

**OPPORTUNITIES AND TIMEFRAMES FOR
COMMUNITY ENGAGEMENT IN THE
ENVIRONMENTAL IMPACT ASSESSMENT
PROCESS**

Information for proponents and the public

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Version 1.0

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Abbreviations and glossary

Term	Definition
EA Act	<i>Environmental Assessment Act</i>
EAAP	Environmental Assessment Administrative Procedures
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
environment	As defined in the EA Act, “ <i>environment means all aspects of the surroundings of man including the physical, biological, economic, cultural and social aspects</i> ”
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
Minister	Refers to the Minister responsible for the EA Act, currently the Minister for Environment and Natural Resources
NT EPA	Northern Territory Environment Protection Authority
Objective of the EA Act	<p>The objective as stated under section 4 of the EA Act:</p> <p>“... the object of this Act is to ensure, to the greatest extent practicable, that each matter affecting the environment which is, in the opinion of the NT EPA, a matter which could reasonably be considered to be capable of having a significant effect on the environment, is fully examined and taken into account in, and in relation to:</p> <ul style="list-style-type: none"> • the formulation of proposals; • the carrying out of works and other projects; • the negotiation, operation and enforcement of agreements and arrangements (including agreements and arrangements with, and with authorities of, the Commonwealth, the States and other Territories); • the making of, or the participation in the making of, decisions and recommendations; and • the incurring of expenditure, <p>by, or on behalf of, a person, either alone or in association with another person”</p>
PER	Public Environmental Report
PER (Bilateral)	A Public Environmental Report prepared in accordance with the EAAP where the modified procedures apply
proponent	A person, organisation or agency responsible for the development or execution of a proposed action

Term	Definition
proposed action or proposal	Means a matter referred to in the Object of the EA Act, under sections 4(a), 4(b), 4(c), 4(d) or 4(e) Often referred to by proponents as 'project'
Responsible Minister	The Minister primarily responsible for authorising the proposed action
ToR	Terms of Reference

1 Introduction

In the Northern Territory, proposed actions that have the potential to have a *significant effect* on the environment require environmental impact assessment (EIA) under the *Environmental Assessment Act* (EA Act). The EA Act is administered by the Northern Territory Environment Protection Authority (NT EPA).

EIA is a predictive tool for identifying and characterising environmental impacts and risks associated with a proposed development. The process provides the NT EPA with the information it needs to advise decision-makers on matters that could significantly affect the environment. It enables environmental issues to be considered in a systematic and structured way with other aspects relevant for determining the environmental acceptability of a proposal and identifies measures to avoid, mitigate and minimise unnecessary and unacceptable harm to the environment.

Integral to the process is community engagement and involvement. Community information and views obtained through the assessment process informs the assessment process and the recommendations made by the NT EPA, decisions by the Minister for Environment and Natural Resources, the proponent and the responsible Minister (i.e. the Minister responsible for issuing the approval that will allow the proposal to be implemented).

The EA Act and the *Environmental Assessment Administrative Procedures* (Procedures) set out the processes and procedures about how EIA is conducted in the Northern Territory.

1.1 Purpose

This document identifies:

- where the public can contribute to environmental decision making through the environmental impact assessment process.
- what matters the NT EPA takes into consideration in determining timeframes for the public exhibition of the proponent's assessment information.
- how the NT EPA advises the proponent about the public exhibition timeframe.

2 Opportunities for community involvement

Public exhibition of the proponent's assessment information provides an opportunity for the public, community organisations and other stakeholders and Government to comment on a proposal's environmental issues.

Invitations for public comment are advertised in various media by the NT EPA or the proponent and copies of documentation are placed on display at relevant public places, as well as on the NT EPA website.

There are two opportunities for community involvement specified in the assessment process:

1. When the NT EPA develops Terms of Reference for the assessment of a proposal.
2. When the proponent exhibits information in a draft public environmental report (PER), a draft PER assessed under a bilateral agreement with the Australian Government (PER Bilateral), or a draft environmental impact statement (EIS).

