

**GUIDELINE FOR THE PREPARATION OF A NOTICE OF
INTENT**

DRAFT

May 2015
Version 0.7

Abbreviations and glossary	3
1 Introduction.....	4
2 Objectives	4
3 Limitations	4
4 Legislative requirements.....	5
4.1 <i>Environmental Assessment Act (NT)</i>	5
4.2 Other Northern Territory legislation	5
4.3 <i>Environment Protection and Biodiversity Conservation Act 1999</i>	6
5 Information requirements	6
5.1 Style	6
5.2 Content	7
6 Where to submit a Notice of Intent	13
7 Further information	13

DRAFT

Abbreviations and glossary

EA Act	<i>Environmental Assessment Act (NT)</i>
EAAP	Environmental Assessment Administrative Procedures
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
NT EPA	Northern Territory Environment Protection Authority
PER	Public Environmental Report
proponent	Person or company seeking to pursue an action/ proposed project
responsible Minister	The Minister primarily responsible for authorising an action/ proposed project
authorising authority	The department, agency, statutory body or official, other than a responsible Minister, responsible for authorising an action/ proposed project

1 Introduction

In the Northern Territory, actions or development proposals 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 the 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 balanced way with other aspects involved in determining the acceptability of a proposal and ensures that unnecessary and unacceptable harm to the environment can be avoided.

The initial notification of a proposal to the NT EPA for consideration under the EA Act is called a Notice of Intent (NOI). An NOI is a brief document that allows a reader to understand the size and scope of a proposed project, the environment in which it is proposed, and the likely environmental risks associated with the proposal.

2 Objectives

The objective of this Guideline is to provide project proponents with advice on:

- the role of an NOI in the environmental impact assessment process
- minimum information requirements to enable the NT EPA to make a decision on whether a proposal requires assessment under the EA Act.

Proponents are encouraged to consult with the NT EPA when preparing an NOI to ensure it adequately meets the requirements outlined in this Guideline.

3 Limitations

This guidance is:

- confined to generic matters relating to the preparation of an NOI and does not address more proposal-specific issues that may be of significance
- not an instrument for predicting outcomes of deliberations by the NT EPA
- designed to promote a more certain and consistent approach to the preparation of NOIs.

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, seek expert advice.

4 Legislative requirements

4.1 *Environmental Assessment Act (NT)*

The EA Act and associated Environmental Assessment Administrative Procedures (EAAP) establish the environmental impact assessment process in the Northern Territory. The process is described in the Guide to the EIA Process in the NT (http://www.ntepa.nt.gov.au/_data/assets/pdf_file/0007/125944/Guide-to-EIA-Process-in-NT.pdf) and summarised in a flowchart on the NT EPA website (http://www.ntepa.nt.gov.au/_data/assets/pdf_file/0020/6590/eiaFlowchart.pdf).

The assessment process commences when an NOI, prepared by a proponent, is submitted to the NT EPA. A project proponent may submit an NOI directly to the NT EPA, or an NOI may be referred to the NT EPA by a responsible Minister or an authorising authority.

The purpose of an NOI is to provide the NT EPA with sufficient information to decide whether assessment of the proposal is required, either as a Public Environmental Report (PER) or an Environmental Impact Statement (EIS). If the EPA decides the environmental risks are negligible or minor and can be managed by an Environmental Management Plan then an EIS or PER will not be required. To assist it in making this decision, the NT EPA may consult with relevant Northern Territory Government agencies on the NOIs that it receives.

If an NOI does not provide sufficient information for the NT EPA to make an informed decision, or its advisory agencies to provide informed comment, the NT EPA may, within 14 days of receiving the NOI, request further information from a proponent as necessary to enable the NT EPA to determine whether assessment as a PER or EIS is required.

Having considered the NOI, the NT EPA will advise the proponent and responsible Minister or authorising authority whether or not a PER or EIS is required. This decision is based on whether the project is likely to have a significant impact on the environment.

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 NOI in order to determine if the proposed action requires assessment.

