

**ENVIRONMENTAL PROTECTION
and
ENHANCEMENT PROCEDURES**



**Ministry for the Environment
1987 Revision**

For information and advice on any aspect of the Environmental Protection and Enhancement Procedures please contact :

Secretary for the Environment
Ministry for the Environment
PO Box 10362 WELLINGTON Phone : 734-090

or

Manager, Northern Regions
Ministry for the Environment
PO Box 39463 AUCKLAND WEST Phone : 377-093

Manager, Central Regions
Ministry for the Environment
PO Box 10362 WELLINGTON Phone : 734-090

Manager, Southern Regions
Ministry for the Environment
PO Box 22-285 CHRISTCHURCH Phone : 54-540

First Published : November 1973
First Revision : November 1981
This Revision : November 1987

**ENVIRONMENTAL PROTECTION
AND
ENHANCEMENT PROCEDURES**

**MINISTRY FOR THE ENVIRONMENT
1987 REVISION**

ISBN 0-477-05832-9

PREFACE

The Parliamentary Commissioner for the Environment has agreed to accept responsibility for environmental impact audits under these procedures. The Parliamentary Commissioner also has authority to investigate a proposal under the terms of the Environment Act 1986. Early consultation with the Parliamentary Commissioner is recommended if an environmental impact report and audit under these procedures is deemed desirable.

The Parliamentary Commissioner may be contacted at :

**Parliamentary Commissioner for the Environment
5th Floor
163 The Terrace
PO Box 10-241
WELLINGTON**

Phone : (04) 711-669

ENVIRONMENTAL PROTECTION

AND

ENHANCEMENT PROCEDURES

INTRODUCTION

1 This revision of the procedures is to enable their continued application for an interim period following the coming into force of the Environment Act 1986, the disestablishment of the Commission for the Environment and the establishment of the Ministry and Parliamentary Commissioner for the Environment. The interim period will last until Government has decided, through legislation or some other means, on the final form of its policy and procedures for environmental assessment.

It is the responsibility of government departments to ensure that environmental protection and enhancement are incorporated in their policies and operations and that a system of environmental assessment is implemented. The Ministry for the Environment, as co-ordinator of advice to the Government on the environmental consequences of policy and project proposals, is responsible for overseeing and reporting on the effectiveness with which the procedures are applied.

SCOPE

2 The process of environmental impact assessment and, where appropriate, environmental impact reporting is to be applied to:

- (a) the works and the management policies of all government departments which may affect the environment;
- (b) all proposed actions, by other than government departments, which may affect the environment, which are financed in whole or in part by money appropriated by Parliament and included in a departmental vote;
- (c) the works and management policies of all statutory boards, corporations, commissions, etc. which may affect the environment, and which are subject to government programming;
- (d) the granting by the Crown of all licences, authorisations, permits and privileges which may have environmental implications and which are

issued pursuant to:

- (i) the Coal Mines Act 1979
- (ii) the Electricity Act 1974 (part IV)
- (iii) the Fisheries Act 1908
- (iv) the Forests Act 1949
- (v) the Harbours Act 1950
- (vi) the Health Act 1956
- (vii) the Iron and Steel Industry Act 1959
- (viii) the Land Act 1948
- (ix) the Maori Affairs act 1953
- (x) the Maori Reserved Land Act 1955
- (xi) the Mining Act 1971
- (xii) the National Parks Act 1980
- (xiii) the Petroleum Act 1937
- (xiv) the Reserves Act 1977
- (xv) the Wild Animal Control Act 1977
- (xvi) the Wildlife Act 1953

and such other Acts as may be determined from time to time by agreement between the Minister for the environment and the Minister responsible for the legislation in question;

- (e) the provisions included, or to be included, in proposed legislation affecting the environment, including Local Bills such as reclamation empowering Bills under the Harbours Act 1950.

3 Documented information on the environmental implications of a proposal may also be required where consents are sought under:

- (i) the Clean Air Act 1972
- (ii) the Public Works Act 1981
- (iii) the Soil Conservation and Rivers Control Act 1941
- (iv) the Town and Country Planning Act 1977
- (v) the Water and Soil Conservation Act 1967.

