

Fact Sheet 12: Common terms used in the environment protection Bill and Regulations

This document includes terms, definitions and acronyms that are commonly used throughout the draft environment protection Bill and draft environment protection Regulations. It provides an explanation of the terms to assist in understanding what the proposed legislation will deliver and is not limited to the specific legal definitions provided in the draft legislation.

Term	Meaning
action	Specified in section 5 of the draft Bill as: <ul style="list-style-type: none"> • a project • a development • an undertaking • an activity or series of activities • works • a material alteration of any of the things mentioned in above list..
approval holder	A person, which is an individual or a body corporate, that has been granted an environmental approval. It includes a liquidator or administrator and also includes a person that is able to undertake a project on the basis of a strategic assessment (see approval notice).
approval trigger	A method used to determine whether a project requires referral to the NT EPA for assessment because it needs an environmental approval to proceed. It can be due to locality of the project (an area identified as being of significance) or due to the project's activity (with threshold values that reflect scale and/or expected output and/or expected products). The NT EPA must accept and assess a referral based on an approval trigger and a person must hold an environmental approval for the project that triggers an approval trigger.
approval notice	The effect of a strategic assessment is to allow a number of different projects and proponents to operate in the strategically assessed area under a single environmental approval without requiring each proponent to refer their project to the NT EPA for consideration in the impact assessment system.

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	The draft Bill enables a person to apply for an approval notice, which will allow them to operate under the single approval.
assessment report	<p>At the end of the environmental impact assessment process, the NT EPA completes an assessment report based on any referral information or supplementary environmental report, or environmental impact statement and any further information, submissions or advice received. The NT EPA provides the assessment report to the Minister with a draft environmental approval (or refusal). The purpose of the report is to:</p> <ul style="list-style-type: none"> • assess the potential significant environmental impacts of a project • make recommendations for mitigation and managing those impacts.
call-in notice	<p>A call-in notice is a written notice requesting the person or proponent to refer the action within the time specified by the notice.</p> <p>It is an enforcement tool that the NT EPA can use if it believes a person or proponent is undertaking a project or action that should be referred for assessment. It can also be used by the NT EPA if the NT EPA considers a project that has been referred has been varied to the extent that the NT EPA needs to determine whether further or additional assessment of environmental impacts or risks of the changed project is required.</p> <p>It is an offence if the person fails to comply with a call-in notice.</p>
cease work requirement	<p>A cease work requirement is a direction included in an environment protection notice for a person to stop an activity or project, or not commence an activity or project.</p> <p>The direction is made by the CEO and remains in place until the environment protection notice is revoked.</p> <p>It is used as an enforcement tool for ensuring a person complies with:</p> <ul style="list-style-type: none"> • general environmental duty • conditions of an environmental approval • requirement prescribed by regulation
CEO	Chief Executive Officer of the Department of Environment and Natural Resources
closure certificate	<p>A person who holds an environmental approval for a project may apply to the Minister for a closure certificate if the person:</p> <ul style="list-style-type: none"> • has completed the rehabilitation and remediation requirements of the environmental approval • intends to sell the land or transfer the land to another person or return it to the owner of the land or to local or Territory government. <p>Before a closure certificate is issued, the Minister must be satisfied that the person has met the relevant closure criteria gazetted by the Minister, all rehabilitation and remediation requirements are completed in accordance</p>

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	with the Act and environment approval, and the person has complied with any requirements to provide a financial assurance.
closure notice	<p>A closure notice may be issued by the Minister for a site which, in the Minister's opinion, will require ongoing environmental investigation, monitoring or management as a result of the activities conducted at the site. For example, the Minister may issue a closure notice requiring the approval holder to continue to monitor a site to ensure that there are no contaminants leaching from the site into groundwater or neighbouring properties.</p> <p>A closure notice can specify a number of actions that a person must comply with including preparing a management plan, taking specific actions, investigations or monitoring and arranging for an environmental audit to be carried out.</p> <p>It is an offence not to comply with the requirements of a closure notice. If a person does not comply with a closure notice, the CEO may carry out any specified closure notice actions and recover the costs of taking any actions required in the closure notice.</p>
co-operative assessment	<p>The Minister, on advice of the NT EPA may enter into an agreement with the Commonwealth, State or another Territory in relation to the environmental impact assessment of a project. This could apply for projects that cross jurisdictional borders.</p> <p>If a co-operative environmental impact assessment is agreed to, the process must meet the objectives of the Act, provide for public participation and provide for an assessment report that can be used for drafting an environmental approval (or refusal). A proponent that has had a co-operative environmental impact assessment will not be required to undertake a second environmental impact assessment for the same project in the Northern Territory.</p>
decision-maker	<p>A person making decisions under the legislation and guided by the principles of environmental protection and management specified in the Bill. These include the principles of ecologically sustainable development and the waste management hierarchy. A decision-maker can include:</p> <ul style="list-style-type: none"> • the Minister for Environment and Natural Resources • the CEO • the NT EPA • a delegate of any of the above • an appointed environmental officer.
EIA	Environmental impact assessment
eligible person	<p>An eligible person can apply for a merits review of certain decisions made under the legislation. It includes:</p> <ul style="list-style-type: none"> • a person who is directly or indirectly affected by the • decision