The NOI is not initially available for public viewing when being considered by the NT EPA. An NOI will be made available on the NT EPA website if a project requires assessment as a PER or EIS.

4.2 *Other Northern Territory legislation*

EIA may be necessary for projects that require approval under a range of Northern Territory legislation. This includes, for example, development projects requiring approval under the *Planning Act* or mining activities requiring approval under the *Mining Management Act*.

The NT EPA has prepared a range of guidelines to assist proponents, responsible Ministers and authorising authorities to determine whether or not to submit or refer a project to the NT EPA for consideration (<http://www.ntepa.nt.gov.au/environmental-assessments/factsheets-and-guidelines>).

4.3 **Environment Protection and Biodiversity Conservation Act 1999**

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's key piece of environmental legislation. Approval under the EPBC Act may be required for any proposed action likely to have a significant impact on a matter protected by the EPBC Act. The environment assessment process of the EPBC Act protects Matters of National Environmental Significance, which include:

- World Heritage properties
- National Heritage Places
- wetlands of international importance
- nationally threatened animal and plant species and ecological communities
- internationally protected migratory species
- Commonwealth marine areas
- Great Barrier Reef Marine Park;
- nuclear actions (including uranium mines)
- a water resource, in relation to coal seam gas development and large coal mining development.

The EPBC Act also protects:

- the environment, where actions proposed are on, or will affect Commonwealth land
- the environment, where Commonwealth agencies are proposing to take an action.

Further information on the EPBC Act and referral information can be found at:

<http://www.environment.gov.au/epbc>.

A proposal to be carried out in the Northern Territory may require assessment under the Northern Territory EA Act and the Commonwealth EPBC Act. 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 both the NT and EPBC Act EIA processes, where appropriate.

5 **Information requirements**

5.1 **Style**

The following points should be considered when preparing an NOI:

- All information must be accurate, objective, clearly presented and unambiguous.
- Assertions and assumptions should be supported by adequate argument and/or evidence and any evidence appropriately referenced.
- Issues where information or knowledge is unknown or where it is to be determined through future studies should be clearly identified.
- All sources of information should be referenced.

- The best available information should be used and the adequacy of data for assessing potential environmental impacts should be discussed.
- Technical terminology should be avoided as far as possible. Where used, technical terminology should be defined and technical data and supplementary reports necessary to support the main text should be included in appendices.
- Information should be presented on maps, diagrams and plans to enhance the level of understanding. Maps showing the respective locations of physical features should be provided in an appropriate scale, resolution and clarity. When providing maps or referring to spatial databases, the coordinate reference system being used should be specified.

5.2 Content

The range of issues covered and level of detail provided in an NOI will vary depending on the characteristics of a development proposal. If the level or quality of information in an NOI is not sufficient to allow the NT EPA to make an assessment decision, the NT EPA may request further information from the proponent. Requests for further information can result in longer assessment timeframes.

It is acknowledged that there may be a degree of overlap with some issues addressed in an NOI and it will be up to proponents to determine how best to present information.

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 proposal upon which the NT EPA makes its assessment decision. Care should be taken to define the activities that are, and are not, part of the proposal.

The project description should be well-thought out so as to avoid, wherever possible, the need to make variations to a proposal while it is under assessment. The need to vary the project description during the EIA process can result in longer assessment timeframes and greater costs to the proponent.

An effective project description may incorporate flexibility to accommodate future decisions resulting from enhanced design or changed circumstances such as market conditions. Flexibility may be achieved in a number of ways. For example, by broadly defining a maximum development area, or footprint, within which project elements will be included, as demonstrated in Example 1 below, or by providing details for a number of alternatives (Example 2).

Proponents should note that if the NT EPA decides that assessment is required, any alternatives proposed may need to be assessed as part of a PER or EIS.

Presenting a flexible project description

Example 1

A proponent wishes to construct an open pit mine, with an accommodation village, airstrip and roads. The pit will be constructed over an area of 60 ha in a known location, but the precise location of the 10 ha village site and 25 ha airstrip is yet to be determined, within a 200 ha development area. Roads will cover up to 100 ha within a known road corridor.

