

Environmental factor guidance: Marine ecosystems

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Contents

- 1. Introduction4
- 2. Purpose.....4
- 3. Environmental factor: Marine ecosystems5
 - 3.1. How this factor links with other environmental factors6
 - 3.2. Application of this guidance.....7
- 4. Considerations for environmental impact assessment7
- 5. EIA of marine ecosystems9
 - 5.1. Marine ecosystem values 10
 - 5.1.1. Benthic communities and habitats 10
 - 5.1.2. Marine fauna..... 11
 - 5.2. Potential impacts..... 13
 - 5.3. Information required by the NT EPA 14
- 6. Environmental approval..... 15
- 7. Review 15

1. Introduction

Under the *Environment Protection Act 2019* (EP Act), a proposal (proposed action or strategic proposal) that has the potential to have a significant impact on the environment must be referred to the Northern Territory Environment Protection Authority (NT EPA) for assessment. The NT EPA is responsible for deciding whether a proposal requires environmental impact assessment (EIA) under the EP Act. A proposal that undergoes EIA by the NT EPA must have an environmental approval granted by the Minister for Lands, Planning and Environment (Minister) before it can proceed.

To guide the environmental impact assessment process, the NT EPA has developed a series of environmental factors and objectives as a system for organising environmental information and identifying key values that require protection. The environmental factors assist in determining the potential significant impacts of a proposal. The NT EPA is developing guidance to support each of its environmental factors. This guidance provides advice about information and assessment requirements in relation to marine ecosystems for preparation of EIA documents.

2. Purpose

The purpose of this guidance is to outline when and how the NT EPA's Environmental Factor: Marine Ecosystems is considered in the EIA process. The guidance provides advice on:

1. A proponent's obligations in respect to the EP Act.
2. When to consider referral of a proposal based on potential impacts on marine ecosystems
3. Key values to address under the Environmental factor: Marine ecosystems.
4. Requirements for assessment documentation relating to the Environmental factor: Marine ecosystems.

This document is part of a series of guidance prepared by the NT EPA to support proponents through the EIA process. Accordingly, this guidance is meant to be read in conjunction with the other guidance documents, ensuring a fuller understanding of the EIA process and the NT EPA's requirements, as shown in Figure 1.

