing decisions, enable water trading and set local guidelines for trading.

Current Situation

Processing water extraction licence applications is subject to statutory timeframes albeit these are not well defined. It requires a notice in a newspaper which is paid for by the applicant before an application is processed, which starts a public comment period.

The department has been implementing efficiencies to improve processing times on water extraction licence applications:

1. The Controller has delegated some of her powers for decision making to facilitate lower level decision making.
2. The Minister has declared special circumstances for granting public water supply licences and renewal of compliant licences for periods up to 30 years.
3. The Controller may determine if special circumstances justify granting a licence for longer than 10 years.
4. The circumstances for granting precinct (or head) water extraction licences that facilitate master planning and the establishment of sustainable development precincts, thereby de-risking investment by clarifying up-front water availability and licensing requirements were clarified in reforms to the *Water Act* in 2021.
5. Water extraction licence application forms include checklists for the applicant to verify their application is complete before submitting an application.

There is always opportunity for improvement with further efficiencies to follow.

Efficiencies

1. Completed and accepted water extraction licence applications will be assessed and determined within **100 business days** of receipt.

2. Implement a procedure to confirm complete documentation for applications. Applications will be confirmed as complete within 10 business days of receipt.
3. Automating up-front, fixed fee, non-refundable payments associated with advertising applications to encourage complete applications and streamline the payment process.
4. Providing greater certainty for licensees and reducing costs for potential licensees in over allocated systems by providing an 'early refusal' mechanism for licence applications in these systems.
5. Reviewing the general exemptions for licensing and permitting under the Water Act to ensure regulation is proportionate to the level of risk.
6. Develop water allocation plans for key regions that guide consistent and faster approval processes and allow for water trading to establish a local water market and move existing licensed entitlements.

Waste Discharge Licences

The *Water Act 1992* (the Act) provides for the grant of waste discharge licences (WDL) to enable waste or pollution to be discharged into water whether flowing, contained, tidal or groundwater. All WDL decisions are made by the Controller of Water Resources. The Controller is supported by the Environment Division in the Department in relation to all WDLs. WDLs are subject to conditions which ensure that the receiving environment is appropriately safeguarded. Conditions typically set requirements for environmental performance, monitoring and reporting to ensure compliance and increase our understanding of the impact of the activity on the receiving environment, such as Darwin Harbour.

Current Situation

Almost 40 waste discharge licences have been issued by the Controller for controlled, treated wastewater discharges from mine sites or wastewater treatment plants (urban and remote), or disposal of dredge spoil from dredging activities where that dredge spoil is disposed in NT coastal waters.

In September 2021, Government amended the *Water Act 1992* and Regulations to permit the grant of ten-year WDLs or longer in special circumstances.

Efficiencies

1. **Regulatory Management System:** The Department is exploring the feasibility of introducing a new regulatory management system to provide industry with a seamless and consistent regulatory experience. The system will be a one-stop-shop for all approvals administered by the Environment and Water Resources Division.
2. **Compliance and enforcement policy and guideline:** The Department will develop and publish a compliance and enforcement policy and guideline to clarify how the Environment Division will facilitate compliance and enforcement with the legislation and WDL conditions. The framework will ensure compliance is facilitated in a way that is risk-based, clear, transparent and consistent for the regulated community.
3. **Three-year compliance and enforcement plan:** A plan will be released clarifying where the Environment Division will be focussing its enforcement resources for the next three years. The focus will be on activities with high consequence impacts.
4. **Prescribed form and guidelines:** The Controller will prescribe the manner and form in which an application for a WDL will be made (see s74(1)), including a guideline and

checklist to ensure that applicants know exactly what documents must be provided with their application to ensure it is compliant (a Compliant Application).

