

15 July 2022

Northern Territory Environment Protection Authority
GPO Box 3675
DARWIN NT 0810

Dear Sir/Madam

Re: Draft Environmental Guidance Factors: Culture and Heritage, and Atmospheric Processes

Thank you the opportunity to comment on the Draft Environmental Guidance Factors relating to Culture and Heritage, and Atmospheric Processes.

The NT Government is committed to protecting environmental values and growing and diversifying the economy, accelerating investment, and developing enabling infrastructure to facilitate economic growth opportunities. This is reflected in targets for both net zero greenhouse gas emissions by 2050 and a \$40 billion economy by 2030.

I acknowledge the Authority's functions and powers under the *Northern Territory Environment Protection Authority Act 2012*, combined with the breadth of definitions and principles in the *Environment Protection Act 2019*, give it considerable scope to assess and make recommendations to the Minister on development proposals. That said, I am keen that development proponents are not subject to (1) duplicative regulatory requirements, (2) the risk of different processes delivering different outcomes or (3) longer approval timeframes (for the same outcome). Additionally, there are high levels of subject-specific legislative, regulatory and technical expertise that resides in the public sector and, notwithstanding the independence of the Authority, I think investigating the benefits of developing bilateral assessment agreements with relevant regulators to minimise these risks warrants further consideration.

To create certainty and transparency for all parties, I would encourage the Authority to ensure the guidance documents are clear regarding how the NT EPA intends to make decisions that may require an action to be assessed and the assessment criteria.

Culture and Heritage

As the draft guidance acknowledges, the protection of Aboriginal cultural values and the Territory's natural and built heritage is already a heavily legislated space, with high levels of legislative and technical expertise currently existing in both the public and private sectors.

The Department of Industry, Tourism and Trade would strongly encourage the Authority to engage NT Government departments responsible for administering legislation that contains provisions for the

protection of culture and heritage to minimise the risk of duplication and to ensure the guidance adequately clarifies the intention and processes to be undertaken by the Authority.

This is particularly important given that, as the paper identifies, the legislation that makes provision for culture and heritage is well settled, and further regulatory layers may cause uncertainty for proponents given the already complex nature of this interaction. Page 7 states the Authority will scrutinise a proposal's compliance with existing laws and "the quality of engagement with the local community". Given the often contested nature and findings of community engagement processes (and significant cost in terms of time and money), a "quality" assessment is likely to, ultimately, still be subjective and fraught based on the criteria provided in the factor guidance paper.

Atmospheric Processes

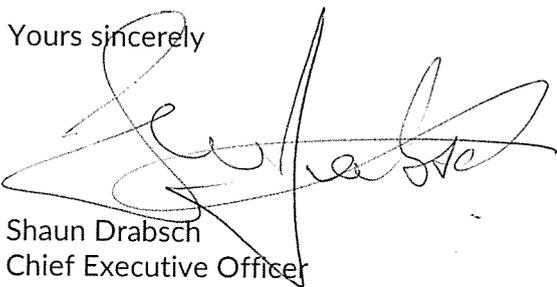
It is not clear why the objective statement for the factor makes reference to the Northern Territory Government's climate change policy to achieve net zero greenhouse gas emissions by 2050, but then referral criteria in Section 6 does not use the Government's 'Large Emitters Policy' as the basis for assessment. This inconsistent approach could leave the Authority open to criticism regarding the basis of its assessment processes.

With respect to Section 7.1 Estimated Emissions, it is not clear why the Authority requires proponents to provide estimates of scope 1, scope 2 and scope 3 emissions if the objective is to "(m)inimise greenhouse gas emissions so as to contribute to the Northern Territory Government's target of achieving net zero greenhouse gas emissions by 2050". Similarly, Section 7.2 would benefit from specific reference that it applies to scope 1 (and possibly scope 2) emissions only.

Further, I would recommend the Authority assesses the net zero emissions goal with consideration also paid to other government policy objectives, as emissions reduction must reflect environmental, social and economic objectives. This is consistent with the Territory Economic Reconstruction Commission's Final Report which discusses that emissions reduction should be pursued based on technological and commercial feasibility.

If you would like to discuss any of this please contact Robert Dalton, Director Strategic Policy on 8999 5047.

Yours sincerely



Shaun Drabsch
Chief Executive Officer