

Statement of Intent 2023–2027

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1. Introduction

The Northern Territory Environment Protection Authority (NT EPA) is established by the *Northern Territory Environment Protection Authority Act 2012* (NT EPA Act) as an independent statutory body providing expert advice on environmental matters in the Northern Territory (NT).

1.1. Objectives, powers and functions

The objectives of the NT EPA are specified in section 7 of the NT EPA Act and are to:

- promote ecologically sustainable development
- protect the environment, having regard to the need to enable ecologically sustainable development
- promote effective waste management and waste minimisation strategies
- enhance community and business confidence in the environmental protection regime of the Territory.

The NT EPA has a range of powers and functions. In summary, these are to:

- conduct environmental impact assessments
- manage waste and pollution
- provide strategic advice and assurance.

The NT EPA's specific powers, functions and obligations are identified in the following Acts and associated regulations and legislative instruments:

- Environment Protection Act 2019
- Environment Protection (Beverage Containers and Plastic Bags) Act 2011
- Northern Territory Environment Protection Authority Act 2012
- Waste Management and Pollution Control Act 1998.

1.2. Resourcing and capacity

The NT EPA comprises seven members appointed by the NT Administrator, and the chair of the Northern Territory Planning Commission. It is supported to deliver its core responsibilities and strategic priorities through staff and facilities provided by the Chief Executive Officer of the Department of Environment, Parks and Water Security (DEPWS).

DEPWS employees support the NT EPA by conducting the environmental impact assessment process, administering licences and approvals to protect the environment from the impacts of waste and pollution, investigating pollution complaints and potential breaches of environmental legislation, and preparing draft reports and other advisory material.

The NT EPA's capacity to perform its powers and deliver its functions is influenced by the resourcing that is available to it, and the Territory's development cycles. As the Territory continues to grow its economy, the NT EPA has seen increases in the number of applications for environmental licences and approvals as

well as a corresponding increase in the effort required to ensure compliance. There has also been an increase in the number and complexity of proposals entering the environmental impact assessment system.

As the Territory continues to grow, so must the level, capacity and expertise of resourcing available to DEPWS employees that support the NT EPA.

2. Statement of Intent

The NT EPA Act requires the NT EPA to prepare a Statement of Intent at least every four years. The Statement is for the following four year period and is prepared in consultation with the Minister for Environment, Climate Change and Water Security. In accordance with section 24A of the NT EPA Act, the Statement may include any matters the NT EPA considers appropriate, and must specify:

- (a) the NT EPA's priorities for the period covered by the statement;
- (b) how the NT EPA's priorities relate to the objectives of the NT EPA;
- (c) the nature and scope of the activities it intends to carry out to meet the NT EPA's priorities during the period covered by the statement;
- (d) the manner in which the NT EPA's priorities contribute to the Territory's objectives in relation to environmental management and economic development.

This Statement of Intent is for the period 2023–2027.

3. Northern Territory Government objectives

The Territory's economic and environmental objectives are underpinned by three targets:

- a \$40 billion economy by 2030
- the net zero greenhouse gas emissions by 2050 target
- the 50% renewable energy electricity consumption from grid connected installations by 2030.

Guidance on the delivery of these targets is provided by the recommendations of the First and Final Reports of the Territory Economic Reconstruction Commission and the 'Northern Territory Climate Change Response: Towards 2050'.

Other NT Government strategies and policies that are relevant to environmental management and economic development include:

- the 'Northern Territory Renewable Hydrogen Strategy' and the 'Northern Territory Renewable Hydrogen Masterplan'
- The Northern Territory Gas Strategy
- the NT Government's response to, and implementation of, the 'Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory'

- the 'Northern Territory Circular Economy Strategy 2022–2027'
- the 'Greenhouse Gas Emissions Management for New and Expanding Large Emitters' (the Large Emitters Policy)
- the Northern Territory Offsets Framework and supporting policies and guidelines
- the declaration to prohibit subsea (seabed) mining
- environmental regulatory reform program principles
- Ministerial statements and NT Government election commitments.