5. **Confirmation of compliant applications and requests for further information:** Applications that are received will be confirmed as Compliant Applications or requiring further information within ten (10) business days of receipt.
6. **Assessment and approval timeframes:** For Compliant Applications, the Department will strive to assess and approve applications for low-risk sites/activities, including new licences, renewals, and amendments, within 60 business days. Higher risk or more complex activities may require a longer assessment period.
7. **Guidelines on water discharge standards:** The Department will develop a water quality framework and publish associated guidelines which set the minimum environmental standards and requirements that must be met for activities discharging to water (see also the Circular Economy Strategy).
8. **Pragmatic and efficient delegations:** The Controller will review delegations with a view to delegating certain decisions to senior officers. Decisions to be considered for delegation include the grant, renewal, amendment and modification of licences for low-risk activities where the licensee has a strong and proven history of compliance.
9. **Authorised Officer policy:** The Department will develop and publish an Authorised Officer policy to provide clarity to Territorians and the regulated community on what they can expect from officers in the Environment Division.

Permits under the Pastoral Land Act

Land Clearing Permit

The *Pastoral Land Act 1992* establishes that a pastoral lessee cannot clear any pastoral land without the written consent of the Pastoral Land Board (Board). The Board makes decisions regarding land clearing applications by referring to the NT Pastoral Land Clearing Guidelines which they administer. Compliance with the Guidelines seeks to ensure that a development will be sustainably productive while limiting adverse impacts on environmental and cultural values.

Current Situation

A pastoral land clearing application takes approximately six months to assess. This timeframe can be critical especially when considering seasonal requirements for clearing, sowing improved pasture or planting new crops. An applicant may also be required to go through other assessment processes for a Water Extraction Licence and/or a Non-pastoral Use Permit depending on the intended use of the subject land. There may also be a requirement for the action to be referred to the Northern Territory Environment Protection Authority (NT EPA) under the *Environment Protection Act 2019*.

DEPWS has recently aligned the internal process for assessing applications to clear pastoral land with the equivalent process for unzoned land which is managed under the *Planning Act 1999*. The result is a more robust and efficient process for decision-making that also provides increased transparency and surety for the applicant.

In the last 12 months, DEPWS has implemented a number of efficiencies in the processing of PLC applications. These include:

- An average processing timeframe of 4 months for PLC applications. This was achieved through the streamlining of assessment tools used and the removal of duplication, allowing efficient assessment to occur.
- A Simplified PLC application process has been introduced, allowing low-risk applications which meet certain criteria to be processed within 6 weeks.
- DEPWS has developed and released a portal allowing PLC applications to be submitted, processed and managed online. This sends automated notifications to applicants advising when updates are made throughout the assessment process and enables applicants to access a range of documents as they are uploaded, such as copies of submissions and technical assessment. This online portal also makes it clear what material is required to be submitted with any application, assisting applicants to make sure their applications meet the requirements for acceptance.
- Through recent amendments to the *Pastoral Land Act 1992*, the requirement for advertisements to be published in a newspaper have been removed. Notification of NPU applications now occurs online, and easy access to lodge a submission online has been provided for interested stakeholders. The move to online advertising has also resulted in reduced fees being passed on to applicants.

Further process mapping is being undertaken to improve and then communicate alignment between approvals required from different divisions of the Department. Other efficiencies that are aspired to be delivered to support PLC applications are:

Efficiencies

1. Applications will be confirmed as complete or requiring further information within five (5) business days of receipt.
2. Automating site inspection reporting using mobile field data collection devices for internal efficiencies.
3. Automate the payment of fees required with the lodgement of PLC applications through the online portal.
4. A review of clearing types which does not require consent and a review of the delegations to support efficiency in decision making.

Non-Pastoral Use Permit

The *Pastoral Land Act 1992* (the Act) provides for diversification activities on pastoral leases, subject to approval by the Pastoral Land Board (Board) through the issuing of a non-pastoral use (NPU) permit. The Board determines NPU applications by referring to the Northern Territory Non-Pastoral Use Guidelines administered by the Minister for Environment. Consistency with the Guidelines seeks to ensure that a development will be sustainably productive while limiting adverse impacts on environmental and cultural values

Current Situation

An NPU application takes approximately six months to assess. This assessment timeframe can be critical especially when considering seasonal requirements for crop preparation and establishment. An applicant may also be required to go through other assessment processes for a Water Extraction Licence and/or a Pastoral Land Clearing Permit depending on the intended use of the subject land. There may also be a requirement for the action to be referred to the NT EPA under the *Environment Protection Act 2019*.