ENVIRONMENTAL IMPACT ASSESSMENT

4 Environmental impact assessment is a process whereby a conscious and systematic effort is made to assess the environmental consequences of choosing between various options which may be open to the decision-maker. At the most simple level the process need be no more than a mental check of the likely environmental consequences of a particular decision (for example, a decision to grant a permit to enter a nature reserve). Decisions of greater

complexity having the possibilities of greater environmental impact will justify a more rigorous examination backed by appropriate documentation. Environmental assessment must begin at the inception of a proposal, when there is a real choice between various courses of action including the alternative of doing nothing. It must be an integral part of the decision-making process proceeding through all the development stages of a proposal through to actual implementation.

5 Environmental impact assessments are to:

- (a) determine and evaluate the environmental impact of possible actions to enable a choice to be made between various options;
- (b) determine whether or not the possible actions being considered would affect the environment significantly and would require the preparation of an environmental impact report;
- (c) determine whether or not any measures should be taken to improve the environment, minimise or avoid damage to it in the course of developing or implementing a proposal irrespective of whether or not an environmental impact report has been or is to be prepared.

6 Provision for environmental needs is to be an integral part of the costs of a proposal and estimates or assessment of cost are to include appropriate provision for these needs. Some costs will be built into the overall design of a project and therefore are unlikely to be recognisable as direct environmental costs. Other costs (for example, beautification or ancillary costs associated with the development of public amenities consequential to the principal activity) will be clearly identifiable.

7 The methods used to assess the environmental implications of a proposal can be varied to suit the nature of that proposal. Advice on the method to adopt for a proposal may be obtained from the Ministry for the Environment.

THE ENVIRONMENTAL IMPACT REPORT

8 The process of environmental assessment may determine that an environmental impact report should be prepared. An environmental impact report is a written statement describing the ways of meeting a certain objective or objectives and the environmental consequences of so doing. The statement is to be an objective evaluation setting out clearly and precisely, with appropriate documentation, the environmental consequences of a proposed action and of the alternatives to that action, and ways of

avoiding or ameliorating any harmful environmental consequences.

RESPONSIBILITY FOR PREPARING ENVIRONMENTAL IMPACT REPORTS

9 The organisation responsible for promoting a proposal or exercising a discretion with environmental consequences (in terms of paragraph [2] above) is also responsible for ensuring that the process of environmental assessment is carried out and where appropriate that an environmental impact report is prepared.

10 Where departments or other organisations responsible for the preparation of an impact report are themselves unable to assess environmental impact or to determine the provision for environmental needs, the Ministry of Works and Development or such other department or organisation as the Ministry for the Environment may suggest, may provide the necessary service including, if necessary, the preparation of the formal report.

11 Where the action concerned is proposed by a non-government agency but is subject to environmental assessment because Government approval or finance is involved, any impact report required should normally be prepared by the promoting organisation but, with the agreement of the latter, the relevant government department may, if it so wishes, prepare the report.

12 Before an organisation prepares, or requires the preparation of, an impact report preparatory to the exercise of a statutory discretion, it should establish whether or not any other agency has a similar requirement in terms of these procedures. If necessary the Ministry for the Environment will decide which organisation should prepare or commission the impact report.

WHEN REPORTS ARE PREPARED

13 Environmental impact reports are required for all actions or legislative proposals as defined in paragraph (2) above where those actions or legislative proposals are likely to have a significant effect on the human, physical or biological environment. It is for the government organisation (including Statutory Board, etc) responsible for the action or legislative proposal to determine whether or not any specific proposal comes within this definition, but government organisations are to be guided by consideration of

the following questions:

- (a) does the proposal transform a significant physical area?
- (b) does the proposal affect existing communities or involve the establishment of new communities of a significant size?
- (c) in respect of those living in the neighbourhood, is the proposal likely to have a long term effect on their living conditions or quality of life or their use and enjoyment of the environment?
- (d) is the proposal likely to have a significant impact on ecosystems in the area?
- (e) are any especially significant plant or animal species likely to be affected?
- (f) are scenic, recreational, scientific or conservation values likely to be affected?
- (g) is the proposal, although not significant environmentally on its own, likely to stimulate further developments which would have a significant environmental impact?
- (h) does the proposal affect any area or structures of historical or archaeological importance?
- (i) are the environmental effects of the proposal likely to be of substantial public interest?
- (j) does the proposal create a significant demand on a resource which is, or is likely to become, in short supply?
- (k) does the proposal create significant pollution problems?
- (l) will the proposal be fully considered under the procedures of the Town and Country Planning Act 1977 or the Water and Soil Conservation Act 1967 and will this consideration involve a comprehensive examination of the impact of the proposal on the environment and provide an opportunity for public objection and appeal?

