

Submission Form for Comments and Feedback

NT EPA Draft Environmental Guidelines

Submissions close: Monday 15 July 2013, 5pm

Name:	Power and Water Corporation	Email:	cathy.waldron@powerwater.com.au
Organisation (if applicable):		Telephone:	08 89955825
Address:			
<p>Your comments will be publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your comments to be made publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your identity to be made publicly available.</p>			

Guideline Name	Section / Page of Draft Guideline	Comment
Guidelines for Assessment of Impacts on Terrestrial Biodiversity	5.2.2	The mapping requirements do not include a threshold of clearing before detailed surveying and mapping is required. Nor is it related to the type or classification of vegetation. This requirement could prove quite expensive for proponents without significantly increasing the level of useful information regarding the impact on biodiversity especially where the vegetation type is homogenous or very common.
	5.4	Assessing impacts from other sources other than clearing is likely to prove problematic as there is unlikely to be a lot of research or data in this area.

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General comments

These Guidelines do not pay enough attention to the impact from weeds by assuming that the main impact is clearing. Minor disturbance or partial clearing can allow weeds to gain a foothold and have an effect beyond the disturbed site – Gamba Grass is a case in point.

The requirements in this Guideline are likely to substantially increase the costs of preparing an EIS/PER, especially as no lower thresholds have been set. Has an economic impact assessment been completed for these requirements?

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Guideline Name	Section / Page of Draft Guideline	Comment
Guidelines for the Preparation of an Economic and Social Impact Assessment		

General comments
A reasonably useful (for the non-expert) list of what is required of the expert you need to employ to conduct the social and economic impact

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General comments

assessment so a useful checklist of what should be in the tender specifications. It does not purport to provide a 'how to guide' on conducting the Assessment.

Consideration should be included for a reduced requirement (or exemptions from some requirements altogether) for public/community infrastructure, especially for upgrades of existing facilities. Most infrastructure of this nature is being built to benefit the community often initiated by a Government commitment. As the funding for these projects comes from the taxpayer it does not make sense to spend a considerable amount of resources in assessing the benefit or costs to the community. It is agreed that the social and economic benefits and costs should be considered when making a determination on a preferred option.

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Guideline Name	Section / Page of Draft Guideline	Comment
Marine Dredging	3.2	As the disposal of dredge spoil to the marine environment generally requires a Waste Discharge Licence issued under the Water Act, this requirement should be included at some point in the approvals process section either here or in Appendix 3/4. It is not specifically mentioned and often comes as a surprise to proponents and this may delay a dredge program if the application is not received.
	5.1	While reuse options should be considered as an option it should be noted that the significance of dredge spoil as a resource may not be particularly relevant to the NT as much dredge material is fine silt/mud which is often not suitable for reuse in many situations.
	5.4	The baseline assessments need to cover all seasons in which the operation is to occur or the impacts are likely to be observed. This needs to be specified as several recent projects

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NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY

Guideline Name	Section / Page of Draft Guideline	Comment
		have not included seasonal baselines for benthic or pelagic ecosystems. This compromises the integrity of the impact assessment.
	5.5.2	While it is agreed that long-term background data sets assists impact assessment it should be recognised that much of the data mentioned is lacking for the areas dredged in the NT. Maybe the EPA could consider developing or maintaining a dataset of all sediment monitoring data to form the baseline.
	6.4	“Algae should be monitored when dredging” please be clear as to whether you are talking macroalgae (which may well ‘bloom with the release of nitrogen and phosphorus) or, as suspected (given the N, P and Si monitoring) you are referring to phytoplankton. If you are referring to phytoplankton then specific separation of the diatom Rhizosolenia spp is probably not necessary as it is part of the phytoplankton and it is just one of a number of potential bloom species some of which are quite toxic. Please change the generic ‘algae’ which is open to misinterpretation to phytoplankton or microalgae.
	6.5	The last sentence requires revision, possibly reword to “ ...spoil should be disposed of at a landfill licensed to accept such wastes.” It should also be noted that if transfer to the landfill is by vehicle then the transport company is also required to be licensed to transport such wastes.

General comments
The document is clear and provides a concise and easy to follow process especially with the inclusion of the Environmental Assessment flow charts in Appendix 3 and Appendix 4
Given that disposal of dredge spoil to the NT Marine waters requires a Waste Discharge Licence, this needs to be included in the process as a requirement to ensure proponents are aware of all requirements, the information required will be the same but the additional application etc needs to be included.

