

NORTHERN TERRITORY GOVERNMENT CONSULTATION ON NT EPA GUIDELINES

SUMMARY OF COMMENTS RECEIVED & NT EPA RESPONSE

(Table of comments received and amendment made to guidelines)

The NT EPA consulted with industry and the public in preparing the Guideline for the Preparation of an Environmental Management Plan. Nineteen submissions were received, with many submitters electing to withhold their comments from the public.

GUIDELINE FOR THE PREPARATION OF AN EMP		
Section / Page (Version 0.4)	Comment	NT EPA Response & Amendment
AECOM		
4.1.2 WMPC Act, p 3	Should we mention approval by a suitably qualified person here (being a person registered under s 68 of the WMPC Act)?	<p>Agreed. New text added to 4.1.2 (new text in italics):</p> <p>‘For those activities that require an approval or licence under the <i>Waste Management and Pollution Control Act</i> (WMPC Act), the NT EPA will generally require the applicant for an approval or licence to submit an EMP to the NT EPA for assessment as part of its application. The NT EPA may seek comment on the EMP from Northern Territory Government agencies or independent experts. <i>In some cases, conditions of an approval or licence may require that an EMP be reviewed by a qualified person auditor prior to submission to the NT EPA.</i></p>

<p>5 EMP requirements, p 4</p>	<p>Suggest add the following (suggested text in italics):</p> <p>‘As a minimum, an effective EMP should ensure:</p> <ul style="list-style-type: none"> • <i>the environmental hazards associated with the project have been assessed and identified</i> • the environmental risks associated with a project are properly <i>assessed and managed</i> • the implementation of outcomes from a project’s environmental impacts assessment • compliance with environmental legislation and conditions of approval • environmental performance can be appropriately monitored and managed.’ 	<p>The text in Section 5 has been amended as follows (new text in italics):</p> <p>‘As a minimum, an effective EMP should <i>document how:</i></p> <ul style="list-style-type: none"> • the environmental risks associated with a project <i>have been assessed and will be properly managed</i> • the outcomes from a project’s environmental impact assessment <i>will be implemented (where a project has been assessed under the EA Act)</i> • compliance with environmental legislation and conditions of approval <i>will be achieved</i> • environmental performance <i>will be</i> appropriately monitored and reported. <p>The term environmental ‘hazards’ has not been used. An environmental risk assessment inherently involves the identification of ‘hazards’ (defined as a situation or biological, chemical or physical agent that may lead to harm or cause adverse environmental effects).</p>
<p>5.3 EMP structure, p 6</p>	<p>Suggest add the following (suggested text in italics):</p> <p>‘The EMP should be prepared in a format that most simply and effectively presents the required content to its audience. <i>The EMP should clearly identify who the relevant parties are and specify what they have to do.</i> The structure of an EMP may need to vary depending on the nature, size and complexity of a project. The following options should be considered:...</p>	<p>No change. Section 5.3 is about EMP structure. The suggested text is about content of the EMP and is addressed in the guideline at various location including Sections 5.4 (Project overview), 5.6 (Environmental management framework), 5.10 (Environmental management strategies) and 5.11 (Corrective actions and contingencies).</p>

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5.4 Project overview, p 6	<p>Suggest add the following (suggested text in italics):</p> <p>‘Provide information on the following:</p> <ul style="list-style-type: none"> • proponent details, including name of proponent and contact details • clear and comprehensive project description, including... • key contact(s), including primary contact responsible for the EMP and emergency contact(s) • <i>overview of all roles and responsibilities.</i> 	<p>No change. Roles and responsibilities are addressed in the guideline at various location including Sections 5.4 (Project overview), 5.6 (Environmental management framework), 5.10 (Environmental management strategies) and 5.11 (Corrective actions and contingencies).</p>
5.7 Existing environment, p 8	<p>Suggest add the following (suggested text in italics):</p> <p>‘Provide a brief overview of the existing environment where the project will occur, including the surrounding environment. As relevant, address the following:</p> <ul style="list-style-type: none"> • sensitive environments such as waterways (<i>inland and coastal</i>), groundwater resources, natural features, conservation reserves.’ 	<p>Agreed – amended as suggested.</p>
5.9 Environmental risk assessment, p 8	<p>Suggest add the following (suggested text in italics):</p> <p>‘By using a robust risk assessment process, the EMP should:</p> <ul style="list-style-type: none"> • acknowledge and discuss the full range of risks <i>hazards (or elements?)</i> presented by the project... <p>Risk rankings, including assessments of likelihood and consequence, should be fully justified <i>for each hazard (or environmental element)</i>. Where a proposed management measure reduces the level of risk, clear justification for the reduction should be provided.’</p>	<p>No change. The identification of ‘hazards’ is an inherent step in the risk assessment process and, in the NT EPA’s opinion, does not need to be explicitly mentioned in this section.</p>