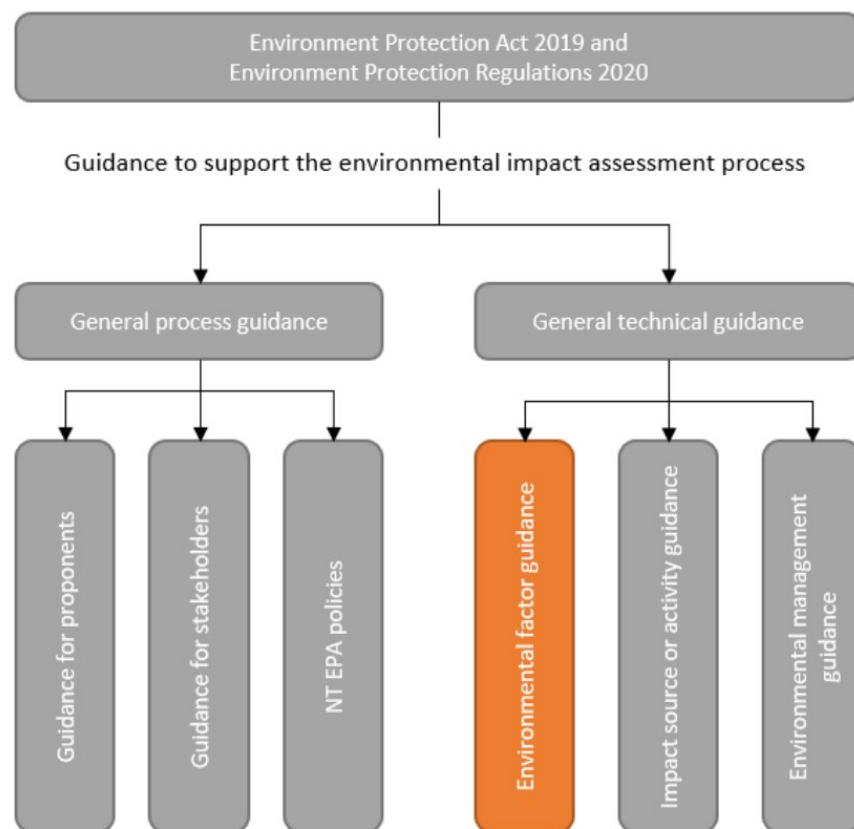


Figure 1 Environmental impact assessment guidance framework

3. Environmental factor: Marine ecosystems

The NT EPA's objective for the Environmental factor: Marine ecosystems is 'Protect marine habitats to maintain environmental values including biodiversity, ecological integrity and ecological functioning'. This objective reflects the NT EPA's expected outcomes for this factor and aims to ensure that the biological diversity and integrity of the Territory's marine ecosystems remain intact both now and for future generations. It also recognises the fundamental link between the development and modification of benthic and coastal landscapes and the alteration of marine habitats, biodiversity and ecological function.

The NT has an extensive coastline and diverse marine environments. Important breeding, nursery and feeding areas for many species of fish, marine turtles, shorebirds, seabirds, waterbirds, dolphins, dugong, sawfish, sea snakes, seahorses, sharks and rays as well as other species occur throughout the NT coast and seas.

The environmental values addressed under this factor include native marine fauna, benthic habitats and benthic communities. Marine ecosystem values include sites or features important to ecosystem function and the viability of populations of marine species. This guidance focusses on marine ecological matters seaward of highest astronomical tide. 'Marine' as it relates to 'marine ecosystems' encompasses all marine, estuarine and coastal environments in Northern Territory waters, as defined by the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC & ARMCANZ, 2000).

There is often overlap and interaction between marine ecosystem values, and values under other environmental factors including Marine environmental quality, Coastal processes and Terrestrial ecosystems. The EIA documents prepared by proponents must address the potential impacts of a proposal

on ‘Marine ecosystems’, including the interconnection and dependence of terrestrial and marine ecological values, marine environmental quality and coastal processes.

For EIA purposes:

- Marine fauna are defined as animals that live in the ocean or rely on the ocean for all or part of their life.
- Benthic habitats are defined as the seabed substrates that benthic communities grow on or in, ranging from unconsolidated mobile sediments to hard rock substrates.
- Benthic communities are defined as the biological communities that live in or on the seabed. These communities may include light-dependent taxa such as algae, seagrass, mangroves and corals, and/or animals such as molluscs, sponges and worms.

In the NT, some marine ecosystem values are formally recognised by legislation, policy, plans and guidelines, including but not limited to the following matters:

- threatened marine plant and animal species listed under the *Territory Parks and Wildlife Conservation Act 1976* (TPWC Act)
- Cobourg (Garig Gunak Barlu) Marine Park and Limmen Bight Marine Park under the TPWC Act
- protected environmental areas and environmental objectives declared under the EP Act (there are no current declarations)
- [protected matters](#) and [marine protected areas](#) under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- values identified in the Northern Territory (NT) [Coastal and Marine Management Strategy 2019-2029](#)
- values identified in the [Darwin Harbour Strategy 2020 - 2025](#).

Environmental Factor	Environmental Objective
Marine Ecosystems	Protect marine habitats to maintain environmental values including biodiversity, ecological integrity and ecological functioning.

3.1. How this factor links with other environmental factors

The NT EPA recognises there are complex links between the Environmental factor: Marine ecosystems and other environmental factors within and across themes. Within the Sea theme, environmental factors including ‘Coastal processes’ and ‘Marine environmental quality’ heavily impact the health and diversity of ‘Marine ecosystems’.

The purpose of an EIA is to identify and assess the impacts of a proposal on critical environmental functions and values including physical, biological, economic, cultural and social aspects. Any changes to functions that are considered coastal processes, for example marine sediment erosion, transportation and deposition, should be considered under the Environmental factor: Coastal processes. However, the way in which these changes impact marine ecosystem values should be addressed under the Environmental factor: Marine ecosystems. This same assessment structure applies for the alteration of functions under any of the themes under the NT EPA’s Environmental factors and objectives. Features such as wetlands can intersect both terrestrial and marine ecosystems and may require consideration in assessments of impacts on terrestrial and marine biodiversity.

