

Preparing a proponent initiated EIS referral

Environmental impact assessment
Guidance for proponents

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Further information

Further information and guidance on the environmental impact assessment process is available on the NT EPA website at: www.ntepa.nt.gov.au

If you require assistance in applying this guidance to your circumstances or you are unsure whether a referral is required for your proposal, please contact the Environment Division of the Department of Environment, Parks and Water Security (DEPWS). Appointments with relevant staff can be made through the contacts below:

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Acronyms	Full form
EIS	Environmental Impact Statement (includes draft EIS, supplement to the EIS and any additional information requested following submission of the supplement)
EP Act	<i>Environment Protection Act 2019</i>
EP Regulations	Environment Protection regulations 2020
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
NT	Northern Territory
NT EPA	Northern Territory Environment Protection Authority

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1. Introduction

1.1. Overview

The [Environment Protection Act 2019](#) (EP Act) requires the proponent of a proposed action, or a strategic proposal, that has the potential to have a significant impact¹ on the environment, or meets a referral trigger², to refer the action to the Northern Territory Environment Protection Authority (NT EPA).

The [Environment Protection Regulations 2020](#) (EP Regulations) provide for a proponent to make a proponent initiated EIS referral. A proponent with sufficient experience and knowledge may choose to use this provision where the proponent anticipates their proposal has the potential to have a significant impact on the environment, and anticipates the likely method of assessment would be by an environmental impact statement (EIS). Instead of being developed by the NT EPA, the proponent includes draft terms of reference (TOR) with the referral report which allows for a more efficient, streamlined process.

This guidance document is part of a range of guidance prepared by the NT EPA to describe the environmental impact assessment process to all stakeholders. This document should be read in conjunction with other NT EPA guidance documents that provide detail on the environmental impact assessment process, as shown in Figure 1.

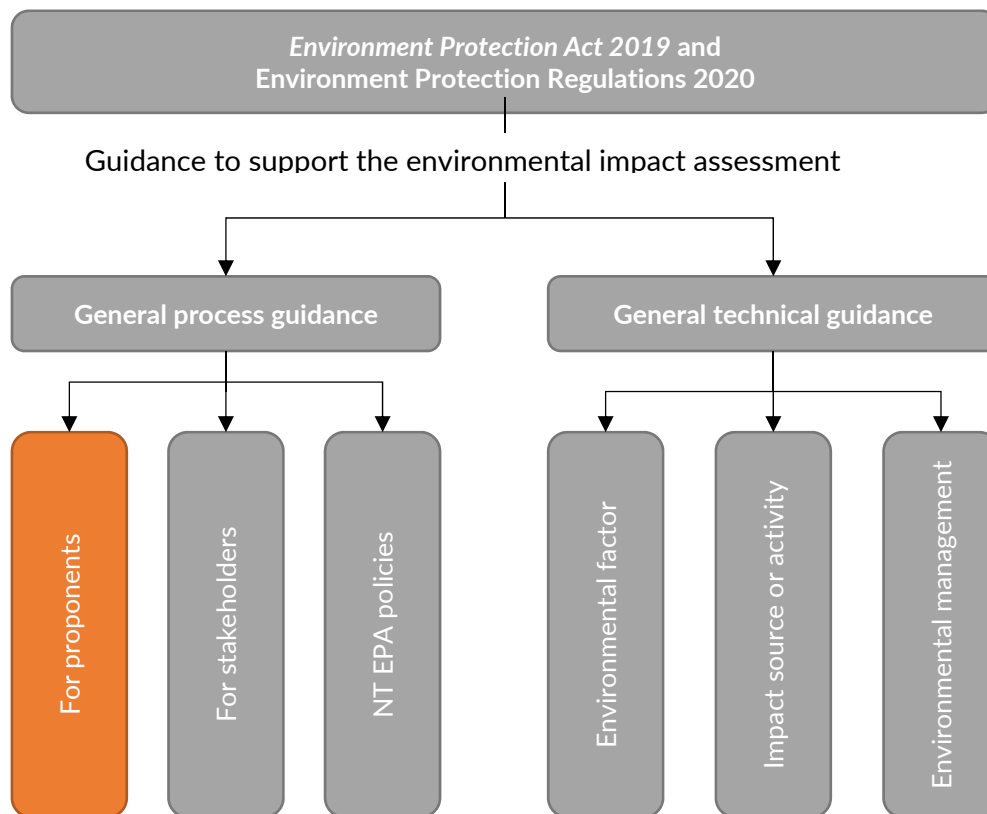


Figure 1 Environmental impact assessment guidance framework

¹ A significant impact of an action is an impact of major consequence having regard to: (a) the context and intensity of the impact; and (b) the sensitivity, value and quality of the environment impacted on and the duration, magnitude and geographic extent of the impact. Refer to section 11 of the EP Act.