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5.10 Environmental management strategies, p 9	<p>Suggest add the following (suggested text in italics):</p> <p>‘For each environmental aspect or impact identified the EMP should:</p> <ul style="list-style-type: none"> define performance criteria including targets and performance indicators to measure achievement of the environmental objective. Performance criteria should be specific, well defined and measurable. <i>Detail regarding measurement quality control and assurance should also be included.</i> They may be standards or requirements specified in legislation, codes of practice, national or Northern Territory guidelines, or may be determined in consultation with the NT EPA. Evidence must be provided that the performance criteria are achievable and acceptable.’ 	<p>Not agreed. Detail regarding measurement quality control and assurance is important and is addressed in Section 5.12 Monitoring:</p> <p>‘Outline the procedures to be implemented for data recording, data quality assurance and data quality control.’</p>
5.11 Corrective action and contingencies, p 10	Stop work authority and procedures?	No change. The guideline requires documentation of procedures to be followed in the event of an environmental incident or emergency – this may involve stop work authorities and procedures.
5.12 Monitoring, p 10	Some types of monitoring or observations will be required on multiple occasions and the significance of individual series results will require consideration.	Agree with the statement, but no change made to the guideline.
5.13 Audit, reporting and review, pp 10-12	<p>First time auditing is mentioned. The actual EMP may also require auditing prior to implementation.</p> <p>Suggest add the following (suggested text in italics):</p> <p>Footnote 2: The NT EPA maintains a register of qualified persons for environmental auditing purposes <i>in accordance with s 68 of the WMPC Act.</i> Further information is available at...</p>	<p>Agreed - see amendment to Section 4.1.2.</p> <p>Agreed - amended as suggested.</p>
	<p>Suggest add the following (suggested text in italics):</p> <p>‘During the life of a project, the EMP should be revised to reflect <i>material</i> changes to a project.’</p> <p>Comment: The EMP should be robust enough to handle normal project variations.</p>	<p>Agreed that a level of judgment is required in determining whether a change to a project is significant enough to warrant a change to an EMP. No change has been made to the text, however, as it would require the NT EPA to define a ‘material’ or ‘significant’ change to an EMP. The NT EPA prefers to leave this undefined in the Guideline, noting that WMPC Act licence and approval</p>

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	Footnote 3: 'suitable qualified expert' these aren't terms commonly used in the legislation or guidelines.	<p>conditions may dictate when a revised EMP is to be provided to the NT EPA.</p> <p>No change. The terms 'suitably qualified expert' and 'suitably qualified auditor' are applied to development permit conditions on the advice of NT Government agencies, not the NT EPA. The example provided is based on advice from the Department of Land Resource Management on permit conditions for an acid sulfate soil management plan. The terms do not have any relationship with accreditation of auditors under the WMPC Act.</p>
5.15 Communica tion, p 12	NEPM Schedule B8?	<p>NEPM Schedule B8 has been added as a reference document under Section 6 Further information:</p> <p>'The National Environment Protection (Assessment of Site Contamination) Measure Schedule B8: Guideline on Community Engagement and Risk Communication provides general guidance in relation to community consultation in the assessment of contaminated sites. It may also provide useful guidance in other contexts. It is available at: http://www.scew.gov.au/resource/ephc-archive-assessment-site-contamination-nepm.'</p>
Attachment A	<p>Under 'EMP content: does your EMP contain:' suggest adding:</p> <p><i>Roles and responsibilities</i></p> <p><i>Hazard assessment</i></p>	No change. The checklist includes responsibilities for key activities (e.g. implementation of management actions).