3 Determining public exhibition timeframes

The large variation in the scale and complexity of proposed actions, and the nature of the receiving environment, requires a proportionate approach to ensure adequate opportunity for community involvement and engagement.

More complex proposals that may present more significant environmental impacts or risks and/or intersect significant environmental, economic or social values may warrant longer exhibition timeframes to enable the community to make informed comments.

Timeframes specified by the NT EPA may also reflect the complexity of the proponent's assessment documentation as well as the need for more targeted or specific community engagement practices by the proponent.

3.1 Terms of Reference

Terms of Reference specify those parts of the environment that the NT EPA considers could be significantly affected by the proposal and identify the information that it needs to conduct an EIA through an understanding of:

- the potential impacts and risks to the environment
- how the potential impacts and risks can be avoided, minimised or mitigated.

Draft Terms of Reference for a proposal being assessed as a PER or EIS can be exhibited for a maximum period of 14 days. Draft Terms of Reference for a proposal being assessed as a PER Bilateral must be exhibited for a minimum period of 14 days.

It is the NT EPA's usual practice to exhibit Terms of Reference for 14 days. Only in exceptional circumstances will the NT EPA exhibit Terms of Reference for a shorter or longer period.

3.2 Draft PER

A draft PER must be exhibited for a maximum period of 28 days.

Only in exceptional circumstances will the NT EPA direct a proponent to exhibit a draft PER for a shorter period.

3.3 Draft PER Bilateral

A draft PER Bilateral must be exhibited for a minimum period of 28 days.

In choosing an exhibition period the NT EPA will consider the potential impacts on the environment and its significance criteria (see Box 1).

The NT EPA is unlikely to specify an exhibition period of less than 6 weeks.

3.4 Draft EIS

A draft EIS must be exhibited for a minimum period of 28 days.

In choosing an exhibition period the NT EPA will consider the potential impacts on the environment and its significance criteria (see Box 1).

Based on its assessment, the NT EPA may determine an exhibition period of up to 16 weeks is required to permit appropriate consultation. The NT EPA is unlikely to specify an exhibition period of less than 8 weeks.

3.5 Exhibition at Christmas and New Year

Where a proposed exhibition period is intended to start at the end or beginning of a calendar year (nominally between 1 December and 31 January), the NT EPA is likely to require an extended public exhibition period. Up to 6 weeks may be added to any public exhibition period planned for this time of year.

BOX 1. Significant effect – matters considered by the NT EPA

In determining whether a proposed action is capable of having a significant effect on the environment the NT EPA may have regard to various matters, including the following:

1. Objects of the EA Act, EAAP or other NT environmental legislation
2. Values (e.g. effects to **environmental factors and objectives**), sensitivity and quality of the environment which is likely to be impacted
3. Extent (intensity, duration, magnitude, frequency and geographic footprint) of likely impacts
4. Consequence of likely impacts (or change)
5. Resilience of the environment to cope with the impacts or change
6. Cumulative impact with other actions
7. Connections and interactions between parts of the environment to inform a holistic view of impacts to the environment
8. Level of confidence in the prediction of impacts and the success of proposed mitigation
9. Public interest about the likely effect of the proposed action on the environment and public information that informs the NT EPA's assessment.

4 Notification to proponents

To assist proponents in planning their projects and undertaking the environmental impact assessment process, the NT EPA will identify its likely public exhibition timeframes in the final Terms of Reference issued to the proponent.

General information about a proponent's responsibility to publish advertisements and display the information at relevant public places is available in the NT EPA's guideline on preparing an EIS. The final Terms of Reference will identify any specific requirements for advertising or display as well as the likely period for public exhibition.

The likely public exhibition requirements will be confirmed, or amended, by the NT EPA after consultation with the proponent at a pre-lodgement meeting prior to the proponent commencing public exhibition on the draft PER, draft PER Bilateral or draft EIS (Figure 1).

5 Further information

Further information and guidance on the EIA process is available on the NT EPA website at: <https://ntepa.nt.gov.au/environmental-assessments>.

