

Preparing an environmental impact statement (EIS)

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, please contact the Environment Division of the Department of Lands, Planning and Environment (DLPE). 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

1.1. Overview

The Northern Territory Environment Protection Authority (NT EPA) is responsible for assessing the potential significant impact¹ of a proposed action or strategic proposal (hereafter collectively referred to as a 'proposal') on the environment in accordance with the *Environment Protection Act 2019* (EP Act) and the *Environment Protection Regulations 2020* (EP Regulations).

An environmental impact statement (EIS) is a publicly available document prepared by a proponent, consisting of:

- a draft EIS (prepared to address the NT EPA's terms of reference for the EIS)
- supplement to a draft EIS ('supplement') prepared to respond to submissions on the draft EIS
- proponent responses to any NT EPA direction to provide additional information in relation to the draft EIS or supplement.

The EIS informs the NT EPA, government authorities, stakeholders and the public about the potential significant environmental impacts of a proposal and the measures to avoid, mitigate or offset those impacts. The EIS may also inform other statutory decision-making processes in relation to the proposal.

This guidance document is part of a range of guidance prepared by the NT EPA to provide advice on EIA under the EP Act. It should be read in conjunction with guidance documents that provide advice on the EIA process and requirements, as shown in Figure 1.

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.

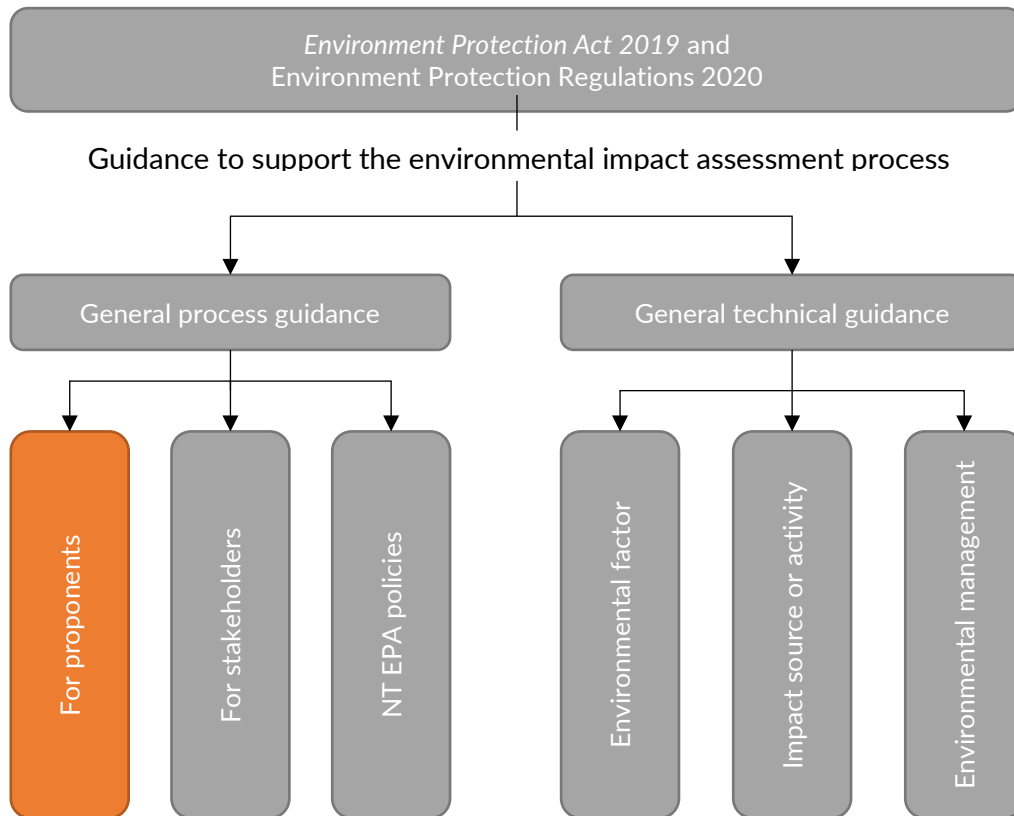


Figure 1 Environmental impact assessment guidance framework

1.2. Purpose of the guidance

This document provides guidance to proponents about the EIS method of assessment, including information about:

