

NT Environment Protection Authority
GPO Box 3675
Darwin NT 0801

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Submitted online via the NT EPA Consultation Portal

Re: Sturt Plateau Pipeline Referral

The Environment Centre NT (ECNT) is the peak community sector environment organisation in the Northern Territory, raising awareness amongst community, government, and industry about environmental issues, and supporting community members to participate in decision making processes and action. ECNT welcomes the opportunity to comment on the referral for the Sturt Plateau Pipeline (**the Project**) submitted by APA SPP Pty Ltd (**the Proponent**).

The following submission is not an exhaustive engagement with the referral document and does not represent the full extent of our concerns with the Project. Rather, in this submission we focus on the Proponent's inadequate engagement with indirect and cumulative impacts, and the Proponent's failure to consider the Project as an enabling and integral infrastructural component in fracking activities. For the reasons outlined below, ECNT submits that this Project should be required to be assessed at the level of environmental impact statement (EIS).

ECNT is concerned by the Proponent's statement that "[e]nvironmental approvals are anticipated to be obtained by the end of June 2025". It is not clear how this view was arrived at, or whether it reflects a confidence regarding what level of assessment will be required for the Project that does not reflect the potential impacts and risks, nor community expectations and concerns.

Indirect and cumulative impacts

The Referral demonstrates an inconsistent consideration of the indirect impacts of the Activity, which serves to emphasise the perceived benefits while evading indirect risks and environmental impacts. Where there are perceived benefits to a particular NTEPA factor, for instance in the economic assessment, the Proponent discusses the Project in terms of its role in the development of a full-scale production scenario of the fracking industry in the Beetaloo Basin. There are references in the economic assessment to the Activity's role in enabling the Middle Arm Industrial Hub, as well as the alleged benefits of producing gas from fracking in the Beetaloo Basin specifically. Indeed, the referral itself states that "it's important to recognise [the Project's] role within the broader development of the Beetaloo Basin." (69).

However, in locations of the referral documents where it would be appropriate to consider how the development of the Project could facilitate the impacts of this industry, the Proponent retreats from any evaluation of those risks and impacts. Given the Activity's role in enabling fracking, and the Proponent's willingness to consider the impacts of this where there are perceived benefits for the assessment to do so, the Proponent should be required to properly

evaluate the impacts of this broader development as indirect impacts of the Project that has been referred.

ECNT notes that not a single fracking project has been referred to the NT EPA for an environmental assessment. As such, this consultation process represents the first time that the risks of this industry are being considered under the *Environment Protection Act 2019* whether that be directly or indirectly. It not just counter-intuitive, but also goes against the best practice of environmental assessment,¹ to engage in gratuitous project ‘splitting’ and consider a pipeline outside of the context of the use of that pipeline, as an entirely discrete piece of infrastructure unconnected to the broader set of activities that it enables. Although beyond the scope of the present referral decision, ECNT submits that a holistic assessment by the NTEPA the fracking industry’s linear infrastructural requirements should be undertaken, with this proposed Activity exemplifying the shortcomings of the present piecemeal regulatory approach. At the minimum, a fuller engagement with indirect and cumulative impacts is required by the Proponent.

Atmospheric Emissions

In relation to the points raised above regarding the need to more fully engage with indirect and cumulative impacts, there is in fact precedent in the NTEPA’s previous assessment of gas pipelines to support a more wholistic assessment of atmospheric emissions. In the Additional Information requirements for the Supplementary Environmental Report for the Darwin Pipeline Duplication (DPD) Project on 12 January 2023, the NTEPA found that emissions from the activity that the pipeline was being constructed to enable “would be an indirect consequence of the operation of the DPD” and that “the DPD is a substantial cause of those emissions”.²

As a result, the NT EPA requested that the Proponent:

Provide details of the greenhouse gas emissions over the life of the proposal (from extraction from the reservoir through to completion of liquefaction) including:

- a) Estimates of annual and total scope 1, scope 2 and scope 3 emissions over the life of the proposal*
- b) A breakdown of scope 1, scope 2, and scope 3 emissions according to the emissions source locations within the NT and/or elsewhere in Australia and/or outside Australia*
- c) A breakdown of emissions by source, including but not limited to stationary energy, fugitives, and transport*
- d) A comparison of estimated emissions from the proposal against the proponent’s emissions across its entire business, and Northern Territory and Australian greenhouse gas emissions as reported in Australia’s National Greenhouse Accounts.*

¹ Enriquez-de-Salamanca, A. (2016). ‘Project splitting in environmental impact assessment’ *Impact Assessment and Project Appraisal* 34(2)
<https://www.tandfonline.com/doi/full/10.1080/14615517.2016.1159425>

²Pg 1, https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/1202685/direction-to-include-additional-information-in-ser-santos-dpd.pdf

The NTEPA also requested that the Proponent demonstrate how these emissions were consistent with the NT's goal of achieving net zero GHG emissions by 2050 and provide targets to that effect.

ECNT submits that the same requirements must be made of the Project currently under assessment.

Strategic and Statutory Context

The Proponent's contextualisation of the proposed Project within relevant law and regulation is manifestly inadequate. The 'Strategic and Statutory Context' section of the Referral refers to Commonwealth and NT gas strategies, but makes no mention of Australia's Nationally Determined Contribution (NDC) under the Paris Agreement, the NT's own net zero commitments, the Climate Change Authority's most recent sectoral pathway report, International Energy Agency's net zero roadmap, or even the Pepper Inquiry into Hydraulic Fracturing which made a series of recommendations regarding the development and regulation of the fracking industry. ECNT recommends that the Proponent be required in subsequent stages of the environmental assessment undertake a more fulsome contextualisation of the Project within its strategic and statutory context and justify the suitability (or not) of the Project according to the aforementioned policy frameworks.

Pepper Inquiry Summary Report

The Proponent's failure to engage with the Pepper Inquiry and its recommendations represents an unacceptable retreat from the policy and strategic context of the proposed Project. In particular, ECNT draws attention to the following paragraph in the Summary Report that relates to linear infrastructure:

The establishment of any onshore shale gas industry in NT will require the construction of roads and pipelines (linear infrastructure) across the landscape. These and associated activities (for example, borrow pits excavated for the purpose of providing material for road construction) have the potential to interrupt water flows in the wet season and to increase erosion, with a consequent increase in sediment loads entering streams. The Panel has recommended that in order to minimise the potential for new linear infrastructure to adversely affect the flow and quality of surface waters, the regulator should ensure that the design and planning of all roads and pipelines is developed initially at the regional scale to avoid unforeseen consequences arising from an incremental and ad hoc rollout of linear infrastructure. The on-ground construction of this infrastructure should be guided by a world-leading practice manual designed specifically for the NT to minimise possible unacceptable impacts on surface water flows and erosion. (20)

This paragraph underscores, among other things, the necessity to consider fracking infrastructural requirements in their broader context as enabling a full-scale fracking industry. In fact, the Inquiry Report establishes the need for the regulator to ensure that regional-scale planning of infrastructural requirements occur, i.e. not ad hoc referral of various pipeline components as has occurred in the case of this Project referral.

Decommissioning

The referral document states that a decommissioning plan will be prepared in advance of the pipeline's decommissioning. However, decommissioning activities and the post-operation state of the environment is relevant to the environmental approval, and as such the plan should be included as part of the assessment. This is particularly the case given that the Proponent has included under its "Project Commitments" such items as rehabilitation of the pipeline area. How such commitments will be delivered should be explained through the decommissioning plan.

Accidents, risks, and hazards

The Proponent has not undertaken any consideration of the potential for incidents, hazards, leaks, or unforeseen damage to infrastructure, and the resulting impacts of this, either during installation or during operation. Even if the likelihood is eventually evaluated as low, for example due to the Project location being underground, these risks must still be acknowledged and assessed.

Kind regards,

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