² As of February 2021, no referral triggers have been declared under the EP Act.

1.2. Purpose of the guidance

This document provides guidance to proponents, statutory decision makers and the community about the specific requirements of the EP Regulations that relate solely to a proponent initiated EIS referral.

For complete guidance on making a referral, proponents should read this guidance in conjunction with the guideline: *Referring a proposal to the NT EPA*. The referral guideline and associated referral form can be downloaded from the [NT EPA website](#).

1.3. Reasons for choosing a proponent initiated EIS referral

A proponent with sufficient experience and knowledge may choose to use this provision where the proponent anticipates their proposal has the potential to have a significant impact on the environment, and anticipates the likely method of assessment would be by an EIS. Instead of being developed by the NT EPA, the proponent includes draft TOR with the referral report which allows for a more efficient, streamlined process.

As this process requires a proponent to invest in preparing its own EIS terms of reference, it is most suitable for proponents who have previously completed an EIS process in the NT, who judge that an EIS is the most likely method of assessment for their proposal, have a high degree of familiarity with, and knowledge of environmental impact assessment policies, procedures and processes under the EP Act; and the NT EPA's environmental factors and objectives.

The proponent initiated EIS referral provision is likely to result a more streamlined and efficient environmental impact assessment process as the proponent prepares the draft TOR rather than waiting for the NT EPA's statutory timeframe to do this. Should the draft TOR, with or without amendments, be accepted by the NT EPA following the public submission period the proponent may save up to 55 business days in the environmental impact assessment process as the preparation and consultation on the draft TOR are completed simultaneously with the referral document rather than as a separate additional step.

It is important to note that proponents have a general duty under section 43 of the EP Act to provide communities that may be affected by a proposal, an opportunity for consultation to assist community understanding of the proposed action and its potential impacts and benefits.

2. Information to be provided

The proponent will need to prepare and submit the following documents as part of its proponent initiated EIS referral to the NT EPA:

1. a referral (comprising a referral form and referral report)
2. a draft terms of reference (TOR) for an assessment by EIS
3. a statement of reasons (SOR) for why an assessment by EIS is the preferred assessment method.

2.1. Referral form and supporting information

The NT EPA requires proponents to complete a referral form (and provide supporting information) for all referrals, including proponent initiated EIS referrals. For further information please refer to the guideline: [Referring a proposal to the NT EPA](#).

2.2. Statement of reasons

A proponent must prepare and submit an SOR for why an assessment by environmental impact statement is the preferred pathway for the proposal. Include in the SOR:

- a brief description of the proposal
- justification for why an EIS is required, considering:
 - the objects of the EP Act
 - section 42 of the EP Act
 - section 43 of the EP Act
 - regulation 59 of the EP Regulations
 - the NT EPA's environmental factors and objectives
 - the principles of environment protection and management under Part 2 of the EP Act
 - consultation outcomes
- the reasons why the draft TOR are appropriate.

A template for an SOR is provided at Appendix 1, and a word document is available on the NT EPA website.

2.3. Draft terms of reference

When referring a proponent initiated EIS, a proponent must prepare and submit draft terms of reference (TOR) setting out the matters proposed to be addressed in the EIS.

A template with guiding text for drafting TORs is provided at Appendix 2, and as a word document on the NT EPA website.

3. Decision to accept or refuse a proponent initiated EIS referral

When a proponent initiated EIS referral is first received, a preliminary review will be conducted to determine whether the referral contains sufficient information for the NT EPA to make its decision to accept or refuse the referral. Regulation 46 of the EP Regulations states that if a referral of a proposed action or strategic proposal includes draft TOR and an SOR the NT EPA may decide to accept the referral as a proponent initiated EIS referral. Further details on the decision to accept or refuse a referral are included in guidance for proponents [Referring a proposal to the NT EPA](#).