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	<ul style="list-style-type: none"> • member of an environmental, community or industry organisation • an Aboriginal Land Council • a Registered Native Title Prescribed Body Corporate or a registered claimant under the <i>Native Title Act</i> • a local government body • a person who has made a genuine and valid submission during an assessment or approval process under this Act <p>The types of decisions that can be reviewed are identified in Schedule 3 of the draft Bill and Schedule 1 of the draft Regulations.</p>
environment	Environment means all aspects of the surroundings of humans including physical, biological, economic, cultural and social aspects
environmental approval	The Minister for Environment and Natural Resources can grant or refuse an environmental approval at completion of the environmental impact assessment process. It will incorporate conditions designed to deliver the best environmental outcomes. Failure to comply with an environmental approval and its conditions is an offence.
environmental audit	<p>An environmental audit is a formal, documented evaluation of a project and its impacts on the environment. It is a compliance tool used by the NT EPA or CEO.</p> <p>An environmental audit must be conducted by a registered environmental auditor.</p>
environmental duty holder	A person who holds an environmental approval or is required to comply with the general environmental duty.
environmental harm	<p>Environmental harm means direct or indirect:</p> <ul style="list-style-type: none"> • alteration of the environment to its detriment or degradation, whether temporary or permanent; or • environmental harm prescribed by the regulations.
environment protection bond	<p>An environment protection bond is a payment that may be required as a condition of an environmental approval to ensure a person meets their environmental obligations. The amount or value of the bond will be determined outside of the assessment process and will be calculated with consideration of the environmental risk and project impacts and the level of uncertainty in assessing and managing those risks and impacts.</p> <p>Details of environment protection bonds will be published in the public register.</p>
environment protection fund	<p>An environment protection fund is established by the Minister for the purposes of holding money for environmental protection and industry assistance purposes. It can include providing funds for:</p> <ul style="list-style-type: none"> • actions responding to environmental emergencies

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	<ul style="list-style-type: none"> • rehabilitation of the environment • remediating environmental harm • works to protect the environment • research into environmental impacts and management of particular industries • other activities relating to protecting or enhancing the environment.
environment protection levy	<p>An environment protection levy is a tax paid to government by industry to provide funding for:</p> <ul style="list-style-type: none"> • actions responding to environmental emergencies • rehabilitation of the environment • remediating environmental harm • research into environmental impacts and management of particular industries • other activities relating to protecting or enhancing the environment. <p>The regulations will prescribe the amount of the environment protection levy or funds, when a person is liable to pay a levy and the methods of calculation to be used for different activities or industries.</p>
environment protection notice	<p>A written notice issued by the CEO to ensure compliance with:</p> <ul style="list-style-type: none"> • general environmental duty • conditions of an environmental approval • a requirement prescribed by regulation. <p>It is an offence not to comply with an environment protection notice.</p>
environmental impact statement (EIS)	A method of environmental impact assessment.
environmental supplementary report	<p>An environmental supplementary report, referral information and other comments received together form a method of environmental impact assessment.</p> <p>The supplementary report addresses submissions made during the public submission period for referral information.</p>
environmental trigger	<p>An environmental trigger is a method used to determine whether a project requires referral for environmental impact assessment.</p> <p>It includes activity and locality based referral and approval triggers.</p> <p>The Minister must consult with the NT EPA and public on proposed activity-based and the locality-based referral and approval triggers prior to gazetting.</p>

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<i>Gazette</i>	The Northern Territory Government Gazette.
general environmental duty	<p>A general obligation that is imposed under the Bill to ensure that all reasonable and practicable measures are taken to avoid or minimise any environmental harm that may result from taking an action.</p> <p>The duty requires a person who causes unauthorised environmental harm to remediate the environmental harm and restore any ecological functions impaired by the action to the greatest extent practicable.</p> <p>It also requires a person to ensure that any residual adverse environmental impacts of an action taken by the person are appropriately mitigated and managed.</p>
government authority	A government agency (for example, the Department of Environment and Natural Resources) or a statutory authority (for example the NT EPA).
impact	<p>An impact is a possible or actual adverse effect that occurs when a person acts in a way that directly, or indirectly results in an event or circumstance that causes or may cause environmental harm.</p> <p>An impact may be cumulative if the action occurs over a period of time or the action is incrementally increasing or interacting with other activities in a particular area over the short, medium or long term.</p>
land	Land includes water and air on, above or under land.
material environmental harm	<p>Material environmental harm means environmental harm that:</p> <ul style="list-style-type: none"> • is not trivial or negligible in nature, or • results in actual or potential loss of not more than the amount prescribed by the regulations.
method of assessment	<p>There are four methods of environmental impact assessment:</p> <ul style="list-style-type: none"> • assessment by referral information • assessment by supplementary environmental report • environmental impact statement assessment • assessment by inquiry. <p>An assessment by inquiry may be conducted separately or with any other method of environmental impact assessment.</p>
NT EPA	<p>Northern Territory Environment Protection Authority</p> <p>The NT EPA is an independent authority established under the <i>Northern Territory Environment Protection Authority Act</i> to provide advice on the environmental impacts of projects and to provide regulatory services, effective waste management, pollution control, and compliance and enforcement.</p>
person	A person includes an individual and a body corporate.

