

NT EPA ENVIRONMENTAL FACTORS AND OBJECTIVES

February 2018
Version 1.0

Abbreviations and glossary	3
1 Introduction.....	5
1.1 Purpose.....	5
2 Object and definition	5
2.1 Object of impact assessment	5
2.2 Definition of ‘environment’	6
3 Environmental principles	6
3.1 Ecologically sustainable development	6
3.2 Waste minimisation	7
3.3 Community and business engagement.....	7
4 Environmental factors and objectives	7
5 Determining ‘significance’	9
6 Further information	10

Abbreviations and glossary

Term	Definition
authorising agency	The department, agency, statutory body or official, other than a responsible Minister, responsible for authorising a proposed action
EA Act	<i>Environmental Assessment Act</i>
EAAP	<i>Environmental Assessment Administrative Procedures</i>
EIA	Environmental Impact Assessment
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Environmental Factor	Features of the environment that may be impacted by an aspect or activity of a proposal. The NT EPA will make judgements against objectives determined for each factor on whether the potential environmental impact on that factor may be significant
ESD	Ecologically Sustainable Development ESD means <i>using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life now and in the future can be increased.</i>
National Strategy	Refers to the 'National Strategy for Ecologically Sustainable Development' endorsed by the Council of Australian Governments, December 1992
NT EPA	Northern Territory Environment Protection Authority
proponent	Person or company seeking to pursue a proposed action
proposed action or proposal	Specified in section 4 of the <i>Environmental Assessment Act</i> as: <ul style="list-style-type: none"> the formulation of proposals the carrying out of works and other projects the negotiation, operation and enforcement of agreements and arrangements (including agreements and arrangements with, and with authorities of, the Commonwealth, the States and other Territories) the making of, or the participation in the making of, decisions and recommendations the incurring of expenditure <p>by, or on behalf of, a person, either alone or in association with another person.</p> <p>A proposed action considered by the NT EPA is typically a development project, and 'proposal' is sometimes used in this guideline as an alternative to 'proposed action'</p>

Term	Definition
	A proposed action or proposal is often referred to by proponents as a 'project'
responsible Minister	The Minister with primary responsibility for authorising an action/ proposal

1 Introduction

In the Northern Territory, proposed actions that have the potential to have a *significant effect* on the environment require environmental impact assessment (EIA) under the *Environmental Assessment Act* (EA Act).

EIA is a predictive tool for identifying and characterising environmental impacts and risks associated with a proposed development. The process provides the NT EPA with the information it needs to advise decision-makers on matters that could significantly affect the environment. It enables environmental issues to be considered in a systematic and structured way with other aspects relevant for determining the environmental acceptability of a proposal and identifies measures to avoid, mitigate and minimise unnecessary and unacceptable harm to the environment.

The EA Act and the *Environmental Assessment Administrative Procedures* (EAAP) set out the processes and procedures about how EIA is conducted in the Northern Territory.

This process is described in more detail in the [Guide to the Environmental Impact Assessment Process in the Northern Territory](#) (available from the NT EPA's website).

1.1 Purpose

This guideline communicates how, for the purposes of environmental impact assessment, the NT EPA:

- considers the object of the *Environmental Assessment Act*
- uses environmental factors and objectives to organise and systemise environmental impact assessment and reporting
- takes a holistic view of the environment and a proposal's potential impact on the environment
- considers significance when determining whether or not to assess a proposal and
- recommends whether or not an assessed proposal is environmentally acceptable and makes recommendations for environmental management.

2 Object and definition

2.1 Object of impact assessment

The EA Act (section 4) identifies the object of the Northern Territory's EIA process as being:

to ensure, to the greatest extent practicable, that each matter affecting the environment which is, in the opinion of the NT EPA, a matter which could reasonably be considered to be capable of having a significant effect on the environment, is fully examined and taken into account in, and in relation to:

- the formulation of proposals
- the carrying out of works and other projects
- the negotiation, operation and enforcement of agreements and arrangements (including agreements and arrangements with, and with authorities of, the Commonwealth, the States and other Territories)
- the making of, or the participation in the making of, decisions and recommendations, and

- the incurring of expenditure

by, or on behalf of, a person, either alone or in association with another person.

2.2 Definition of 'environment'

The EA Act (section 3) defines 'environment' as follows:

***environment** means all aspects of the surroundings of man, including the physical, biological, economic, cultural and social aspects.*

This definition establishes the scope of environmental impact assessment conducted by the NT EPA. That is, it clarifies what matters are relevant during environmental impact assessment, and what matters are beyond the scope of environmental impact assessment.

3 Environmental principles

The objectives of the Northern Territory Environment Protection Authority (NT EPA) are:

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

These objectives guide the NT EPA's decision making when fulfilling its functions under the Northern Territory Environment Protection Authority Act (NT EPA) and EA Act.

3.1 Ecologically sustainable development

Under the NT EPA Act, **ecologically sustainable development** (ESD) means *using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life now and in the future can be increased.*

In December 1992, the Territory Government endorsed the 'National Strategy for Ecologically Sustainable Development' and agreed, along with all other States and Territories, to the 'Intergovernmental Agreement on the Environment'.

The NT EPA uses the core objectives and guiding principles contained in the National Strategy to provide further guidance and meaning on the fulfilment of its environmental impact assessment functions.

Those core objectives are:

- to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations
- to provide for equity within and between generations
- to protect biological diversity and maintain essential ecological processes and life support systems

The principles are:

- decision making processes should effectively integrate both long and short-term economic, environmental, social and equity considerations
- where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- the global dimension of environmental impacts of actions and policies should be recognised and considered
- the need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised
- the need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised
- cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms
- decisions and actions should provide for broad community involvement on issues which affect them.