The values within the Marine Ecosystems factor are considered the 'sensitive receptors' to changes in the marine environment. Changes to baseline environmental functions must be estimated and quantified under their respective 'Environmental factor' and should set the scene for impacts to sensitive receptors. The way that these changes impact sensitive receptors and the risks associated are to be addressed under Environmental factor: Marine ecosystems.

3.2. Application of this guidance

The EP Act requires a proponent to refer a proposal to the NT EPA for assessment if it has the potential for a significant impact on the environment. If a proposal is referred based on its potential impacts to marine ecosystems, the referral information should include the information specified in section 5 of this guidance. If a referral is required but is not made by the proponent, a statutory decision-maker may refer a proposal to the NT EPA for assessment, or the NT EPA may call in a proposal for assessment.

Proponents are encouraged to undertake their own investigations and seek pre-referral advice from DLPE about whether a proposal is likely to have the potential for a significant impact on marine ecosystem values and whether ecological surveys of the proposal area (and adjacent areas that may be impacted) would be required to inform the EIA process.

If a referral has insufficient information about potential marine ecosystem impacts, and the NT EPA decides to assess the proposal, it may request that a proponent provide further information in subsequent EIA documents such as a supplementary environmental report (SER) or environmental impact statement (EIS). Following the completion of the EIA process, the NT EPA may recommend that the Minister impose conditions (including biodiversity offset conditions) on an environmental approval that are necessary to manage marine ecosystem impacts.

Proponents should consider the NT EPA's published guidance documents for advice on EIA statutory processes and timeframes, and technical guidance for the assessment of impacts to marine biodiversity.

4. Considerations for environmental impact assessment

Considerations for EIA for the Environmental factor: Marine ecosystems include, but are not limited to:

- application of the environmental decision-making hierarchy to avoid and then mitigate impacts to marine ecosystems, where practicable
- the conservation significance of marine fauna and benthic habitats and communities potentially impacted by the proposal
- the potential significant impacts and the activities that would cause them, including direct, indirect and cumulative impacts
- whether ecological marine surveys and analyses have been undertaken to a standard consistent with guidance and best practice
- the context, intensity, duration, magnitude and geographic extent of potential impacts to marine fauna and benthic habitats and communities
- the sensitivity, value and quality of the marine ecosystem values that would be impacted
- the significance of the marine fauna and benthic habitats and communities, and the level of risk to identified marine ecosystem values
- the current state of knowledge of marine fauna and benthic habitats and communities, and the level of confidence in the prediction of impacts
- whether proposed avoidance, mitigation and management approaches are practical and feasible

- whether the proposal area will be enhanced or restored in a manner that promotes marine biodiversity and ecological integrity
- whether offsetting any residual impacts is possible or feasible, and the likelihood of these offsets succeeding.

The NT EPA often encounters the following issues (described below) in its assessment of referred proposals for which Marine Ecosystems is a key factor. Proponents are encouraged to engage early with the NT EPA and the DLPE Flora and Fauna Division, prior to preparing and submitting their referral information or any subsequent EIA documents.

Level of existing knowledge

The NT EPA recognises that the current state of scientific knowledge for Marine Ecosystems is highly variable. The size and remote nature of much of the NT, combined with a high level of biological diversity and a lack of full scientific knowledge is a key challenge to EIA for marine ecosystems in the NT. Detailed knowledge about all stages of a species lifecycle, such as migration patterns, spawning or calving areas, and foraging grounds, is rarely available.

For a few marine species such as those important for commercial and recreational fishers, there is a higher level of certainty and scientific understanding and predictions about ecological impacts can be made with a higher level of certainty. For other species, detailed knowledge around life stages is available, such as the location and populations of turtles at nesting beaches, breeding islands and populations at those areas, but there may be very little information for the remaining life stages. For many other species, including some species of conservation listed marine fauna, little if any information is available regarding recruitment rates, population sizes, migration patterns or important foraging areas.

There has not been a systematic survey across the majority of the marine and coastal environment in the NT, and the scale, remoteness and difficulty of undertaking marine fauna surveys means that within every region new marine species are still being discovered and ecosystem processes are being investigated. This is particularly the case for remote areas of the NT.