Regulation 47 of the EP Regulations provides the general grounds for the NT EPA to refuse to accept a referral. These are discussed in more detail in the referral guidelines on the [NT EPA website](#). Further to this, regulation 48 provides specific, additional grounds for refusing to accept a strategic proposal for strategic assessment. Regulation 49 of the EP Regulations provides that the NT EPA may refuse to accept a referral for a proponent initiated EIS if the NT EPA considers that an assessment by EIS is unlikely to be required for the proposed action or strategic proposal. If the NT EPA refuses to accept the proponent initiated EIS referral, it may decide to accept the referral as a referral for a standard assessment or strategic assessment.

4. Decision on accepted proponent initiated EIS referral

Following the acceptance of the referral by the NT EPA, the documents will be made available for public consultation. The public submission period is 30 business days for a standard assessment and 40 business days for a strategic assessment.

After considering the accepted referral, and any comments provided through consultation with the public and government authorities, the NT EPA will determine whether the proposal has the potential to have a significant impact on the environment. Regulation 58 of the EP Regulations provides for a decision, or recommendation, on a proponent initiated EIS referral. Within 35 business days of the public exhibition period of an accepted proponent initiated EIS referral closing the NT EPA is required to make one of the following decisions:

- decide that an environmental impact assessment is not required
- decide that an assessment is required and an EIS is the required method of assessment
- decide that an assessment is required other than an EIS and the proposed environmental impact assessment methodology
- recommend to the Minister that a strategic assessment be carried out and the proposed environmental impact assessment methodology
- recommend to the Minister that an environmental approval for the proposed action be refused.

If the NT EPA decides that EIS is an appropriate method of assessment it must consider the comments relating to the draft TOR and decide:

- to approve the proponent's draft TOR
- to modify and approve the proponent's TOR
- to refuse to approve the draft TOR and prepare its own TOR.

After the NT EPA makes its decision on the referral and (where relevant) the TOR, it will publish and provide to the proponent, a notice of decision and statement of reasons, and the finalised TOR. The environmental impact assessment would then continue using the EIS method as detailed in other NT EPA guidance material available on the [NT EPA website](#).

The proponent will need to develop the EIS in consideration of the final TOR approved by the NT EPA and the guidance for proponents: [Preparing an EIS](#).

Further details on the NT EPA's decision making relating to the referral are included in guidance for proponents: [Referring a proposal to the NT EPA](#).

Appendix 1: Statement of Reasons (SOR) template

STATEMENT OF REASONS

OVERVIEW

Name of proposal	<i>Insert proposal name</i>
Proponent name	<i>Insert proponent name</i>
Description of proposal	<i>Insert a description of proposal – refer to the NT EPA public register for environmental impact assessments for examples</i>
Nature of proposal	<p><i>From the list below, select the main category applicable to your proposal (and delete the remaining categories)</i></p> <p><i>Mining</i></p> <p><i>Oil and Gas</i></p> <p><i>Industrial</i></p> <p><i>Waste (landfill)</i></p> <p><i>Waste (other)</i></p> <p><i>Urban and residential</i></p> <p><i>Tourism infrastructure</i></p> <p><i>Roads and transport</i></p> <p><i>Utilities and services</i></p> <p><i>Energy (renewable)</i></p> <p><i>Energy (other)</i></p> <p><i>Coastal and marine</i></p> <p><i>Pastoral</i></p> <p><i>Agriculture</i></p> <p><i>Aquaculture</i></p> <p><i>Collection Depot</i></p>
Location of proposal	<i>Describe the location of the proposal. Include NT Portion number / lot number and zoning (if applicable), street address and nearest resident, community / town and distance and direction from nearest major town.</i>

JUSTIFICATION

A **standard/strategic** assessment by environmental impact statement (EIS) is required due to:

Objects of the Environment Protection Act 2019 (EP Act)	<i>Describe how the objects of the EP Act have been taken into consideration in recommending the environmental impact assessment method of an EIS</i>
Section 42 EP Act	<i>Describe how the section 42 purpose of the environmental impact assessment process has been taken into consideration in recommending the environmental impact assessment method of an EIS</i>
Section 43 EP Act	<i>Describe how the section 43 general duties of proponents have been taken into consideration in recommending the environmental impact assessment method of an EIS</i>
Section 59 of the Environment Protection Regulations 2020	<p><i>Describe the reasons for why the assessment method of environmental impact statement is proposed, addressing the criteria below:</i></p> <ul style="list-style-type: none"> <i>(a) the significance of the potential impact of the proposal</i> <i>(b) the level of confidence in predicting potential significant impacts of the proposal taking into account the extent and currency of existing knowledge;</i> <i>(c) the level of confidence in the effectiveness of any proposed measures identified in the referral to avoid, mitigate or manage potential significant impacts of the proposal</i> <i>(d) the extent of community engagement that has occurred in relation to the proposal</i> <i>(e) the capacity of communities and individuals likely to be affected to access and understand information about the proposal and its potential significant impacts</i>
Consultation outcomes	<i>Describe how the outcomes of any consultation undertaken by the proponent have been taken into consideration in recommending the environmental impact assessment method of an EIS</i>
Other reasons	<i>Describe any additional reasons for consideration</i>

Environmental factors and objectives.

The **<insert proponent name>** considers that the proposal has the potential to significantly impact environmental values associated with the following environmental factors³.

List each relevant factor with a justification as to why there is the potential for significant environmental impacts. Remove irrelevant factors.

Land	<ul style="list-style-type: none"> • Landforms - • Terrestrial environmental quality - • Terrestrial ecosystems -
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³ [NT EPA Environmental factors and objectives](#)

Water	<ul style="list-style-type: none">• Hydrological processes –• Inland water environmental quality –• Aquatic ecosystems –
Sea	<ul style="list-style-type: none">• Coastal processes• Marine environmental quality –• Marine ecosystems –
Air	<ul style="list-style-type: none">• Air quality –• Atmospheric processes –
People	<ul style="list-style-type: none">• Community and economy –• Culture and heritage –• Human health –

Terms of Reference (TOR) *State the reasons why the draft TOR provided with the referral are appropriate for use in the environmental impact assessment process.*

Conclusion

Appendix 2: Draft terms of reference (TOR) template

This template provides key information to be used as a guide for developing draft terms of reference (TOR) for a proponent initiated EIS.

Structure the draft TOR in the following way:

- Part 1 – Introduction: an overview of the proposal and decisions relating to its environmental assessment.
- Part 2 – Matters to be addressed in the draft EIS: a description of the information requirements specific to this proposal. The proponent is required to address all these matters relating to the proposal and the surrounding environment in its draft EIS.
- Part 3 – Other requirements for the draft EIS: a list of applicable guidelines and policies, and a description of the public consultation requirements such as the submission period, and locations the EIS will be available for viewing.

Examples of NT EPA TOR are also available on the NT EPA website.

Part 1: Introduction

Item	Information to be addressed in the TOR
Overview	<p>Include a brief overview of the environmental impact process relevant to the proposal.</p> <p>The draft TOR and associated statement of reasons (SOR) will be an attachment to the referral. There are relevant sections of the EP Regulations that will need to be referred to in the overview of the draft TOR to demonstrate which requirements are being met.</p> <p>Some examples of statements that could provide a basis for the inclusion of such information are as follows (in blue, italics font):</p>
Background	<p>The proposal will have already been described in the referral and associated documentation. Include in the background section of the draft TOR a very brief description of the proposal. Whilst the referral form submitted will include this information, given that the draft TOR are a standalone document throughout the assessment process, a brief description of one to two sentences here is also required. List key components of the proposal as dot points, such as:</p> <ul style="list-style-type: none"> • construction activities include - (provide a brief description of construction activities) • infrastructure and activities for operation of the action • rehabilitation, decommissioning and closure activities.
<i>Assessment under bilateral agreement or accredited assessment process (as relevant)</i>	<p>Approval under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) is required for an action which has, will have, or is likely to have, a significant impact on a matter of national environmental significance, or a significant impact on the environment on Commonwealth land.</p>

