

# Establishing a Framework of Northern Territory Environmental Values and Objectives

## Consultation Paper

### Background

The Northern Territory Government is undertaking an overhaul of the current environmental management legislative system. Reforms are long overdue but critical to achieving a robust environment protection regime that the community trusts while encouraging industry investment and economic growth.

A single piece of legislation is being developed to implement a best practice environmental management regulatory framework – the environment protection Act.

The environment protection Act is being developed in two stages:

- Stage One will address reforms to the environmental impact assessment system and introduce an environmental approval to be issued by the Minister for Environment and Natural Resources.
- Stage Two will address Government's commitments to transform the *Waste Management and Pollution Control Act* into a fully functioning environment protection Act, and will include provisions for the environmental regulation of the mining industry.

A draft environment protection Bill and supporting Regulations are to be released in October 2018 for public review and comment. In addition to introducing a new environmental impact assessment and approval regime for the Northern Territory the Bill includes:

- a compliance and enforcement regime
- a process for developing policy and guidance
- review provisions, and
- financial tools to support environment protection, such as an environment protection levy.

Consultation will be undertaken during October and November 2018 on the draft environment protection legislation. Opportunity will be provided for the public and stakeholders to participate in broad consultations around the legislation as well as more targeted consultations on specific aspects of the legislation. A consultation program to support this process will be released shortly.

### Purpose

This Paper speaks to a component of Stage One of the reforms: establishing a Framework of Northern Territory Environmental Values and Objectives to support decision making in the environmental impact assessment and approval process and provides background to consultation and engagement with key stakeholders.

## A Framework of Northern Territory Environmental Values and Objectives

### What is it?

As part of its *Healthy Environment, Strong Economy* policy the Government committed to a comprehensive reform of the *Environmental Assessment Act* stating it will introduce a mechanism for matters of 'Territory significance' and 'desired environmental outcomes' to be defined upfront, to become the focal point for impact assessment, providing certainty for industry and the community. A Framework of Northern Territory Environmental Values and Objectives (the Framework) is proposed to meet this reform objective.

The Framework is intended to communicate environmental values and objectives that are key to ensuring the sustainable development of the Northern Territory. The proposed Environmental Values will identify the key elements of the environment that could be affected (both positively and negatively) by development. Each key element will have a value statement drafted to support it, communicating its contribution to the natural, socio-cultural and economic environments of the Territory. The proposed Environmental Objectives will communicate the goals for maintaining the Environmental Values and provide measures on which to judge impact against the Environmental Values.

The Framework is being proposed to publicly communicate the matters on which a judgement of the potential impact of a proposed action (development) will be made. Every proposed action, for every industry type, will be assessed against the same suite of Environmental Values and Objectives, bringing consistency and certainty to decision making in the environmental impact assessment and approval process.

### How will it be used?

A summary of the key aspects of the environmental impact assessment and approval process proposed in the draft legislation is outlined below in order to help understand the purpose of the Framework.

- The definition of 'environment' is inclusive of the natural, economic, social and cultural environments.
- The responsibility for referring a proposed action to the NT EPA for consideration under the environmental impact assessment process is placed with a proponent.
- A referral to the NT EPA can be based upon whether a proposed action:
  - has the potential to have a significant impact on the environment
  - is identified as an activity requiring a referral and/ or an environmental approval, and
  - is to be located in an area identified as a locality where a proposed action requires a referral and/ or an environmental approval.
- Upon the receipt of a referral the NT EPA will determine whether a proposed action requires an environmental approval (and is therefore subject to the environmental impact assessment process). This decision is based upon the potential of the proposed action to have a significant impact on the environment or the requirement for an approval (the draft legislation includes activity and locality based approval triggers).
- The focus of an environmental impact assessment process will be on those matters identified by the NT EPA as having the potential for significant impact on the environment.

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The complexity of the environmental impact assessment process will largely depend upon the information required for the NT EPA to make its final advice on the suitability of a proposed action.

- An environmental impact assessment process is concluded once the NT EPA provides its final advice (an Assessment Report) with a draft of an environmental approval to the Minister for Environment and Natural Resources. The Minister is responsible for granting (or not) an environmental approval for a proposed action. The Assessment Report and subsequent environmental approval will focus only on those matters identified by the NT EPA as having the potential for significant impact on the environment.