For proposals which have the potential to significantly impact on marine fauna and/or benthic communities and habitats, the NT EPA will consider the extent of existing knowledge and the level of certainty underpinning predictions of environmental impact. While regional studies are beyond the capacity of an individual proponent, the NT EPA strongly encourages the sharing of marine biodiversity information and data so that there is a collective improvement of knowledge over time leading to improved environmental outcomes. Proponents should consider the NT EPA's biodiversity data policy and guidance, and technical guidance on the assessment of impacts to marine biodiversity, available on the NT EPA website.

Impacts on marine ecosystems

Direct impacts on marine fauna include vessel strike or entanglement in equipment such as dredges and aquaculture cages. Direct impacts to benthic communities and habitats include habitat damage from anchors or prop scarring, or complete removal of habitat associated with activities such as dredging or land reclamation. These impacts can be significant but are often localised and relatively easy to monitor and measure. Proponents are encouraged to include adaptive management in proposed mitigation measures to avoid and minimise such impacts and should refer to the [NT EPA Guidance on adaptive management](#).

Most indirect effects on marine fauna and benthic communities and habitats result from altering the characteristics of the marine and coastal environment as a result of changes to chemical and physical properties such as nutrients, temperature, pH, hydrodynamic processes, and water clarity. Other effects, such as those from lighting and underwater noise can result in behavioural impacts to marine fauna.

While some of these impacts will be considered under other marine environmental factors, the consequent impacts on marine fauna and benthic communities and habitats can be challenging to quantify and manage. They may result in temporary, long-term or permanent changes during the construction and operational phases. Examples of these types of proposals include marine dredging and spoil disposal activities, seismic surveys, pile driving, waste from discharges, installation of coastal and marine infrastructure, enclosure of marine and coastal waters in marinas and ports, and increased vessel movements. These activities have the potential to alter environmental conditions such that foraging, breeding or survival of marine values may be indirectly impacted or impaired.

Terrestrial activities (such as mining, land clearing and water extraction) may have indirect impacts on coastal marine systems such as sea grass, corals and mangroves. Potential indirect and cumulative impacts on marine and coastal ecological values from development in terrestrial catchments should be considered and addressed as part of the EIA.

The focus of the NT EPA in assessing proposals is on both maintaining the characteristics of the marine and coastal environment that support marine ecosystems.

Impacts during key ecological windows

Marine fauna rely on a range of ecological conditions, physical and chemical properties of the marine environment and their specific habitats during stages of the lifecycle. Turtles, for example, nest on beaches that meet specific physical characteristics regarding beach profile and come onto land during specific times of the year when wave energy is low. Many fish and invertebrate species rely on specific habitats such as seagrass meadows to provide refuge, protection and food resources. Other species migrate to specific areas to spawn and rely on specific hydrodynamic conditions and physical properties such as water temperature as signals to prompt aggregation and breeding.

Undertaking development proposals within these key areas and/or during these key windows of time has the potential to have a significant impact on marine species. Avoiding these locations and times is important. The focus of the NT EPA is ensuring that critical marine habitats and key ecological windows have been appropriately identified and impacts avoided and then mitigated to the greatest extent practicable.

Impacts of climate change

Marine ecosystems and biodiversity are susceptible to the impacts of a changing climate. The scale, nature and rate of the projected change, and the interactions between climate change and other threatening processes, have the potential to limit the capacity of current marine ecosystems to adapt. The consequences of climate change, e.g. increasing storms and wave energy, marine heatwaves, and ocean acidification are likely to significantly affect marine ecosystems. For the purposes of EIA, the NT EPA is concerned with proposal-specific impacts that are likely to exacerbate changes to biological diversity and ecological integrity when taken into account in combination with climate change.

5. EIA of marine ecosystems

Under section 11 of the EP Act, a 'significant impact' is defined as an action is an impact of major consequence having regard to:

- a) the context and intensity of the impact; and
- b) the sensitivity, value and quality of the environment impacted on and the duration, magnitude and geographic extent of the impact.

Therefore, in assessing the potential significant impacts of a proposal, it is essential that proponents have regard to the marine ecosystem values with consideration of the quality and sensitivity of the potentially impacted area, and the duration, magnitude and extent of potential impacts to those values.

Technical and process guidance documents related to EIA are available on the NT EPA's website.