- Process:
 - when an EIS is required
 - steps in the EIS assessment process
 - submitting EIS documentation to the NT EPA
- Information requirements and structure:
 - promoting an EIS structure that assists the reader to clearly understand the proposal and its potential significant environmental impacts (direct, indirect and cumulative)
 - promoting high quality content in the EIS, to produce an EIS that focusses on the relevant matters
 - guiding proponents and their consultants about the general requirements and matters to be addressed in the EIS to allow the NT EPA to complete its assessment, and the Minister for Lands, Planning and Environment (Minister) to decide whether to grant, or refuse to grant, an environmental approval.

This document provides general guidance on the information required in an EIS. It should be read in conjunction with proposal-specific terms of reference for a draft EIS prepared by the NT EPA (refer section 3.2). For more general information about EIA in the NT, refer to published guidance on the NT EPA website.

2. When an EIS is required

After a proponent refers a proposal to the NT EPA and it has been accepted for initial consideration and made available for public comment, the NT EPA (or the Minister in the case of a strategic proposal) must decide whether the proposal has the potential for a significant impact on the environment, and whether EIA is required.

When a decision is made that EIA is required for a proposal, one of four methods of assessment is selected, as listed in regulation 5 (refer to NT EPA [flowchart of the environmental impact assessment process](#))

- Assessment by referral information (not discussed in this guidance)²
- Assessment by supplementary environmental report (SER) (not discussed in this guidance)³
- **Assessment by environmental impact statement (EIS) (the subject of this guidance)**
- Assessment by inquiry (not discussed in this guidance)⁴.

An EIS is required when the NT EPA has decided that the method of assessment is EIS.

Proponents should refer to the NT EPA's guidance on referring proposals for detail about how the NT EPA determines the significance of potential impacts.

3. The EIS process

3.1. Key steps

Appendices 1 and 2 outline the key steps in the EIS process.

3.2. Developing terms of reference for an EIS

After the NT EPA determines that the method of assessment is by EIS, the NT EPA will develop project-specific terms of reference (TOR) for the EIS⁵. The TOR set out the matters that must be addressed in a draft EIS. The TOR may include any terms the NT EPA considers appropriate to ensure that all relevant matters related to potential significant impacts are addressed by the proponent. The NT EPA must specify in the TOR the assessment period within which the draft EIS is to be submitted to the NT EPA. The proponent must comply with the TOR in preparing the EIS.

Prior to issuing the TOR, the NT EPA must develop and consult on the draft TOR. The NT EPA has the option to consult with the proponent before publishing the draft TOR by inviting the proponent to provide a submission to the NT EPA within a specified period. The draft TOR will be made available for public and government authority consultation. After the submission period closes, the NT EPA will consider any submissions received, finalise the TOR and issue the TOR to the proponent. The proponent must prepare

² Refer to NT EPA guidance - [Referring a proposal to the NT EPA](#).

³ Refer to NT EPA guidance - [Preparing a supplementary environmental report](#).

⁴ Contact the Environment Division of DLPE for guidance.

⁵ For assessments by EIS that are not a proponent initiated EIS. Further information on a proponent initiated EIS process can be found on the [NT EPA website](#).

the draft EIS to address the relevant matters in the TOR and submit it to the NT EPA within the specified period.

The TOR will also reflect EIS information requirements for 'protected matters' under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) if the [bilateral agreement](#) or another accredited process⁶, applies. Further information is provided in section 4.2.

A flowchart for the TOR development process is provided at Appendix 1.

3.3. Preparing the draft EIS

It is the responsibility of the proponent to ensure the draft EIS addresses the matters identified in the TOR, and is submitted in the form, manner and timeframe specified in the TOR. It is not appropriate to submit an incomplete draft EIS on the assumption that the remaining information can be submitted in the supplement, as the purpose of the supplement is to respond to submissions and any additional information requirements.