MINISTERS MAY DIRECT PREPARATION OF REPORT

14 Where a department does not propose to prepare an Environmental Impact Report but in the view of the Ministry for the Environment a report should be prepared in terms of the criteria referred to in paragraph (13) above, the matter shall be referred to the Minister for the Environment who may, after consultation with the Minister concerned, direct that a report shall be prepared.

DECLARATION OF INTENT TO PREPARE IMPACT REPORT

15 When a government organisation (including a Statutory board etc), decides to prepare, within the terms of these procedures, an environmental impact report or to require in terms of paragraph 2(b) or 2(d) some other organisation to prepare such a report it is to notify the Ministry for the Environment and the Parliamentary Commissioner for the Environment in writing giving a short description of the proposal concerned and its initial assessment of the environmental impact of the proposal and the date by which the impact report is likely to be completed. The initial assessment by the agency is to be in sufficient detail to enable the Secretary for the Environment to judge whether or not an impact report is required.

16 On receipt of this information the Secretary for the Environment may issue an appropriate public notification.

CONTENT OF ENVIRONMENTAL IMPACT REPORT

17 Where a specific project proposal has been selected with form, location, scope and operational characteristics clarified, the environmental impact report shall:

- (i) describe the existing environment;
- (ii) describe the project;
- (iii) describe the direct physical and biological impacts of a project and provide a general treatment of significant impacts on the surrounding community;
- (iv) list associated works and the responsibility for them.

In general the impacts considered need only be those caused by the works and the operation of the works for which the proponent of the project is financially responsible.

18 The scope of the impacts considered in an environmental impact report of a specific project proposal and the extent to which alternative industrial processing technologies are addressed may be the subject of prior discussion between the proponent of the project, the Ministry for the Environment the Parliamentary Commissioner for the Environment, and representatives of appropriate government department. Where choices between alternative technology for aspects of a project have been made by a proponent these alternatives do not need to be described in the environmental impact report. For aspects of the project where a choice

between technological alternatives has not been made and where these have significantly different environmental impacts, the alternatives and their impacts should be described in the environmental impact report.

19 The format for an environmental impact report is dependent on the extent to which design and other commitments have been made. A format that may be used is set out in Appendix A.

RELATIONSHIP WITH PLANNING AND OTHER STATUTORY PROCEDURES

20 The procedure for environmental impact assessment and reporting are not alternatives to the statutory procedures required under the Town and Country Planning Act 1977. They have been introduced to make explicit provision for a study to be made of the environmental consequences of contemplated actions. Where there is a significant environmental impact it is likely that there will be implications for the local planning authority in respect of its District Scheme and objection and appeal provisions may be involved. The environmental impact report or such other documentation of the environmental implications of the proposal should therefore be prepared as early as possible to provide basic information for the local planning authority, other statutory authorities which may be involved in a consideration of the proposals and also for any persons and organisations who may have rights of objection and appeal.

21 The above considerations apply equally to proposals which involve other environmental legislation such as the Water and Soil Conservation Act 1967.

PROPOSALS OF NON-GOVERNMENT AGENCIES

22 Although the major impact of these procedures will fall on government departments other organisations will also be affected by the provisions of paragraph (2). In some cases the environmental consequences of an action which is proposed and which comes within the terms of that paragraph may have been considered under the provisions of existing legislation (for example, the Town and Country Planning Act 1977). This does not necessarily obviate the need for the preparation of an environmental impact report but it is to be a factor to be considered when determining whether or

not a report should be prepared. (see paragraph 13)

TIMING OF ENVIRONMENTAL IMPACT REPORTS

23 In addition to the considerations in paragraph (20) above, the environmental impact report should be prepared in sufficient time to ensure that all processes are completed, including audit, by the time a decision is required from the relevant authority (for example, Cabinet Committee or joint Ministers) which would commit resources to the proposal, or before legislation is introduced into the House of Representatives.

24 Departments are to bear in mind that for certain major projects with substantial environmental impacts more than one environmental impact report might be appropriate. The initial report could deal with various alternative solutions to the problem of meeting the intended objectives of the proposed development. A second report could deal with the environmental impacts of a specific proposal, when its form, location, scope and operation have been clarified as a consequence of consideration of the first report. In some cases a third report could be justified which would identify further environmental impacts arising from detailed design work and additional specific information on the nature of the development (for example, selection of operating equipment).

