

Our ref: 33-D24-6964

Hon Joshua Burgoyne MLA
Minister for Lands, Planning and Environment
GPO Box 3146
DARWIN NT 0801

cc Jo Townsend, Chief Executive Officer Department of Lands, Planning and Environment

Dear Minister

RE: PROVISION OF NT EPA ADVICE ON ENVIRONMENT MANAGEMENT PLANS RECEIVED UNDER THE PETROLEUM (ENVIRONMENT) REGULATIONS 2016

Thank you for our meeting on Monday 21 October where we discussed a range of matters, including the regulation of onshore gas in the Northern Territory. I note Government's commitment to streamlining the assessment and approval process and to reducing assessment timeframes. This letter outlines an opportunity for Government to reduce the assessment timeframes for onshore gas without compromising environmental outcomes.

On 25 February 2019 the former Minister for Environment formally requested, under section 29B of the *Northern Territory Environment Protection Authority Act 2012*, advice from the NT EPA in relation to all Environment Management Plans (EMPs) submitted under the Petroleum (Environment) Regulations 2016 (the Regulations).

To date the NT EPA has assessed and provided advice on 43 EMPs from 13 Interest Holders. The EMPs cover a broad range of exploration and appraisal activities, including drilling and hydraulic fracturing.

The NT EPA's advice to Government on all EMPs during the early stages of exploration has been invaluable in setting expectations and providing rigour to the Department's assessment process. Having said that, the NT EPA's advice in relation to every EMP is not required by Territory law, is not a requirement in other Australian jurisdictions, and is not required for other industries in the Northern Territory. It also adds time to the assessment process and significant administrative burden to both the Department and the NT EPA.

I have observed significant changes in the regulatory framework for onshore gas since early 2019, including the passage of the *Environment Protection Act 2019* (EP Act) and implementation of the *Code of Practice: Onshore Petroleum Activities in the Northern Territory*. Furthermore, the Petroleum Regulation team in the Department has gained significant experience and expertise in assessing EMPs and has grown to be a mature and trusted regulator.

In light of Government's commitment to reducing approval timeframes, the NT EPA has reflected on the role it plays in the assessment process and how to deliver the best possible service and advice to Government regarding the development of the Territory's onshore gas industry. My view is that the NT EPA's purpose and function would be better met through

providing independent expert advice to the Minister on strategic environmental matters relating to onshore petroleum developments, and administering the environmental impact assessment process for projects with a potentially significant environmental impact under the EP Act. Under the EP Act, the NT EPA also has discretionary powers to call in a proposal should the significance threshold be triggered.

In light of the above I recommend you rescind the Ministerial request under s29B of the NTEPA Act, which requested the board provide advice in relation to all EMPs submitted under the Regulations. I am confident the environmental regulator and the regulatory framework for onshore petroleum in the Northern Territory is sufficiently robust to ensure the sustainable development of that industry.

Please feel free to contact me or Amy Dennison in the Department in relation to any matters raised in this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Vogel', with a horizontal line underneath it.

DR PAUL VOGEL AM

Chairperson

30 October 2024