

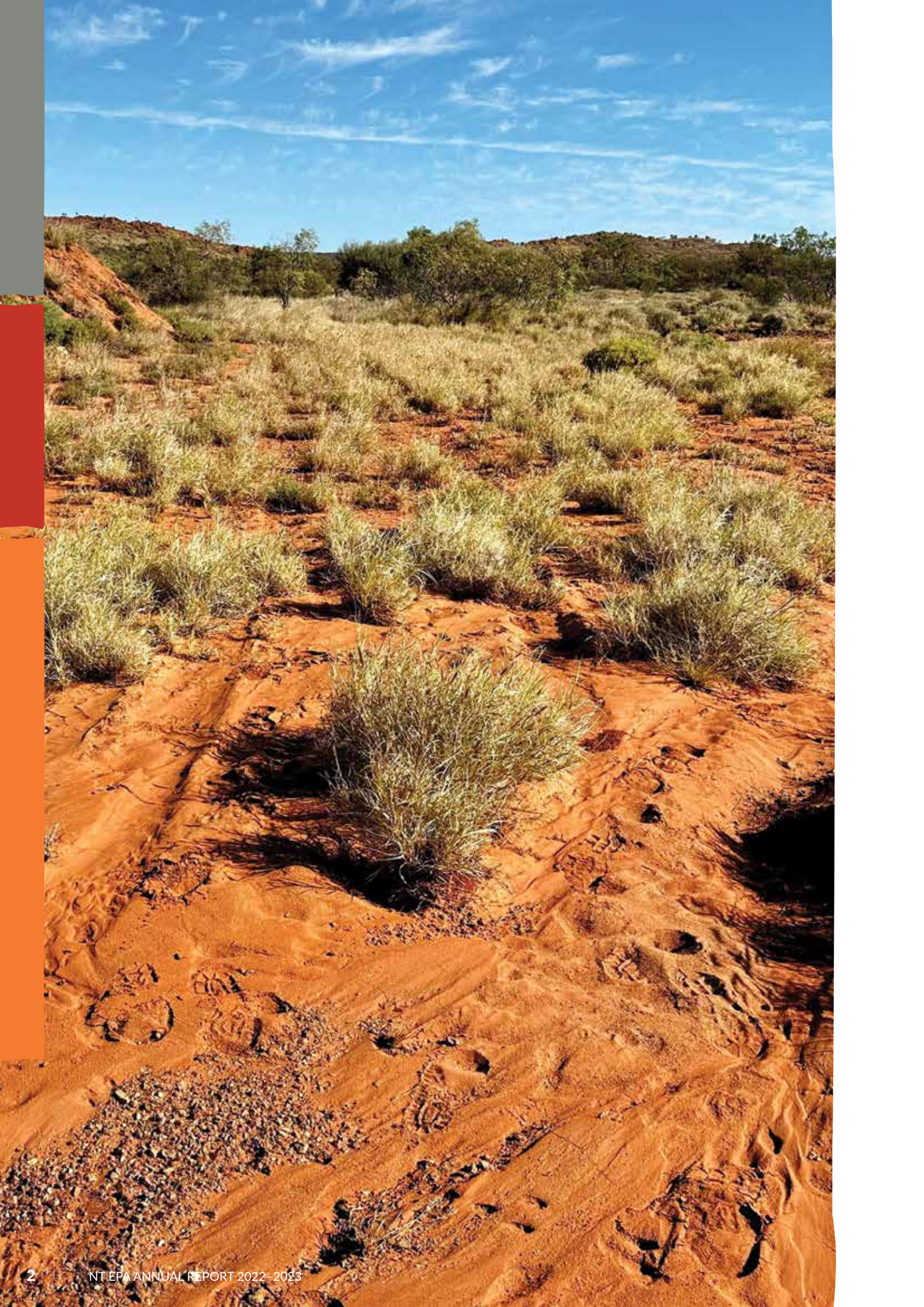






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Letter from the Chairperson NT EPA to the Minister

The Hon. Lauren Moss MLA

Minister for Environment, Climate Change and Water Security
Parliament House
Darwin NT 0800

Dear Minister

I am pleased to present you with the annual report of the Northern Territory Environment Protection Authority (NT EPA) for the year ended 30 June 2023, as required under section 33 of the *Northern Territory Environment Protection Authority Act 2012*.

The report describes the performance of the NT EPA's functions during the 2022–2023 financial year, including its activities outlined in the Statement of Intent 2020–2022.

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

Dr Paul Vogel AM
Chairperson

Northern Territory Environment Protection Authority
19 October 2023

Chairperson's message

This year's annual report provides a comprehensive account of the Northern Territory Environment Protection Authority's (NT EPA) performance in carrying out its functions against its Statement of Intent 2020–2022.

The 2022–2023 financial year saw the NT EPA operating in an environment of rapid change, arising from strong international and national sustainability and decarbonisation agendas and in Australia, a renewed emphasis on ensuring First Nations people are engaged in decision making and their cultural heritage is protected. These changes are being driven by market forces and community expectations and, increasingly, policy and regulation.

The nature, breadth and pace of this change in the environmental sustainability landscape is unlike anything I have seen in the many decades I have been involved in environmental protection and regulation. It is having a direct bearing on how the NT EPA delivers on its functions.

The volume, scale, complexity and contentious nature of environmental impact assessments continued to increase in 2022–2023, with the NT EPA navigating tensions between the understandable push for greater efficiency and streamlining of regulation to support economic growth with other policy objectives of environmental protection and reducing greenhouse gas emissions.

While the NT EPA found it challenging at times to meet the statutory timeframes under the *Environment Protection Act 2019* (EP Act) throughout the year, it is pleasing to note that the average time taken to complete an assessment under the EP Act has decreased markedly compared to assessments under the previous legislation. This is due to the effective use of the different methods of assessment now available to the NT EPA in the EP Act.

The NT EPA considered the environmental impacts of a range of proposals in 2022–2023, including mining, bulk fuel storage, large scale agricultural projects, land clearing, future housing precincts, and industrial developments both on land and in water. On advice from the NT EPA, the Minister for Environment issued five environmental approvals without change under the EP Act.

The NT EPA completed its environmental impact assessment of the Rum Jungle Rehabilitation Project, a closed uranium mine near Bachelor in the NT. Thought to be a first in Australia, the NT EPA applied a contaminated site assessment and remediation approach to its assessment and advice to the Minister for Environment to address long-term legacy contamination issues at Rum Jungle and improve the environmental conditions onsite and downstream within the Finnis River, while taking into consideration the desires and expectations of Traditional Owners.

In another first, the NT EPA is undertaking the strategic environmental assessment of the Middle Arm Sustainable Development Precinct on the Middle Arm Peninsula of Darwin Harbour. This is the first strategic assessment in the Northern Territory (NT) and the first strategic assessment of an industrial precinct of this nature in Australia. Strategic assessment can deliver benefits over project-based assessment by taking a landscape-scale approach to assessing and managing cumulative impacts, and providing efficiencies for approving individual industries proposed for the precinct once the assessment is complete. This is a large and complex assessment that will continue to occupy the NT EPA in the coming years.