In the last 12 months, DEPWS has implemented a number of efficiencies in the processing of NPU applications. These include:

- The development and release of the Pastoral Purposes Guide to help industry better understand when a NPU application may be required, and when a NPU application does not need to be submitted. This was supported by updates to the NT.GOV.AU webpages and presenting to industry at a number of roadshow events across the Northern Territory during 2021.
- DEPWS has begun mapping application processes to support the assessment of proposals that require multiple approval types. This includes concurrent assessment options under differing pieces of legislation to streamline processes managed by DEPWS.
- Delegations for the determination of variations to existing NPU permits have been granted by the Board. This is amongst other delegations which the Board has granted to assist in achieving greater efficiency in application processing. These delegations have been publically released and can be viewed online.
- DEPWS has developed and released a portal allowing NPU applications to be submitted, processed and managed online. This sends automated notifications to applicants advising when updates are made throughout the assessment process and enables applicants to access a range of documents as they are uploaded, such as copies of submissions and technical assessment.
- Through recent amendments to the *Pastoral Land Act 1992*, the requirement for advertisements to be published in a newspaper have been removed. Notification of

NPU applications now occurs online, and easy access to lodge a submission online has been provided for interested stakeholders. The move to online advertising has also resulted in reduced fees being passed on to applicants.

Whilst DEPWS has worked hard over the last 12 months to achieve these efficiencies, there are two further efficiencies that are being aspired to. They are:

Efficiencies

1. Non pastoral use applications will be reviewed for acceptance within five (5) business days of receipt.
2. Automate the payment of fees required with the lodgement of applications through the online portal.

Waste Management and Pollution Control Act authorisations

Environmental Protection Approvals and Licences

The *Waste Management and Pollution Control Act 1998* (WMPC Act) requires an environment protection approval or licence for constructing, installing or carrying out works on a premises, and operating that premises in relation to:

- disposing of waste by burial (i.e. for landfills that service more than 1000 people), unless the waste is of a prescribed class or is an excluded activity (e.g. domestic waste generated and disposed on domestic premises, pastoral land or from temporary construction camps)
- storage, recycling, treatment or disposal of a prescribed hazardous (listed) waste on a commercial or fee for service basis (apart from a sewage treatment plant)
- processing hydrocarbons to produce, store and/or despatch liquefied natural gas and/or methanol (more than 500,000 tonnes annually and is not regulated under the *Petroleum Act 1984*).

The WMPC Act is administered by the Northern Territory Environment Protection Authority (NT EPA), supported by the Environment Division in DEPWS.

Current Situation

The NT EPA has established delegations under the WMPC Act that enable senior officers in the Division to make approval and licensing decisions.

Applications for approvals and licences are assessed in accordance with the potential risk posed to the environment, with the approval or licence conditioned accordingly. To the extent possible, conditions are outcome focused and set requirements for environmental performance, monitoring and reporting.

The WMPC Act does not set statutory timeframes for approval decisions. Approvals and licences are issued within 95 days of acceptance of an application. Less complex approvals and licences are typically issued within 35 days. There has been a 60% reduction in processing times since July 2017. There is scope for further efficiencies.

Efficiencies

The efficiencies listed for Waste Discharge Licences under the Water Act will also be rolled out for environmental protection licences and approvals under the WMPC Act. The following efficiencies will also be delivered:

1. **Guidelines on air quality standards:** The Department will develop and publish an air quality framework and associated guidelines which will set the minimum environmental standards and requirements that must be met by the proponent for activities that involve atmospheric (non-GHG) emissions.
2. **Regulatory reform to facilitate risk-based licensing:** The Division will progress legislative reforms to establish clear, risk-based licensing thresholds and a tiered approach to regulation according to risk (also see the Circular Economy Strategy).

3. **Cost recovery:** The Division will explore options to recover costs associated with regulating industry from the regulated community (also see the Circular Economy Strategy).

Approvals under the Environment Protection Act

Environmental approvals

The environmental impact assessment and approval framework is established by the *Environment Protection Act 2019* (EP Act) and the Environment Protection Regulations 2020. The impact assessment process is undertaken by the independent Northern Territory Environment Protection Authority (NT EPA), supported by DEPWS. The NT EPA is required to assess a proposal if it has the potential to have a significant impact on the environment and make a recommendation to the Environment Minister about whether an environmental approval should be granted (with any conditions) or refused.