A flowchart of the EIS process is shown at Appendix 2.

3.4. Public consultation on the draft EIS

Once the draft EIS has been submitted to the NT EPA, a notice will be published on the NT EPA webpage inviting submissions within a period between 30 to 60 business days. Within the same submission period, the NT EPA will invite specified government authorities to make a submission on the draft EIS. All submissions received on the draft EIS will be provided to the proponent and published on the NT EPA webpage.⁷

The NT EPA may also require printed copies of the draft EIS to be made available to the public at specified locations during the submission period.

3.5. Preparing the supplement

The proponent must consider any submissions received on the draft EIS and prepare a supplement to address the issues raised in submissions.⁸ If there have been minor changes to the proposal since the draft EIS was submitted, or updated information has become available, this should be included in the supplement.

If the NT EPA requires additional information to be included in the supplement to address submissions and ensure that sufficient information is available to complete the assessment process, it may give the proponent a direction within 20 business days after the end of the submission period for the draft EIS, requiring the proponent to provide additional information in the supplement.

If a direction to include additional information in the supplement is given, it will specify the period within which the supplement is to be submitted to the NT EPA. If the proponent is only required to address the

⁶ Bilateral agreement under section 45, or an accredited process under section 87; of the [Environment Protection and Biodiversity Conservation Act 1999](#).

⁷ Refer to [EP Regulations](#) 133 (Public consultation) and 134 (Consultation with government authorities), p. 52.

⁸ Refer to [EP Regulation](#) 135 (Preparation of supplement to draft environmental impact statement), p. 52.

submissions in the supplement, and no additional information is required, the NT EPA will communicate the submission period for the supplement to the proponent in writing.⁹

3.6. Option to waive the requirement for a supplement

For actions that are not being assessed by the NT EPA under section 45 (Bilateral Agreement) or section 87 (Accredited process) of the EPBC Act, the NT EPA may waive the requirement for a supplement, on its own initiative, or at the request of the proponent.¹⁰

If a proponent requests that a requirement for a supplement be waived, it must set out the reasons why a supplement is not required. The NT EPA may then decide, within 10 business days of receiving the request, to waive or refuse to waive, the requirement for the supplement. If the NT EPA decides to waive the requirement for the supplement, it must publish its decision and a statement of reasons. The option to waive a supplement may be considered by the NT EPA on the occasion that no submissions on the draft EIS are received, or it considers that the submissions received are not so significant as to warrant the proponent's preparation and submission of a supplement.

3.7. Public consultation on the supplement

After a supplement is submitted, it will be published on the NT EPA webpage. The NT EPA will publish a notice inviting the public to make a submission within 15 business days. The NT EPA will invite specified government authorities to make a submission on the supplement within the public submission period and will make reasonable efforts to obtain the views of those authorities.¹¹

Public and government authority submissions received in relation to the supplement will be published and considered by the NT EPA in determining whether additional information to the EIS is required.

3.8. Additional information to the EIS

If the NT EPA considers that additional information is necessary, it may direct the proponent to provide additional information within 20 business days after the end of the submission period on the supplement. If a direction is given to provide additional information, the NT EPA will publish the direction, and the information provided in response to the direction, as soon as practicable after receiving it.

The NT EPA may invite submissions on the additional information from interested persons, specified persons or government authorities, within a specified period not exceeding 15 business days. If the NT EPA receives submissions on the information given or a specific aspect of the information, the proponent may be invited to address the submissions within a period not exceeding 15 business days.¹²

⁹ Refer to [EP Regulations](#) 136 (Additional information to be included in supplement) and 137 (Submission period for supplement).

¹⁰ Refer to [EP Regulation](#) 141 (Waiver of requirement for supplement).

¹¹ Refer to [EP Regulations](#) 139 (Public consultation) and 140 (Consultation with government authorities),

¹² Refer to [EP Regulations](#) 143, 144, 145 and 146 in relation to additional information.