APPEA		
4.1.3 Other NT legislation, p 4	<p>“The NT EPA does not have a role in approving petroleum activities, but a draft EMP for a petroleum project assessed under the EA Act may inform a project proposal”.</p> <p>APPEA agrees that the EPA should not have a role in approving petroleum activities when those activities are unlikely to have a significant effect on the environment. This includes most approvals required for exploration related activities such as seismic and drilling. In those cases, approvals should be managed by the Department of Mines and Energy (DME) under the Petroleum Act without referral to the EPA. Due to its technical capability and accumulated body of knowledge and experience in regulating petroleum activities, the DME is better placed than the EPA to assess the risks and management strategies for exploration activities and to monitor performance to ensure that environmental outcomes are being achieved.</p> <p>However, this is not occurring in practice. The DME is referring most if not all environment plans to the EPA for comment and those comments are passed back to operators with a request to provide further information or the comments are built into the Environment Plan. Operators must therefore meet the requirements of the EPA’s EMP’s even though the activity is not of sufficient environmental impact to warrant EPA approval. This process increases approvals timelines, uncertainty and costs for operators and is an inefficient use of regulatory resources.</p> <p>Some aspects of the EMP requirements are not appropriate for petroleum exploration activities since they would require additional work and costs that would not be commensurate with the environmental risks. These include requirements for:</p> <ul style="list-style-type: none"> • A conceptual site model (Section 5.8); • The development of an economic and social impact assessment plan (5.1); • As part of risk assessment to “explicitly identify those member of the community expected to accept residual risks and their consequences” (5.1); 	<p>Noted. The comment appears to confuse the role of EMPs and this Guideline with the NT EPA’s requirements for referral of project proposals for a decision on whether environmental impact assessment is required under the <i>Environmental Assessment Act</i>.</p> <p>To assist in differentiating between these processes, Section 4.1.3 has been amended to state (new text in italics):</p> <p>‘Petroleum activities require approval under a range of legislation in the NT depending on the nature and location of the activity. The NT EPA does not have a role in approving petroleum activities, but a draft EMP for a petroleum project assessed <i>as part of a PER or EIS</i> under the EA Act may inform a project approval.’</p> <p>Where there are information requirements in the Guideline that are not appropriate or necessary for certain proposals/activities, a proponent may justify why such information has not been provided. As stated in the Guideline, the level of detail provided for each component of an EMP should be commensurate with the significance of the issue or environmental risk. (Section 5.2).</p>