Item	Information to be addressed in the TOR
	<p>If the proposal has been, or is likely to be, referred to the Australian Government, include as much information as is available on the assessment approach in this section of the draft TOR. For example, if the Australian Government Minister has determined (or is likely to determine) that the proposal is, or is not, a controlled action for matters protected under the EPBC Act, include the relevant EPBC referral number (where relevant) in the draft TOR and details of the decision as to whether the proposal does or does not require further assessment and approval under the EPBC Act before it can proceed.</p> <p>If the NT EPA assesses the proposal under a Bilateral Agreement between the Australian and Northern Territory governments in accordance with section 45 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (or as an accredited process), the TOR will need to include:</p> <ul style="list-style-type: none"> • required work to address the potential impacts on MNES under the relevant key environmental factor and explain how the proponent has adequately regarded the conservation advices of each EPBC listed species (for example) that is likely to be impacted, that the project is not inconsistent with any Threat Abatement Plans, Bioregional Plans or Recovery Plans • a separate section that consolidates Australian Government requirements the relevant MNES for the proposal (refer to EPBC Act guidance on the Australian Department of Agriculture, Water and the Environment (DAWE)).
<i>Assessment timeline</i>	The proponent will need to set out a proposed assessment timeline for the proposal. Prior discussions with DEPWS staff would be an advantage before submitting your referral. Table 1 provides an indicative example.

Table 1 Assessment timeline

Key assessment milestones	Proposed / Completion date
Proponent submits the referral for a proponent initiated EIS with draft TOR and SOR	<i>date</i>
NT EPA accepts the proponent initiated EIS referral with draft TOR and SOR	<i>date (15 days after referral submission)</i>
Consultation period commences on proponent initiated EIS referral with draft TOR	<i>date</i>
Close of public consultation period	<i>date (30 days after consultation commences)</i>
NT EPA decides assessment method and approves terms of reference	<i>date (35 days after consultation closes)</i>
Draft EIS submitted to the NT EPA	<i>date</i>
Public and government authority consultation period	<i>date (30 - 60 days)</i>

Key assessment milestones	Proposed / Completion date
Direction to prepare supplement issued (if required)	<i>date (25 days after consultation closes)</i>
Supplement submitted	<i>date</i>
Public and government authority consultation period	<i>date (15 days)</i>
Assessment report provided to Minister	<i>date (45 days after consultation closes)</i>
NT Minister's approval decision	<i>date</i>

Part 2: TOR for the draft EIS

Item	Information to be addressed in the TOR
<i>Summary</i>	<p>A summary of the draft EIS is required to provide a clear and concise overview of the proposal, its environmental implications, the approvals process and the function of the EIS in the context of the approvals process.</p> <p>Write the summary as a stand-alone document, able to be provided on request to interested parties who may not wish to read the full EIS.</p> <p>Address the site selection process, existing environment including location of the nearest sensitive receptors, the proposed activities, a summary of the potential environmental impacts of the proposal, measures to avoid, mitigate and, if applicable, offset potential impacts, and closure outcomes and the intended future use of the site.</p>
<i>Proposal description and overview</i>	<p>Provide a clear description of the proposal and the full scope of works for which approval is sought. Include in the proposal description:</p> <ul style="list-style-type: none"> • a summary table listing the key physical components of the proposal • maps, figures, images, diagrams and flow charts • any variations or modifications to the proposal since the referral information was submitted • where there is uncertainty in the detailed design, footprint, capacity or life of the proposal, clearly explain the approach to resolving this uncertainty and the provide the maximum extent or range for each parameter.
<i>Construction and Operation</i>	<p>The TOR will require a detailed description of all construction and operation aspects of the proposal to be provided in the draft EIS. Table 2 below provides an example of the minimum information requirements to be included as part of the matters to be addressed in the draft EIS.</p>
<i>Rehabilitation and Closure</i>	<p>Provide details of information required in the EIS for the proposed decommissioning, closure and rehabilitation of the proposal, with consideration of section 42 of the EP Act (Purpose of environmental impact assessment) and the need to ensure that the potential for actions</p>

