

Fact sheet 8: A simplified environmental impact assessment process

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It may contain references to policy positions, approaches, documents or other information that has been superseded.

Understanding assessment under the draft environment protection legislation

Introduction

The environmental impact assessment and approval system in the Territory ensures that projects do not have an unacceptable impact on the environment, now and into the future. This means that the impact assessment system needs to:

- ensure that environmental considerations are explicitly addressed and incorporated into the development decision making process
- anticipate and avoid, minimize, manage or offset the adverse significant biophysical, social, cultural and other relevant effects of development proposals
- protect the productivity and capacity of natural systems and the ecological processes which maintain their functions, and
- promote development that is sustainable and optimizes resource use and management opportunities.

Under the draft environment protection Bill and draft environment protection Regulations, an 'action' includes any of the following:

- a project
- a development
- an undertaking
- an activity or series of activities
- works
- a material alteration of any of the above.

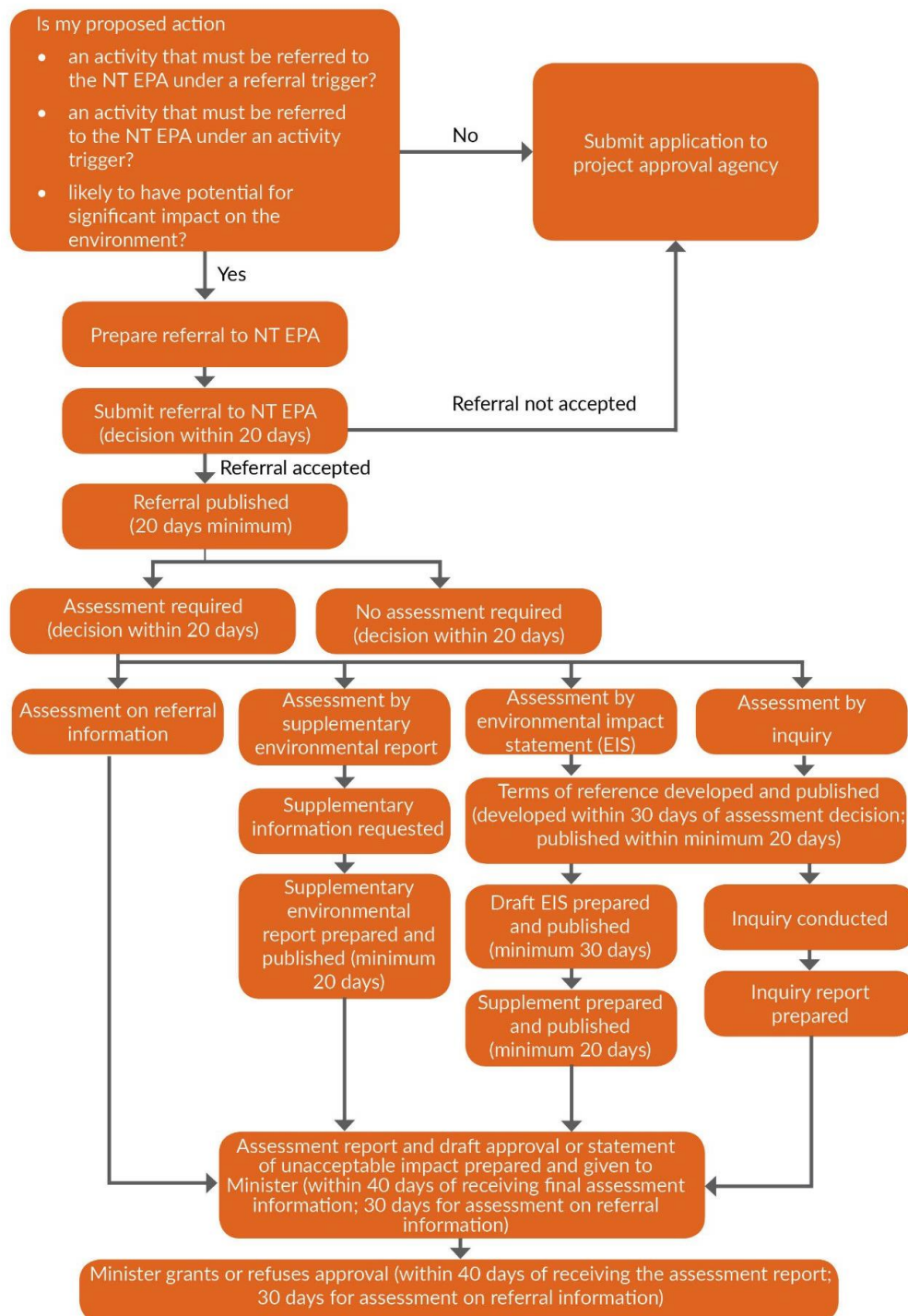
The process

The environmental impact assessment and approval system can be separated into five key stages:

1. Pre-referral
2. Referral
3. Environmental impact assessment
4. Environmental approval
5. Post approval monitoring and compliance.