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principles of ecologically sustainable development	<p>The principles of ecologically sustainable development are set out in Part 2, Division 1 of the Bill.</p> <p>The principles and management hierarchies provided in Part 2, Division 2 provide a decision making framework for the Bill.</p>
prohibited action	An action declared by the Minister under section 50 of the Bill to be a prohibited action. Prohibited actions are actions that the Minister considers should not be allowed to be carried out in the Northern Territory because of their potential adverse impact on the environment.
proponent	A person proposing to carry out, or carrying out, an action, a project, a development, an undertaking, an activity or series of activities, works or a material alteration of any of these.
proponent initiated EIS referral	A streamlined environmental impact assessment process designed to enable proponents to reduce timeframes associated with environmental impact statement (EIS) assessment processes by enabling them to submit draft terms of reference in conjunction with referral documentation. The effect of this is to enable terms of reference and referral documentation to be published concurrently rather than consecutively which occurs in the standard EIS process.
protected environmental area	<p>An area declared by the Minister under section 49 of the Bill to be a protected environmental area.</p> <p>A protected environmental area is an area of environmental value that the Minister considers should be protected. The Minister may declare actions that are prohibited or permitted to be undertaken in the protected area.</p>
qualified person	<p>The CEO may issue an environment protection notice. As part of the notice the CEO may direct that a qualified person be engaged to undertake certain activities, such as preparing reports and plans, or undertaking monitoring and testing activities.</p> <p>For this purpose, a qualified person is:</p> <ul style="list-style-type: none"> (a) a person registered as an environmental auditor in accordance with the draft Bill (b) a person registered as an environmental practitioner in accordance with the draft Bill, or (c) a person who has the qualifications and experience set out in the environment protection notice.
referral	The documentation submitted by a proponent to commence the environmental impact assessment process. Under the current system this is often referred to as the 'notice of intent' or NOI.
referral pathway	<p>The different ways that indicate that a project may need to be referred to the NT EPA for environmental impact assessment.</p> <p>Referral pathways include activity and locality based triggers and potential for significant impact on the environment in consideration of the Territory Environmental Objectives.</p>

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referral trigger	<p>An environmental trigger used to determine whether a project requires referral to the NT EPA for assessment. It can be due to locality of the project (an area identified as being of significance) or due to the activity (with threshold values that reflect scale and/or expected output and/or expected products).</p> <p>The NT EPA must accept a referral based on a referral trigger and determine whether impact assessment and an approval is required. The NT EPA may determine, based on the referral, that assessment is not required.</p>
significant environmental harm	<p>Significant environmental harm means environmental harm that:</p> <p>(a) would cost more than the monetary amount prescribed by the regulations to remediate; or</p> <p>(b) has a significant impact on the environment.</p>
significant impact	<p>A significant impact is an impact of major consequence having regard to:</p> <p>(a) the context and intensity of the impact; and</p> <p>(b) the sensitivity, value and quality of the environment impacted on and the intensity, duration, magnitude and geographic extent of the impact.</p>
standard assessment	<p>A term used to refer to any form of impact assessment which is based on consideration of a specific project.</p> <p>The term is used to differentiate between project based assessments and strategic assessments.</p>
standard conditions	<p>The Minister may approve standard conditions to be placed on environmental approvals. Standard conditions must be developed in accordance with processes specified in the Regulations.</p>
standard terms of reference	<p>The NT EPA may develop and approve standard terms of reference for environmental impact assessment by environmental impact statement (EIS) or inquiry. Standard terms of reference might be for a particular industry, or particular kinds of actions or particular kinds of impacts.</p> <p>The intent of standard terms of reference is to streamline assessment processes and timelines by allowing the NT EPA to utilise standard terms of reference rather than preparing new terms of reference for every project.</p>
statutory authority	<p>A body established under an Act for a public purpose. For example, the NT EPA or the Development Consent Authority established under the <i>Planning Act</i>.</p>
statutory decision-maker	<p>In relation to an action, means a person or a government authority authorised under an Act to make a decision in relation to that action.</p>
strategic assessment	<p>A term used to refer to an impact assessment which is undertaken at a strategic level.</p>

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	<p>The effect of a strategic assessment is to allow a number of different projects and proponents to operate in the strategically assessed area under a single environmental approval without requiring each proponent to refer their project to the NT EPA for consideration in the impact assessment system.</p> <p>The term is used to differentiate between project based assessments and strategic assessments.</p>
supplement	<p>A document prepared as part of the environmental impact statement process. The document addresses public submissions made in relation to a draft EIS.</p>
Territory environmental objective	<p>The objectives for Territory environmental protection and management declared by the Minister for Environment and Natural Resources.</p> <p>The objectives are used in the determination of whether a project may have a significant impact on the environment.</p>