The EP Act requires actions that may have a significant impact on the environment to be assessed, planned and carried out taking into account the impacts of a changing climate. To facilitate this requirement, the NT EPA assesses proposals for their contribution to the Northern Territory Government's goal of achieving net zero greenhouse gas emissions by 2050. The NT EPA is also guided by the NT Government's Greenhouse Gas Emissions Management for New and Expanding Large Emitters Policy and the Greenhouse Gas Emissions Offsets Policy and Technical Guidelines. In 2022–2023 the NT EPA has considered the greenhouse gas emissions from renewable energy, agriculture, mining, infrastructure and land clearing proposals, and has provided advice to the Minister for Environment on the regulation of greenhouse gas emissions from onshore gas exploration activities. I look forward to releasing the NT EPA's Atmospheric Processes factor guidance early in the 2023–2024 financial year to communicate the

NT EPA's expectations in assessing greenhouse gas emissions from development proposals.

An effective environmental regulator is reliant on a proportionate, risk based and targeted compliance and enforcement approach. In 2022–2023, the NT EPA endorsed the NT Environment Compliance and Enforcement Policy, and the annual Compliance Plan for 2023–2024. These documents provide transparency and accountability to Territorians, industry and business, and other interested stakeholders about environmental compliance in the NT.

There is a strong correlation between good planning and good environmental outcomes. In the NT, this is facilitated by my ex officio membership of the NT Planning Commission and the Chair of the NT Planning Commission, Dr David Ritchie's ex officio membership of the NT EPA. This arrangement encourages information sharing, collaboration and a partnership approach across the two authorities to promote ecologically sustainable development. I look forward to working closely with Dr Ritchie and the Planning Commission in the coming year.

The NT EPA has prioritised its focus for the next four years in the NT EPA's Statement of Intent 2023–2027, which will come into effect from the next reporting period. The Statement of Intent recognises the priorities, commitments and targets of government, as well as the NT EPA's core responsibilities of environmental impact assessment, waste and pollution management, provision of strategic advice and assurance.

The achievements of the NT EPA have only been made possible with the support, advice and professionalism of the officers of the Department of Environment, Parks and Water Security (DEPWS). I would like to thank DEPWS officers for their resolute and passionate efforts in assisting the NT EPA deliver its responsibilities every year. Meeting the cumulative demands of an increasing number of referrals and assessments, licences and approvals, monitoring and compliance in addition to other government priorities and functions is an ongoing challenge for DEPWS. The NT EPA's capacity to deliver its responsibilities is impacted by the resourcing that is available to it, and the NT EPA

welcomes additional resourcing to DEPWS in the 2023–2024 budget to support the environmental assessment and approvals function.

As we look to the future, a greater emphasis for all environmental protection authorities will be on increasing our understanding of the cumulative impacts of proposed economic activity and how these can be managed to deliver better environmental, social and cultural outcomes. At the other end of the regulatory spectrum, it will also be important to ensure that existing industries and activities comply with their environmental responsibilities through modern and effective environmental regulation, including compliance monitoring and enforcement.

Finally, I would like to acknowledge the contribution of outgoing member Dr Vaughan Beck AM to the NT EPA. Dr Beck brought great depth and technical expertise to the NT EPA, particularly in relation to the potential environmental impacts of onshore gas development in the NT. I wish Dr Beck all the best for the future. I would also like to welcome incoming member, Ms Jordanna (Jordy) Bowman, to the NT EPA. Ms Bowman commenced with the NT EPA on 1 June 2023. Ms Bowman is a local Territorian with more than a decade of experience in Aboriginal land use and planning, and community and economic development in remote Australia and transitioning economies. Ms Bowman has worked across Australian and NT governments, Aboriginal corporations and not-for-profit organisations, bringing a wealth of local knowledge and complementary experience to the NT EPA. She is already making her presence felt!

Dr Paul Vogel AM
Chairperson, NT EPA





Purpose and function of the NT EPA

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

Its purpose is to ensure the environment is protected for the benefit of current and future generations, and its objectives are defined in the NT EPA Act, to:

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

The objectives guide the NT EPA's decision making when fulfilling its functions under a range of legislation. The NT EPA's advisory powers are contained in the NT EPA Act; its powers and functions are enabled by the *Environment Protection Act 2019*, the *Environment Protection (Beverage Containers and Plastic Bags) Act 2012*, the *Waste Management and Pollution Control Act 1998* and their supporting regulations.



Independence, accountability and Statement of Intent

The NT EPA's independence is preserved in the NT EPA Act ensuring that neither the NT EPA (as a separate legal entity) nor any of its members are subject to direction by the Minister or government in the performance of the NT EPA's powers and functions.

The NT EPA is accountable to the NT community and government. This expectation and obligation is reflected under various provisions in the NT EPA Act. An accountability and governance provision requires the NT EPA to report on its fulfilment of the activities under a Statement of Intent in its annual report. As such, the NT EPA's annual report is reported against the 2020–2022 Statement of Intent.

The NT EPA comprises up to seven members appointed by the NT Administrator, and the chair of the Northern Territory Planning Commission who is appointed by the NT Minister for Infrastructure, Planning and Logistics, in accordance with the *Planning Act 1999*. The NT EPA member details are at Appendix 1.

Relationships

The NT EPA relies on its relationship with the community, industry and government to help it achieve the important objectives and functions it is responsible for, including ensuring good environmental management outcomes are achieved and facilitating ecological sustainable development in the NT.

The Chief Executive Officer of the Department of Environment, Parks and Water Security (DEPWS) provides the NT EPA with access to staff and facilities (primarily employees from the department's Environment Division) to enable it to properly exercise its powers and perform its functions. These 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 to enable the NT EPA to provide the Minister with strategic advice.

Priorities and activities of the NT EPA

This annual report outlines the NT EPA's achievements and future priorities according to its key areas of responsibility and the associated priorities detailed in the NT EPA's Statement of Intent 2020–2022.

The NT EPA's key areas of responsibility for 2022–23 were:

- environmental impact assessment
- onshore petroleum activities
- waste and pollution
- guidance and support.

Environmental impact assessment

Priority 1 – Deliver regulatory responsibilities for environmental impact processes

The NT EPA is responsible for implementing the environmental impact assessment process in the NT under the *Environment Protection Act 2019* (EP Act) and the Environment Protection Regulations 2020, undertaking assessments of development proposals that have the potential to have a significant impact on the environment, to inform the Minister about whether to grant an environmental approval.

The EP Act is in its third year of implementation. The NT EPA made around 80 decisions under the EP Act in 2022–2023. At the end of December 2022, only 42% of decisions were made within statutory timeframes and this steadily improved to 68% by the end of the financial year. The NT EPA is seeing a shift in the types of proposals being referred under the EP Act, with new industries including hydrogen and blue carbon appearing for the first time. The number of completed assessment reports and key assessment decisions of the NT EPA in 2022–2023 are listed in Appendix 2, Tables 1, 2 and 3.

