|  |
| --- |
| Fact sheet 12: Strategic proposals |

| **Caution: Archived content**  This content was created to serve a specific purpose at a particular period/time.  It may contain references to policy positions, approaches, documents or other information that has been superseded. |
| --- |

Environmental impact assessment and approval system

# Introduction

The Environment Protection Bill 2019 and its supporting Environment Protection Regulations will introduce considerable improvements to the Northern Territory’s (the Territory) environmental impact assessment system. This will result in a process that is contemporary, fit for purpose, responsive to the Territory’s circumstances, and in keeping with the principles of ecologically sustainable development.

The Northern Territory Environment Protection Authority (NT EPA) conducts the environmental impact assessment process. Under the changes to the environmental impact assessment system, the NT EPA will be able to assess both individual actions and strategic proposals.

# Assessment and approval system

The environmental impact assessment and approval system in the Territory will make sure 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, minimise, 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.

There are five key stages in the environmental impact assessment and approval system:

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

Further detail on the system is contained in the ‘Environmental Impact Assessment System’ fact sheet.

# Strategic proposals and impact assessment

A person may refer a strategic proposal that may have a potentially significant impact on the Territory’s environment for impact assessment.

* A strategic proposal includes any of the following:
* a policy
* a program
* a plan
* a methodology.

## Process for assessing strategic proposals

There are five methods (or tiers) of environmental impact assessment:

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](#_Assessment_by_Supplementary) – 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 provides additional information in relation to specific aspects of potential significance.
3. [Assessment by Environmental Impact Statement (EIS)](#_Assessment_by_Environmental) – where the NT EPA requires an EIS that addresses approved Terms of Reference. This form of assessment substantially mirrors the Territory’s current EIS process under the Environmental Assessment Act 1982.
4. [Assessment by inquiry](#_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.

All of these methods of assessment require the publication of referral and other assessment information, and provide opportunities for public participation in the environmental decision making process.

The NT EPA is given responsibility for identifying the most appropriate method of assessment for a particular proposal. The NT EPA may choose any method to conduct an assessment of a strategic proposal, although it is anticipated that these types of proposals would most usually be conducted using assessment by EIS.

# Strategic proposals and environmental approvals

At the completion of the environmental impact assessment process, the NT EPA provides an assessment report and either a draft environmental approval or statement of unacceptable impact to the Minister for Environment and Natural Resources (the Minister). The Minister is responsible for determining whether to grant, or refuse, an environmental approval.

Strategic proposal assessments are intended to negate requirements for the individual assessments of actions undertaken within the auspices of the strategic proposal. For example, a strategic proposal assessment may consider extractive mining operations in a particular location. This would negate requirements for each extractive mining operation, proposed to be undertaken in that location, to refer an individual action. It would not remove requirements for a person that wanted to conduct a different type of activity, for example construction of a large landfill facility, from needing to refer the proposal to the NT EPA, if the landfill may have a potentially significant impact on the environment.

To support this, the Environment Protection Bill 2019 establishes a process for the grant of an approval notice. The approval notice authorises a person to conduct an activity that was assessed as part of a strategic proposal, provided they comply with the conditions of the environmental approval.

The Department of Environment and Natural Resources will undertake monitoring and enforcement activities to ensure that the approval holder, and any person operating under an approval notice, complies with the requirements of the environmental approval.

An environmental approval granted following the assessment of a strategic proposal cannot be suspended or revoked without the agreement of all persons operating under the approval or an approval notice. However, the environmental approval holder or a person operating under an approval notice, may have their authorisation to operate under the approval (or notice) suspended or revoked. This allows compliance and enforcement action to be taken against individual non-compliant operators without penalising compliant operators.