

SUMMARY OF COMMENTS and NT EPA RESPONSE
DRAFT GUIDELINE FOR THE PREPARATION OF A NOTICE OF INTENT
Government and Public consultation – commencing 20 May 2015

Table of comments received from consultation process, and amendments made to the Guideline.
(Amendments show quotes in *italics*, additions in **bold**, and deletions as ~~struckthrough text~~)

Section	Comment	NT EPA Response & Amendments
Department of Arts and Museums		
General comment	(18 June 2015) This Department supports the draft Guideline and notes that it will inform the role of the NOI in the environmental impact assessment process and assist to provide the information requirements to enable the decision making on if the proposal requires an assessment under the Act.	Noted
Department of Business		
General comments	(25 June 2015) The Guidelines are welcomed by the Department of Business. The Department recognises the importance and the necessity of an established guideline for the preparation of a NOI, which will determine whether a formal environmental assessment is required. The guidelines are important and will provide a degree of consistency and standardisation in the preparation of an NOI. The Department acknowledges that the guidelines recognise the need for flexibility in the description of projects. <i>The NT Work Health and Safety (National Uniform Legislation) Act, Dangerous Goods Act and the Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act</i> are important government legislation and should be referred to in the NOI.	Noted Addition made to <i>Table 2 - Useful resources:</i> <i>Department/Agency: NT WorkSafe</i> <i>Tool / Resource:</i> <i>Workplace Health and Safety</i> <i>Dangerous Goods</i>

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	<p>The Department's previous discussions with business resulted in the need for more explicit environmental standards that provide greater certainty for businesses and potential investors, as well as flexibility in how these standards are met, rather than implementing prescriptive measures.</p> <p>While recognising the importance of establishing a set of guidelines, the Department would like to emphasise that a key objective of the NT Government is to reduce the burden of red tape that could potentially hamper economic activity and business development. This should be taken into consideration in implementing the guidelines.</p>	<p>Web link: http://www.worksafe.nt.gov.au</p> <p>Addition made to <i>Table 1 - Measures to avoid or reduce impacts</i>:</p> <p>Identify National, State and/or Territory standards, codes of practice and guidelines applicable to proposed measures to avoid / mitigate impacts.</p> <p>Noted</p>
<p>Department of Land Resource Management</p>		
<p>Section 4.2 - Other Northern Territory legislation</p>	<p>The Guidelines do not comprehensively list other legislation that might affect proponents, instead have referred to our website which is preferred.</p>	<p>Noted</p>
<p>Table 1 - Existing environment / Natural environment</p>	<p>Weed Management The guidelines, as proposed, require a description of the general characteristics of the proposed site(s) and the surrounding area that may be impacted by the proposal. Under the headings 'Natural environment' and subsequently 'Flora and fauna', descriptions are required specifically with reference to the current status of weeds and feral animals on site or adjacent to the development area. As the Guidelines specify that</p>	<p>Noted</p>

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	<p>‘descriptions should provide information sufficient to allow for full assessment of potential impacts and suitability of the land (or water body) to support the proposed development’, this is considered adequate from the perspective of the Weed Management Branch.</p>	
<p>Table 1 - Detailed description of project proposal / Surface and ground water</p>	<p>Review of Version 0.7 has identified that most of the recommendations (dot point 4 of previous DLRM comment- attached) have been incorporated; however one suggestion was not added to Version 0.7 –</p> <p>In Table 1 under Surface and ground water (pg. 10), it is recommended that a bullet point be added under “Describe expected water discharge requirements” to detail the management of stormwater runoff during construction and operational phases of the development. This may relate to the bullet point “discharge sites” to assist in the management of the discharge points (i.e. to ensure that any runoff is released from a site in a non-erosive manner).</p>	<p>No change – Table 1 already refers to stormwater:</p> <p><i>Describe expected water discharge requirements:</i></p> <ul style="list-style-type: none"> • <i>source of discharge water (e.g. production, wash down, stormwater)</i>
<p>Tourism NT</p>		
<p>Section 5.1 - Maps</p>	<p>It would be beneficial if proponents were required to include maps that show not just the immediate project area but the project in a regional context. (e.g. a 50-100 kilometre radius for rural or regional projects or a 1-5km radius for urban projects).</p> <p>It is also recommended that the maps included by proponents be presented in colour, minimum A3 size and clearly indicate populated areas, unsealed roads or known 4WD tracks, businesses/ attractions in the immediate area (this inclusion could depend on location, e.g. urban/ regional/ remote) and show where access roads cross rivers, including ephemeral rivers.</p> <p>It has been our experience that many of the maps provided by proponents in the past as part of an NOI have not provided enough detail from which to assess the location and tourism related impacts. This has necessitated extra research and sometimes the creation of alternate maps (through</p>	<p>Amendments made to <i>Section 5.1 – Style:</i></p> <ul style="list-style-type: none"> • <i>Information should be presented on maps, diagrams and plans to enhance the level of understanding of the project, its local and regional context, and potential impacts.</i>