CONSULTATION WITH STATUTORY, LOCAL AND OTHER AUTHORITIES

25 Particular environmental aspects of a proposal may by law or Government decision be subject to approval or consideration by another government agency, statutory or local authority. In general formal approval of such agencies should be obtained following the preparation of the environmental impact report. Where timing is critical this may not be possible and in such cases the procedures for seeking such approval may be invoked before completion of the report. Informal consultation with interested authorities and organisations should be commenced as soon as possible and the results of such consultations referred to in the impact report.

PUBLICATION OF ENVIRONMENTAL IMPACT REPORTS

26 On completion the environmental impact report is to be forwarded:

- (a) by a department to its Minister;
- (b) by a statutory board, commission etc, to the Minister administratively responsible for that board, commission etc;
- (c) by organisations other than those covered in (a) and (b) above to the department responsible for exercising the discretion which has given rise to the requirement for a report. The department in question will in turn forward the report to its Minister.

27 On receipt of the report the Minister will decide whether the report should be:

- (a) forwarded to the Parliamentary Commissioner for the environment for public notification and auditing;

or

- (b) referred back to the department for revision.

28 Twenty-five or other agreed number of copies of the report which is to be audited are to be forwarded to the Parliamentary Commissioner for the Environment by the responsible department and, except as provided in paragraph 30 below, the Commissioner will:

- (a) insert appropriate notices in the New Zealand Gazette and in the Public Notices columns of the New Zealand press and in such other publications as he or she considers appropriate, the advertisements to state the nature of the report, where copies may be obtained and that any representation or comment on the environmental implications of the proposals should be forwarded to the Commissioner within six weeks of the notice;
- (b) after consultation with the responsible department forward copies of the report to organisations, individuals and groups likely to be interested advising them as in (a) above.

29 The responsible department is to ensure that sufficient copies of the environmental impact report are made available to meet the likely public demand. A charge may be made for the report and to keep costs down photocopy or similar processes should be used where possible. All environmental impact reports released for publication are to contain or have appended a statement from the responsible department to the effect that the specific action covered by the impact report has not yet been decided upon by the Government. It should be explained that Government will consider the proposal in the light of all relevant factors including the environmental impact

as identified in the impact report, any comments received from the public and interested organisations, and a report from the Parliamentary Commissioner for the Environment.

30 Should the Minister in charge of the responsible department consider, after consultation with the Minister for the Environment, that in the public interest an impact report should not be published, the matter will be referred to Cabinet for decision.

ENVIRONMENTAL IMPACT AUDIT

31 On the authorisation of the relevant Minister the completed environmental impact report is to be forwarded to the Commissioner. The report is, as far as practicable, to include all relevant reports obtained from statutory, local and other authorities including the reports of experts covering particular aspects of the environmental impact of the proposal. Where it is not practicable to attach a report (for example, size) a full reference should be made to the document.

32 An environmental impact audit is the document providing an independent opinion from the Parliamentary Commissioner for the Environment on the environmental implications of the proposal described in an environmental impact report. In general it will note and verify the information in the environmental impact report and where necessary provide additional information and make any comments as are appropriate. The audit will not deal with the economic implications of the proposal including those relating to alternative resource use. Comments received in public submissions on aspects of the proposal which relate to policy questions will be referred to the appropriate government departments or local bodies.

33 In preparing the audit the Parliamentary Commissioner for the Environment may seek such further expert advice as is considered necessary, and take into account any representations made by the public as are appropriate. The audit is to be in the form of a report and is to be forwarded to the head of the department or statutory board, etc, which prepared or commissioned the impact report. It is to be accompanied by any reports from experts or other agencies relevant to the substance of the proposal.

34 The audit on the environmental implications of a proposal shall be completed on or before three months of public notice having been given of

the availability of the environmental impact report.

PUBLICATION OF COMMISSION AUDIT

35 The audit of any published environmental impact report shall also be published. The availability of the audit is to be made known by an appropriate press notice or statement.

36 Subsequent to the issue of the above press notice, a copy of the audit is to be sent to all individuals and organisations which:

- (a) were responsible for the preparation of the environmental report;
- (b) submitted comments on the environmental impact report;
- (c) have a bona fide interest and request a copy of the report.

SUBMISSION OF PROPOSAL FOR APPROVAL

37 When a proposal which has been the subject of an environmental impact report is submitted for approval at the appropriate level it must be accompanied by the environmental impact report and the audit.

