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Dear Ms Avery

Re: Environmental Regulatory Reform – Comments on Discussion Paper May 2017

Thank you for the opportunity to provide comment on the Environmental Regulatory Reform Discussion Paper 2017. The Planning Commission is supportive of the overarching objective of this project, which seeks to establish a robust and streamlined environmental approvals system.

The Commission is the primary body in the Territory responsible for the development of strategic land use plans and area plans for inclusion in the NT Planning Scheme. The Commission also has a statutory role under the *Planning Act* to hear submissions on behalf of and report to the Minister for Infrastructure, Planning and Logistics in regards to planning scheme amendments and applications for exceptional development permits.

It is an important consideration of the Commission that any new system should complement rather than duplicate processes that currently exist under other legislation, including the *Planning Act*.

It is understood that a strategic environmental assessment of some level will be required during the development of land use plans and there will be a responsibility on the Commission to refer its projects to the NT EPA for environmental assessment. Further information on how this will be facilitated will be welcomed.

Whilst the Commission encourages a transparent process, there is some concern in allowing general members of the public, and to some extent community organisations, the ability to refer projects and issues to the NT EPA for environmental approval. There are already mechanisms in place under the *Planning Act* for 'service authorities' to be consulted and this is considered the most appropriate opportunity for referral. There is a concern that projects may be referred whilst still in draft form, and create a counter-productive environment to progressing policy and projects that will benefit Territorians. Such a referral mechanism may result in vexatious complaints simply because a party is not achieving the outcome they want from a process.

It is recommended that careful consideration be given to the extent of the right to appeal by third parties, and that any such appeal should draw a strong correlation to the proposed Territory Environmental Objectives.

The Commission requests to be further consulted as this project progresses, and welcomes the opportunity to comment on the details of this project as they become available.

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Please note this letter will be provided to Members of the NT Planning Commission. Should contents be varied or not endorsed by members, you will be advised accordingly.

Yours sincerely

BRENDAN DOWD
Chairman
NT Planning Commission

29 June 2017