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Guideline Name	Section / Page of Draft Guideline	Comment
ENVIRONMENTAL ASSESSMENT GUIDELINES Development Proposals submitted under the Planning Act	General	The guidelines are easy to follow however the focus on double negatives can be a little confusing (see later comment on Attachment A)
	Section 2.2.1	Third dot point, Ramsar wetlands are by definition wetlands of international significance therefore the addition of 'international significance' is unnecessary unless put in brackets i.e. (wetlands of international significance)
	Section 2.2.1	Last paragraph. The search tool is more general than whether NES matters occur in the area of a proposed dredge activity. Suggest removing dredging from the end of the first sentence.
	Attachment A	Double negative in the first Assessment Criterion is confusing ie a NOI will not be required when a development is unlikely to have an effect ie is a proposed development unlikely to

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		<p>have the potential to cause air pollution. Therefore if it is unlikely that a proposal will cause air pollution it is assumed the response would be “yes it is unlikely to cause air pollution”; rather than “no it won’t cause air pollution”.</p> <p>Asking if it was likely to result in pollution would be intellectually a simpler concept and less likely to elicit an incorrect response.</p>
		<p>The inclusion of non-specific terminology such as</p> <ul style="list-style-type: none"> • significant • adequate <p>requires some guidance. A definition for such terms would be useful, as none of the Acts seem to have definitions to fall back on therefore some guidance on how to interpret significance or adequacy would be useful and result in more consistent outcomes.</p>

General comments
<p>From the looks of it, to meet the criteria for not requiring submission of a Notice of Intent is actually more intensive than actually submitting a Notice of Intent and having NT EPA determine that you didn’t need to submit it. There seems to be no advantage for small, low impact, socially beneficial projects in not having to submit the NOI and potentially there is a disadvantage. This may require a legislative amendment.</p>
<p>There should be some exemptions available for community infrastructure that triggers the Planning Act, such as when the work is within a Conservation Zone. The Requirements listed in Attachment A would have a significant impact on cost of delivering infrastructure, such as a new sewer main through the Conservation Zone at Pinelands (which was completed last year). If a proponent met the entire criterion listed they would in effect have exceeded the requirements of a Notice of Intent, so do not see where the advantage is for the proponent.</p>
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Guideline Name	Section / Page of Draft Guideline	Comment
Environmental Assessment Guidelines Acid and Metalliferous drainage		
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General comments

This Guideline should make reference to potable water supplies and potential impacts of (1) draw down of local/regional water table by dewatering and (2) contamination of groundwater by direct (in pit) infiltration or infiltration in known aquifer recharge zones. Proponents should be required to demonstrate that they will not impact on potable water supplies.

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Guideline Name	Section / Page of Draft Guideline	Comment
Guidelines on Conceptual Site Models	Section 1	The disclaimer on this section ensures that the majority of proponents, irrespective of the risks associated with their activity will be required to seek expert advice on what is required in relation to a Conceptual Model for their activity. The wording of Sections 2 and 4 of the Guideline, irrespective of the list of acceptable CSMs listed in Section 5 will ensure that Consultants will deliver a full fate and transport model (at considerable cost to the proponent), irrespective of whether it is justified.
	Section 2	This section does not provide an accurate representation of the ANZECC discussion of the application and range of Conceptual Models in ANZECC (more accurately reflected in the Appendix than in this section) and the 'quote' in reference to hypothesis testing is incorrect. What it says under 'Testable Hypothesis and Conceptual Models in developing monitoring