The NT EPA completed the assessment of five proposals in 2022–2023, two more than the amount of assessments reports in 2021–2022. The NT EPA provided advice to the Minister including its assessment report and draft environmental approval for the following proposals:

- Department of Infrastructure, Planning and Logistics – Melville Island Road Upgrades
- PNX Metals Limited – Fountain Head Gold Project
- Department of Industry, Tourism and Trade – Rehabilitation of the Former Rum Jungle Mine Site
- INPEX Operations Australia Pty Ltd – Ichthys LNG Maintenance Dredging Program 2023–2027
- Primary Gold Limited – Rustlers Roost and Quest 29 Open-Cut Mine Redevelopment.





There was a notable increase in the complexity of proposals undergoing assessment processes this year, including the Middle Arm Sustainable Development Precinct (MASDP), which is the Territory's first strategic proposal. The MASDP requires assessment using the Environmental Impact Statement method, and the assessment process is expected to be ongoing through 2024.

The highly complex Rum Jungle Rehabilitation Project assessment was completed by the NT EPA this year. The assessment was completed under the previous NT *Environmental Assessment Act 1984* with transition arrangements, including an environmental approval issued by the Minister under the EP Act. The assessment was also conducted in accordance with the bilateral arrangements under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), with the NT EPA's assessment informing the Commonwealth Minister for Environment and Water's decision on whether the proposal should be approved under the EPBC Act.

The NT EPA decided five proposals required assessment by Supplementary Environmental Report (SER), a mid-tier method of assessment introduced under the EP Act.

Engagement with stakeholders and the community is a fundamental requirement of environmental impact assessment. To facilitate this, the NT EPA website includes a dedicated consultation hub for the publication of environmental impact assessment documents for consultation. A new online subscription function for environmental impact assessments was activated mid-2022 which allows subscribers to be notified when the NT EPA opens public consultations or news items are published.

Communicating assessment outcomes to stakeholders is equally important to close the loop on the engagement process. Once an assessment decision is made, it is made available on the NT EPA's website.

PRIORITY 2 – Improve mine planning, rehabilitation and closure

The NT EPA continues to focus its efforts on improving outcomes for mine planning, rehabilitation and closure within the environmental impact assessment process. The NT EPA included recommendations to the Minister in its advice on the PNX Metals Limited Fountain Head Gold Project proposal. Draft conditions included environmental outcomes to be achieved post-closure for Fountain Head Pit lake water quality. In its assessment, the NT EPA also recognised the approval and regulatory process under the *Mining Management Act 2001*.

The NT EPA has agreed to undertake a review of Australian and international guidance for mining rehabilitation and closure and its applicability to the Northern Territory to inform the NT EPA's assessment and advice on mining proposals. This analysis will be progressed in 2023–24.

PRIORITY 3 – Improve integration between land use planning and environmental protection

Throughout 2022–2023, the NT EPA implemented a strategic approach to input on planning and development applications, including by:

- engaging with proponents in the early stages of projects on how land use and planning will impact referral and licensing requirements under NT law
- providing consistent advice on obligations, standards, and guidelines that need to be considered to meet the general environment duty
- improving intra and inter-departmental collaboration on the environmental requirements for projects that may require multiple approvals.

Environmental impact assessment of the Rum Jungle rehabilitation project

The NT EPA assessed the proposal to rehabilitate the former Rum Jungle Mine site, and nearby satellite sites, near Bachelor NT, by environmental impact statement (EIS). The assessment was conducted under the former *Environmental Assessment Act 1982* in line with transitional arrangements under the *Environment Protection Act 2019*, and in accordance with the bilateral agreement under the *Environment Protection and Biodiversity Conservation Act 1999*. The proposed objective was to improve the environmental condition onsite and downstream within the East Branch of the Finniss River through remediation. Importantly, this objective included a contribution towards restoring cultural values and associated future uses of the land.

The rehabilitation is to address long-term environmental contamination from uranium mining which occurred from 1953 to 1971. The waste rock and tailings placement methods used at the time have resulted in ongoing oxidation of sulfide minerals, generating substantial volumes of acid and metalliferous drainage containing acid, salts, radionuclides and heavy metals such as copper, zinc and uranium. This drainage mobilised during the wet season into the adjacent east branch of the Finniss River, resulting in the depletion of aquatic ecosystems for many kilometres downstream over a period of five decades.

The Rum Jungle site is widely recognised as one of the most polluted environments in Australia and provides an internationally important, but unenviable case-study on environmental pollution from mining, and the performance of uranium mine site rehabilitation. The assessment of the proposal is one of the most challenging undertaken by the NT EPA to date, due to the complexity of the action, the geology and hydrogeology of site, and pollution cycles in the affected environment.

Previous rehabilitation of the site carried out in the mid-1980s was initially considered to have successfully met the set performance criteria, but the final condition of the site did not meet contemporary water quality or contaminated site clean-up standards. In addition, the rehabilitation was carried out without input from the traditional Aboriginal owners of the site. The NT Department of Industry, Tourism and Trade (proponent) and the Australian Government have been working under a national partnership agreement since 2009 to develop an improved rehabilitation proposal that is consistent with the views and interests of traditional owners.

The NT EPA assessment was a first for Australia, and potentially the world, looking at the environmental impacts of rehabilitating a former uranium mine. The process concluded that the proposal can be implemented and managed in a manner that is environmentally acceptable and recommended that environmental approval be granted subject to approval conditions, including the use of a contaminated sites approach to remediation that is consistent with the National Environment Protection (Assessment of Site Contamination) Measure and the National Remediation Framework. The NT EPA's recommended conditions of approval were accepted and the action was approved by the Minister for Environment on 29 March 2023.

Onshore petroleum activities

PRIORITY 4 – Provide advice and recommendation on EMPs for managing petroleum activities

Under the NT Petroleum (Environment) Regulations 2016, the Minister is the regulator for environment management plans (EMPs) and approvals for the onshore petroleum industry in the NT. A petroleum interest holder is required to submit an EMP to the Minister for review and a decision. EMPs are required to be approved by the Minister prior to commencing an onshore petroleum regulated activity.

The Minister has requested that the NT EPA provides advice on the appropriateness of proposed EMPs for managing petroleum activities under the NT Petroleum (Environment) Regulations 2016. The NT EPA's Onshore Gas Committee (Appendix 1) provides expert assessment and advice to the NT EPA to inform its recommendation to the Minister on EMPs.

Since February 2019, the NT EPA has provided independent advice and additional scrutiny on 32 EMPs. In 2022–2023, the NT EPA provided advice to the Minister on four EMPs.

The NT EPA has engaged with onshore petroleum proponents regarding the application of the NT Government's policy on Greenhouse Gas Emissions Management for New and Expanding Large Emitters as well as on future onshore petroleum production activities which may require assessment under the EP Act. The NT EPA developed a series of principles to guide decision makers on how greenhouse gases should be managed by the onshore gas industry.



Waste and pollution

PRIORITY 5 – Deliver waste and pollution regulatory responsibilities

Licences and approvals

The NT *Waste Management and Pollution Control Act 1998* (WMPC Act) establishes an environmental approval and licensing regime for certain activities. The approval and licensing regime established by the WMPC Act enables the NT economy to grow without compromising environmental values.