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	google earth or google maps) to gain a better perspective.	
Table 1 – Existing environment / Cultural heritage environment	<p>It is noted that in this section there is a requirement to provide proof of an AAPA authority certificate. Some proponents are required by Land Councils (particularly for projects on Aboriginal Land or where there is a Native Title Agreement or ILUA in place) to obtain sacred site clearance certificates through the Land Council. The way this provision is presently worded will require duplication of the sacred site clearance process by the applicant. Duplication places a red tape burden on an applicant in terms of additional costs and timing delays and does not usually result in a different outcome for the project or a lesser protection for sacred sites.</p> <p>As an alternative to duplication, it is suggested that the guidelines specify only that a sacred site clearance is required without reference to a particular body. This could be achieved by stating words to the effect of: “To demonstrate that you have obtained a Sacred Site Clearance of the area in which your project is to be undertaken, please attach proof an authorised Clearance has been undertaken including a copy of the Certificate”.</p>	<p>AAPA is the only agency authorised to provide an authority certificate that, if complied with, will provide legal indemnity against prosecution for disturbance of a sacred site under the <i>Northern Territory Aboriginal Sacred Sites (NTASS) Act</i>.</p> <p>Sacred-site information from a Land Council may be used towards the issuing of an AAPA certificate.</p> <p>To provide a level of flexibility <i>Section 5.2 - Existing environment / Cultural heritage environment</i> has been amended to state:</p> <p>To address demonstrate sacred sites clearance, attach a current Authority Certificate(s), or advise on status of obtaining an Authority Certificate(s) issued by the Aboriginal Areas Protection Authority.</p>
Table 1 - Existing environment / Social and economic environment	<p>First dot point (Waterways)</p> <p>It is recommended that proponents should also include details of any tourism related enterprises on waterways including scenic cruises and/ or tourism boat charters (for fishing or recreation).</p> <p>Second dot point (Amenity)</p> <p>It is recommended that visitors are included in this section in addition to local residents and that visitor accommodation or camping areas should be included in the list of social infrastructure.</p>	<p>Addition made to <i>Section 5.2, Table 1: Existing environment / Social and economic environment: Describe the social and economic environment on a local and regional scale. Include details of:</i></p> <ul style="list-style-type: none"> tourism amenity, operations, accommodation or infrastructure
Table 1 -	It is recommended that this section (or other relevant section), include a	Addition made to <i>Section 5.2, Table 1: Detailed</i>

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Potential impacts	request for detail regarding any plans the proponent has to utilise local accommodation suppliers or residential housing to supply accommodation to the workforce. This is important from a social and economic perspective as it gives an indication of the activity and the effect of a project on the utilisation of accommodation in a particular area. The utilisation of existing short-term accommodation properties can have positive impacts on occupancy levels during shoulder and off-peak seasons for the tourism sector.	<p><i>description of proposal / Project overview:</i></p> <ul style="list-style-type: none"> • <i>social and economic details relating to the project (e.g. expected economic benefits, workforce and workforce accommodation requirements)</i>
Alice Springs Town Council, Northern Territory		
Section 5	<ul style="list-style-type: none"> • Potential impact of noise pollution and measures to reduce the impact of noise pollution should be included in the NOI. • The project overview requests information about public road use, however, many private roads and station tracks are also used in the NT. The effect of use of these roads must be incorporated into the NOI, particularly with respect to erosion, vegetation removal, habitat fragmentation, and the potential to introduce or spread weeds. 	<p>No change – the potential impact of noise and management of noise impacts would be expected to be addressed in response to the requirements in Section 5.2, Table 1 to:</p> <ul style="list-style-type: none"> • <i>describe the nature and extent of potential impacts from the proposed action</i> • <i>describe measures to avoid, mitigate or manage impacts.</i> <p>No change – where appropriate, the potential impacts of road use would be expected to be addressed in response to the requirements in Section 5.2, Table 1 to:</p> <ul style="list-style-type: none"> • <i>describe the nature and extent of potential impacts from the proposed action</i> • <i>describe measures to avoid, mitigate or manage impacts.</i>

