

Environmental Impact Assessment – Transition arrangements

Background

This fact sheet is to inform proponents and potential proponents of how environmental impact assessment (EIA) functions under the *Environmental Assessment Act 1982* (EA Act), will transition into arrangements under the *Environment Protection Act 2019* (EP Act). Once the EP Act commences (likely to be April 2020), it will replace the EA Act.

The EIA process under both the EA Act and the new EP Act is administered by the Northern Territory Environment Protection Authority (NT EPA).

Submission and assessment of a Notice of Intent (NOI) or referral

If an NOI has been submitted to the NT EPA under the EA Act and the NT EPA has not made a decision on the NOI (that assessment is required or not) prior to commencement of the EP Act, the NOI will be treated as a referral under the EP Act from the date of commencement of the EP Act. Consistent with publication requirements under the new legislation, the referral will be placed on public exhibition before the NT EPA makes its assessment decision.

If an NOI is received prior to 20 December 2019 and no further information or additional consultation is required, the NT EPA is highly likely to make a decision (that assessment is not required, or assessment is required at the level of an Environmental Impact Statement (EIS) or a Public Environmental Report (PER)), under the EA Act, prior to commencement of the EP Act.

If an NOI is received before the end of January 2020 and no further information or additional consultation is required, the NT EPA has a moderate likelihood of making a decision (that assessment is not required, or assessment is required at the level of as EIS or PER) prior to commencement of the EP Act. However, where the NT EPA has not made a decision, the NOI would be considered as a referral under the EP Act as outlined above and placed on public exhibition.

If an NOI is received after 1 February 2020, it is unlikely the NT EPA will make a decision prior to commencement of the EP Act. All NOIs submitted in this period should be suitable for public exhibition.

Proposals undergoing EIA under the EA Act

For any proposal for which the NT EPA has made a statutory decision under the EA Act that an EIA is required (at the level of an EIS or a PER), and the EIA process has not been completed prior to commencement of the EP Act (i.e. the NT EPA has not published an Assessment Report), the following will apply:

- The assessment under the EA Act will continue, albeit with a modified process in accordance with section 296 of the EP Act.

- The modifications include public review of the Supplement and conversion of all timeframes from calendar days to business days
- The proposal will require an environmental approval under the EP Act (section 301).

Significant variations to proposals

For proposals currently undergoing assessment (i.e. an Assessment Report has not been issued) and proposals where assessment has been completed under the EA Act (i.e. an Assessment Report has been issued), the following arrangements will apply:

- For variations prior to commencement of the EP Act, the proponent must notify the NT EPA of the variation in accordance with clause 14A of the Environmental Assessment Administrative Procedures 1984.
- Where the NT EPA does not make a decision on the variation before commencement of the EP Act, the variation would be considered under the EP Act as a significant variation or referral, including the requirement for public exhibition.

For further information:

This Fact sheet provides generic information only. The [EP Act](#) and [draft Regulations](#) can be viewed online.

You are encouraged to contact the Environmental Assessments team on 08 8924 4218 or eia.ntepa@nt.gov.au to obtain specific advice regarding your proposal.