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		<p>programs is “Monitoring objectives are framed as a testable hypothesis which is usually based on a conceptual process model. Hypothesis testing is actually a test of the conceptual model”. As opposed to the quote which says “It (the CSM) is an hypothesis that can be tested and refined.”</p> <p>I have no problems with the CSM being continually refined however the more important factor is to refine the risk assessment and monitoring as more information becomes available rather than to put the entire focus on refining the summary document (the Conceptual Model).</p> <p>In the context of this document the four dot points become a list of what the CSM must include, which makes it a full fate and transport model and potentially the full risk assessment rather than a document to guide the risk assessment.</p>
	Section 4	<p>This section provides a useful guide on what is required and why, however as there is no delineation as to when a preliminary CSM is required and what in the data and risk assessment conducted following the preliminary CSM triggers the requirement to move to a full fate and transport model as described in the ‘final CSM’</p> <p>Is this a requirement irrespective of the level of risk identified, in which case it may pose an unnecessary and expensive requirement for no environmental benefit.</p> <p>While the features described in the Preliminary CSM may well fit into the list of acceptable types of CSM as described in Section 5 and the Appendix, the ‘Final CSM’ as described can only be portrayed by possibly the table format or flow chart but more likely via the fate and transport of ‘interactive electronic computer exposure pathway models. If this is the intention then both the level of identified risk that will trigger to the requirement to develop a ‘Final CSM’ and the specific additional costs and design requirements for the fate and transport models need to be specified.</p>
	Section 5	<p>This section is a useful list of the range of CSMs however despite the statement that ‘The NT EPA recognizes the following approaches for presenting a CSM:</p> <p>Clearly this is not supported by the definition of a CSM in Section 2 and the requirements of a CSM listed in Section 4. The previous sections need to be reviewed to reflect what is acceptable and what type of CSM is appropriate to what situation as a discharge may be adequately represented by a diagrammatic representation with the level of risk not justifying the cost of a fate and effects model.</p>
	Section 6	<p>The references are not helpful for most proponents without far more detail as the NEPM is under a huge document and difficult to search and the inclusion of Section 2 to the ANZECC Monitoring and Reporting Guidelines would assist people in obtaining the required</p>

Guideline Name	Section / Page of Draft Guideline	Comment
		information. Two key statutory pieces that have been used for this document however there are far better references to assist proponents to develop a CSM.

General comments
<p>The Guidelines are pretty basic and don't provide a lot of guidance, they are more an explanation of what a CSM is, but will probably fill a gap for a lot of proponents who may not be familiar with the ANZECC WQ Guidelines. They will also provide smaller licensees an understanding of the range of tools covered by the term Conceptual Site Model.</p> <p>The Guideline could be strengthened by providing a more in-depth explanation of the preliminary CSM as a starting point to document current understanding of a site and possible receptors to any discharges. This is then used as a lead in to the risk assessment, development of appropriate monitoring plans to better characterise risk and then the entire process is part of a loop where the CSM, the Risk Assessment and the monitoring and reporting are constantly refined in line with increasing knowledge. This role of the CSM in the entire process could really be explained quite succinctly in the document, a simple circular flow diagram would get the message across as to the role of CSMs in continuous improvement; there needs to be an appreciation that it is not a static document and like the risk assessment it is continually being informed by monitoring and assessment, actions to reduce risk etc.</p> <p>It is understood that this document is to provide guidance to proponents on the preparation of a 'fit for purpose' CSM that was aligned with the level of environmental risk associated with a particular activity. While the Section 5 and the Appendix list a range of acceptable formats for CSMs in reality only numbers 3, 5 and 6 are close to meeting the requirements listed in the definitions (Part 2) and the requirements (Part 4). What this Guideline does is force a 'one size fits all' requirement for a full fate and transport hydrodynamic/ hydrogeological and ecotoxicological model to be developed (at huge cost) irrespective of the risks or requirements.</p> <p>The CSM seems to have become an end in itself rather than what it is meant to be in the National Water Strategy which is a tool to articulate the collective knowledge about the activity and the ecosystem potentially exposed to the discharge. The role of the CSM is used to provide a visual representation of the current state of knowledge about an activity and identify potential threats associated with the activity. Once formulated the CSM can be helpful in defining:</p> <ul style="list-style-type: none"> • Important components and linkages • Key processes • Cause and effect relationships

General comments

- Important questions to be answered
- Spatial, temporal and seasonal considerations for investigation
- Measurement parameters to inform future refinements

The CSM's role is to aid the risk assessment and monitoring program development. This document does not provide useful guidance to proponents on what is really required to assist NT EPA to understand the basics of the activity for which the licence application has been made.

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Guideline Name	Section / Page of Draft Guideline	Comment
Guidelines on Environmental Offsets Associated with Approval Conditions	5.1	This is misleading by implying that the EPBC Offsets Policy only allows direct offsets that involve setting aside habitat (acquiring land). It would be better to refer people to Section 4.2 of the EPBC Offsets Policy for details of what types of offsets can be applied.

General comments
While called a Guideline this document provides no real guidance on how to develop offsets and what is likely to be considered acceptable, it is

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General comments

more a summary of the legislative basis for including Environmental Offsets in conditions of approval. Guidance is limited to the recommendation that stakeholders need to be engaged in the process and in deciding what the offset should be, and that this is best done as part of the Economic and Social Impact Assessment.

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