

Guide for making a public submission

Environmental impact assessment Guidance for stakeholders

Document title	Guide for making a public submission
Contact details	Department of Environment, Parks and Water Security
Approved by	NT EPA
Document review	As required
TRM number	NTEPA2019/0141

Version	Date	Author	Changes made
0.1	1 April 2020	Environment Division	First draft version
0.2	20 April 2020	Environment Division	Draft for consultation
0.3	24 June 2020	Environment Division	Comments from public exhibition addressed where appropriate and discussed at NT EPA meeting 52
1.0	26 June 2020	NT EPA	Approved
2.0	6 January 2021	NT EPA	Updated for consistency with guidance material
3.0	7 June 2023	Environment Division	Consistency and publishing updates

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 please contact the Environment Division of the Department of Environment, Parks and Water Security. Appointments with relevant staff can be made through the contacts below:

Email: eia.ntepa@nt.gov.au
Tel: 08 8924 4218

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1. Introduction

The Northern Territory Environment Protection Authority (NT EPA) is responsible for administering the environmental impact assessment (EIA) process in the Northern Territory (NT) under the *Environment Protection Act 2019* (EP Act) and Environment Protection Regulations 2020 (EP Regulations). As set out in section 42 of the EP Act, a purpose of the EIA process is to ensure that the community has the opportunity to participate in, and to have its views considered, in decisions on proposed actions.

Public consultation is a key element of EIA in the NT. An object of the EP Act (section 3(d)) is to provide for broad community involvement during the process of EIA and environmental approval. The NT EPA invites public comment at various stages of an EIA process in line with the EP Act and EP Regulations. Any interested person wishing to make a submission during public consultation is welcome to do so.

The NT EPA invites public comment on EIA documents such as referral information, supplementary environmental report (SER), draft terms of reference (TOR) for an assessment by environmental impact statement (EIS), draft EIS, supplement to a draft EIS and may invite comment on additional information provided by a proponent in response to a direction. Submissions on the documents must be addressed to the NT EPA and submitted by 11:59pm Australian Central Standard Time (ACST) on the day that public consultation closes, within the specified consultation period.

The purpose of this guidance is to inform stakeholders and interested persons how to make a submission during the assessment process, when the NT EPA has published a notice inviting public submissions within a specified submission period.

2. Why make a submission?

By making a submission, you can express your views of the proposed action, raise any issues of concern, contribute knowledge and make suggestions. Your submission can help the NT EPA in assessing the accuracy, adequacy and suitability of the proponent's EIA documentation or a draft TOR, and can assist the proponent to understand and respond to the views of the community in relation to the proposed action.

The NT EPA considers submissions in preparing its assessment report, which assesses the potential significant impacts of the proposed action and whether environmental objectives are likely to be met, makes recommendations for avoiding, mitigation and managing those impacts, and advises the NT Minister for Environment, Climate Change and Water Security as to the environmental acceptability of the proposed action.

3. What to include in a submission

A submission may be as long or as short as you like. It can be helpful if you provide reasons for your conclusions, and provide relevant supporting data or references.

Below are some questions that you may like to consider when preparing a public submission:

- Does the document clearly describe the proposed action and the existing environment? Does it identify the environmental issues that you consider important?
- Are the avoidance and mitigation measures committed to by the proponent adequate to manage any potential significant environmental impacts?
- Is there recorded or anecdotal community, scientific or traditional knowledge or understanding of the natural and cultural values of areas that may be impacted by the proposed action, which could help in considering potential environmental impacts?

- Is there any other information that is incorrect or missing from the document?
- Could the project be improved in any way?
- Can you think of any alternative solutions or other ways of managing environmental impacts?

4. Group submissions, form responses and petitions

If you prefer not to prepare your own comments, you may wish to consider joining a group interested in making a submission on similar issues. Joint submissions can reduce the workload for individuals, and increase the pool of ideas and information. If you form a group, the names of participants may be included in the submission.

If the NT EPA receives a number of submissions in the form of a form response, or a petition prepared by a body or organisation, the NT EPA may publish one of the submissions or the substance of one of the submissions, or the substance or intent of the petition, along with the total number of submissions received, or the total number of persons who signed the petition.

5. Making your submission effective

An effective comment would be one that considers the purpose of EIA (section 42 of the EP Act) and that refers to a relevant issue or key matter in the relevant EIA document, noting that the definition of environment under the EP Act includes physical, biological, economic, cultural and social aspects.

