

Stage 1 progress

Environmental Regulatory Reform

Stage 1 of the [environmental regulatory reform](#) program has made considerable progress with Government making decisions about particular aspects of the new environmental protection Act.

Government has agreed to:

- the definition of environment
- a conceptual assessment framework
- specific elements of the new assessment and approval process

Definition of environment

Government has reaffirmed the Northern Territory's commitment to the principles of ecologically sustainable development by retaining the broad definition of environment as being 'all aspects of the surroundings of humans, including the physical, biological, economic, cultural and social aspects'. By retaining the broad definition the intention is that decision making considers the various aspects, both positive and negative, of a project when making a decision.

Conceptual assessment framework

Government has agreed to a conceptual assessment framework which identifies the five stages of assessment and approval:

1. pre-referral
2. referral
3. environmental impact assessment
4. environmental approval
5. post environmental approval.

Each of these stages is described further below.

Pre referral and Referral

The new system will adopt a proponent initiated process:

- Proponents will self-assess projects to determine if referral is required.
- Proponents will refer projects to the Northern Territory Environment Protection Authority (NT EPA) for assessment.

To support this approach the NT EPA will be able to call in a project if it isn't referred.

Defined triggers

The Minister for Environment and Natural Resources will publish triggers that will identify when referral is required. There will be 3 three types of triggers.

- Location based - an area of significance (usually due to a feature of the natural or cultural environment) that will require a project to receive an environmental approval before developing in the locality.
- Activity based - specific types of proposals or schemes that need an environmental approval.
- Values based - a set of outcome or value based triggers which inform whether a project needs to be referred to the NT EPA for consideration under the environmental assessment and approval regime.

Publication of information

The new process will provide a fully transparent assessment framework. Initial referral information to the NT EPA will now be published for public comment before the NT EPA makes a decision on assessment. All other information gathered in the assessment and approval process will also be published unless it is confidential information.

Statutory timeframes for all decisions

All stages of the assessment and approval process will include statutory timeframes for decision making. There will be a maximum timeframe in which the Minister or NT EPA can make a decision. These timeframes may be extended where necessary and in consultation with the proponent.

In regards to public consultation activities, timeframes will be written in terms of minimum timeframes, with the NT EPA to decide on the appropriate timeframe for consultation based on the nature of the project, its complexity and potential environmental impacts.

Tiered assessments

The new system will include the following tiers of assessment.

- Tier 1: referral information - assessment is undertaken on the referral information where the proponent has adequately identified all relevant environmental risks and strategies for managing the risks, or the management strategies are well known.
- Tier 2: referral information supplemented with additional information - assessment is undertaken on the referral information, supplemented with additional information requested by the NT EPA.
- Tier 3: environmental impact statement - assessment is undertaken on an Environmental Impact Statement (EIS).
- Public inquiry - assessment may be used for high risk actions where traditional paper based approaches may not provide the necessary level of consultation or confidence. Public inquiry may be used to assess all elements of a proposal, or may be used in conjunction with another assessment tier.

Each tier will be designed to allow the NT EPA to undertake individual project assessments or conduct a strategic assessment. The Department of Environment and Natural Resources will work with stakeholders to develop streamlined assessment processes.

Strategic assessments allow for assessments to be undertaken at a regional or landscape scale, rather than at an individual project level. This will be more efficient than undertaking multiple,

project-level assessments, and allows for cumulative impacts of multiple or staged developments to be properly considered and managed.

Environmental approval

At the completion of the environmental impact assessment process the Minister for Environment and Natural Resources will issue an environmental approval or refusal. The environmental approval will incorporate conditions that are designed to deliver the best environmental outcomes which include:

- Conditions to manage potential significant impacts on the environment.
- Conditions to require environmental bonds.
- Conditions to manage offsets.

Compliance and enforcement

The Department of Environment and Natural Resources will conduct compliance and enforcement activities to ensure proponents are complying with the conditions of their environmental approval.

Fees and charges

The new environment protection Act will include powers to impose fees and charges. Specific consultation will be undertaken when fees are proposed to be introduced.