ACTION FOLLOWING AUDIT AND APPROVAL

38 Where a proposal is approved without conditions the organisation responsible for implementing the proposal is accountable for ensuring that the environmental provisions included in the proposal, or promised for inclusion, are adhered to.

39 Where conditions are attached to the approval the means by which the conditions are to be observed are to be discussed by the responsible department with the Ministry for the Environment before the work or action is commenced.

September 1987

APPENDIX A

Format of an Environmental Impact Report

INTRODUCTION

The aim of the following format is to achieve uniformity in the presentation of environmental impact reports. It is not intended to be rigid but is open to modification of content and detail according to the type of report being prepared, and to the nature and scope of the proposal being examined.

It will clearly not be possible or desirable in all proposals to go into the type of detail or be as thorough as the following guidelines may imply is desirable. The scope of an impact report will reflect the scale and scope of the environmental significance of the proposal.

In preparing a report, care is to be taken that appropriate expert advice is sought. Environmental impact reporting requires a multi-disciplinary approach. Great care is to be taken to ensure that those consulted for specific technical or scientific advice are appropriately qualified to give such advice. Organisations should not feel bound to seek advice from departmental sources only but should seek the best advice possible from within and without the State Services. Where the advice is likely to be of critical importance in assessing the environmental impact of a proposal it may be desirable to consult more than one expert in the same field.

Written reports should conform to the following general layout, should be as concise and brief as possible, but should nevertheless embrace all relevant aspects of the environment.

ENVIRONMENTAL IMPACT REPORT

- (1) **Name of Proposal:** (Include name of relevant part of a larger proposal). Stage of Commitment State whether at the concept, planning or design stage. State whether it is in an approved programme of works (for example, included in powerplanning report, works programme, forest planting or land development programme).
- (2) **Objective and Options:**
 - (a) the purpose of the action proposed;
 - (b) the options open to achieve the purpose defined where a particular option has yet to be determined, and the advantages and disadvantages of each option in terms of the objective.

(3) Description of Proposal:

- (a) description of proposed action, including necessary technical data, photographs, maps and other information relevant to an assessment of the environmental impact of the proposal;
- (b) reasons for following the action proposed including explanations for site selection and choice of locality, where relevant.

(4) Description of Existing Environment

- (a) general description of the characteristics and condition, in qualitative and quantitative terms, of the existing environment prior to implementing the proposed action, including a definition of the boundaries of the environmental sphere of influence for the purpose of the report;
- (b) any special features such as the presence of critical plant or animal species and the stability of the current ecosystem. Where significant comment on geology, soils, flora and fauna, water quality, climate, hydrology and other relevant physical characteristics;
- (c) relevant aspects of the existing human environment including land use, community patterns, man-made facilities and activities, etc.

(5) Impact on the Environment

- (a) Environment Impact reports published for projects similar in nature to the proposal under consideration will provide a ready guide to the likely impacts, their magnitude and the way in which they interact;
- (b) information about and advice on potential impacts may also be obtained from the Ministry for the Environment and agencies of central government and the local authorities concerned. Local interest groups can also contribute useful knowledge;
- (c) in considering each of the possible interactions, the following should be used as a guide:
 - (i) adverse and/or beneficial effects;
 - (ii) primary and secondary effects
 - (iii) unavoidable effects;
 - (iv) immediate short term effects
 - (v) long term effects
 - (vi) the probability of an effect occurring whether or not any changes are irreversible or will alter or consume an irreplaceable resource;

In each case the magnitude, intensity and significance of the effect is to be assessed and area of uncertainty (where there is insufficient information for an evaluation) identified;

- (d) the new amenities, if any, created by the proposal should be identified.

(6) Safeguards

- (a) identify the safeguards incorporated in the proposal to avoid or minimise adverse environmental effects:
- (b) the environmental effects of the safeguards should themselves be evaluated;
- (c) the possibility of remedial measures being taken later in the life of a project should be examined:
- (d) the additional safeguards which have been considered but which are not recommended and the reasons for this.

(7) Conclusion

Summarise the environmental impact of the proposal, the steps that would be taken to minimise adverse environmental effects, and the recommendation which the proposer would place before the decision making authority.

(8) Consultation

Individuals and agencies consulted for their expert views and advice or opinion should be listed and wherever possible their written views and /or recommendations attached to the report.

(9) References

Any reference works or scientific/technical papers used in the environmental study should be listed.

(10) Responsibility for Report

The report which should be dated, should be signed by the representative of the proposer who is to take full responsibility for the contents.