The NT EPA is cognisant of the range of NT Government policies, objectives and commitments in undertaking its regulatory responsibilities which it has considered and taken into account in preparing this Statement of Intent.

The NT EPA's priorities contribute to the Territory's objectives for environmental management and economic development through:

- providing expert advice on the ecologically sustainable development of the Northern Territory, including:
 - advising on the environmental acceptability of development proposals
 - providing strategic advice to Ministers and the NT Government on proposals for environmental management
- improving investor and community confidence in the Territory's regulatory framework for managing the environment, including through:
 - clear, transparent and timely decision making
 - risk based compliance and enforcement action, and
 - the publication of guidance material.

4. Core responsibilities of the NT EPA

The NT EPA's core obligation is to deliver the regulatory responsibilities imposed on it under the Northern Territory's environmental regulatory framework.

In undertaking its core responsibilities, the NT EPA seeks to enhance community and business confidence in the environmental protection regime of the Territory.

In exercising its powers and performing its functions, the NT EPA is required under section 8(3) of the NT EPA Act to:

- encourage community involvement and engagement
- ensure its processes are transparent and consistent in order to provide greater certainty for business and the community.

4.1. Environmental impact assessment

Responsibilities and obligations for environmental impact assessment are contained in the *Environment Protection Act 2019* (EP Act) and *Environment Protection Regulations 2020*.

Under this legislation the NT EPA:

- conducts environmental impact assessments
- prepares environmental assessment reports
- develops draft environmental approvals or statements of unacceptable impact
- advises the Minister about the environmental acceptability of proposed actions and strategic proposals that may have a significant impact on the environment
- ensures compliance with the environmental impact assessment process.

The NT EPA's environmental impact assessment responsibilities are designed to promote ecologically sustainable development in the Territory, and protect the Territory's environment, having regard to the need to enable ecologically sustainable development.

The NT EPA strives to deliver its environmental impact assessment responsibilities within timeframes specified in the EP Act. It maintains a key performance indicator, which is to achieve ≥80% of decisions made within statutory timeframes. The NT EPA reports its performance against this key performance indicator in its annual reports.

4.2. Waste and pollution management

Responsibilities and obligations associated with managing wastes and pollution are contained in the *Waste Management and Pollution Control Act 1998* (WMPC Act), *Waste Management and Pollution (Administration) Regulations 1998*, *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* and *Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011*.

Under this legislation the NT EPA issues licences and approvals and ensures compliance with the legislation. The NT EPA has established a number of key performance indicators to ensure licensing and approval decisions are made in a timely manner. These are:

- 80% of applications for environment protection licences for low risk activities are assessed and approved within 60 business days
- 90% of applications for container deposit scheme approvals are processed within 21 business days
- 95% of pollution reports accurately recorded and responded to within 3 business days

The NT EPA's waste and pollution management responsibilities are designed to promote effective waste management and waste minimisation strategies and protect the Territory's environment, having regard to the need to enable ecologically sustainable development.

4.3. Strategic advice and assurance

Responsibilities and obligations for providing strategic advice and assurance are contained in the NT EPA Act.

This legislation allows the NT EPA to provide the Minister with strategic advice on a range of matters (refer to sections 25 and 28 of the NT EPA Act). It requires the NT EPA to provide strategic advice that is requested by the Minister in relation to those matters.

The NT EPA Act also requires the NT EPA to advise the Minister, or any other Minister that may make a request, on specific proposals, plans, policies or other measures to manage the environmental impact of development on the environment (refer section 29B of the NT EPA Act).

The NT EPA Act establishes the NT EPA as the Territory's 'assurance' monitor, enabling the NT EPA to, on its own initiative or at the request of the Minister, provide advice on the Territory's system of legislation, policy and practices relating to the management of the environment.

The NT EPA's strategic advice and assurance responsibilities are designed to support achievement of all of the objectives of the NT EPA specified in the Act.

4.3.1. Advice under section 29B of the NT EPA Act

The Minister for Environment, Climate Change and Water Security has, by letter dated 25 February 2019, requested the NT EPA provide advice on all environmental management plans (EMPs) submitted for approval in accordance with the Petroleum (Environment) Regulations 2016.