Compliance with approvals and licences under the WMPC Act gives industry and the regulated community a roadmap for earning a social licence in the NT. Environment protection approvals (EPAs) and environment protection licences (EPLs) are in place for a range of activities and facilities across the economy, including in relation to waste management (e.g. waste transporters, waste transfer facilities and landfills) and each of the three hydrocarbon processing (including LNG) facilities in the NT.

During the 2022–2023 financial year, the NT EPA administered 18 EPAs and 213 EPLs. Further details of the EPAs and EPLs are available on the NT EPA website.



Compliance and enforcement

Monitoring and enforcing compliance is a key function of environmental regulation and a responsibility of the NT EPA and the officers that support it.

In mid-2022 the NT EPA endorsed a new Compliance and Enforcement Policy and Enforcement Guideline to ensure that compliance and enforcement activities occur in a proportionate, consistent and risk based way. The policy and guideline is published on the NT EPA's website.

In early 2023 the NT EPA also endorsed an annual Compliance Plan for 2023–2024, which provides clarity and transparency on where environmental regulators should focus their efforts as environmental issues emerge and change over time. For the 2023–24 financial year the NT EPA determined that its compliance priorities are:

- high impact projects that are subject to an environmental approval under the EP Act
- hydrocarbon processing facilities, including LNG facilities
- waste tyres
- waste crime and illegal dumping, particularly in the Alice Springs region
- licensed landfills.

The 2023–24 Compliance Plan has been published on the NT EPA's website.

In 2022–23, a total of 10 penalty infringement notices (PINs) were issued (Appendix 3). There were 11 authorised officer directions issued for a variety of environmental issues.

Pollution reporting and response

The Department administers the Territory's Pollution Response Line (PRL). The PRL is an important regulatory service as it allows the community to support the detection of potential non-compliance with environmental laws. Reports can be made by filling out an online form on the NT EPA's website or by calling the free 24 hour pollution hotline 1800 064 567.

A total of 833 environmental incident reports were received in 2022–23, a small decrease from 845 reports the previous year. Low level environmental harm and nuisance complaints relating to dust, smoke, noise and odour continue to make up 40% of all reports received. Approximately 20% of reports received relate to noise. When reports of noise from residential sources are received, officers will initially encourage the parties to engage with each other and seek mediation if necessary. In some cases complainants alleging low level environmental harm are also referred to another more appropriate agency or regulator with the primary responsibility to deal with the reported issue.

The NT EPA is supporting the development of a triage guideline to assist in providing a risk-based and proportionate response to reports of potential environmental harm through the PRL. The guideline will be finalised and published on the NT EPA's website in late 2023, and will reflect the NT EPA's and the DEPWS commitment to being a targeted, responsive and transparent regulator.



Air quality

The NT EPA has a role to play in ensuring good air quality in the NT through licensing of certain facilities, assessing the potential impact of air emissions from certain proposals, and continuous monitoring of air quality in the Darwin Region and Katherine using a network of ambient air quality monitoring stations.

The network of ambient air quality monitoring stations (AQMS) enables compliance reporting with the National Environment Protection (Ambient Air Quality) Measure (AAQ NEPM), which establishes national ambient air quality standards for key air pollutants. During 2022–23, the three Darwin region stations located in Palmerston, Winnellie and Stokes Hill measured the concentrations of carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), sulfur dioxide (SO₂) and airborne particles (PM₁₀ and PM_{2.5}). Katherine Town Council (KTC) operates an ambient AQMS in Katherine which monitors for PM₁₀ and PM_{2.5}. Historical and real time air quality data, including meteorological parameters, are available to the public on the NT EPA website.

Air quality in Darwin remains generally good especially during the Wet Season and none of the stations recorded exceedances of the AAQ NEPM standards for CO, NO₂, O₃ or SO₂ during the period July 2022–June 2023. The graphs in Figures 1 and 2, however, show that several exceedances of the AAQ NEPM standards for particles occurred during the Dry Season. Winnellie exceeded the 1-day average PM_{2.5} standard on 36 days (27 days in Palmerston, 9 days in Katherine and 2 days at Stokes Hill). There were also several exceedances of the 1-day average PM₁₀ standard at most of the stations. Smoke from planned and unplanned bushfires is usually responsible for these exceedances and can contribute to poor air quality at certain times during the year.

The NT EPA website now displays the quality of ambient air as “Air Quality Categories” (AQC), and provides general health advice and recommended actions specifically for exposure to PM_{2.5}. This is in line with a nationally consistent framework for public air quality information and health advice agreed by all jurisdictions in response to a need identified during the 2019–20 Black Summer bushfires. AQC are colour coded and can be either “Good”, “Fair”, “Poor”, “Very Poor” or “Extremely Poor”.

The NT EPA implements the National Pollutant Inventory (NPI) reporting in the NT through the Environment Protection (National Pollutant Inventory) Objective 2004. The NPI is an Australian Government initiative, with each state and territory responsible for implementing the program in their jurisdiction.

The NPI is an internet database that provides the community, industry and government with information about the emissions and transfers of 93 toxic substances to the environment in Australia. Facilities that use NPI substances at levels above certain thresholds are legally required to report any emissions or transfers of those NPI substances. The latest emissions/transfer data (2021–2022) is available on the NPI website, with 114 NT facilities reporting their emissions for this period. The number of substances emitted to air, land or water by industry in the NT for this period was 67.



Figure 1: One-day average particulates (PM₁₀) concentrations at the air quality monitoring stations (2022-2023)