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	<ul style="list-style-type: none"> • Rather than simply requiring a description of water extraction, detailed maps and cross sections of water tables should be required. • Potential impact on human health is an important consideration that should be incorporated into the NOI. • Cumulative impacts and indirect effects are omitted from this document. The cumulative impact of projects is important as individual projects may have a minor impact on the environment in isolation but the combined impact of multiple projects may be substantial, and even greater than the sum of the individual impacts. The cumulative impact of a project should be included in the NOI and adequately considered by the NTEPA in their assessment process. 	<p>This level of detail is more appropriate to an EIS document than an NOI. The Guideline states at <i>Section 5.1 – Style</i>:</p> <ul style="list-style-type: none"> • <i>Information should be presented on maps, diagrams and plans to enhance the level of understanding of the project, its local and regional context, and potential impacts</i> <p>Section 5.2, Table 1, <i>Potential impacts</i> has been amended to state:</p> <p><i>Describe the nature and extent of potential impacts from the project proposal, including but not limited to, impacts on:</i></p> <ul style="list-style-type: none"> • <i>the natural environment</i> • <i>significant sites or features</i> • <i>the cultural heritage environment</i> • human health • <i>the social and economic environment.</i> <p>Section 5.2, Table 1, <i>Potential impacts</i> has been amended to state:</p> <p><i>Describe the nature and extent of potential impacts (direct and indirect) from the project proposal, including but not limited to, impacts on:...</i></p> <p><i>Describe any potential cumulative impacts (successive, incremental and combined impacts of past, present and foreseeable</i></p>

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	<ul style="list-style-type: none"> • A description of indirect impacts on the environment and how these will be managed and mitigated should be a requirement. • For projects that have undergone an exploration phase, the environmental impacts that may not have required assessment by the EPA should be considered retrospectively if the project goes beyond the exploration phase. These impacts should not simply be limited to the locality of the project but also to access roads, seismic lines, camps etc. • Air quality – if project will result in emissions to air, describe how air quality will be managed, including how fugitive emissions will be monitored in the case of gas extraction. 	<p><i>actions).</i></p> <p>No change. The NT EPA cannot assess a project retrospectively. Past activities may be considered in the assessment of a proposed action where they contribute to cumulative impacts.</p> <p>Identification of emissions to air is addressed in <i>Section 5.2 -Table 1 / Detailed description of project proposal / Air quality.</i></p> <p>The management of emissions to air is addressed in <i>Table 1</i></p> <ul style="list-style-type: none"> • <i>describe measures to avoid, mitigate or manage impacts.</i>
General comments	The NOI current and past should be made available to the public on the NT EPA website, rather than only making current applications available.	Noted. There is no requirement to make NOIs available on the NT EPA website. Where a project requires assessment under the EA Act, NOIs will be made available with the release of draft Terms of Reference.
City of Darwin, Northern Territory		
Section 4.1 – Environmental Assessment Act (NT)	<p>Regarding Section 4.1 – Environmental Assessment Act (NT) it is stated that:</p> <p>The NT EPA may at times “call in” an NOI. This means that should the NT EPA become aware of a proposed project for which it has not received an NOI, it may direct the proponent to provide information in the form of an</p>	<p>Section 4.1 has been amended in response to various comments and to more closely align with the Environmental Assessment Administrative Procedures.</p> <p><i>The Guide To The Environmental Impact</i></p>