The schematic on the next page illustrates the process.

Simplified Environmental Impact Assessment Process



Pre-referral stage

The pre-referral stage refers to the proponent undertaking a self-assessment of their project to determine the need for a referral. This is done by considering if referral triggers apply and the potential for the project to have significant environmental impact. Referrals may be based on the following:

1. Activity-based referral. If the proposed action is identified as an activity to which an environmental trigger applies, it must be referred to the NT EPA.
2. Location-based referral. If the proposed action is to be located in an area to which an environmental trigger applies, it must be referred to the NT EPA.
3. Significance-based referral. If the proposed action has the potential for a significant impact when considered against the Territory Environmental Objectives it is to be referred to the NT EPA.

Referral triggers and environmental objectives to help proponents gauge significant impact and a decision on whether or not to refer to their project to the NT EPA, will be published in the Government Gazette.

Referral stage

The referral informs the NT EPA about a project in order for it to determine whether the project will require an environmental impact assessment and environmental approval

When a referral is first received the NT EPA will conduct a preliminary review to determine whether:

- the referral contains sufficient information to make a determination on the potential for the project to have a significant impact and therefore be accepted; or
- it is clear that the project will not have a significant environmental impact and therefore the referral will not be accepted.

If the NT EPA accepts the referral, it will be open for public consultation. This provides the public with an opportunity to become aware of the project and to provide input on whether the project should require an environmental approval and therefore environmental impact assessment. The decision to accept or refuse a referral must be made within 20 days of receiving the referral, and the public consultation period will be not less than 20 days.

The referral is also provided to relevant government agencies for their advice on the potential for the project to have significant impact on any of the Territory Environmental Objectives.

At the conclusion of this consultation phase the NT EPA will make a determination on whether or not a project requires an environmental approval based on:

- the referral
- any further information provided to the NT EPA
- any submissions received from other government agencies or the public.

An environmental approval (and therefore an environmental impact assessment) will be required if the project is determined by the NT EPA to have potential for significant impact. Significance is assessed against the Territory Environmental Objectives and any agreed activity or location triggers. The NT EPA will also determine what method of assessment is required for the project.

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Details on the different methods of assessment are identified in the next stage.

Where the NT EPA determines an environmental approval is not required, an environmental impact assessment will not be required, and the proponent can proceed with obtaining whatever other authorisations are required for the project.

If the NT EPA considers that the project is likely to have significant impacts that cannot be appropriately avoided, mitigated or managed, and is therefore unacceptable, it may recommend that the Minister refuse to give an environmental approval for the project.

The NT EPA must make its determination on the referral within 20 days of the close of public comments and must also publish a statement of reasons for its decision.

Environmental impact assessment stage

The environmental impact assessment process is designed to provide the NT EPA with information on which to make an informed recommendation to the Minister for Environment and Natural Resources about whether an environmental approval should be granted or refused.

In determining that a project requires an environmental approval, the NT EPA will also have decided on the method of environmental impact assessment required for the project.

The methods of environmental impact assessment, also known as tiers of assessment, are:

1. Assessment on Referral Information - where the NT EPA is able to prepare an Assessment Report based on the original referral and any additional information and submissions provided as part of the acceptance of the referral.
2. Assessment on Supplementary Information - where the NT EPA is able to prepare an Assessment Report based on the original referral, any additional information and submissions provided as part of the acceptance of the referral, and a supplementary report that responds to the submissions.
3. Assessment by Environmental Impact Statement (EIS) – where the NT EPA requires an Environmental Impact Statement (EIS) that addresses approved Terms of Reference. This form of assessment substantially mirrors the NT's current EIS process under the *Environmental Assessment Act*.
4. Assessment by Inquiry – where the NT EPA, or a panel appointed by the NT EPA, will undertake an inquiry that addresses the approved Terms of Reference.
5. Assessment using a combination of the assessment by inquiry and any other method.

The NT EPA's assessment report will inform the Minister's decision whether to issue an environmental approval for the project and the conditions such an approval may contain.

Environmental approval stage

The introduction of an environmental approval ensures that a project that has the potential for significant, irreversible impact on the environment does not proceed without changes being made to the project to mitigate and reduce those impacts.

While the NT EPA will prepare a draft environmental approval (or statement of unacceptable impact), it is the Minister for Environment and Natural Resources who is responsible for deciding whether to grant an environmental approval or not, and what conditions should be imposed on the approval.

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In environmental approval will include conditions that target the management of potentially significant impacts on the environment.

Environmental impacts that are not considered to be significant will be managed operational authorisation processes under existing project approval legislation such as the *Mining Management Act*.

Post environmental approval monitoring and compliance

Where an environmental approval has been issued by the Minister, the Department of Environment and Natural Resources will then be responsible for monitoring compliance with, and enforcing the conditions of, an environmental approval. The draft environment protection legislation contains a range of regulatory tools that can be used to encourage compliance and undertake enforcement action where necessary.