Item	Information to be addressed in the TOR
	to enhance or restore environmental quality through restoration or rehabilitation is identified and provided for to the extent practicable.
<i>Environmental Factors and Objectives</i>	<p>Proponents will need to identify the key environmental factors for the EIS that need to be addressed during the assessment. Further information can be found in the guidance document NT EPA Environmental factors and objectives.</p> <p>Sufficient information will be needed to enable assessment of whether the proposal is likely to meet the NT EPA’s objective so that environmental values are protected.</p> <p>The proposal footprint (direct disturbance) and area of influence (indirect disturbance) are to be delineated/defined to identify the environmental factors and environmental values and sensitivities that could be impacted by implementation of the proposal.</p> <p>Table 3 below provides an example of how the proposed structure for an environmental factor/objective could be included in the proposed proponent initiated EIS TOR. Proponents would need to repeat this approach and include as many environmental factors/objectives as relevant.</p> <p>Consider potentially significant environmental impacts associated with normal operations, abnormal operations, unplanned shutdowns of part or all of the operations, and emergency shutdowns of part or all of the operations.</p> <p>If additional potential environmental impacts are identified during the environmental impact assessment process, include assessment of those additional impacts in the draft EIS, even if this requires addressing additional environmental factors not specified in the NT EPA’s statement of reasons for the accepted referral decision.</p> <p>The TOR requires the following information for each of the key environmental factors to be included:</p> <ul style="list-style-type: none"> • The NT EPA’s environmental objective or Minister’s declared environmental objective⁴ • Environmental values relevant to the factor • Potential impacts and risks – any change to the environment, whether adverse or beneficial, resulting from the proposal (direct, indirect and cumulative impacts at a local and regional scale) • Specific information that will be required in the draft EIS to assess the environmental impacts for that factor, with tasks written in sequential numerical order according to the following, where relevant: <ul style="list-style-type: none"> – characterise the environment relating to that factor (e.g. type of surveys, baseline data collection etc.)

⁴ Note – there have been no environmental objectives declared by the Minister to date.

Item	Information to be addressed in the TOR
	<ul style="list-style-type: none"> - describe elements of the proposal which affect the environment (e.g. temporary construction versus operation, impacts/pressures from the proposal etc.) - predict inherent and residual impacts before and after applying the environmental decision-making hierarchy - describe proposed monitoring and management (in terms of the environmental decision-making hierarchy) to achieve predicted outcomes/objectives - describe proposed monitoring and reporting - provide a statement of residual impact - identify offsets, if appropriate, if a significant residual impact may remain after applying the environmental decision-making hierarchy <p>Consider the specific information requirement such as:</p> <ul style="list-style-type: none"> • undertaking technical studies and investigations, and provide associated reports and data packages • developing spatial information • developing environmental management plans for proposed monitoring and management • undertaking a peer review of the scope, methodologies, findings and/or conclusions of surveys, investigations, monitoring programs, modelling and/or other information • relevant policy and guidance (list the policy and guidance applicable to the EIS)

Table 2 Minimum information requirements for the proposal description

Topic	Required information
<i>Site layout maps</i>	<p>Include in the proposal description, detailed maps and graphic illustrations of:</p> <ul style="list-style-type: none"> • the location and dimensions of existing disturbance, infrastructure and roads/tracks, and natural and modified landforms (including a depiction of these overlaid on aerial photos or high resolution satellite imagery) • the location and approximate dimensions of areas to be disturbed, structures to be built or repurposed for the proposal including (as relevant): <ul style="list-style-type: none"> - all areas to be cleared⁵ or disturbed - roads and service infrastructure - stormwater and drainage infrastructure

⁵ In accordance with the NT Land Clearing Guidelines and/or requirements under the NT Planning Scheme.

Topic	Required information
	<ul style="list-style-type: none"> - buildings and structures - temporary stockpiles - waste storage facilities • the proposal layout overlain with the environmental values and existing infrastructure • the boundaries of the proponent’s private property, mineral lease(s); any overlapping or adjacent permits (mineral, petroleum or other); and any other interests in land including Native Title (claims or determined), Aboriginal freehold land, and pastoral land.
<i>Design</i>	<p>Describe design options considered, reasons for selection and how the proposed design avoids and/or mitigates environmental constraints and potential impacts and risks to the surrounding environment. Outline and justify any trade-offs in the design.</p> <p>Describe how the proposal has been designed, or allows for, adaptation to a changing climate e.g. capacity and efficiency of water facilities to allow for potential increase in evaporation and/or large rainfall events</p>
<i>Construction and operation</i>	<p>Describe all elements of the construction phase including:</p> <ul style="list-style-type: none"> • construction methods and any limitation of these in the area of the proposal • equipment and machinery required • construction materials required – major types, quantities, qualities, sources, storage requirements and potential hazards • timeframes • any new ancillary infrastructure and upgrades required to service the proposal, including supply of electricity, water, sewerage and road access • environmental management of all aspects of the proposed construction with detailed maps and diagrams where relevant, including: <ul style="list-style-type: none"> - erosion and sediment control and stormwater drainage - dust management • water demand, use and management • biosecurity • waste classification⁶ and management, including containment and disposal of contaminated wastewater and solids with details of pits, bunds, treatment and recycling

⁶ In accordance with NSW Waste Classification Guidelines <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