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	<p>NOI in order to determine if the proposed action requires assessment.</p> <p>Whereas the “Guide to the Environment Impact Assessment Process in the Northern Territory” states:</p> <p>The proponent of a proposed action to which the EA Act may apply is required to notify the responsible Minister (e.g for a mine, the Minister for Mines and Energy) who in turn provides the NT EPA with a notification of the proposes action and the details for the proponent.</p> <p>To ensure consistency and reduce the confusion regarding the direction to provide an NOI the following wording is recommended (key change emphasised in bold):</p> <p>... should the NT EPA become aware of a proposed project for which it has not received an NOI, it will direct the proponent to provide information in the form of an NOI in order to determine if the proposed action requires assessment.</p>	<p><i>Assessment Process In The Northern Territory will be reviewed to ensure consistency with the NOI guideline.</i></p> <p>Clause 7 of the EAAP states that the NT EPA may call for notification (not <i>must</i> or <i>will</i>).</p>
<p>Northern Land Council</p>		
<p>Section 5.1</p>	<p>Dot points 2, 5 and 6 imply that provision of certain information is not obligatory. In these instances, the word should needs to be replaced by must. In particular, it makes sense to define technical terminology where used and to provide supporting evidence.</p>	<p>As a guideline, it is not appropriate to use language that suggests that compliance is mandatory.</p>
<p>Table 1 - Detailed description of project proposal</p>	<p>When discussing transport requirements the use of waterways (i.e. rivers and near shore areas of the sea) must also be considered.</p>	<p>Amendment made to <i>section 5.2 / Table 1 - Detailed description of project proposal / Project overview</i> :</p> <ul style="list-style-type: none"> transport requirements including, such as: types of traffic / routes of transport; frequency;-; and use of public roads / infrastructure

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Table 1 - Cultural heritage environment	The Guideline must demonstrate greater cultural sensitivity through inclusion of matters such as traditional owner views and values. When discussing the cultural environment, additional cultural factors such as traditional knowledge must also be considered to provide a greater appreciation of the potential impacts on culture. Importantly, the consideration of the cultural aspects of environments must be considered, in particular all aspects of indigenous science (especially traditional ecological knowledge). Further, demonstrated mechanisms that allow for consultations to be performed in a culturally sensitive and clear manner.	The level of request for cultural information and consultation described in the NLC comment would normally be appropriate for a <i>Terms of Reference</i> document, unless a risk assessment had flagged this aspect as a key risk/consideration for the proposed action. This NOI Guideline is intended to focus on preliminary information necessary to make a decision on level of assessment.
Section 5.2	Detailed description of project proposal - Disclosure of Chemical Register. This must include: quantities, storage and transport information.	Addition made to <i>section 5.2, Table 1, Detailed description of project proposal</i> : Provide a clear and comprehensive project description, including: <ul style="list-style-type: none"> • the handling (storage and transport) of hazardous substances
General Comments	<ul style="list-style-type: none"> • Any changes made to the guideline for preparing a notice of intent must be reflected appropriately in legislation to which the guidelines are linked. • Throughout the document there are instances where the proponent does not appear to be obliged to provide certain information. In these instances, the word should needs to be replaced by a more affirmative noun such as <u>must</u>. • The requirements for describing the existing cultural heritage environment are limited to site identification matters only. Other critical aspects of indigenous culture (such as language and traditional ecological knowledge) are not included. The NOI represents the starting point of the EIS/PER process so the proponent should be encouraged to include this information in the NOI and build upon it when an EIS or 	<p>The NT environmental assessment and approvals process is undergoing review. Changes to legislation need to be identified and considered within that review process.</p> <p>As a guideline, it is not appropriate to use language that suggests that compliance is mandatory.</p> <p>The level of request for cultural information and consultation described in the NLC comment would normally be appropriate for a <i>Terms of Reference</i> document, unless a risk assessment had flagged this aspect as a key risk/consideration for the proposed action. This</p>