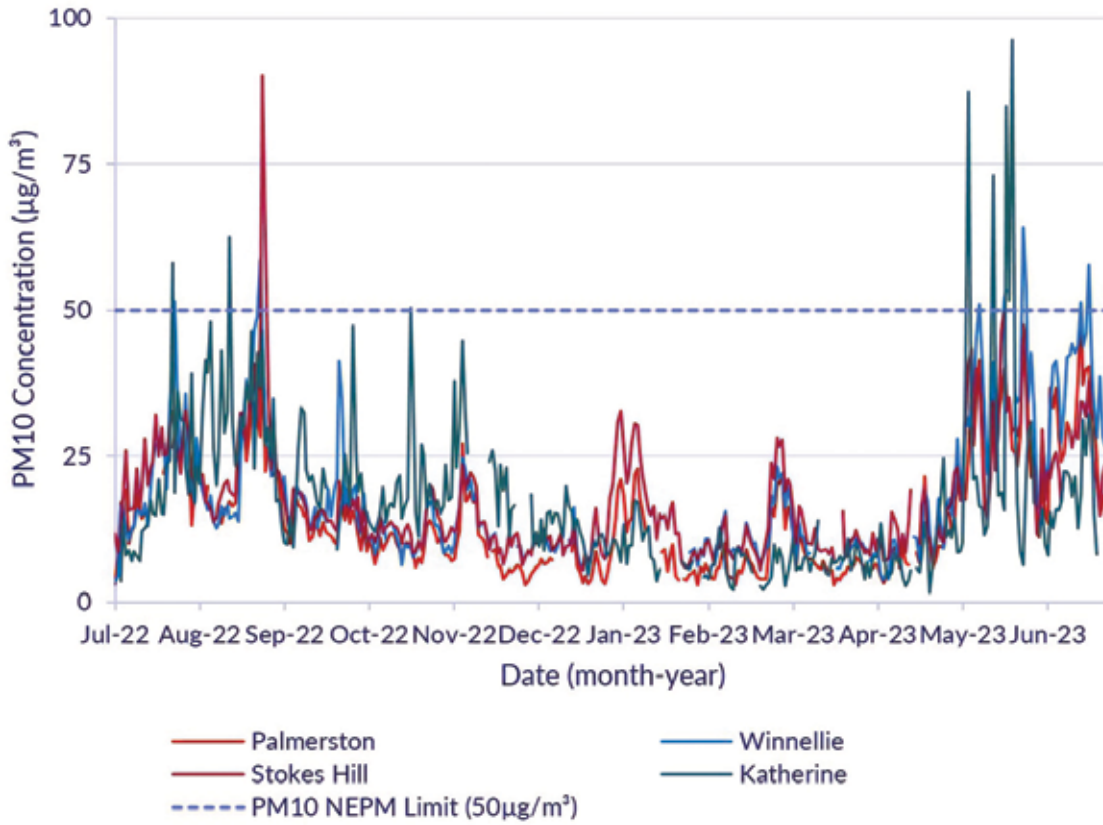
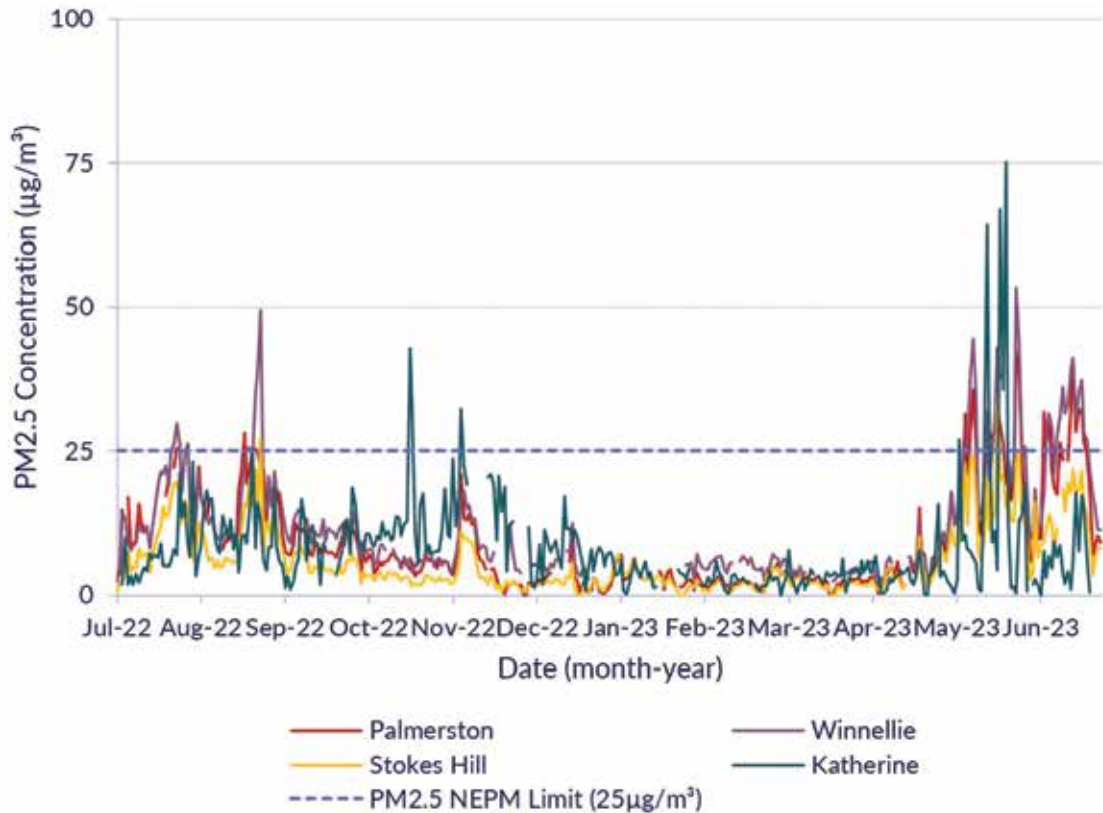


Figure 2: One-day average particulates (PM_{2.5}) concentrations at the air quality monitoring stations (2022-2023)



Container Deposit Scheme

The *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (the EPBCPB Act) establishes the container deposit scheme (CDS). The CDS is a key initiative that reduces beverage container waste and increases resource recovery and recycling across the NT. In 2022–2023:

- 299 CDS approvals and registrations were administered, comprising 7 coordinator approvals (3 of the 4 coordinator approvals were renewed within this period), 25 depot approvals (6 of the 19 depot approvals were renewed within this period) and 267 supplier registrations
- a total of 128,821,922 regulated containers were sold in the NT, down 5.4% from 136,142,198 in the previous year
- over 100 million containers were redeemed at collection depots during the financial year, which is 78% of container sales. Of those, 67% were in the Greater Darwin area and 33% in regional localities. This saw over \$10 million in container deposit refunds issued to Territorians.



PRIORITY 6 – Improve the regulatory framework for waste and pollution

The NT EPA has adopted and implemented new policies and procedures to improve the implementation of the regulatory framework, including:

- a new Compliance and Enforcement Policy to apply across all environmental regulation. The policy sets out the principles of best practice regulation to guide decision-making and the work of the officers that support the NT EPA
- enforcement Guidelines that provide detailed guidance on how and when enforcement tools are used
- an annual Compliance Plan to provide transparency on the compliance issues that are a priority for the NT EPA
- standardised internal processes to improve consistency in decision making.

The Compliance and Enforcement Policy, Enforcement Guidelines and Compliance Plan are all published on the NT EPA's website.

Guidance and support

PRIORITY 7 – Develop guidance material to support proponents and the community

The NT EPA has a role in enhancing community and business confidence within the NT's environmental framework, and includes improving information and building understanding that assists proponents, industry, community and the public about its functions, regulatory processes, expectations and opportunities through the development of guidance material.

In 2022–2023, the NT EPA continued to work on its draft guideline *Environmental Factor: Atmospheric Processes, Greenhouse Gas Emissions* taking into consideration submissions received through public consultation in 2021–2022. The purpose of the guideline is to outline when and how the NT EPA's *Environmental Factor: Atmospheric Processes* is considered in the environmental impact assessment process. It provides guidance to a proponent's obligations in respect of the EP Act, when to refer a proposal based on greenhouse gas emissions and requirements of assessment documentation.

The guideline is expected to be finalised and published early in the 2023–2024 financial year.