5.1. Marine ecosystem values

The NT is considered to have one of the world's most intact marine and coastal environments. These relatively undisturbed environments are unique, both nationally and globally. Marine ecosystems in the NT are important as a source of economic benefit, for recreation, for the maintenance of customary practices and local Aboriginal community livelihoods, and as an integral part of the identity and lifestyle of Territorians¹.

The values associated with marine fauna and benthic habitat and communities for a proposal may be considered significant for a range of reasons including but not limited to those listed in the sections below.

Proponents must show in their EIA documentation that they have assessed the diversity, distribution and condition of these values in relation to the proposal area, and the surrounding environment that would potentially be impacted, as well as abiotic factors important for survival. The scale of the surrounding environment (where indirect impacts may occur) should be selected based on the predicted impacts from the proposal.

Once baseline conditions for each marine ecological value have been established within the proposal's area of impact, proponents must quantify and assess the anticipated impacts of the proposal on the current state of these values using a robust approach. In the context of this guidance, robust data and analysis is up-to date, spatially and temporally comprehensive, fit for purpose and of sound methodology.

5.1.1. Benthic communities and habitats

Benthic communities are biological communities that inhabit the intertidal and subtidal seabed and are important for primary or secondary production. Benthic habitats are areas of seabed that have the necessary attributes, such as substrate type, water depth, clarity and degree of exposure to wave energy, to support these communities. It is important to note that benthic habitats should be considered regardless of the presence of benthic communities at the time of assessment, in order to include environments that may serve as habitats on a seasonal or ephemeral basis.

Potential significant impacts to benthic habitats and communities should be considered in the context of the sensitivity, value and quality of the marine environment being impacted, and may be considered significant for a range of reasons including but not limited to:

- providing important structurally complex and diverse habitat for a threatened marine species
- provision of refuge
- providing food resources for marine megafauna such as dugongs and marine turtles
- being identified as an important recruitment or nursery area
- providing an important function required to maintain ecological integrity of a significant marine ecosystem.

¹ Department of Environment and Natural Resources Coastal and Marine Management Strategy 2019-2029, Northern Territory Government.

Benthic communities and habitats in the NT marine environment must be assessed with respect to the proposal impact footprint, proposal activities and cultural value. Assessments of benthic communities and habitats should consider the potential significant impacts relative to key groups:

- Primary producers (intertidal and subtidal)
 - Mangroves
 - Corals
 - Seagrass
 - Macroalgae
 - Microalgae and microphytobenthos
- Mixed communities
 - Infaunal and epifaunal invertebrates (intertidal and subtidal)
 - Filter feeders (subtidal).

These groups support diversity by providing structurally complex habitats and feeding opportunities. While sensitivity thresholds can be species-specific, changes to environmental conditions can often impact multiple species within or across the key groups due to shared life forms or behaviours. For example, finely branched corals tend to be more vulnerable to bleaching events than massive or encrusting species. The latter morphologies are reportedly more vulnerable to turbidity and sedimentation. Similarly, species that have the same reproductive strategy, such as broadcast spawners, are likely to be more impacted by changing hydrodynamic conditions, than brooding corals. In many cases, species that share benthic life forms or behaviours can serve similar ecological functions within a benthic community.

Mangrove pneumatophores, columnar corals and canopy-forming macroalgae form complex, three-dimensional habitats for juvenile fish and invertebrate species, and can attenuate wave and current energy to buffer shorelines from coastal erosion. Activities that may impact three-dimensional life-forms, such as the removal of protective coastline or an increase in marine vessel movements, potentially impact species diversity within the community but also threaten the ecological function of the ecosystem.

Proponents are responsible for assessing a proposal's impact to both the species and ecosystem functions within the area of direct and indirect impact.

Ecological characteristics that contribute to species and functional vulnerability that should be considered when assessing the significance of impact include:

- Life form
- Reproductive strategy
- Locomotion or sessility
- Sensitivity to water quality
- Preference for shallow coastal water habitats.

5.1.2. Marine fauna

Marine fauna, for the purpose of EIA, is defined as any animal inhabiting and/or reliant on the marine environment for all or most of its life. In Northern Territory coastal waters this includes a diversity of species ranging from microscopic zooplankton to marine megafauna.