Current Situation

The EP Act and Environment Protection Regulations 2020 commenced on 28 June 2020. This new legislation replaced an inefficient and outdated environmental impact assessment process. The EP Act was designed to prioritise efficiencies with a modern regime that builds in risk-based assessment, tiered approvals, statutory timeframes and increased transparency and certainty through the publication of all decisions with an accompanying statement of reasons. As a result the priority for efficiencies for the EP Act are to implement the legislation, meet the timeframes set in statute, provide good guidance information and look for opportunities to align technical information, or decisions with other Acts and authorisations.

Efficiencies

1. Public annual reporting on compliance with statutory timeframes defined in the EP Act, specifically meeting the following statutory timeframes:
 - a. Decision on Assessment
 - b. Terms of Reference determined
 - c. Approvals issued within the timeframe.
2. Automate the lodgement and processing of environmental approvals through an online application management system.
3. Publish clear guidance material for proponents, as forecast on the NT EPA Website.
4. Undertake assessments under the EP Act to meet the assessment requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) in accordance with the Bilateral Assessment Agreement.
5. Progress negotiations for accreditation of approvals under the EP Act for the EPBC Act.
6. Undertake early mapping and advice to proponents of required technical information to meet the Impact Assessment process and any subsequent authorisations to limit information and/or data duplication.

Approvals under the Petroleum (Environment) Regulations

Environment Management Plans

The Petroleum (Environment) Regulations 2016 require all onshore petroleum activities to be undertaken in accordance with an approved Environment Management Plan (EMP). This is the key authorising instrument for the regulation of environmental impacts for onshore petroleum activities in the Northern Territory.

The Minister for Environment is responsible for EMP approval decisions. The Minister's decision is informed by assessment work carried out by the Petroleum Operations team in the Environment Division in DEPWS. The standard statutory timeframe to decide on an EMP is 90 days.

Current Situation

DEPWS is continually reviewing the effectiveness and efficiency of the EMP assessment and approval process as well as its compliance activities. Every year the Division holds a workshop with industry and NT Government agencies that are also involved in the regulation of the onshore gas industry. It is a key opportunity to obtain feedback on the performance of the environmental regulator.

The NT EPA also provides feedback on Division's performance as the environmental regulator of the onshore gas industry. The NT EPA has also provided independent written advice to the Minister for Environment on 26 EMPs to date, and that advice has improved the performance of the Division.

The regulation branch in the Environment Division also invites and continually receives feedback from interested stakeholders in the community and is always reflecting on how it can improve the regulatory service it provides to the Territory community.

These strong feedback loops have identified several areas where efficiency in the regulatory framework can be improved. For example:

- **EMPs should be accessible and operational documents:** EMPS are often large documents (in some cases more than 1,000 pages). To ensure the officers in the Division can easily ensure industry is complying with the EMP, EMPs must be clear, accessible and operational documents devoid of unnecessary and inconsistent information.
- **EMPs should provide a full picture of the work program:** A company may have many EMPs on foot in relation to an exploration program at any one time. Multiple EMPs for individual activities increases the administrative complexity of the assessment and approval process and increases the challenges of ensuring compliance. Significant efficiencies can be achieved by encouraging submission of holistic EMPs that address all aspects of an exploration program. The environmental regulator has been working with industry to encourage a whole-of-scope approach to EMPs. This means that EMPs are submitted and cover off on whole exploration programs (i.e. multiple activities). This provides the regulator and the community with a clear picture of development and provides greater transparency to the potential for cumulative impacts.

- **Increased emphasis on high environmental consequence impacts that are of key concern to the community:** The regulator and industry should increase emphasis on high environmental consequence events and ensure the right controls are in place to mitigate the occurrence of these incidents and prevent significant impact. The current regulatory framework and approach gives equal weight to both low and high impact environmental impacts, which is not in line with community expectations and the resources available to the regulator.
- **The need to ensure the regulatory requirements for industry are clear and unambiguous and should not duplicate requirements in other laws:** Current regulatory provisions which are not meeting their intended purpose can be strengthened to ensure transparency and clarity on regulatory requirements.