Topic	Required information
	<ul style="list-style-type: none"> • noise and vibration management • controls to prevent creation of biting insects habitat • applicable legislation, guidelines and standards • any feasible construction alternatives (where multiple alternatives exist, clearly explain the choice of the preferred option(s), and provide a comparison against other options in terms of potential environmental impacts). <p>Describe environmental management of all aspects of the proposed operation with detailed maps, diagrams and facility design specifications and standards where relevant, including:</p> <ul style="list-style-type: none"> • erosion and sediment control • water requirements • water management including stormwater drainage • biosecurity measures • waste management • air quality management • ongoing maintenance of components and servicing infrastructure • noise management (above and underwater) • applicable legislation, guidelines, and standards • (where multiple alternatives exist, clearly explain the choice of the preferred option(s), and provide a comparison against other options in terms of potential environmental impacts.
<i>Transport and traffic</i>	<p>Describe transport activities during construction and operation, including but not limited to:</p> <ul style="list-style-type: none"> • type, size, draft, number and frequency of vessels and hours of operation, if applicable • details on access, haulage/transport routes, vehicle types, and volumes of traffic.
<i>Energy</i>	<p>Provide relevant information with respect to energy during construction and operation, including but not limited to:</p> <ul style="list-style-type: none"> • energy requirements and sources • consideration of renewable sources of energy and justification of selected option • estimate of greenhouse gas emissions (scope 1 and 2)⁷

⁷ Greenhouse Gas Protocol available at: <https://ghgprotocol.org/corporate-standard>

Topic	Required information
	<ul style="list-style-type: none"> measures and or initiatives to maximise energy efficiency and avoid and/or reduce greenhouse gas emissions, particularly relating to source and consumption of energy, and consistent with the NT Government’s target of achieving net zero greenhouse gas emissions by 2050 (NT Government 2019).
Workforce	<p>Provide a summary for each phase of the proposal, of the:</p> <ul style="list-style-type: none"> estimated number of people to be employed skills base required likely sources (local, regional, overseas) onsite facilities provided (including any accommodation).

Table 3: Minimum information required for assessment of *Relevant environmental factor 1*

Aspect	Specific information required
<i>(State factor objective here)</i>	
Environmental values	<ul style="list-style-type: none"> List environmental values the outcomes of geotechnical investigations and surveys of the area of influence and an assessment of the site’s suitability water quality (chemical, physical and biological) of the proposal footprint (surveyed baseline), area of influence including temporal and spatial variations and reference to the metric by which water quality is measured water quality objectives and declared beneficial uses the physical and chemical characteristics within the proposal footprint and area of influence (surveyed baseline)
Potential impacts and risks	<p>Utilise surveys and field-verified modelling to determine the areas that could feasibly experience impacts associated with the proposed activities. This is to take into account (list relevant matters for consideration). Classify the areas as:</p> <ul style="list-style-type: none"> Areas of impact – or direct disturbance footprint (proposal footprint). These are the areas of proposed infrastructure, vegetation clearing and direct use Areas of influence – or indirect disturbance footprint. These are surrounding areas that may be indirectly affected by proposed activities, for example via the release of contaminants (air, water, land), changes to land, water etc. <p>Provide a detailed and comprehensive assessment of potential impacts, benefits and risks to (environmental factor) utilising modelling, geotechnical investigations, outcomes of investigations and other relevant information. As a minimum, the assessment will take into consideration:</p>

Aspect	Specific information required
	<ul style="list-style-type: none"> • methods, equipment, timing and frequency • the likely scale, extent and fate of contaminants/pollutants/materials • other industries and proposals that may contribute to cumulative impacts of this proposal • environmental management requirements associated with seasonal weather, extreme weather conditions such as storms and cyclones for the 2, 10 and 100 year average recurrence interval events • details of containment, dewatering, settlement etc. • the physical and chemical characteristics of discharge • potential contaminants and sources <p>Take into account all construction and operation activities of the proposal in the assessment (list all relevant activities).</p> <p>Identify potential impacts and risks to (environmental factor) and quantify their significance:</p> <ul style="list-style-type: none"> • against relevant guideline thresholds • on the beneficial uses, water quality objectives and identified environmental values • consider cumulative impacts and the reversibility of potential impacts in the assessment of each aspect.
<i>Mitigation and management</i>	<p>Outline the measures for avoiding, mitigating, or offsetting adverse impacts identified above, with consideration of sections 26 (Environmental decision making hierarchy) and section 27 (Waste management hierarchy) of the EP Act. Also include here measures to enhance or restore environmental quality. Proposed measures need to be unambiguous, auditable and measurable.</p> <p>These may be incorporated into management plans and address at a minimum:</p> <ul style="list-style-type: none"> • facility design and layout • water management, including stormwater and wastewater management • waste management including a detailed description of management methods for all types of wastes (including bilge water, and anti-foul materials removed from and/or added to boats) • dredging management • dredge spoil management • erosion and sediment control • acid sulfate soil management (if present)² • emergency response management