	<ul style="list-style-type: none"> • External audit requirements which do not appear to take into consideration a company's reputation, internal HSE resources or previous experience in delivery of projects without incident or non-compliance (5.13). <p>To avoid unnecessary duplication and uncertainty, the EPA and DME need to develop an MOU or similar agreement on activities that will generally be assessed by the DME (unless considered by the DME to be likely to have a significant environmental impact) and those that will be assessed by the EPA. The EPA's Environmental Assessment Guidelines do not fulfill this role as the list of assessment criterion as to when a proposal does not require referral is considered by DME and the industry to be too restrictive. Any EPA requirements that are additional to DME requirements could be specified in the MOU so that proponents are aware of these in advance and can address them in their Environment Plan.</p> <p>Other jurisdictions have found this approach to work well. For example a MOU between the WA DMP and EPA concerning referral of mining and petroleum proposals has been in place since 2009. It has provided greater transparency and certainty for industry and clarified agency's responsibilities. The MOU is reviewed regularly with a review currently underway. See http://www.dmp.wa.gov.au/documents/environmental_protection_authority.pdf</p>	
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<p>5.1 EMP scope, p 5</p>	<p>“To avoid unnecessary complexity a separate EMP should be developed for each stage of a project, for example a Construction EMP and an Operation EMP (OEMP).”</p> <p>For projects requiring the development of multiple facilities (eg field development, flowlines, processing plant and an export gas pipeline), the preparation of separate EMP’s for each part of the project could result in unnecessary repetition of common information and make the plans harder to use by operational staff. The primary purpose of EMPs should be to achieve good environmental outcomes on the ground so they should be written for ease of use by operational staff, not for ease of assessment by DME and the EPA.</p> <p>The trend elsewhere is for a less prescriptive approach to separate EMPs. This allows companies the ability to do things like multi-well campaigns under one plan which ensures that things like cumulative impacts are being considered.</p>	<p>Amended to state (new text in italics):</p> <p>‘To avoid unnecessary complexity a separate EMP should <i>generally</i> be developed for each stage of a project, for example a Construction EMP and an Operation EMP (OEMP).’</p> <p>Section 5.3 deals with the issue raised in the comment. It states that ‘the EMP should be prepared in a format that most simply and effectively presents the required content to its audience’ and provides an example of how an EMP for a project across multiple sites could be presented to reduce repetition of information.</p>
<p>5.2 EMP style, p 5</p>	<p>“The level of detail provided for each component of an EMP should be commensurate with the significance of the issue or level of environmental risk.”</p> <p>It would be helpful if the EPA provided some examples or templates to illustrate what this means in practice.</p>	<p>No change. The Guideline encourages proponents to consult with the NT EPA when preparing an EMP.</p>
<p>General comment</p>	<p>The Guideline does not indicate any assessment time frame for review and approval of EMP. There are assessment timeframes under the Waste Management and Pollution Control Act, but as most activities will not be assessed under that Act there is no other indication of EMP review and approval timeframes.</p>	<p>No change. The Guideline applies to the role of an EMP under different NT legislation. Separate guidance on the relevant legislation provides information on timeframes. For example:</p> <ul style="list-style-type: none"> Statutory timeframes exist for review of draft EMP’s that are submitted as part of an Environmental Impact Statement or Public Environmental Report and these timeframes are presented in guidelines on the NT environmental impact assessment

		<p>process (http://www.ntepa.nt.gov.au/environmental-assessments/eiaguide).</p> <ul style="list-style-type: none"> No statutory timeframe exists for consideration of EMP's required under the <i>Waste Management and Pollution Control Act</i>, although the NT EPA states that granting an approval or licence takes an average 6-8 weeks, and may take up to 3 months for more complex projects (http://www.ntepa.nt.gov.au/waste-pollution/approvals-licences/how-to-apply). <p>Section 6 of the Guideline advises on where further information on these processes can be found.</p>
Department of the Environment		
Section 4.2 Commonwealth legislation, p 4	<p>The Department has reviewed the draft Guideline and would like to provide the following comment. Section 4.2 of the document refers to the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (the EPBC Act) and the possible need for an environmental management plan to address the requirements of the EPBC Act as well as the requirements of legislation administered by the Northern Territory Government. I suggest that this section could be improved by referring to the Department's <i>Environmental Management Plan Guidelines</i> which are available on our department's website EPBC Act publications page: http://www.environment.gov.au/epbc/publications</p> <p>The Department's own Environmental Management Plan Guidelines provide general guidance to stakeholders when preparing environmental management plans for environmental impact assessments and approvals under Chapter 4 of the EPBC Act. They allow for a broad range of management plan formats that are used across Australia and we consider them to be sufficiently flexible to work effectively in conjunction with your proposed <i>Guideline for Preparation of an Environmental Management Plan</i>.</p>	<p>Section 4.2 amended to include reference to the Commonwealth Guidelines:</p> <p>'The Commonwealth Department of the Environment has its own Environmental Management Plan Guidelines for environmental impact assessments and approvals under the EPBC Act. The Commonwealth Guidelines are flexible enough to be used in conjunction with this Guideline as required. The Guidelines are available at: http://www.environment.gov.au/epbc/publications.'</p>