The NT EPA prepares this advice for the Minister. It is published by DEPWS in conjunction with the Minister's approval decision on the EMP.

5. Strategic priorities

The NT EPA's strategic priorities for 2023–2027 provide the key areas of focus for the NT EPA when undertaking its regulatory responsibilities. These priorities are designed to improve and enhance the delivery of regulatory responsibilities and limit the externalities that the Territory will need to manage in the future. Priorities are organised by five themes.

5.1. Stakeholder engagement

Integral to the successful delivery of the NT EPA's core responsibilities and objectives is its relationship with the community, industry and government.

To support proponents of development proposals subject to assessment under the EP Act, the NT EPA has published 'Environmental impact assessment guidance for proponents: Stakeholder engagement and consultation' (2020) to provide guidance on the NT EPA's expectations for how proponents are to conduct and demonstrate effective stakeholder engagement.

In addition, the NT EPA has also published the 'NT EPA Stakeholder Engagement' (2019) which establishes the NT EPA's approach to informing, engaging and communicating with its stakeholders in exercising its powers and performing its functions.

The NT EPA has identified two priorities within the stakeholder engagement theme.

No.	Priority	Activity
1	Enhance community involvement and engagement in environmental decision-making processes	<ul style="list-style-type: none"> Undertake stakeholder engagement in accordance with annual stakeholder engagement plans Identify improvements to environmental impact assessment processes and systems to support increased community involvement Ensure annual stakeholder engagement plans support improved engagement with potentially affected communities and Aboriginal Territorians Invite community, government and industry stakeholders to present and discuss environmental matters and other issues with the NT EPA Inform and communicate with stakeholders on the business of the NT EPA and listen to their concerns and ideas
2	Encourage proponents to engage early with the NT EPA	<ul style="list-style-type: none"> Undertake stakeholder engagement in accordance with annual stakeholder engagement plans Develop and implement programs to improve awareness and understanding of the roles and functions of the NT EPA

5.2. An effective and efficient regulator

The NT EPA recognises that community and business confidence in the regulatory regime relies on the NT EPA's reputation as a consistent, transparent, and accountable regulator. In 2022, the NT EPA endorsed the publicly available 'Compliance and Enforcement Policy' and 'Enforcement Guideline' and stands by the principles and processes set out in those documents

Community and businesses' acceptance of the NT EPA as a trusted regulator depends on the NT EPA having a strong foundation to underpin its licensing and compliance functions.

The NT EPA has identified three priorities to strengthen its foundations within the effective regulator theme.

No.	Priority	Activity
1	Build an effective and efficient licensing function	<ul style="list-style-type: none"> Develop and implement processes and procedures to support timely, informed and risk based decision-making Develop and publish prescribed forms and guidelines for licences and approvals Undertake a comprehensive review of conditions of environmental approvals issued under the EP Act to ensure they meet contemporary principles, including SMART principles Review delegations to ensure they are pragmatic and efficient

No.	Priority	Activity
2	Implement a strategic approach to compliance and enforcement	<ul style="list-style-type: none"> Undertake compliance and enforcement action in line with the Compliance and Enforcement Policy and Enforcement Guideline Endorse and publish an annual compliance plan, which will set out the NT EPA's compliance priorities for each calendar year. Priorities will be determined based on evidence and the likelihood of environmental harm Publish an Authorised Officer Policy to provide clarity to Territorians and the regulated community on what they can expect from environmental officers when undertaking monitoring compliance activities and exercising statutory powers
3	Enhance delivery of the NT EPA's regulatory functions, including through improved systems and technology	<ul style="list-style-type: none"> Support introduction of a regulatory management system to streamline environmental assessments, approvals and compliance work undertaken on behalf of the NT EPA Review use of data, technology (including drones) and analytics to identify areas for improvement in data collection, management and reporting to inform environmental impact assessment and compliance monitoring Review the capacity of the NT EPA and DEPWS to deliver the range of competing responsibilities, including new initiatives to meet the expectations of all stakeholders, including the regulated community, Government and the community

5.3. Strategic advice and assurance

The NT EPA has been established as the NT Government's independent and expert environmental management advisor and assurance monitor. It has a number of advisory and assurance related functions and powers providing an opportunity to strategically shape the environmental management of the Territory and to limit impacts on current and future generations.