Marine fauna values may be considered significant for a range of reasons including but not limited to:

- being identified as a threatened fauna species under the TPWC Act
- locally endemic or associated with a restricted habitat type or species with restricted distribution
- extent of historical impact from threatening processes
- being identified as a target species for recreational fishing activities
- providing an important function required to maintain ecological integrity of a significant marine ecosystem.

Potential significant impacts on marine fauna values in the NT environment must be assessed with consideration of the proposal area, proposed activities and the conservation status of species likely or known to occur. Marine fauna assessments should consider the impacts relative to key groups:

- Cetaceans (whales, dolphins)
- Sirenians (dugongs)
- Marine reptiles (turtles, sea snakes and crocodiles)
- Sharks and fish
- Pelagic invertebrates
- Marine and migratory birds (seabirds and shorebirds).

All species of marine fauna are considered an important part of the marine ecosystem. Within local populations, apex predators play crucial roles in maintaining species abundance and diversity. Impacts to apex predator populations can have detrimental flow-on effects to the broader ecosystem through the proliferation of lower trophic-level organisms. Such changes to community composition can affect intra- and inter-specific competition and trophic interactions

Some species populations have declined to levels where they are currently listed as threatened under NT and Commonwealth legislation. Species of threatened and/or listed migratory fauna likely to be found in or near the proposal area can be determined from the DLPE [fauna atlas](#) and [threatened species fact sheets](#), the scientific literature and the Australian Government's '[Protected matters search tool](#)'.

Proponents are responsible for identifying all threatened (and/or migratory marine) fauna present in and around the proposal site. The presence or absence of these species, as well as any suitable habitat, feeding grounds, nesting/roosting or breeding grounds for such fauna, make up the 'marine fauna values' under the Environmental factor: Marine ecosystems.

It is noted that there may be discrepancies between the conservation status of species listed under the TPWC Act and EPBC Act, and proponents must ensure that management actions satisfy the most conservative status. Only the EPBC Act specifies listed migratory species which are regarded as a protected matter under the EPBC Act. A proposal that is likely to significantly impact NT biodiversity is likely to require assessment under the EP Act and the EPBC Act as a bilateral or accredited assessment process. In the case of a bilateral or accredited process EIA, field surveys and assessments should be designed to meet NT and Australian Government requirements.

Depending on the species and life-stage, marine fauna may rely on a range of ecological conditions, physical and chemical properties of the marine and coastal environment and specific habitats. Undertaking development activities within key areas and/or during key times has the potential to have a significant impact on some species. As a result, understanding the ecological, physical and chemical requirements for species within the impact footprint is essential during the EIA process, and consideration for these locations and times must be made when assessing impact or proposing management strategies.

Several biological and ecological traits of some marine fauna increase their vulnerability to anthropogenic impacts. Ecological traits that contribute to species vulnerability and should be considered when assessing the significance of impact include:

- Being long-lived and maturing late
- Low fecundity and a low potential rate of population increase
- Adult survival must be very high for populations to be maintained
- Preference for shallow coastal water habitats
- High site fidelity and/or philopatry

The potential for marine fauna to interact with threatening processes such as commercial fishing, light pollution and habitat loss is higher in coastal environments and this may have a compounding effect on existing pressures. When evaluating potential impacts from an action, consideration should always be given to existing pressures and how they may interact to affect the local habitats and subpopulations.

5.2. Potential impacts

Potential significant impacts to marine ecosystems include direct, indirect and cumulative impacts on marine fauna and benthic communities and habitats. Proposal activities that have the potential to impact marine ecosystems include, for example, dredging and spoil disposal, construction of marine infrastructure such as breakwaters and rock walls, release of water from confined water bodies such as marinas and ports, direct removal of benthic communities and habitats, outflows and discharges of wastewater from commercial or industrial operations, and accidental discharges.

Direct impacts on marine ecosystems, including loss, degradation or fragmentation of populations, range from temporary to permanent. The extent and duration of disturbance and the biology and ecology of the species impacted determine the significance of direct impacts.

The NT EPA is focussed on assessment of significant impacts to marine fauna and benthic communities and habitats, which can include:

- population or range decline and/or harm to individuals
- impacts to species or groups of species that fulfil critical ecological functions
- loss or impact to critical marine fauna habitat, including habitats such as nesting beaches, nursery areas, specific foraging or breeding areas, and fish spawning aggregation areas
- reduction in species diversity in an area resulting from a decline in the quality of the local environment
- introduction and/or spread of invasive marine species or diseases.