The NOI will provide the known area and location of the pit. To provide flexibility with the siting of other components, it will present the spatial areas of each project component and define the scale and location of the development area.

Example 2

A proponent is planning to construct an abattoir. The land area and location of infrastructure is known, but the proponent has three options for waste treatment, and a decision on the preferred option cannot be made until further market research is undertaken.

The proponent will present each option in its NOI as separate alternatives, describing each according to the information requirements in this Guideline. The proponent will indicate when the decision for the preferred alternative will be made.

In developing an NOI the NT EPA expects proponents to have conducted desktop investigations into relevant issues. Proponents are not expected to provide detailed reports of their own environmental monitoring or survey work at this stage of the EIA process.

Table 1 provides guidance on the information that the NT EPA expects to be included in an NOI. While the guidance aims to be comprehensive it is not exhaustive and additional information not identified in the table may be required depending on the characteristics of a proposal.

Table 1: Recommended NOI information requirements

Project details	<i>Project title</i>
	<p><i>Contact details:</i></p> <ul style="list-style-type: none"> • proponent (business name, primary contact person, postal address, phone, email, organisational structure and responsibility); name of parent company/companies if applicable • consultants (if acting on behalf of the proponent): (business name, primary contact person, postal address, phone, email) • joint-venture partners (if applicable) (name(s), contact details).
	<p><i>Location</i></p> <p>Describe the project location, including:</p> <ul style="list-style-type: none"> • latitude and longitude • street address, tenement details, lot/section numbers, town/hundred, other ancillary information as applicable • zoning/ land tenure and ownership of the location and surrounding areas • proximity to services including police, fire and emergency services • location within a regional context • planning context (e.g. any strategic planning, land use management plans and identified development corridors applying to the proposed site).

<p>Regulation</p>	<p>Briefly outline the legislation relevant to the proposal and any approvals, licences or permits received and/or required for the project to proceed. For example:</p> <ul style="list-style-type: none"> • development permit required under the <i>Planning Act</i> • environment protection approval or licence required under the <i>Waste Management and Pollution Control Act</i> • approval of Mining Management Plan required under the <i>Mining Management Act</i> or approval of an Environment Plan under the <i>Petroleum Act</i>.
<p>Detailed description of project proposal</p>	<p><i>Project overview</i></p> <p>Provide a clear and comprehensive project description, including:</p> <ul style="list-style-type: none"> • a description of all key activities involved in the proposal • layout of the site(s) and relevant activities, including site plan(s) • area of development • the timing and staging of the key activities of the proposal, including anticipated commencement and completion dates • a description of the key physical components of the project and their purpose/function, including infrastructure and major equipment • transport requirements including types of traffic, frequency, and use of public roads • social and economic details relating to the project (e.g. workforce requirements, expected economic benefits) • water and energy source(s) • waste water and solid waste requirements / infrastructure • decommissioning and rehabilitation measures. <p>It is noted that timeframes and proposed activities may be estimates at the time of submission of the NOI, and may be dependent on regulatory approvals and company funding commitments.</p> <hr/> <p><i>Alternatives</i></p> <p>Describe any alternatives under consideration for project:</p> <ul style="list-style-type: none"> • location • timeframe • activities. <hr/> <p><i>Landscape</i></p> <p>Describe how the project will change the landscape. Include information on the following:</p> <ul style="list-style-type: none"> • area of land clearing and extent of land disturbing activities • digging, trenching, removal or reshaping of land