Efficiencies

1. **Regulatory reform program:** The Regulations will be amended in 2022 to better align with the objectives set out on page 2 of this paper. Issues papers will be released in mid-2022 to describe the Division's plan to:
 - a increase the environmental regulator's emphasis on events that will have the highest environmental impacts, such as major spills, well blowouts, damage to sacred sites, and aquifer contamination and other matters that Territorians are concerned about (this is commonly referred to as the "critical control" approach)
 - b clarify and streamline stakeholder engagement requirements
 - c clarify how assets, such as water bores and cleared land, can be sustainably retained for future land use
 - d structure EMPs to make them clearer, more operational and more accessible for the regulator and Territorians, which will improve transparency, accountability, and ensure better compliance outcomes
 - e improve effectiveness and efficiency in environmental incident reporting
 - f facilitate general amendments to improve efficiency and clarity in regulatory requirements.
2. **Guideline review.** The regulator has published an extensive series of guidance clarifying the environmental regulator's expectations. Guidelines are being reviewed and updated to ensure shorter and clearer EMPs that comply with the law. The guidance material will make it clear exactly what the regulator expects to see in an EMP as per the Regulations.
3. **Code review.** In conjunction with the Department of Industry, Tourism and Trade, a review will be undertaken of the *Code of Practice: Onshore Petroleum Activities in the Northern Territory* to ensure it is meeting the intent of the recommendations of the *Scientific Inquiry into Hydraulic Fracturing in the Northern Territory - Final Report*, and to ensure requirements are clear and will produce outcomes consistent with their purpose.
4. **Pragmatic and efficient delegations:** The Division will review delegations with a view to recommending certain decisions be delegated to the Department and senior officers.

Permission to clear land under the Planning Act

Land Clearing Permits – unzoned land

The clearing of native vegetation on unzoned land is governed by the *Planning Act 1999* and is guided by the NT Planning Scheme Land Clearing Guidelines (NTPS LCG). Land clearing decisions on unzoned land are determined by the Delegate of the Minister for Planning, Infrastructure and Logistics, which is the Chief Executive Officer and the Executive Director Rangelands, DEPWS.

Current Situation

A land clearing application takes approximately 12 weeks to process (including a four-week statutory public comment period) and the application can be deferred (stopping the clock) when additional information is required for assessment.

DEPWS has sought to increase the efficiency of assessments undertaken for unzoned land clearing application through the streamlining of assessment tools used and the removal of duplication.

Further efficiencies aspired to be delivered for unzoned land clearing are:

Efficiencies

1. Land clearing applications on unzoned land will be reviewed for acceptance within five (5) business days of receipt.
2. Implement a 'fast track' process (including new reporting documents) and reduced public consultation periods (specifically for clearing areas of <5ha) for expediting low impact, small scale applications.
3. Automating site inspection reporting using mobile field data collection devices.

Supply approvals under the Container Deposit Scheme

Container deposit scheme – supply approvals

The Northern Territory's container deposit scheme (CDS) is established under the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*.

A CDS approval is required to carry out some of those activities, including:

- **CDS coordinator approval:** a person requires a coordinator approval to operate as a CDS coordinator
- **CDS collection depot approval:** a person requires a collection approval to operate a collection depot
- **Supplier Registration:** a supplier (manufacturer or first importer) of a regulated container must not supply the container to a beverage retailer for sale by the retailer unless they are a registered CDS supplier

Approved containers have a 10 cents refund marking on the label.

It is an offence under the Act for a retailer to sell regulated containers that have not been approved for sale in the Territory.

As a condition of a CDS approval, the approval holder must have in place an approved waste management arrangement (WMA) relevant to their approval. A WMA is a written arrangement between two or more CDS participants and relates to approved containers as appropriate to the participants. WMAs support and underpin the operation of the CDS.

A CDS supplier must have a WMA with a CDS coordinator (supplier arrangement). The supplier arrangement provides for the supplier's beverage containers to be supplied for sale in the Territory. The supplier arrangement provides a mechanism for the supplier to contribute to the costs of including their containers in the scheme.

Current Situation

The Act was amended on 2 October 2021 to allow for supplier registration. There are currently 225 registered suppliers with 10-year registrations, implementing the first efficiency below.