Below are some points to help make your submission effective:

- Be brief, simple and clear. Organise your thoughts logically. Try to be specific, rather than general in your comments.
- Where possible, relate your comments to specific sections of the EIA document. Preferably, each comment should include a reference to the relevant section of the EIA document.
- Use dot points and headings to help organise your ideas. Use photographs, maps or sketches where appropriate.
- Be constructive in your comments, such as by identifying additional potential impacts, or options for avoiding, mitigating or managing impacts.
- Attach or provide links to any factual information you may wish to provide, such as scientific reports. Ensure your information is accurate.
- Include a summary of the main points if your submission is longer than a few pages.
- It is equally important to comment on parts of a proposed action that are positive or provide benefits and opportunities for the community.

Each submission is considered important in its own right, and those submissions that communicate reasons for concern and provide good information, advice or suggestions are of most value.

6. Requests not to publish submission

All public submissions received during an EIA process will be provided to the proponent and published on the NT EPA webpage, unless approval is granted to withhold a submission, or part of a submission, from publication.

A request not to publish a submission (or part thereof) may only be made to the NT EPA at the time of making the submission. The NT EPA will then decide whether to withhold the submission (or part thereof) from publication, or may decide to remove any identifying information of the submitter prior to publication. If the NT EPA decides to not publish a submission (or part thereof), it must still provide a copy of the submission to the proponent after removing any identifying information of the submitter.

The NT EPA may also decide not to publish a submission (or part thereof), despite the submitter wishing it to be published. This may include, but not be limited to, information in a submission that would breach privacy, copyright, or other legislation, contains inflammatory, offensive or inappropriate content, is defamatory or may expose a person to legal action, or that contains information that is confidential, culturally sensitive or commercially sensitive.

7. What happens next?

Your submission will be provided to the NT EPA. In the case of an assessment by referral information, submissions received on the referral will be considered by the NT EPA in making its assessment report. In the case of an assessment by SER, the proponent is required to respond in the SER to the submissions received on the referral. Any submissions received on the SER, will be considered by the NT EPA in making its assessment report, and where applicable, in preparing any direction to provide additional information to the SER.

In the case of an assessment by EIS, the proponent will be required to respond to submissions received on the draft EIS, in the Supplement to the draft EIS. Any submissions received on the Supplement to the draft EIS, will be considered by the NT EPA in making its assessment report, and where relevant, in preparing any direction to provide additional information to the EIS. Submissions received in relation to a draft TOR for an assessment by EIS or inquiry will be considered in preparing the final TOR for an assessment by EIS or inquiry. The NT EPA may consider submissions received when deciding whether to direct a proponent to provide additional information during an assessment process.

At the end of the assessment process, an Assessment Report will be prepared by the NT EPA. The report will include a summary of the relevant issues raised in public submissions and should allow you to see how your concerns were taken into account. The Assessment Report will be published on the NT EPA website.

8. How to make a submission

Public submissions may be made in writing to the NT EPA, and submitted:

- via the [Open consultations web page](#)
- in hard copy and posted to GPO Box 3675 Darwin NT 0801
- by delivery in person to Level 1, Arnhemica House, 16 Parap Road, Parap NT.

Submissions may also be made orally in person or by audio or audio-visual communication or recording, or in any other manner approved by the NT EPA pursuant to regulation 265 of the EP Regulations.

Comments made via social media are not considered submissions. Comments sent by email to officers or generic accounts are discouraged, as file size and other constraints may prevent emails being received. Undelivered emails are not considered as submissions.

9. Further information

Further information and guidance on the EIA process is available on the NT EPA website at:

www.ntepa.nt.gov.au.

You may keep up to date with NT EPA news, including opportunities for comment by completing the online subscription form at: <https://ntepa.nt.gov.au/publications-and-advice>.

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- Tel: 08 8924 4218.

10. Privacy

The Department of Environment, Parks and Water Security provide services to the NT EPA, including collection of information in submissions to the NT EPA. The Department of Environment, Parks and Water Security Privacy Policy, sets out how you can access and/or correct your personal information and how you can make a complaint if you feel the NT EPA has not complied with the *Privacy Act 1988*.

All enquiries about access, correction or to make a complaint should be directed to the Privacy Officer on (08) 8999 4410 business days, 8.00am - 4.21pm or write to PO Box 496, Palmerston, NT 0831 or email StrategicServices.DEPWS@nt.gov.au.