Performance of the NT's new environmental assessment and approval system

The NT EPA is responsible for implementing the environmental impact assessment in the Northern Territory. On 28 June 2023, the NT's new *Environment Protection Act 2019* (EP Act) commenced, replacing the former *Environmental Assessment Act 1982* (EA Act). The community was advised that the new Act would increase transparency and efficiency by providing new methods of assessment, and the opportunity to conduct strategic environmental assessments. With three years of data now available, there is an opportunity to review how the new system is performing compared to the previous system.

Statutory timeframes on all stages of assessment

The EP Act introduced statutory timeframes on all stages of the assessment process. This was intended to increase timeframe certainty for project proponents and therefore, meeting statutory timeframes is a key performance indicator for the NT EPA. While the NT EPA consistently met statutory timeframes in the first year after commencement, in the second year it met 83% of statutory timeframes, and in the year to June 2023, performance had dropped to 68% of statutory timeframes. This can largely be attributed to the NT EPA considering a number of highly complex assessments in this period; a doubling of projects entering an assessment process; and a sharp increase in the number of assessment reports being prepared in this reporting period compared to 2021–22. Underlying capacity constraints and challenges relating to recruitment in a tight labour market have also played a part in this performance.

Overall time to complete an assessment process

Despite the drop in performance in meeting statutory timeframes, the overall efficiency of the new system compared to the previous system is encouraging. The average timeframe to complete an assessment process entirely under the EP Act is just over 12 months. This compares favourably against the performance of the old EA Act, where in its final 10 years of operation, the average time taken to complete an assessment was approximately 38 months.

The significant decrease in overall assessment timeframes can largely be attributed to the introduction of new assessment methods including assessment on referral information and assessment by supplementary environment report (SER). The average time to complete an assessment on referral information is just over 5 months, while the average time to complete an assessment by SER is 15 months. While the overall performance is encouraging at this point in time, it will be important to continue to progressively monitor performance, particularly as some of the larger environmental impact statements are completed.

NT EPA strategic engagement

The NT EPA met 13 times, both by video conference and in face to face meetings.

The NT EPA's broader site visit and in-person engagement activities continued in 2022–2023. The NT EPA had 16 stakeholder engagements, 1 site visit and 13 Chairperson's engagements in 2022–2023.

In 2022–2023, the NT EPA Chairperson met with the Minister and the Chief Executive Officer of DEPWS on a regular basis. The NT EPA Chairperson is an ex-officio member of the NT Planning Commission and engages with the Cooperative Research Centre for Transformations in Mining Economies (CRC TiME) in his role as deputy chairperson.

The NT EPA met with the following stakeholders:

- PricewaterhouseCoopers (PwC) and GHD– Hydraulic Fracturing Inquiry Recommendation 14.22 – Area-based assessment of onshore gas production
- Chief Executive Officer, City of Darwin – Shoal Bay current and future issues and planning for strategic waste management infrastructure
- NT Infrastructure Commissioner, Infrastructure NT and Chair NT Gas Taskforce – Roles of the Infrastructure Commissioner and the Gas Taskforce; Overview of NT Infrastructure Framework
- Department of Industry, Tourism and Trade – Rum Jungle Rehabilitation project
- McArthur River Mine – Update on implementation of Overburden Management Project
- Darwin Harbour Advisory Committee – Darwin Harbour
- Program Director, Biodiversity Data and Information Management, WA Biodiversity Science Institute – Shared Analytic Framework for the Environment (SAFE) program
- Central Land Council – Impacts of proposals and Culture and Heritage Factor Guideline
- Department of Infrastructure, Planning and Logistics – Middle Arm Sustainable Development Precinct (MASDP) proposal; Holtze Development Area Proposal; Greater Weddell Sub regional Land Use Plan
- AAPowerlink Australia Assets Pty Ltd – Australia-Asia Powerlink proposal

Heads of EPAs

The NT EPA is an active participant in the activities of the Heads of EPAs (HEPA). HEPA is a high level forum comprising chairpersons/CEOs or equivalent representatives from all Australian jurisdictions and New Zealand that provides an opportunity to share knowledge and experiences, identify opportunities for improvements in nationally consistent regulation, and promote greater coherence in regulatory practice and policy across jurisdictions.

The NT EPA Chairperson attended a virtual HEPA 16 meeting on 1 August 2022 and HEPA 17 meeting in Joondalup, Western Australia on 4 August 2022.

Looking ahead

The NT EPA Statement of Intent 2023–2027 will guide the priorities and activities of the NT EPA for the next five years. The Statement of Intent acknowledges the NT Government’s commitments to growing the NT economy to \$40 billion by 2030, safeguarding the environment, net zero greenhouse gas emission by 2050 and increased use of renewable energy. National and international commitments to reducing greenhouse gas emissions, waste production and increased recycling and reuse of materials as well as regeneration and conservation of our natural environment will also underpin the NT EPA’s focus over the next five years.

The NT EPA will continue to deliver its core statutory functions under the NT’s environmental regulatory framework to increase community, industry and government confidence in protection of the environment and ecological sustainable development. These core functions include environmental impact assessment, environmental regulation of waste and pollution, and compliance and enforcement. In delivering these functions the NT EPA will:

- enhance community involvement and engagement in environmental decision making processes and encourage proponents to engage early with the NT EPA
- continue to ensure that the NT EPA’s decision making is informed, transparent, consistent and timely
- develop and publish guidance material to inform decision making in environmental impact assessment and environmental regulation
- ensure compliance and enforcement action is strategic, proportionate and risk-based.

Development proposals requiring environmental impact assessment under the EP Act are anticipated to change in nature and increase in complexity with increasing pressure to minimise impacts on the environment in a changing climate. The NT EPA will continue to focus on assessing the impacts of a changing climate, and will finalise and publish its Environmental Factor: Atmospheric Processes guidance early in 2023–2024.

There is heightened focus in the Northern Territory and across the country on the engagement of First Nations people in environmental impact assessment and decision making processes and the protection of cultural values. The EP Act recognises Aboriginal people as stewards of their country and requires Aboriginal values, and the rights and interests of Aboriginal communities to be considered when considering proposed actions that may impact on those values, rights and interests. The NT EPA will focus on how it delivers its responsibilities without unnecessarily taking on the responsibilities of other statutory authorities, and is committed to increasing its engagement with First Nations people and their representative bodies.

It is increasingly important that environmental information on cumulative impacts at a regional level is available to inform decision-making. The Strategic Regional Environmental and Baseline Assessment (SREBA) undertaken by the NT Government will be of great value in providing the information necessary to inform impact assessment and approval decision on onshore petroleum EMPs, particularly as the industry progresses to production. The NT EPA’s advice to the Minister for Environment on potential environmental risks and impacts associated with proposed onshore petroleum activity will benefit from the SREBA. In other regions such as the Greater Darwin region, the NT EPA will engage with government departments to support the development of strategies to manage cumulative impacts of development.

The environmental protection framework in the NT must be underpinned by a proportionate and risk based approach to licensing and compliance. The implementation of the recently finalised Compliance and Enforcement Policy, Enforcement Guideline and Compliance Plan 2023–2024 will ensure that our compliance approach is informed and commensurate with the activity.