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	<p>PER is eventually written.</p> <ul style="list-style-type: none"> We note that under Section 8(3) of the <i>Environmental Protection Authority Act (2012)</i>, the EPA is required to encourage community engagement and involvement and to ensure that transparent processes are in place. As part of this, a mechanism must be put in place to ensure that NOI documents are routinely provided to the general public. The NOI Guideline must also be applicable to projects being proposed for the nearshore marine and intertidal zones. The NOI Guidelines must make consideration of cumulative impacts, consistent with other documents related to environmental impact assessments. The Guideline for NOI must reflect the principles of Ecologically Sustainable Development. 	<p>NOI Guideline is intended to focus on preliminary information necessary to make a decision on level of assessment.</p> <p>Noted. There is no requirement to make NOIs available on the NT EPA website. Where a project requires assessment under the EA Act, NOIs will be made available with the release of draft Terms of Reference.</p> <p>The NOI Guideline is applicable to projects being proposed for the nearshore marine and intertidal zones.</p> <p>Section 5.2, Table 1, <i>Potential impacts</i> has been amended to state:</p> <p><i>Describe any potential cumulative impacts (successive, incremental and combined impacts of past, present and foreseeable actions).</i></p> <p>The requirement to consider the principles of ESD is incorporated into the Terms of Reference for proposed actions assessed under the EA Act.</p>
<p>Environment Institute of Australia and New Zealand Northern Territory Division</p>		
<p>Section 5.2 Content</p>	<ul style="list-style-type: none"> Land use history (page 10 draft); the guideline asks to advise if the site has been registered as a contaminated site under WMPC Act. Is there 	<p>Addition made to <i>section 7 / Table 2 - Useful resources / Northern Territory Government</i></p>

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	<p>such a register that is accessible to the public/consultants?</p> <ul style="list-style-type: none"> • While readily available cultural heritage information should be summarized in the NOI, it is way too early in the project development for on-ground surveys or the subsequent AAPA certificates • MNES (page 12 draft); it appears that this section is to ensure that the proponent has assessed the level of impact on MNES and responded accordingly (submitted an EPBC Referral if significant impact is likely). While we support that intent, we have some difficulty in the request for a description of the impact of MNES to be provided in an NOI -it is not in the ambit of the NT EPA. 	<p><i>Resources / Northern Territory Environment Protection Authority:</i></p> <p>Site contamination: http://www.ntepa.nt.gov.au/waste-pollution/compliance/audits/contamination</p> <p><i>Section 5.2 - Existing environment / Cultural heritage environment has been amended to state:</i></p> <p><i>To address demonstrate sacred sites clearance, attach a current Authority Certificate(s), or advise on status of obtaining an Authority Certificate(s) issued by the Aboriginal Areas Protection Authority.</i></p> <p>An understanding of the potential impact on MNES within an NOI is critical to the NT EPA understanding the environmental significance of a proposed action and whether the bilateral agreement between the Commonwealth and Northern Territory Government's is likely to apply. MNES matters are within the ambit of the NT EPA.</p>
<p>Minerals Council of Australia</p>		
<p>General Comments</p>	<p>The Minerals Council of Australia Northern Territory Division (MCA NT) welcomes the opportunity to provide comment on the Northern Territory</p>	<p>Noted</p>

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(cover letter)	<p>Environment Protection Authority - Draft Guideline for the Preparation of a Notice of Intent (NoI).</p> <p>The MCA is the peak industry organisation representing Australia's exploration, mining and minerals processing industry, nationally and internationally, in its contribution to sustainable development and society. The MCA's strategic objective is to advocate public policy and operational practice for a world-class industry that is safe, profitable, innovative, and environmentally and socially responsible, attuned to its communities' needs and expectations.</p> <p>The Australian minerals industry is committed to environmental regulation that is both efficient in its operation and effective in achieving desired outcomes. Accordingly, the MCA strongly supports the periodic review and improvement of environmental impact assessment to achieve this. The drafting and public review of the Northern Territory Environment Protection Authority's Guideline for the Preparation of a Notice of Intent exemplifies the Government's commitment to continual improvement and is to be commended.</p> <p>The draft Guideline specifies the range and scope of information the EPA needs to determine if a proposal requires formal assessment under the Environmental Assessment Act (NT), and, if so, at which level: NoI, Public Environmental Report or Environmental Impact Statement. It will benefit both proponents and the NT EPA by:</p> <ul style="list-style-type: none"> • Ensuring proponents can target and provide all essential information in the NoI and thus avoid costly delays associated with having to respond to requests from the NT EPA for further information; and • Ensuring the NT EPA has all the information it requires to determine the appropriate level of assessment for each proposal, so that it can provide timely advice to the proponent. <p>An efficient and effective EIA process increases business confidence and enhances Australia's reputation as an investment destination for</p>	