In light of the above, it is proposed that the Framework will address all elements of the environment and underpin the assessment and approval system, providing certainty and consistency in the decision making process, by:

1. Providing a proponent a list of matters on which to identify potential impacts associated with a proposed action. This will inform whether a proposed action needs to be referred to the NT EPA for consideration under the environmental assessment and approval regime.
2. Guiding the NT EPA's judgement on the potential significance of a proposed action on the environment, determining whether it requires an environmental approval and accordingly, environmental impact assessment.
3. Providing a focus for environmental impact assessment and approval documents so that assessment documents will only need to focus on those values and objectives identified by the NT EPA due to the potential for significant impact.

The use of environmental objectives to guide impact assessment and decision making is an approach currently used in Western Australia and recently adopted by the NT EPA. For the purposes of environmental impact assessment, the Environmental Protection Authorities use environmental factors and objectives to:

- Organise and structure impact assessment information and reporting.
- Take a holistic view of the environment and a proposal or scheme's potential impact on the environment.
- Consider significance when deciding whether or not to assess a proposal or scheme and when recommending whether or not to approve a proposal or scheme.

## **How is the Framework to be established?**

The draft legislation currently includes provisions to support establishing environmental values and objectives, providing the basis for making a judgement of significant impact. The legislation outlines the process of publishing the environmental values and objectives in the Government Gazette. It also includes provisions for the values and objectives to be drafted and/ or amended in public consultation.

## Proposed Framework

The following table provides a concept of the Northern Territory Environmental Values and Objectives. These have been prepared based on the approaches of the Western Australian and Northern Territory Environment Protection Authorities to guide environmental impact assessment under the *Environmental Assessment Act*.

This is provided as a starting point to guide conversation with stakeholders during consultation. For this reason, only one description of a potential Value has been identified.

Environmental Values (example only)	Environmental Objective (examples only)
<b>Land</b> <i>We recognise the contribution of a healthy land system to the Northern Territory's growing and diverse economy; our health and safety; our recreational and spiritual well-being; and our cultural identity.</i>	Ecosystems: <i>Maintain the diversity and function of ecosystems so that ecosystem services are sustained</i>
	Landforms: <i>Maintain the variety and integrity of distinctive physical landforms</i>
	Terrestrial Environmental Quality: <i>Maintain the quality of land and soils so that environmental values are supported</i>
	Flora and Fauna: <i>Maintain the biological diversity and ecological integrity of the NT's flora and fauna</i>
<b>Sea</b>	Benthic Communities and Habitats: <i>Maintain the biological diversity and ecological integrity of benthic communities and habitats</i>
	Coastal Processes: <i>Maintain the geophysical and hydrological processes that shape coastal morphology so that the environmental values of the coast are supported</i>
	Marine Environmental Quality: <i>Maintain the quality and productivity of water, sediment and biota so that environmental values are supported</i>
	Marine Fauna: <i>Maintain the biological diversity and ecological integrity of marine fauna</i>
<b>Water</b>	Hydrological Processes: <i>Ensuring the sustainability of the hydrological regimes of groundwater and surface water so that environmental values are supported</i>
	Inland Waters Environmental Quality: <i>Maintain the quality of groundwater and surface water so that environmental values are supported</i>
	Aquatic Ecosystems: <i>Sustain aquatic and riparian ecosystems so that flora and fauna are supported</i>
<b>Air</b>	Air Quality: <i>Maintain the Northern Territory's air quality for the protection of the environment, human health and amenity</i>
<b>Changing Climate</b>	Greenhouse Gas Emissions: <i>Minimise greenhouse gas emissions to the greatest extent possible</i>
	Climate Change Adaption: <i>Ensure the resilience of the environment and economy from impacts of a changing climate</i>
<b>People</b>	Social Surroundings: <i>Maintain amenity and access to: cultural and recreational opportunities, and social services and infrastructure</i>

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Environmental Values (example only)	Environmental Objective (examples only)
	Health: <i>Ensure that the risks to human health are identified, understood and adequately avoided and/ or mitigated</i>
	Culture: <i>Conserve the cultural heritage, and practices and wellbeing of the NT</i>
<b>Economic</b>	Development: <i>Grow and diversify the NT economy and create jobs</i>

### What's Next?

Key stakeholders will be provided opportunities to contribute to the establishment of the proposed Framework of Northern Territory Environmental Values and Objectives. Key stakeholders will be provided with an opportunity to air any concerns, or have questions answered and to determine key stakeholders further interest in this matter.

At the conclusion of the stakeholder meetings a summary report will be drafted and a workshop held, with the purpose of drafting and getting agreement on the environmental values and objectives to be included in the Framework of Northern Territory Environmental Values and Objectives.



### For further information:

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