At a national level, the NT EPA will continue to work with other Commonwealth, state and territory environment protection authorities to harmonise as reasonably practicable, approaches to environmental impact assessment and regulation. The NT EPA will follow with interest the Australian Government’s Nature Positive reforms, including reforms to the EPBC Act, the development of national environmental standards and establishment of a national environment protection agency. These reforms will have an impact on how the NT EPA delivers its environmental impact assessment responsibilities in the future.



Appendices

Appendix 1: NT EPA membership



Dr Paul Vogel AM, NT EPA Chair

Dr Paul Vogel was appointed as the Chair of the NT EPA on 14 November 2016.

Now a non-executive board chair/director and strategic consultant, Dr Vogel was the Chair of Western Australia's Environmental Protection Authority from 2007 to 2015.

Dr Vogel was also the inaugural Chief Executive and Chair of the South Australian Environmental Protection Authority from 2002 to 2007 and prior to that held senior executive positions in the WA departments of the Premier and Cabinet and Environmental Protection.

Dr Vogel has a PhD in chemistry from the University of WA and has extensive knowledge and experience across a broad range of environmental issues and sustainability, in organisational and regulatory reform and in the delivery of strategic environmental and business outcomes.

Dr Vogel is Chair of the WA Marine Science Institution, Deputy Chair of CRC TiME (Transformations in Mining Economies), and a member of the Australia Institute of Company Directors. He was appointed to the NT EPA from 1 January 2016.



Ms Janice van Reyk

Ms Janice Van Reyk is an experienced non-executive director on a number of boards and audit and risk committees mainly in the infrastructure and utilities sector including Lochard Energy and Australian Naval Infrastructure. She previously served on the Audit, Risk and Finance Committee of Sustainability Victoria and the three person Ministerial Advisory Committee to inquire into the future strategic role of the Environment Protection Authority Victoria.

Ms Van Reyk's environmental experience includes advising on a range of socio-economic assessments, stakeholder consultations, environmental and remediation issues. Together with her executive management and experience in industry she brings great depth to the NT EPA.

Ms Van Reyk is a Fellow of the Australian Institute of Company Directors, a member of the Environment Institute of Australia and New Zealand and a Fellow of the Certified Practising Accountants. She has a Master of Environment specialising in water, energy and urban issues; a Master of Commerce specialising in corporate finance, economics and accounting; a Bachelor of Arts and a Bachelor of Laws.



Mr Joe Woodward

Mr Joe Woodward brings more than 35 years' experience managing and advising on environmental regulation and approvals having worked in a variety of roles in the New South Wales Environment Protection Authority and its predecessor, the State Pollution Control Commission.

Mr Woodward has extensive experience in environmental management and regulation. As Deputy Director General of the NSW Department of Environment and Conservation he oversaw assessment and regulation of air, water, noise, waste, chemicals and radiation, as well as biodiversity, threatened species and Aboriginal cultural heritage protection. He has served as a Commissioner for the NSW Independent Planning Commission responsible for statutory assessments and determinations of state significant development proposals including mining, major industrial and urban developments. He currently is a Member of the NSW Regional Planning Panels with responsibility for determining regionally significant planning proposals.

Mr Woodward holds a Masters of Engineering, Bachelor of Science and a Post Graduate Certificate in Public Health. In 2009 he was awarded the Public Service Medal for Outstanding Contribution to the Environment in New South Wales.



Ms Samantha Nunan

Ms Nunan is experienced in providing environmental regulatory and policy advice to industry and governments across multiple jurisdictions, including the NT. Working in industry for many years, Ms Nunan has significant experience in participating in regulatory reviews and reform processes, predominantly as an industry participant, but also during her time in government.

During her time as a practising lawyer, Ms Nunan provided advice to businesses and statutory bodies relating to compliance frameworks and responses to environmental regulatory investigations.

Ms Nunan has had extensive exposure to environmental assessment processes, securing project approvals and the application of regulatory policies and legislation across a range of different industries, including resources, renewables, waste, agriculture and planning. With this experience, Ms Nunan brings a good understanding of the existence of, and the importance of, overlapping interests in land and resources by various stakeholders including Traditional Owners, Government, Industry and broader communities.



Dr Rod Lukatelich

Dr Rod Lukatelich has a Bachelor of Science (Hons) and a PhD from the University of Western Australia (WA).

Dr Lukatelich has 28 years' oil and gas industry experience and is now semi-retired, working as an environmental consultant. He has extensive experience in environmental approvals and impact assessment, wastewater treatment, atmospheric emissions management and assessment and remediation of contaminated sites. Previously, Dr Lukatelich held an academic position at the University of WA where his research included studies on the impacts of eutrophication on algae and seagrasses in lakes and estuaries; development of ecological models; and the relationships between hydrodynamics and water quality in reservoirs, rivers and estuaries.

Dr Lukatelich has been a Board Director of the CRC CARE Pty Ltd since 2005; was Chairperson of the Great Australian Bight Research Program Management Committee and was a member of the Environmental Protection Authority of Western Australia between 2009 and 2014. Rod is a Director of Perth Racing; and is a Board member of the Western Australian Marine Science Institution.



Dr David Ritchie, Chair of the NT Planning Commission (ex-officio member)

Dr David Ritchie has over 35 years' experience working for organisations responsible for heritage protection and land management, in a combination of professional, expert and also senior management and executive roles. This work includes extensive experience with statutory boards with roles under land rights, native title, and environment and heritage legislation. For more than 20 years he has held Chief Executive roles, leading organisations responsible for land resource planning, remote service delivery, parks and wildlife, natural resource management, environment protection, Aboriginal policy, Aboriginal cultural heritage and museums, art galleries and archives.

Dr Ritchie's work has involved extensive field work in remote regions of the NT working closely with Aboriginal communities and developers on cultural heritage surveys for major infrastructure developments – ranging from gas pipelines and the North Australian Railway to mines, aquaculture and newly created National Parks.

Dr Ritchie is a graduate of the Australian Institute of Company Directors and a Fellow of the Australian Anthropological Society. He is also a Director of Ninti One Limited, on the board of the Northern Territory Land Corporation and Chairperson of the Northern Territory Grants Commission.



Ms Jordy Bowman

Ms Jordy Bowman is a local Territorian, with more than a decade of experience in Aboriginal land use and planning, and community and economic development in remote Australia and transitioning economies. Ms Bowman has worked across federal and Territory governments, Aboriginal corporations and not-for-profit organisations and brings a wealth of local knowledge and experience to the NT EPA.

During her career, Ms Bowman has worked in partnership with Traditional Owners, Land Councils, regional and remote communities to support land use, industry and business development that aligns with economic, social and cultural aspirations.

Ms Bowman is also a member of the Cooperative Research Centre on Transformations in Mining Economies Impact Committee and holds a Bachelor of Laws and Bachelor of Arts.



Dr Vaughan Beck

Dr Vaughan Beck, AM is a Fellow of the Australian Academy of Technological Sciences and Engineering and The Institution of Engineers, Australia. He was a member of the NT Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, 2016–2018.