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	<p>responsible development, while upholding environmental standards.</p> <p><i>Summary of MCA NT comment on the Draft Guideline for the Preparation of a Notice of Intent</i></p> <p>The MCA NT has completed its review of the Draft Guideline and included its detailed feedback in the NT EPA's Submission Form (Attachment A). Overall, the document is clear, well-organised and easy-to-read, all of which would assist our members in providing adequately complete Nols that 'get it right' the first time. Comments in the form identify the relatively few instances where existing wording is ambiguous, inaccurate or imprecise, and suggests alternative wording to avoid these issues.</p> <p>We have also provided editorial comment on the document itself (tracked changes) to address typographical, spelling, grammatical and other errors to improve the overall quality of the document (Attachment B).</p>	
<p>Abbreviations and glossary</p>	<p><i>responsible Minister: The Minister <u>primarily responsible</u> for authorising an action/ proposed project</i></p> <ul style="list-style-type: none"> • What does this mean? Do you mean “Minister with primary responsibility for authorising...?” <p><i><u>authorising authority</u>: The department....</i></p> <ul style="list-style-type: none"> • Tautological. How about “authorising body” or “authorising entity”? 	<p>No change to definition of responsible minister as this is the definition from the EA Act.</p> <p>Amendment to <i>Abbreviations and glossary / authorizing authority</i>:</p> <ul style="list-style-type: none"> • <i>authorising authority agency</i>
<p>1 Introduction P 4, par 2</p>	<ul style="list-style-type: none"> • EIA is an analytical and predictive tool allowing environmental issues to be considered in a systematic and balanced way. • EIA on its own cannot ensure that “unnecessary and unacceptable harm to the environment can be avoided.” Effective environmental protection depends on <ul style="list-style-type: none"> ○ how well the environment in the project area is understood, as a basis for predicting adverse impacts and tailoring appropriate 	<p>Amendments made to <i>section 1-Introduction</i>: <i>...It enables environmental issues to be considered in a systematic and balanced way with other aspects involved in relevant for determining the acceptability of a proposal and ensures that identifies measures to avoid unnecessary and unacceptable harm to the environment can be avoided.</i></p>

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	<p>avoidance, minimisation and mitigation measures;</p> <ul style="list-style-type: none"> ○ effectively implementing such measures during construction, operation and decommissioning; and ○ other considerations. <p>The following suggested word change is more accurate in making no promises for the eventual implementation or effectiveness of measures or approval conditions, which EIA cannot do:</p> <p>“It enables environmental issues to be considered in a systematic and balanced way with other aspects relevant for determining the acceptability of a proposal and identifies measures to avoid unnecessary and unacceptable harm to the environment.”</p>	
Section 2 - Objectives	<p>Dot point 2, suggest:</p> <ul style="list-style-type: none"> • minimum information requirements to enable for the NT EPA to make a decision on determine whether if a proposal requires assessment under the EA Act. 	<p>Amendment to <i>section 2 - Objectives</i></p> <ul style="list-style-type: none"> • <i>minimum information requirements to enable for the NT EPA to make a decision on determine whether if a proposal requires assessment under the EA Act.</i>
Section3 - Limitations	<p>Suggested edit:</p> <p><i>The NT EPA has prepared this document in good faith, exercising all due care and attention, but no representation or warranty, express or implied, is made as to the relevance, completeness or fitness for purpose of this document in respect of any particular user’s circumstances. Users of this document should satisfy themselves concerning its application to their situation and, where necessary, which may require expert legal, environmental or other advice.</i></p> <p>Why is the paragraph above in italics?</p>	<p>The paragraph is a standard legal disclaimer used in all NT EPA documents. Italics are used for emphasis.</p>