Environment Institute of Australia and New Zealand		
1 Introduction , p 2	<p>The draft Guidelines indicate that “An Environmental Management Plan (EMP) is a site or project specific plan to ensure that appropriate environmental management practices are implemented during the various stages of a project,...”</p> <p>EIANZ NT is of the view that an EMP ensures that the correct environmental management response has been developed, rather than ensuring that appropriate practices are implemented. An EMP articulates how environmental objectives will be met (ie actions), how they will be monitored and reported. Ensuring that the identified management responses in the EMP are implemented is a function of corporate governance, supplemented (in the case of EMPs required by law), the compliance framework and associated activity implemented by the regulator.</p>	<p>The NT EPA recognises that possession of an EMP alone will not ensure implementation of appropriate environmental practices, but does believe that an EMP makes a critical contribution to their implementation, sufficient to support the use of ‘implemented’ in the introductory text.</p> <p>The introductory text has been reviewed in response to this and other comments, and against similar guidelines from other jurisdictions, and amended to state: (amended text in <i>italics</i>):</p> <p>‘An Environmental Management Plan (EMP) is a site or project specific plan <i>developed</i> to ensure that appropriate environmental management practices are <i>identified and implemented</i> during the various stages of a project,...’</p>
2 Objectives, p 2	<p>As we read the draft Guidelines, they appear directed primarily at large scale, greenfield projects. Some consideration of the scalability of the draft Guidelines to smaller developments or to existing brownfield operations would make the guidance more useful in respect of the full breadth of circumstances.</p>	<p>The Guideline is intended to apply to a broad range of projects and addresses the issue of scalability in a number of ways, including recognition that:</p> <ul style="list-style-type: none"> the Guideline does not provide a preferred format or template as the most appropriate format will vary depending on the nature, scale and complexity of a project (Section 3) the level of detail provided for each component of an EMP should be commensurate with the significance of the issue or level of environmental risk (Section 5.2) the structure of an EMP may need to vary depending on the nature, size and complexity of a project (examples are provided in Section 5.3)

		<ul style="list-style-type: none"> proponents are encouraged to consult with the NT EPA to assist in applying the Guideline to their circumstances (Section 5)
3 Limitations, p 2	The draft Guidelines indicate that guidance is “....designed to promote a more certain and consistent approach to the preparation of EMPs”. We suggest that this is an objective, not a limitation of the Guidelines and the statement would be better deleted or incorporated into the wording of section 2.	Agreed. Statement deleted from Section 3.
Section 5, EMP requirements	<p>The draft Guidelines indicate that “As a minimum, an effective EMP should ensure.... the implementation of outcomes from a project’s environmental impact assessment”. This statement appears to assume that EMPs for the purposes of the Guidelines relate only to projects that have undergone environmental impact assessment whereas the context in which the NT EPA is (or should) be applying EMPs is considerably broader. The implication of this is that no ‘one-size-fits-all’. Consequently, we feel, that the Guidelines need to specifically acknowledge the different size and scale of EMPs. The NSW EMP Guidelines (http://www.planning.nsw.gov.au/rdaguidelines/documents/emp_guideline_publication_october.pdf) make allowance for this by discussing project size and complexity and how this influences EMP structure. We think that see similar considerations would be a very useful addition to the draft Guidelines. Also see comment above re Section 1- EMPs cannot ensure implementation of management responses or outcomes. An EMP can however articulate what the actions are, when they will occur and who they will be reported to.</p>	<p>The Guideline is intended to apply to a broad range of projects and addresses the issue of scalability in a number of ways, including recognition that:</p> <ul style="list-style-type: none"> the guideline does not provide a preferred format or template as the most appropriate format will vary depending on the nature, scale and complexity of a project (Section 3) the level of detail provided for each component of an EMP should be commensurate with the significance of the issue or level of environmental risk (Section 5.2) the structure of an EMP may need to vary depending on the nature, size and complexity of a project (examples are provided in Section 5.3) proponents are encouraged to consult with the NT EPA to assist in applying the Guideline to their circumstances (Section 5) <p>The text in Section 5 (page 4) has been amended as follows (new text in italics):</p> <p>‘As a minimum, an effective EMP should <i>document how:</i></p> <ul style="list-style-type: none"> the environmental risks associated with a project <i>have been assessed and will be</i>