As outlined in the National Strategy, the guiding principles and core objectives are considered 'as a package' and none dominates over the others.

3.2 Waste minimisation

Another important objective of the NT EPA is to promote effective waste management and minimisation in the NT.

In the assessment of proposals the NT EPA will consider that all reasonable and practicable measures are taken to minimise the generation of waste and its discharge into the environment.

3.3 Community and business engagement

The NT EPA is committed to engaging with community and business as it undertakes its functions. It aims to increase confidence in the environmental impact assessment regime by ensuring that appropriate and effective engagement activities are undertaken by the NT EPA and proponents throughout the EIA process.

Opportunities for public participation are provided at key stages within the EIA process and NT EPA decisions made publicly available throughout the process.

4 Environmental factors and objectives

The NT EPA has developed environmental factors and objectives to improve certainty and increase transparency within the EIA process. These factors and objectives provide a systematic approach to organising environmental information for the purpose of EIA, establish clear benchmarks based on values, will apply to all proposals considered and facilitate consistent assessment and reporting.

The NT EPA has identified 13 environmental factors categorised under five themes of: Land, Water, Sea, Air and People and Communities. Environmental factors are those parts of the environment that may be impacted by an aspect of a proposal.

An environmental objective for each factor has been developed and reflects the value of these parts of the environment. These objectives are targeted to ensure the object of the

EA Act is achieved. The objectives are used by the NT EPA to judge whether the environmental impact of a proposal may be significant. The NT EPA's environmental factors and objectives are set out below.

THEME	FACTOR	OBJECTIVE
LAND	1 Terrestrial Flora and Fauna	Protect the NT's flora and fauna so that biological diversity and ecological integrity are maintained.
	2 Terrestrial Environmental Quality	Maintain the quality of land and soils so that environmental values are protected.
	3 Landforms	Conserve the variety and integrity of distinctive physical landforms so that environmental values are protected.
WATER	1 Aquatic Ecosystems	Protect aquatic ecosystems to maintain the biological diversity of flora and fauna and the ecological functions they perform.
	2 Inland Water Environmental Quality	Maintain the quality of groundwater and surface water so that environmental values including ecological health, land uses, and the welfare and amenity of people are protected.
	3 Hydrological processes	Maintain the hydrological regimes of groundwater and surface water so that environmental values are protected.
SEA	1 Marine Flora and Fauna	Protect marine flora and fauna so that biological diversity and ecological integrity are maintained.
	2 Benthic Habitat and Communities	Protect benthic communities and habitats so that biological and functional diversity and ecological integrity are maintained.
	3 Marine Environmental Quality	Maintain the quality and productivity of water, sediment and biota so that environmental values are protected.
	4 Coastal processes	Maintain the geophysical and hydrological processes that shape coastal morphology so that the environmental values of the coast are protected.
AIR	1 Air quality and Greenhouse Gases	Maintain air quality and minimise emissions and their impact so that environmental values are protected.
PEOPLE AND COMMUNITIES	1 Social, Economic and Cultural Surroundings	Protect the rich social, economic, cultural and heritage values of the Northern Territory.
	2 Human Health	Ensure that the risks to human health are identified, understood and adequately avoided and/or mitigated.

While the NT EPA's use of environmental factors and objectives when considering environmental significance provides an important structure for the organisation of information, the NT EPA also takes a holistic approach to assessing environmental acceptability by having regard to whether the proposal meets the objects of the EA Act. By doing so, the NT EPA takes into consideration the interconnected nature of the environment.

The NT EPA may make recommendations to proponents, authorising agencies or responsible Ministers that certain actions need to be taken in order to meet the NT EPA's environmental objectives and can therefore be considered environmentally acceptable.

5 Determining 'significance'

The NTEPA assesses proposals that are likely to have a significant effect on the environment. The terms 'significant impact' and 'significant effect' are not defined in the EA Act. Therefore, the ordinary or everyday meanings of these terms apply.

In determining whether a proposed action is capable of having a significant effect on the environment the NT EPA may have regard to various matters, including the following:

1. Objects of the EA Act, EAAP or other NT environmental legislation
2. Values (e.g. effects to **environmental factors and objectives**), sensitivity and quality of the environment which is likely to be impacted
3. Extent (intensity, duration, magnitude, frequency and geographic footprint) of likely impacts
4. Consequence of likely impacts (or change)
5. Resilience of the environment to cope with the impacts or change
6. Cumulative impact with other actions
7. Connections and interactions between parts of the environment to inform a holistic view of impacts to the environment
8. Level of confidence in the prediction of impacts and the success of proposed mitigation
9. Public interest about the likely effect of the proposed action on the environment and public information that informs the NT EPA's assessment.

The NT EPA may also consider:

- NT EPA guidelines on particular matters or standards endorsed by the NT EPA.
- Relevant definitions of significance under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth; EPBC Act) and national standards, e.g. National Environment Protection Measures (NEPM), against which a proposed action can be assessed.
- The presence of planning or policy frameworks and/or other statutory decision-making processes that can regulate the mitigation of the potential effects of a proposed action on the environment.

6 Further information

Further information and guidance on the EIA process is available on the NT EPA website at: <https://ntepa.nt.gov.au/environmental-assessments>.

Comments on this guideline are welcomed and should be directed to the NT EPA:

GPO Box 3675 Darwin NT 0801

Email eia.ntepa@nt.gov.au

Tel (08) 8924 4218

Fax (08) 8924 4053