A substantial element of the NT EPA's role is delivery of strategic advice in the form of Assessment Reports and draft environmental approvals prepared under the EP Act. The Minister has also requested that the NT EPA provide advice on environmental management plans submitted to the Minister under the Petroleum (Environment) Regulations 2016.

Opportunities exist for the NT EPA to provide strategic advice on a broader range of emerging issues currently, or likely to impact, the Territory environment and achievement of the NT Government's environmental and economic development objectives.

In providing sound independent, strategic and transparent advice, the NT EPA:

- ensures its advice on environmental impact assessment and other matters is based on a contemporary understanding of the environment and measures to protect it

- properly considers risk and uncertainty when making judgements about and providing advice for environmental protection
- ensures its advice is clear, robust and published.

The NT EPA has identified three priorities within the strategic advice and assurance theme.

No.	Priority	Activity
1	Support the ecologically sustainable development of the Territory through the provision of strategic advice	<ul style="list-style-type: none"> • Provide advice to the Minister on options to strategically address the potential environmental risks and impacts associated with development of the onshore petroleum industry • Use the strategic proposal provisions of the EP Act to conduct a strategic assessment of the Middle Arm Sustainable Development Precinct • Prepare advice to the Minister on 'lessons learned' from the Middle Arm strategic assessment to inform future improvements to the EP Act and assist future potential proponents through the development of guidance material • Provide strategic advice to improve consideration and assessment of cumulative impacts
2	Promote effective waste management of emerging and high risk problematic waste streams	<ul style="list-style-type: none"> • Identify emerging and high risk problematic waste streams and provide advice on requirements for their management
3	Improve confidence in the environmental regulatory framework	<ul style="list-style-type: none"> • Use assurance powers to review a high risk and strategic component of the environmental regulatory framework

5.4. Greenhouse gases and climate change

Under the EP Act, the NT EPA is required to ensure that the impacts of a changing climate are considered in environmental impact assessment processes.

The NT Government has released the 'Greenhouse Gas Emissions Management for New and Expanding Large Emitters' policy (Large Emitters Policy) providing guidance to the NT EPA and the community about its expectations for the management of greenhouse gas emissions from new and expanding projects.

The Australian and NT governments have established targets of net zero greenhouse gas emissions by 2050 and the Australian Government has committed to reducing Australia's greenhouse gas emissions by 43% below 2005 levels. At the same time, the Northern Territory is a developing economy with an ambitious target of a \$40 billion economy by 2030.

The NT EPA has identified two priorities within the greenhouse gases and climate change theme.

No.	Priority	Activity
1	Support achievement of the NT Government's net zero greenhouse gas emissions by 2050 target	<ul style="list-style-type: none"> • Advise the Minister on the management of greenhouse gas emissions from development proposals

No.	Priority	Activity
		<ul style="list-style-type: none"> Advise the Minister on improvements to the regulatory regime to support the imposition of emissions reduction obligations Develop guidance to proponents on expectations for greenhouse gas management and reduction
2	Promote consideration of climate change impacts in decision making	<ul style="list-style-type: none"> Develop guidance to proponents on expectations for identifying climate change impacts and building resilience in environmental impact assessment processes

5.5. Guidance and information

The NT EPA has prepared a range of guidance to support proponents, licensees and the community to understand and work within the regulatory system.

The NT EPA has identified one priority within the guidance and information theme.

No.	Priority	Activity
1	Develop and review guidance material to support improved environmental management in the NT	<ul style="list-style-type: none"> Finalise priority Environmental Factor guidance for atmospheric processes and culture and heritage Prepare Environmental Factor guidance for remaining factors Prepare guidance to improve understanding and application of the EP Act Prepare guidance on the NT EPA's expectations for mine rehabilitation and closure as part of the impact assessment process Prepare guidance material to improve the management of waste and pollution in the Territory