		<p>properly managed</p> <ul style="list-style-type: none"> the outcomes from a project's environmental impact assessment <i>will be</i> implemented (<i>where a project has been assessed under the EA Act</i>) compliance with environmental legislation and conditions of approval <i>will be achieved</i> environmental performance <i>will be</i> appropriately monitored and reported.
5.8 Conceptual site model, p 8	We note that the NT EPA's guidelines for conceptual site models don't indicate that this approach is necessary in every circumstance. For small projects with no serious contaminant pathway (for example where impacts are limited to ground disturbance), incorporation of a CSM would seem unwarranted and unlikely to inform the risk assessment in any meaningful manner.	<p>There may be circumstances where a CSM is of little benefit. In such cases the NT EPA does not expect a CSM as part of an EMP. The text in Section 5.8 has been amended to allow for this while placing the onus on the proponent to demonstrate that a CSM is not required (new text in italics):</p> <p><i>'Unless it can be demonstrated that it is of no benefit, provide a conceptual site model (CSM) that represents the nature, fate and transport of discharges, wastes or contaminants from the project and allows an assessment of potential and/or actual exposure of the environment to contaminants.'</i></p>
5.11 Corrective actions and contingencies, p 10	We suggest that an emphasis in this section on investigating and determining the direct and root cause of impacts would assist in the formulation of appropriate preventative and corrective strategies. For contaminant related impacts, linkage to Section 8 might be appropriate (subject to our comment above that CSM does not capture impact pathways for all impacts to be managed through an EMP).	<p>Section 5.11 amended to emphasise the role of investigations (new text in italics):</p> <p><i>'Document the procedures to be followed in the event of an environmental incident or emergency, for example hydrocarbon or hazardous chemical spills or natural disasters. Procedures should address:</i></p>

		<ul style="list-style-type: none"> names and contact details for emergency personnel that will be available 24 hours a day, seven days a week response personnel responsibilities location of on-site hazardous materials information and spill containment materials steps to follow in response to incidents, including <i>investigations into the cause of an incident</i>, contingency management measures to minimise environmental impact and notifying relevant authorities and the community recording and reporting environmental incidents.’.
5.12 Monitoring, p 10	<p>This section includes (by way of example), a variety of monitoring objectives that could be included in an EMP. As the draft Guideline covers a variety of circumstances in which an EMP may be required (from impact assessment to condition of consent or approval), it would be useful if these objectives were better aligned to particular types of EMP. Otherwise readers may interpret the examples of objectives provided as being applicable in all circumstances. This is a particular area where we consider that a one-size fits all approach will not be productive and where the complexity and scale of the project and the attendant risks, should drive the nature and extent of monitoring (see also comment on Section 5 above). Clearer alignment would also allow for better explanation of the relationship between statutory obligations to monitor (where these exist) and the monitoring adopted through the EMP, as supported through this Guideline. The scale and nature of monitoring within an EMP should be risk based and cognisant of wider statutory obligations (if applicable).</p>	<p>Section 5.12 has been amended to make it clearer that monitoring objectives will vary depending on the project (new text in italics):</p> <p>‘Outline clear environmental monitoring objectives and a monitoring program that is capable of meeting those objectives. Objectives <i>will vary depending on the nature of a project and</i> may include <i>one or more of</i> the following...’</p>
5.13 Audit, reporting and review, p 10-12	<p>We suggest that the clarity of the Guidelines would be improved if reporting and auditing were addressed in separate sections. There will be reporting irrespective of any auditing program. Likewise review of an EMP is a separate issue and should be included as a standalone section in the Guidelines.</p>	<p>Section 5.13 has been separated into Section 5.13 Auditing and Section 5.14 Reporting and review.</p> <p>The NT EPA is reviewing its position on ‘qualified</p>