Efficiencies

1. Establish a registration scheme for supply approvals. The registration scheme will allow suppliers to certify that the beverage container meets the requirements of the Act (i.e. in terms of using recyclable material, labelling requirements etc.) and that there is a WMA in place for the container.
2. Establish a process for recognising supply approvals granted by other jurisdictions and allow the supplier to operate in the Territory based on that approval provided that the supplier has a WMA in place with a Territory CDS coordinator.
3. 80% of all compliant applications received will be assessed and determined within 21 business days of receipt.

Authorisations under the Territory Parks and Wildlife Conservation Act 1976

Facilitating commercial and tourism opportunities in parks and reserves

The *Territory Parks and Wildlife Conservation Act 1976* (TPWCA) establishes a framework for establishing parks and reserves and managing wildlife (i.e. plants and animals).

The framework includes provisions allowing for the development and undertaking of public and commercial activities in parks, for the effective management of the park and reserve and to improve visitor experiences.

Current Situation

Commercial activities in parks require a permit under By-Law 13 of the *Territory Parks and Wildlife By-laws 1984*. The target to issue these permits are within 2 weeks.

In accordance with By-Law 18, it is an offence to interfere with natural features unless that interference is approved by a plan of management in force. By-Law 18 is unable to be authorised as an activity by permit. If the proposed project is consistent with a plan of management, there is no power to issue a permit to control how that disturbance is undertaken.

By-Law 18 is specifically limiting to third party arrangements as there is not an authorising environment to allow for the Commission to grant development without triggering the provisions of By-Law 18.

Under the *Planning Act 1999*, a sublease over an area of a park would be taken to be a subdivision if the sublease were for a period of greater than 12 years (including any extensions). This limits private interest in the development of parks as subleases less than 12 years do not provide the certainty required for significant investments which require long-term certainty.

Efficiencies

1. Amendment to the TPWCA to establish a new section 21A that authorises the use and development of land.
2. In negotiation with Land Councils, establish a similar procedure so new development can occur on Aboriginal Land where Traditional Owner consent has been granted.
3. Drafting of a development investment policy that clearly articulates considerations for either government or market-led tourism investments.
4. Completion of the 30 Year Masterplan for Parks and Wildlife and the associated 10 Year Activation Plan.
5. Priorities in the Parks and Wildlife 10 Year activation plan are completed.
6. Streamline approval processes for the development of the park estate for the purposes of commercial and tourism activities, Aboriginal community living areas, and the effective and appropriate management of the park by simplifying and consolidating approval requirements under the Parks and Wildlife Commission NT.
7. Investigate opportunities to enable the grant of long-term sub-leases within parks without establishing a subdivision to encourage private investments in parks by offering long-term certainty.

8. Development of a practical National Parks development framework and investment toolkit, co-developed with Traditional Owners, designed to attract and streamline investment in the Territory's National Parks.
9. Streamline application processes by digitising the online forms with assistance from the Department of Corporate and Digital Development.
10. Publish a pre-acceptance checklist for applications to undertake commercial activities on the park's estate.
11. Establish and publish standards of assessment for applications to undertake commercial activities on the park's estate, including timeframes and financial contributions.
12. Full legislative review of the TPWCA to ensure it is contemporary, effective and relevant for the next 30 years.

Authorising interference with wildlife

The TPWCA establishes a framework for establishing parks and reserves and managing wildlife (i.e. plants and animals).

The framework includes a permitting system to enable the taking of plants or animals for research, commercial and other purposes.

Current Situation

Permits to interfere with protected wildlife and to keep prohibited entrants in the Territory are granted under section 56 of the TPWCA. Processing times vary depending on the purpose of the permit.

Efficiencies

1. Publish a pre-acceptance checklist for applications to take, keep or interfere with wildlife and implement a procedure to confirm complete documentation for applications.
2. Review existing processes and timeframes for granting permits to take, keep or interfere with wildlife and establish administrative timeframes for confirming that applications meet requirements and acceptance of an application, and for assessing and determining the applications.
3. Streamline application processes by digitising the online forms with assistance from the Department of Corporate and Digital Development.
4. Full legislative review of the TPWCA to ensure it is contemporary, effective and relevant for the next 30 years.