



Statement of Environmental Principles, Factors and Objectives

Environmental Protection Authority

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1 Purpose

The purpose of this Statement is to communicate how, for the purposes of environmental impact assessment, the Environmental Protection Authority (EPA):

- considers the object and principles of the *Environmental Protection Act 1986*
- uses environmental factors and objectives to organise and systemise environmental impact assessment and reporting
- takes a holistic view of the environment and a proposal or scheme's potential impact on the environment
- considers significance when determining whether or not to assess a proposal or scheme and recommend whether or not an assessed proposal or scheme may be implemented.

2 Introduction

Objective and functions of the EPA

Section 15 of the *Environmental Protection Act 1986* establishes the objective of the EPA:

It is the objective of the Authority to use its best endeavours:

- a. to protect the environment; and*
- b. to prevent, control and abate pollution and environmental harm.*

Section 16 of the *Environmental Protection Act 1986* establishes the functions of the EPA. One of these functions, the subject of this Statement, is to conduct environmental impact assessments.

Environmental Impact Assessment

Part IV of the *Environmental Protection Act 1986* makes provisions for the EPA to undertake environmental impact assessment of significant proposals, strategic proposals and land use planning schemes.

The EPA uses environmental principles, factors and associated objectives as the basis for assessing whether a proposal or land use planning scheme's impact on the environment is acceptable. The environmental principles, factors and objectives, therefore, underpin the environmental impact assessment process. This Statement sets out the environmental principles, factors and associated objectives.

Further guidance on the procedures of environmental impact assessment of proposals is provided in the EPA's *Environmental Impact Assessment (Divisions 1 and 2) Administrative Procedures 2016* and *Environmental Impact Assessment (Divisions 1 and 2) Procedures Manual 2016*. These documents are available on the EPA's website.

Definition of environment

'Environment' is defined in Section 3(1) of the *Environmental Protection Act 1986*:

Environment, subject to subsection (2), means living things, their physical, biological and social surroundings, and interactions between all of these.

Section 3(2) states:

*For the purposes of the definition of **environment** in subsection (1), the **social surroundings** of man are his aesthetic, cultural, economic and social surroundings to the extent that those surroundings directly affect or are affected by his physical or biological surroundings.*

This definition of 'environment' establishes the scope of environmental impact assessment conducted by the EPA. That is, it clarifies what matters are relevant during environmental impact assessment, and what matters are beyond the scope of environmental impact assessment.

3 Environmental principles

Section 4A of the *Environmental Protection Act 1986* establishes the object and principles of the Act:

The object of this Act is to protect the environment of the State, having regard to the following principles:

1. The precautionary principle

Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, decision should be guided by:

- a. *careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and*
- b. *an assessment of the risk-weighted consequences of various options.*

2. The principle of intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

3. The principle of the conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4. Principles relating to improved valuation, pricing and incentive mechanisms

- a. *Environmental factors should be included in the valuation of assets and services.*
- b. *The polluter pays principle – those who generate pollution and waste should bear the cost of containment, avoidance or abatement.*
- c. *The users of goods and services should pay prices based on the full life cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any wastes.*
- d. *Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, which enable those best placed to maximise benefits and/or minimise costs to develop their own solutions and responses to environmental problems.*

5. The principle of waste minimisation.

All reasonable and practicable measures should be taken to minimise the generation of waste and its discharge into the environment.

The object and principles guide the overall application of the powers of the Act. The principles are matters to which the EPA is required to have regard as a condition of the valid exercise of its powers to assess and report on proposals and schemes under the Act.

4 Environmental factors and objectives

In respect of significant proposals, section 44(1) of the *Environmental Protection Act 1986* requires the EPA, if it assesses a proposal, to prepare a report on the outcome of its assessment of the proposal and give that report to the Minister for Environment.

Section 44(2) establishes that the report must set out:

- a. *what the Authority considers to be the **key environmental factors** identified in the course of the assessment*
- b. *the Authority's recommendations as to whether or not the proposal may be implemented and, if it recommends that implementation be allowed, as to the conditions and procedures, if any, to which implementation should be subject.*

Similar reporting requirements relate to the assessment of strategic proposals (section 40B) and schemes (section 48D). The EPA's assessment report informs the Minister's powers, it does not constitute the final decision about the proposal.

Environmental factors are those parts of the environment that may be impacted by an aspect of a proposal. They provide a systematic approach to organising environmental information for the purpose of environmental impact assessment and a structure for the assessment report. The EPA has 14 environmental factors, organised into five themes: Sea, Land, Water, Air and People.

The EPA has identified an environmental objective for each environmental factor. The EPA will make judgements against these objectives on whether the environmental impact of a proposal or scheme may be significant. The environmental objectives are aimed towards ensuring the objects and principles of the EP Act are achieved.

While the EPA's use of environmental factors and objectives when considering environmental significance provides an important structure for the organisation of information, the EPA also takes a holistic approach to assessing environmental acceptability by having regard to whether the proposal or scheme meets the principles of the *Environmental Protection Act 1986*. By doing so, the EPA takes into consideration the interconnected nature of the environment.

The EPA's environmental factors and objectives are set out on Page 6. The EPA has also published guidelines on every environmental factor and associated objective and technical guidance for several of the environmental factors. This guidance is available on the EPA's website.

5 Consideration of Significance

The EPA assesses proposals and schemes likely to have a significant effect on the environment. The terms 'significant impact' and 'significant effect' are not defined in the EP Act. Therefore, the ordinary or everyday meanings of these terms apply. When considering significant impact or effect, the EPA may have regard to various matters, including the following:

- a. values, sensitivity and quality of the environment which is likely to be impacted
- b. extent (intensity, duration, magnitude and geographic footprint) of the likely impacts
- c. consequence of the likely impacts (or change)
- d. resilience of the environment to cope with the impacts or change
- e. cumulative impact with other projects
- f. connections and interactions between parts of the environment to inform a holistic view of impacts to the whole environment
- g. level of confidence in the prediction of impacts and the success of proposed mitigation
- h. public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment.

Factors and Objectives

| Theme | Factor | Objective |
|---------------|-------------------------------------|--|
| Sea | Benthic Communities and Habitats | To protect benthic communities and habitats so that biological diversity and ecological integrity are maintained. |
| | Coastal Processes | To maintain the geophysical processes that shape coastal morphology so that the environmental values of the coast are protected. |
| | Marine Environmental Quality | To maintain the quality of water, sediment and biota so that environmental values are protected. |
| | Marine Fauna | To protect marine fauna so that biological diversity and ecological integrity are maintained. |
| Land | Flora and Vegetation | To protect flora and vegetation so that biological diversity and ecological integrity are maintained. |
| | Landforms | To maintain the variety and integrity of distinctive physical landforms so that environmental values are protected. |
| | Subterranean Fauna | To protect subterranean fauna so that biological diversity and ecological integrity are maintained. |
| | Terrestrial Environmental Quality | To maintain the quality of land and soils so that environmental values are protected. |
| | Terrestrial Fauna | To protect terrestrial fauna so that biological diversity and ecological integrity are maintained. |
| Water | Hydrological Processes | To maintain the hydrological regimes of groundwater and surface water so that environmental values are protected. |
| | Inland Waters Environmental Quality | To maintain the quality of groundwater and surface water so that environmental values are protected. |
| Air | Air Quality | To maintain air quality and minimise emissions so that environmental values are protected. |
| People | Social Surroundings | To protect social surroundings from significant harm. |
| | Human Health | To protect human health from significant harm. |