Comments on this guideline are welcomed and should be directed to the NT EPA:

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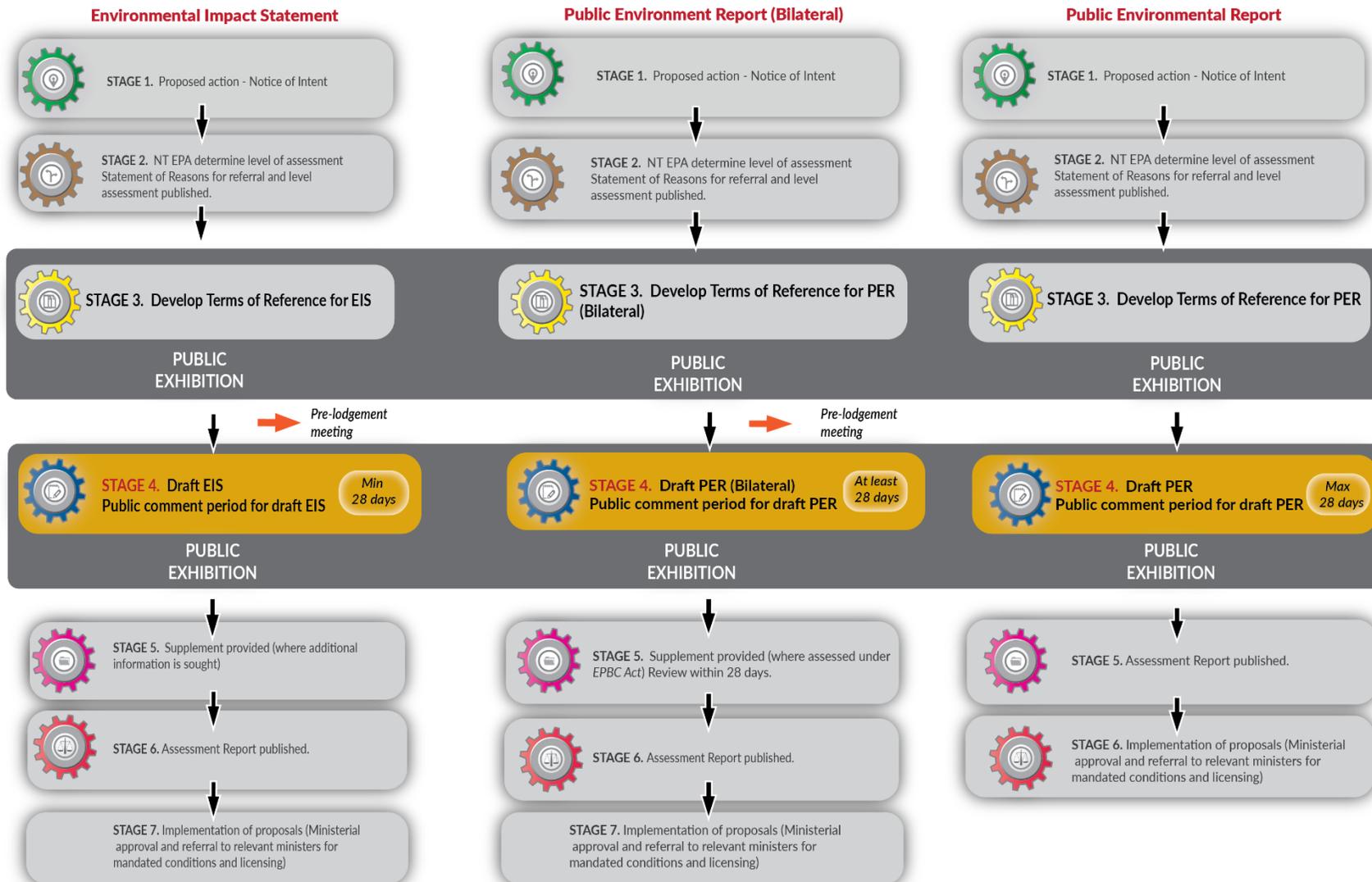


Figure 1: EIA process diagram and public exhibition stages