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<p>Section 4.1 - Environmental Assessment Act (NT)</p>	<p>Suggested edits: (3rd paragraph) <i>...purpose of an NOI is to provide the NT EPA with sufficient information to decide whether if further assessment...</i> (4th paragraph) <i>...request further information from a proponent as necessary to enable the NT EPA to determine whether if assessment...</i> (5th paragraph) ... authorising authority whether or not if a PER or EIS is required....</p>	<p>Section 4.1 has been amended in response to various comments and to more closely align with the Environmental Assessment Administrative Procedures.</p> <p><i>'whether' replaced with 'if' where appropriate.</i></p>
<p>Section 4.2 - Other Northern Territory legislation</p>	<p>Suggested edit: (2nd paragraph) responsible Ministers and authorising authorities entities to determine whether</p>	<p>Amendment to <i>section 4.2 - Legislative requirements / Other Northern Territory legislation:</i> <i>...responsible Ministers and authorising authorities agencies to determine...</i></p>
<p>Section 4.3 - Environment Protection and Biodiversity Conservation Act 1999</p>	<p>Suggested edits: <i>The environment assessment process of the EPBC Act protects or otherwise addresses Matters of National Environmental Significance, which include:...</i> Comment: The EPBC Act does not PROTECT "nuclear actions." Adding these additional words allows this class of actions to be included .</p>	<p>Amendment made to <i>section 4.3-Environment Protection and Biodiversity Conservation Act 1999:</i> <i>The environment assessment and approvals process of the EPBC Act aims to protect Matters of National Environmental Significance, which include:...</i> Amendments to <i>section 4.3 - Legislative requirements / 4.3 Environment Protection and Biodiversity Conservation Act 1999:</i></p> <ul style="list-style-type: none"> • <i>The EPBC Act also aims to protects..</i>

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	<p>...It is important to Note that the NT and EPBC Act assessment processes have independent notification procedures. Concurrent referrals of proposed actions are encouraged into for both the NT and EPBC Act EIA processes, where appropriate.</p>	<p>Amendment:</p> <ul style="list-style-type: none"> It is important to Note that the NT and EPBC Act assessment processes have independent notification procedures. Concurrent referrals of proposed actions are encouraged into for both the NT and EPBC Act EIA processes, where appropriate.
<p>Section 5.1 - Style</p>	<p>(3rd dot point) Suggested edit.</p> <ul style="list-style-type: none"> Issues where information or knowledge is unknown or where it is to be determined through future studies should be clearly identified. <p>When information or knowledge for relevant issues is unknown or where it is to be determined through future studies, this should be clearly identified.</p>	<p>Amendment to section 5.1 – Style (3rd dot point):</p> <ul style="list-style-type: none"> Issues where information or knowledge is unknown or When information or knowledge for relevant issues is unknown or where it is to be determined through future studies, this should be clearly identified.
<p>Section 5 - Information requirements 5.2 Content, par 3</p>	<ul style="list-style-type: none"> <i>The Guideline should assist the proponent by identifying the kinds of information to be summarised in the suggested table, e.g. Title, Proponent, location (with AMGs or lat longs), size of footprint, product/service, etc.</i> <p>Would information identified in Table 1 suffice? Could a blank table with headings comprising the minimum range of information required be provided as a template attached to the <i>Guideline</i>?</p>	<p>The suggestion that the project description be summarised in a table is to provide a brief, readily accessible outline of the scope of a proposed action. To avoid confusion this suggestion has been removed. <i>Section 5.2, 3rd para</i> amended:</p> <p>The NOI should provide a clear, consistent and detailed description of the project. This should be summarised in a table. Providing an appropriately detailed description is important as it defines the</p>