	<ul style="list-style-type: none"> • re-contouring of drainage lines • landform changes (e.g. coastal reclamation). <p>Provide details of any proposed modification of or interference with waterways, including waterway diversion works, dam construction, stormwater harvesting.</p>
	<p><i>Surface and ground water</i></p> <p>Describe estimated water extraction requirements:</p> <ul style="list-style-type: none"> • location and source of water extraction • volume of water required • rate of extraction • other users of the water source who may be affected. <p>Describe expected water discharge requirements:</p> <ul style="list-style-type: none"> • source of discharge water (e.g. production, wash down, stormwater) • volume and rate of discharge • type and volume of contaminants • changes in nutrient loads • discharge site(s).
	<p><i>Air quality</i></p> <p>Describe the potential for air emissions from the proposal. Include information on the following:</p> <ul style="list-style-type: none"> • source of emissions to air • estimated volume and rate of emissions • expected contaminants • discharge location/s.
<p>Land use history</p>	<p>Outline the land-use history of the proposed site(s), to the extent possible from available information, including the extent and nature of previous activities that may have caused soil, surface water and/or groundwater contamination or degradation.</p> <p>Where applicable:</p> <ul style="list-style-type: none"> • discuss the scope and extent of any previous or current investigations into or activities involving the remediation of soil, surface water or groundwater contamination on-site • advise if the site has been registered as a contaminated site under the <i>Waste Management and Pollution Control Act</i>.
<p>Existing environment</p>	<p><i>Natural environment</i></p> <p>Provide a description of the general characteristics of the proposed site(s) and the surrounding area that may be impacted by the proposal, including:</p> <ul style="list-style-type: none"> • climate

	<ul style="list-style-type: none"> • geology, geomorphology and soils • topography • natural processes of particular relevance to the existing environment (e.g. fire, flooding) • surface and groundwater hydrology • soil landscape • flora and fauna, including <ul style="list-style-type: none"> ○ vegetation types present on site, in particular, vegetation communities that may have regionally important biodiversity value (e.g. riparian corridors, wetlands, monsoon vine forests, sandsheet heath) ○ threatened species or ecosystems on site or adjacent to the development area ○ current status of weeds and feral animals on site or adjacent to the development area. <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.</p> <hr/> <p><i>Significant sites or features</i></p> <p>Describe the proximity of the proposal to any significant sites or features, including:</p> <ul style="list-style-type: none"> • National parks • Conservation reserves • Marine parks or reserves • Sites of conservation significance • World heritage properties • National heritage places • public/private reserves • Conservation zones under a planning scheme • significant natural land features (e.g. wetlands, caves, ranges, craters or sites of geological or geomorphological significance). <p>If the project is to occur in close proximity to the NT coastline:</p> <ul style="list-style-type: none"> • provide the expected setback of the project from the high tide level • describe the location of the proposed site in relation to storm surge zones. <hr/> <p><i>Cultural heritage environment</i></p> <p>Provide information on sacred, archaeological and other heritage sites, including maritime heritage, in the vicinity of the proposed development.</p> <p>To demonstrate sacred sites clearance, attach current Authority</p>
--	---

	<p>Certificate(s) issued by the Aboriginal Areas Protection Authority.</p> <p><i>Social and economic environment</i></p> <p>Describe the social and economic environment on a local and regional scale. Include details of:</p> <ul style="list-style-type: none"> • waterways used for recreational or commercial fishing activities, or by Indigenous communities for hunting and/or fishing • the amenity of local residents and social infrastructure such as schools, hospitals, affordable accommodation or recreation areas • lifestyles, available services, workforce, cultural practices or opportunities within local communities • existing visual amenity, e.g. aesthetic values, views, access to sunlight, night sky visibility • sites of high public interest, e.g. a major recreation area or natural scenic feature.
Potential impacts	<p>Describe the nature and extent of potential impacts from the project proposal, including but not limited to, impacts on:</p> <ul style="list-style-type: none"> • the natural environment • significant sites or features • the cultural heritage environment • the social and economic environment.
Measures to avoid or reduce impacts	<p>Provide a description of measures proposed to avoid, reduce, or manage impacts. Include technical advice relating to:</p> <ul style="list-style-type: none"> • feasibility of implementing a measure • effectiveness of the proposed measure • certainty that the measure will be implemented.
Matters of National Environmental Significance	<p>Describe the likelihood of significant impacts on matters of National Environmental Significance protected under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>State whether or not a referral has or will be submitted to the Australian Government responsible for administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p>
Proponent's statement of whether significant impacts are likely	<p>State an opinion on whether the proposal is likely to have a significant impact on the environment and reasons why.</p>

6 Where to submit a Notice of Intent

An NOI should be submitted to the NT EPA via one of the below:

by post:

NT Environment Protection Authority
GPO Box 3675
Darwin NT 0801

by hand:

The Avenue
Level 2, Suite 201
12 Salonika Street, Parap

or by email:

eia.ntepa@nt.gov.au

7 Further information

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

Table 2 provides web links to a range of resources that may be useful in preparing an NOI.