Aspect	Specific information required
	<ul style="list-style-type: none"> compliance with any statutory or policy basis for the proposed measures. <p>Discuss adaptation to a changing climate including design and resultant viability of the proposal.</p> <p>Substantiate all proposed mitigation measures in accordance with best practice, including advice from relevant Northern Territory Government advisory agencies.</p>
<i>Monitoring and reporting</i>	<p>Outline how the Proponent will monitor and report on potential impacts and risks to (environmental factor) as outlined above, including:</p> <ul style="list-style-type: none"> e.g. water quality e.g. sediment quality e.g. spoil and spoil leachate, including acid sulfate soils e.g. erosion and sediment e.g. waste management, including antifoul removal, disposal and application. <p>Substantiate all monitoring activities in accordance with best practice advice from relevant Northern Territory Government advisory agencies.</p>
<i>Residual impact</i>	<p>Assess the significance of any residual impact or risk of the proposal to identified values.</p>
<i>Offsets</i>	<p>Where a significant residual impact may remain after applying the environmental decision-making hierarchy, identify offsets and describe how any proposed offset is consistent with the NT Offset Policy⁸ (and Australian Government offsets requirements were applicable).</p>

Part 3: Other requirements

Item	Information to be addressed in the TOR
Other environmental matters	<p>Address relevant EPBC Act requirements (if the proposal is likely to be a controlled action and a bilateral or accredited assessment).</p>
Stakeholder engagement and consultation	<p>Proponents have a general duty under section 43 of the EP Act to provide communities that may be affected by a proposal, an opportunity for consultation to assist community understanding of the proposed action and its potential impacts and benefits.</p> <p>Engage and consult with stakeholders⁹ who are affected by, and interested in, the proposal. Document the following in the EIS:</p> <ul style="list-style-type: none"> identified stakeholders the stakeholder consultation undertaken and the outcomes, including decision-making

⁸ NT Offset Policy is currently in draft form and will be available on the [NT EPA website](#) once finalised.

⁹ As defined in the NT EPA Guidance for Proponents - Stakeholder Engagement (NT EPA 2020)

Item	Information to be addressed in the TOR
	<ul style="list-style-type: none"> • agencies' or authorities' specific regulatory consultation • any adjustments to the proposal as a result of consultation • any future plans for consultation.
<p>Public consultation requirements</p>	<p>The public consultation requirements for the draft TOR are outlined in Part 5 Division 5 of the EP Regulations. Additional specific details are provided below. Further information can be found in the guidance for proponents: Stakeholder Engagement and Consultation.</p> <p>The proponent will need to identify the submission period for the draft TOR/draft EIS. This may be adjusted following consultation with the Proponent. The proponent will also need to identify where the draft EIS will be published and the locations where it will be made available for public consultation. Include these locations:</p> <ul style="list-style-type: none"> • NT EPA, Level 1, Arnhemica House, 16 Parap Road, Parap, NT 0820 • Northern Territory Library, Parliament House, Darwin, NT 0800 • Environment Centre Northern Territory, Unit 3, 98 Woods St, Darwin, NT 0800. <p>Add additional locations that are relevant to the location of the proposal, as considered necessary, such as relevant Land Council offices. Further information can be found in the guidance for stakeholders: Making a public submission during the environmental impact assessment process.</p>
<p>Appendix A – List of relevant guidance material</p>	<p>List guidance material as relevant to the proposed draft TOR and to inform preparation of the draft EIS, including but not limited to:</p> <ul style="list-style-type: none"> • NT EPA guidance • NT Government guidance • Commonwealth guidance • Guidance from other Australian jurisdictions • Best practice guidance • Industry guidance • Australian Standards • Codes of practice • Specifications.