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	<p><i>should have thoroughly considered the project to minimise the need to make variations to the proposal while it is under assessment. The need to vary the project description during the EIA process can result in prolonging the assessment timeframe and greater costs to the proponent, who might have to, for example, engage consultants to provide revised designs, maps and other information essential for the EIA.</i></p> <p>(5th paragraph)</p> <p>... in a number of ways For , for example, by broadly ...</p> <p>(Presenting a flexible project description, Example 1) (Presenting a flexible project description, Example 2)</p> <p>Suggested edits:</p> <p><i>The proponent will present each option in its NOI as a separate alternatives, describing each according to the information requirements in this Guideline. The proponent will indicate in the NOI when the decision for the preferred alternative will be made and advise the NT EPA when that decision has been made.</i></p>	<p>Amendments made to section 5.2 -Content:</p> <ul style="list-style-type: none"> • (5th paragraph) ... in a number of ways For , for example, by broadly ... • <i>The proponent will present each option in its NOI as a separate alternatives, describing each according to the information requirements in this Guideline. The proponent will indicate in the NOI when the decision for the preferred alternative will be made and advise the NT EPA when that decision has been made.</i>
Table 1 - title	<p>Suggested edit:</p> <p>Table 1: Recommended minimum NOI information requirements</p>	<p>Amendment made to section 5.2 Table 1 title: <i>Table 1: Recommended minimum requirements information content of a Notice of Intent</i></p>
Table 1 - Regulation	<p>Suggest specifying that both Northern Territory and Commonwealth legislation be identified and indicate relevance to the project and approvals.</p>	<p>Addition made to section 5.2 Table 1 / Regulation: <i>Briefly outline the Northern Territory and Commonwealth legislation applicable ...</i></p>

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		Existing request to 'briefly outline' provides opportunity to indicate relevance to the project and approvals.
Table 1 - Detailed description of project proposal and Project overview,	<p>(3rd dot point)</p> <ul style="list-style-type: none"> “area of development” is ambiguous. Do you mean areal extent (i.e. footprint), or location/region? If the former, indicate “areal extent (footprint).” <p>(last paragraph)</p> <p>Suggested edit:</p> <p>It is noted that t<i>Timeframes and proposed activities...</i></p>	<p>Amendment made to <i>section 5.2 Table 1/Detailed description of project proposal / Project overview</i></p> <ul style="list-style-type: none"> area areal extent (footprint) of development <ul style="list-style-type: none"> It is noted that tTimeframes and proposed activities ...
Table 1 - Existing environment, 7th dot point	<ul style="list-style-type: none"> It would be useful under open dot 2, to specify NT and EPBC lists of threatened species or ecosystems. Similarly, under open dot 3, it would be useful to specify NT and national lists of significant weeds, including Weeds of National Significance and National Environmental Alert List weeds. 	<p>Additions made to <i>section 5.2 / Table 1 / Existing environment (7th dot point -sub-dot points)</i>:</p> <ul style="list-style-type: none"> o listed (NT and EPBC Act) threatened species or ecosystems on site or adjacent to the development area o current status and classes of weeds and feral animals on site or adjacent to the development area.
Table 1 - Measures to avoid or reduce impacts	<p>(3rd dot point)</p> <p>Suggested edit:</p> <ul style="list-style-type: none"> certainty confidence that the measure will be implemented 	Amended as suggested.
General comments	Overall, the document is clear, well-organised and easy-to-read, all of which would assist proponents in providing adequately complete Nols that ‘get it right’ the first time.	Noted

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<p>Amateur Fishermen’s Association of the NT Inc.</p>		
<p>General comments</p>	<p>AFANT welcomes the opportunity to comment on the EPA’s Guidelines for the Preparation of a Notice of Intent. We recognise that the NOI’s are invaluable in determining what actions or development proposals have the potential to have an effect on the environment and hence require an environmental impact assessment.</p> <p>AFANT sees two significant flaws within the current NOI process which have been have not been adequately addressed in this document and need to be rectified.</p> <p>Firstly, a proponent is not required to resubmit an NOI if the nature of their development/proposal changes. Unfortunately this was the case at the recent Port Melville development in which the initial NOI was for a Port for wood chip export and was not resubmitted for the change to an oil/gas port, a significantly more environmentally hazardous operation.</p> <p>Secondly, AFANT believes legislation must be put into place for every NOI to provide sufficient information to the EPA within an adequate timeframe.</p> <p>Often in the past construction has started on projects without the EPA receiving adequate documentation to fully assess NOI’s or determining if a broad scale EIS is required. AFANT believes enforcement and penalties must apply to companies who attempt such behavior and fail to follow proper processes.</p>	<p>Noted.</p> <p>The EAAP contains provision for re-assessment of project alterations, where the environmental significance of the action has changed (clause 14A). Port Melville highlighted broader issues with the NT environmental assessment and approval process that cannot be addressed in this Guideline.</p> <p>Noted. Issue cannot be addressed in this Guideline.</p> <p>Noted. Issue cannot be addressed in this Guideline.</p>