To decide whether an action is likely to have a significant impact on marine fauna and/or benthic communities and habitats, proponents should take into account the extent, duration and magnitude of potential impacts. In determining the extent, duration and magnitude of a proposal's impact, it is important to consider matters such as:

- the context and intensity of the impact
- the quality, value and sensitivity of the environment which will be impacted, and the duration, magnitude and geographic extent of impact
- on-site and off-site impacts, including direct and indirect impacts

- existing levels of impact, and cumulative impact taking into account impacts from other sources
- the total impact which can be attributed to the proposal over the entire geographic area affected, and over time

5.3. Information required by the NT EPA

Proponent EIA documentation should assess, describe, quantify and map marine ecosystem values and the potential significant impacts on them. Assess the impacts on all potentially affected areas, whether on or off the proposal site. Include all stages of the proposed project from initial development through to rehabilitation.

The assessment and detail provided by proponent EIA documents should be proportionate to the size of the proposal area, the scale of the proposal and the extent of its direct, indirect and cumulative impacts both on and off the proposal site.

The marine ecosystems component of an EIA document should address the following matters:

- the proposal location and context within the local and regional marine ecosystem
- description of the marina fauna and benthic habitats and communities likely to be impacted by the proposal, including identification of critical habitat and ecological windows for affected species
- assessment of the values and significance of marine fauna and benthic habitats and communities likely to be impacted at a local and regional scale
- identification of the threats and pressures on marine fauna and benthic habitats and communities likely to be impacted at a local and regional scale from the proposal
- the adequacy of marine ecological surveys and the level of certainty about the presence or absence of each marine ecological value
- quantification of the likely direct and indirect impacts to marine fauna and/or benthic communities and habitats in terms of:
 - the context, intensity of the impact, the sensitivity, value and quality of the environment impacted on and the duration, magnitude and geographic extent of impact
 - the predicted consequence of the impact on marine biological diversity and ecological integrity
- consideration of cumulative impacts from other existing and approved developments to determine whether the proposal, in combination with other developments, will significantly impact marine fauna and/or benthic communities and habitats, and any consequent impacts to ecological integrity and/or biodiversity
- the degree of confidence with which the impacts of the action are known and understood
- measures to avoid, minimise and mitigate potential impacts on marine ecological values, and the criteria that would be used to determine the success of avoidance and mitigation measures
- residual impacts on ecological values after all avoidance, mitigation and management measures have been implemented, and offsets for significant residual adverse impacts on the marine ecosystem that cannot be avoided or mitigated.
- analysis of the above matters to a standard consistent with recognised contemporary published guidance, where available.

Assessment of impacts under the marine ecosystems factor may overlap with the assessment of other environmental factors including 'Marine environmental quality', 'Coastal processes', and Terrestrial

ecosystems. Proponents should integrate the various parts of EIA documents that assess ecological impacts, so the relationships are clear.

6. Environmental approval

The Minister for Lands, Planning and Environment (the Minister) is responsible for granting or refusing to grant an environmental approval.

At the conclusion of the environmental impact assessment process the NT EPA provides its assessment report to the Minister and advises on the acceptability of a proposal. The NT EPA advises the Minister to grant or refuse to grant an environmental approval, including recommended conditions of approval when the advice recommends an environmental approval be granted. The Minister must consider the NT EPA's advice.

In its assessment report the NT EPA will advise on the acceptability of a proposal with respect to the Environmental factor: Marine ecosystems. The NT EPA may recommend to the Minister that an environmental approval impose conditions to avoid, mitigate or manage impacts, or the NT EPA may refer a proponent to the NT Government's Offsets Principles and the Biodiversity Offsets Policy, and recommend marine ecosystems impacts be offset.

An approval holder is responsible for complying with its environmental approval. An approval holder is legally required to develop and operate in accordance with its approval conditions and may be subject to enforcement action where there is a noncompliance.

7. Review

This guidance will be reviewed within 4 years after the date of publication. As a consequence of the review, or due to changes in the policy or regulatory environments, the NT EPA will re-examine and may alter the information in this document.