Dr Beck was recently Senior Advisor, Technical to the Australian Academy of Technological Sciences and Engineering (ATSE) and Executive Director – Technical, responsible for the Academy’s research projects and the development of policy advice to government in energy, water, infrastructure, innovation, technology, technology and health, education and climate change. During his appointments with ATSE, Dr Beck was: Chairperson of the International Council of Academies of Engineering and Technological Sciences, Low Carbon Energy Group; Deputy Chairperson of the Australian Council of Learned Academies project report on Shale Gas; and Deputy Chairperson of the ATSE Unconventional Gas Conference and International Workshop.

Dr Beck has qualifications in mechanical engineering, structural engineering and fire safety and risk engineering. He was Visiting Professorial Fellow, Warren Centre of Advanced Engineering, University of Sydney and led the Fire Safety Systems project. He was appointed Professor and Director at the Centre for Environmental Safety and Risk Engineering at Victoria University and subsequently, Pro-Vice Chancellor (Research) at the University.

Dr Beck served as a member of the NT EPA and Onshore Gas Committee until 31 December 2022.

NT EPA Onshore Gas Committee membership

Mr Joe Woodward (Chair) | Dr Vaughan Beck
Dr Rod Lukatlich | Ms Samantha Nunan

Appendix 2: Decisions made under the *Environment Protection Act 2022–2023*

Table 1: Decisions that assessment is required

Proponent	Proposal	Date of decision
Australian Government Department of Defence	NCIS-5 – HMAS Coonawarra – Dredging and Dredged Material Management	12 July 2022
DIPL	Melville Island Road Upgrades	12 July 2022
Department of Infrastructure, Planning and Logistics (DIPL)	Middle Arm Sustainable Development Precinct (MASDP)	19 August 2022
Provaris Energy Limited	Tiwi H2 Project (Green Hydrogen Production and Export)	12 October 2022
INPEX Operations Australia Pty Ltd	Ichthys LNG Maintenance Dredging Program 2023–2027	6 December 2022
Verdant Minerals Ltd	Ammaroo Ammonium Phosphate Fertiliser Project	8 February 2023
Fortune Agribusiness Funds Management Pty Ltd	Singleton Horticulture Project	7 March 2023

Table 2: Decisions that assessment is not required

Proponent	Proposal	Date of decision
Groote Eylandt Mining Company Pty Ltd	Southern Lease Exploration	6 June 2023

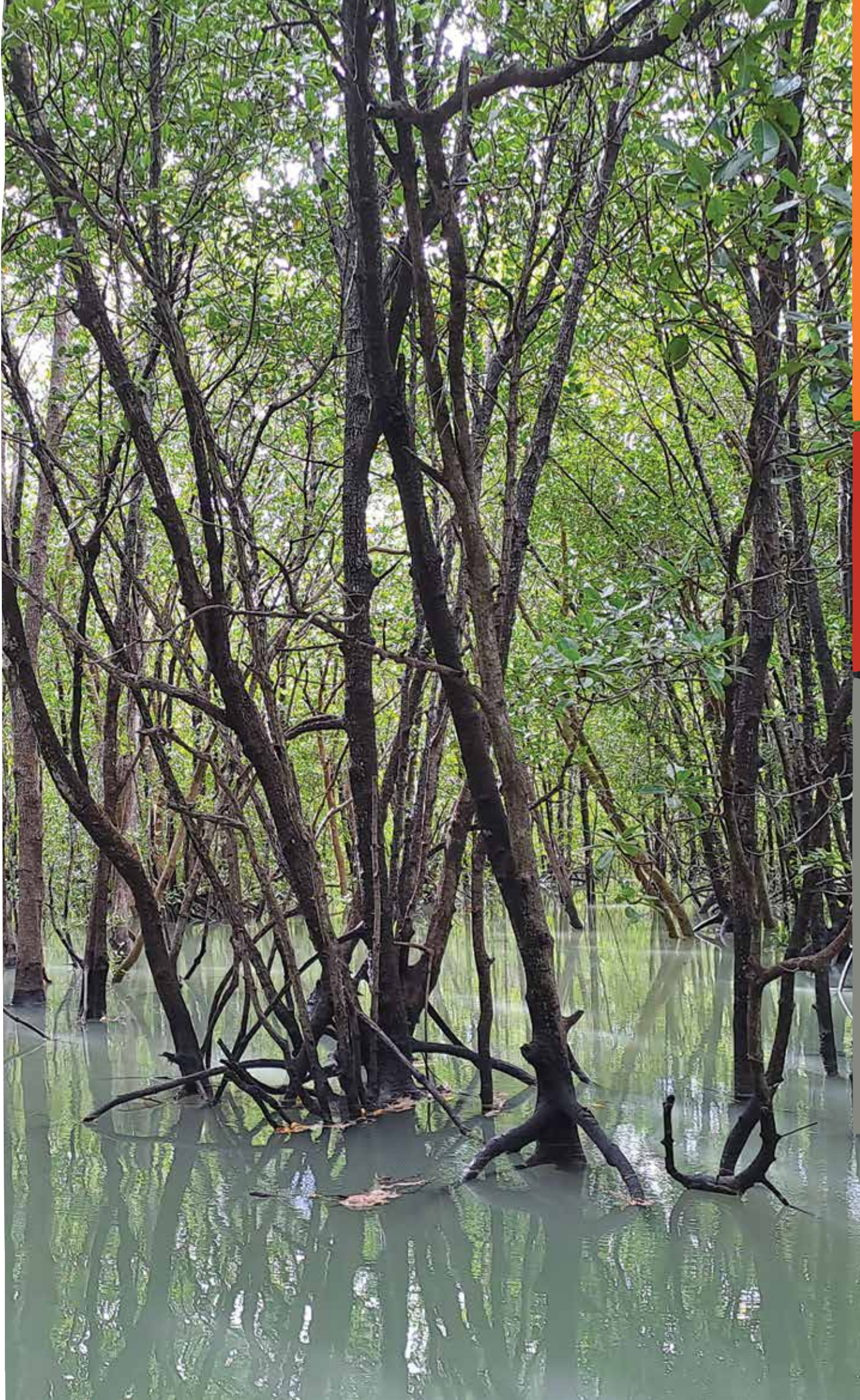
Table 3: Completed assessment processes

Proponent	Proposal	Date of decision
INPEX Operations Australia Pty Ltd	Ichthys LNG Maintenance Dredging Program 2023–2027	19 April 2023
Primary Gold Limited	Rustlers Roost and Quest 29 Open-Cut Mine Redevelopment	17 April 2023
Department of Industry, Tourism and Trade	Rehabilitation of the former Rum Jungle Mine Site	13 February 2023
PNX Metals Limited	Fountain Head Gold Project	3 January 2023
Department of Infrastructure Planning and Logistics	Melville Island Road upgrades	15 September 2022

Appendix 3: Compliance and enforcement actions in 2022–2023

Table 4: Entities issued with penalty infringement notices

Entity	Number of PINs issued
Vista Gold Australia Pty Ltd	1
Downer EDI Works Pty Ltd	1
ENI Australia B V	5
Rentokil Initial Pty Ltd	1
Scott Roughley	1
Sitzler Pty Ltd	1





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