	<p>We note that the draft Guidelines set out a range of circumstances where the EPA may require an audit to be undertaken by a qualified person, and that 'qualified' means a person registered by the EPA under the provisions of the Waste Management and Pollution Control Act (the WM&PC Act). We further note that as it currently stands, the Register maintained by the NT EPA includes only persons registered by the Victorian or NSW accredited auditor schemes and that those schemes are directed towards contaminated land and additionally (in the case of Victoria) industrial facilities. The draft Guidelines effectively propose to extend the reach of statutory ('qualified' person) auditing to activities, systems and processes that, while EMP related, are outside of the Victorian and NSW accredited auditor schemes adopted in the NT Register.</p> <p>While EIANZ NT supports the intent of the draft Guidelines in maintaining robust auditing arrangements for EMPs, we are concerned that by linking this form of auditing to 'qualified' persons (within the meaning of the WM&PC Act), the current Register will in our opinion, not be fit for the purposes envisaged. Before the Guidelines are finalised we would encourage the NT EPA to examine how additional classes of auditors could be assessed as meeting acceptable standards for conducting some of the types of 'EMP type' audits mentioned in the Guidelines. Such arrangements would also have the benefit of encouraging the development of local auditing capacity that is able to more effectively service the Northern Territory market (while acknowledging that the more highly specialised contaminated land auditing services are likely to continue to be supplied by interstate auditors). The EIANZ NT would welcome the opportunity to work with the NT EPA on the standards and assessment frameworks that could be applied to 'EMP type' statutory auditing.</p>	<p>persons' under the WMPC Act and will consult with EIANZ on this issue. Outcomes of the review will be reflected in revised EMP Guidelines as necessary.</p>
<p>Northern Land Council</p>		
	<p>The NLC has read the proposed Guideline and provides the following comments outlined below and considers that these issues should be addressed, either by the Guideline or by modification of the assessment system's practices.</p> <ol style="list-style-type: none"> 1. EMPs are documents that must be updated on a regular basis and a mechanism put in place to ensure these documents are routinely provided in confidence to peak landowner representatives such as 	<p>No change. Section 5.14 addresses the need to review and amend an EMP during the life of a project. For some projects the NT EPA may require</p>

	<p>the NLC.</p> <p>2. The Guideline must demonstrate its applicability to projects proposed for the nearshore marine and intertidal zone environments.</p> <p>3. The language in sections 5.2, 5.9, 5.10 and 5.11 needs to be tightened to ensure that provision of the required information and a risk assessment is clearly mandatory. Use of the word 'should' implies that it is optional in some circumstances. Specifically, clear and accurate provision of: information around which environmental management of a project is built; and risk assessment data used to develop mitigation and contingency plans must be provided or accurately reflected in an EMP.</p> <p>4. The Guideline must better reflect economic, social and cultural aspects of the environment, as defined in the Environmental Assessment Act. To us, this means that:</p> <ul style="list-style-type: none"> a) greater cultural sensitivity must be provided through inclusion of traditional owner views and values (for example, the equitable inclusion of traditional environmental knowledge and other aspects of Indigenous science); and b) relevant and sensitive mechanisms of consultation must be applied in identifying those views and values. <p>5. Consistent with other environmental impact assessment documents, the Guideline must consider cumulative impacts.</p> <p>6. The Guideline must reflect the precautionary principle as described by Principle 15 of the United Nations Declaration on Environment and Development (1992).</p>	<p>a proponent to provide an EMP to particular stakeholders or make an EMP available to the public through licence and approval conditions.</p> <p>No change. Section 4 addresses the legislative basis for when an EMP may be required. This applies equally to projects that are based on land and those in marine / intertidal environments.</p> <p>No change. The guideline is intended to cover EMP requirements for a broad range of projects. As such it needs to provide a degree of flexibility in EMP style and content.</p> <p>No change. Section 5.1 identifies that the definition of environment under the EA Act includes economic, cultural and social aspects and that an economic and social impacts assessment and management plan may be required. The Guideline requires a description of the social and economic environment that may be affected by the proposal (Section 5.7).</p> <p>No change. An environmental risk assessment ought to identify the risks associated with cumulative impacts.</p> <p>No change. The NT EPA considers the principles of ecologically sustainable development, including the precautionary principle, in its assessment of project proposals.</p>
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	7. A wider review of legislation related to environmental assessments is warranted to ensure that outcomes more meaningful to Aboriginal people are achieved.	Noted.
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