If you require assistance in applying this guideline to your circumstances or you are unsure whether an NOI or referral needs to be submitted for your project, please contact the NT EPA via the email or addresses listed above, or:

Tel 08 8924 4218
Fax 08 8924 4053

Table 2: Useful resources

<i>Department/ Agency</i>	<i>Tool / Resource</i>	<i>Web link</i>
Northern Territory Government Resources		
Northern Territory Environment Protection Authority	Air quality	http://www.ntepa.nt.gov.au/waste-pollution/air
	Environmental assessment	http://www.ntepa.nt.gov.au/environmental-assessments
	Waste and pollution guidelines and standards	http://www.ntepa.nt.gov.au/waste-pollution/guidelines
Aboriginal Areas Protection Authority	Sacred Site Authority Certificates	www.aapant.org.au

Department of Health	Environmental Health	http://www.health.nt.gov.au/Environmental_Health/index.aspx
	Medical Entomology – development guidelines	http://health.nt.gov.au/Medical_Entomology/index.aspx
Department of Lands, Planning and the Environment	Development One Stop Shop	http://lands.nt.gov.au/planning/onestopshop
	Heritage Branch	http://www.dlpe.nt.gov.au/heritage/about-us
	Northern Territory Land Information System	http://www.lands.nt.gov.au/land-info/ntlis/online
	Planning Scheme	http://lands.nt.gov.au/planning/planning-scheme
Department of Land Resource Management	Flooding and storm surge mapping	http://www.lrm.nt.gov.au/water/surface/flooding
	Natural resource maps	http://www.lrm.nt.gov.au/nrmapsnt
	Native vegetation	http://lrm.nt.gov.au/natveg/mapping
	Soil management	http://www.lrm.nt.gov.au/soil/management
	Threatened species	http://lrm.nt.gov.au/plants-and-animals/threatened-species
	Sites of Conservation Significance	http://www.lrm.nt.gov.au/plants-and-animals/conservation-for-land-managers/sites-of-conservation-significance
	Water resources	http://www.lrm.nt.gov.au/water
	Weed resources	http://www.lrm.nt.gov.au/weeds
Department of Mines and Energy	Energy – oil, gas, geothermal	http://www.nt.gov.au/d/Minerals_Energy/index.cfm?header=Energy%20-%20Oil,%20Gas,%20Geothermal
	Mining Compliance – guidelines and information	www.minerals.nt.gov.au/mining

	Spatial Territory Resource Information Kit for Exploration (STRIKE)	http://strike.nt.gov.au/;jsessionid=kbrjnbgjji1153i8b7sz46m0
Department of Primary Industry and Fisheries	Aquaculture	http://www.nt.gov.au/d/Fisheries/index.cfm?header=Aquaculture
Department of Transport	Transport infrastructure	http://www.transport.nt.gov.au/nroads/about-us
Power and Water Corporation	Electricity and water supply	http://www.powerwater.com.au/
Australian Government Resources		
Australian Government Department of the Environment	EPBC referral gateway	www.environment.gov.au/protection/assessments/approval-process/refer-action/form
	Protected Matters Search Tool	www.environment.gov.au/apps/boobook/mapservlet?app=ert
	Australian Heritage Database	http://www.environment.gov.au/topics/heritage/publications-and-resources/australian-heritage-database
Other Resources		
Flora and fauna	Atlas of Living Australia	www.ala.org.au
	NRM Infonet	www.infonet.org.au/infonet2/