3.9. NT EPA assessment report

The NT EPA must provide its assessment report (and a draft environmental approval) or draft statement of unacceptable impact to the Minister within a statutory timeframe of 45 business days after, either (as the case requires):

- the end of the last submission period in the EIS process or
- the date of the notice of a decision to waive the requirement for a supplement.

During this statutory timeframe, the NT EPA consults with the proponent and other statutory decision-makers on the draft environmental approval within a submission period specified by the NT EPA (usually 20 business days), during which time the statutory timeframe ceases to run.

If the NT EPA directs the proponent to provide additional information in relation to the EIS, the period for providing the assessment report ceases to run until either the additional information is received, or where the NT EPA invites submissions on the additional information to the EIS, the close of that submission period.¹³

The purpose of the assessment report¹⁴ is:

- to assess whether the proposal is likely to meet the environmental objectives
- to assess the potential significant environmental impacts of a proposal
- to make recommendations for avoiding, mitigating and managing those impacts
- to advise the Minister as to the environmental acceptability of the proposal.

In preparing its assessment report, the NT EPA must consider the referral information, the EIS, any submissions made during the assessment process, any additional information provided, and any advice the NT EPA has obtained.

It may also consider information based on the NT EPA's own investigations and knowledge, any other statutory decision-making processes that may mitigate the potential environmental impact of the proposal, any independent review advice, and any other information it considers to be relevant.

3.10. Environmental approval (or refusal)

The decision to grant, or refuse to grant, an environmental approval is made by the Minister, informed by advice from the NT EPA. The purpose of the environmental approval is to manage the potentially significant environmental impacts of an action. Further information on the environmental approval process is available on the NT EPA and [DLPE websites](#).¹⁵

¹³ Refer to [EP Regulation](#) 161 (Period for providing assessment report).

¹⁴ Refer to [EP Regulation](#) 156 (Assessment report)

¹⁵ Refer to sections 61 and 68-80 and of the [EP Act](#) in relation to the environmental approval, pp. 32, 35-41.

3.11. Submitting EIS documents (including draft EIS, supplement and additional information)

The proponent must submit its EIS documents within the period specified by the NT EPA. The EIS may be submitted to the NT EPA:

- in person: Level 1, Arnhemica House, 16 Parap Road, Parap
- by email: eia.ntepa@nt.gov.au (if the email is less than 25 MB)
- by electronic file upload: contact staff of the Environment Division of DLPE for more information
- by post: NT EPA, GPO Box 3675 Darwin NT 0801.

Individual document files must be less than 20 MB, optimised for web use, and unsecured / not password protected to allow for web upload. Electronic copies (pdf and word format) must be provided both as a single file of the entire document and separate files of the document i.e. the main document and separate appendices. Spatial data must also be provided as detailed in section 3.12 of this document.

A proponent may apply to have information kept confidential and not published. An application must be submitted in an approved form (in accordance with sections 281 to 283 of the EP Act and EP Regulation 271).

The application will be considered by the NT EPA and/or Minister. If granted, the confidential information will not be made public, however the confidential information must be provided to government authorities and the NT EPA and/or Minister for consideration. The proponent will also be required to submit a copy of the EIS with confidential information redacted, so it is fit for publication on the NT EPA website.

3.12. References, maps and raw data

All sources of information in the EIS must be appropriately referenced, preferably using the Harvard Standard. A reference list must include the address of any internet pages used as data sources and the date accessed. Referenced supporting documentation and data, or documents cited in the EIS, must be available upon request.

Spatial data included in the EIS must be provided in GIS format, geo-referenced and conform to the following parameters:

- Data type: closed polygons that represent the proposed boundary and the activity areas for all physical elements of the proposal (such as the footprint and threatened species survey areas), line and point data as relevant for surveys (for example, water sampling locations and threatened species records).
- Attribution: name each polygon (development footprint and each activity area) and provide labels for point data in the attribute table of the spatial data.
- Format: ESRI geodatabase or shapefile.
- Coordinate System: Geocentric Datum of Australia (GDA) 1994 and projected into the appropriate Map Grid of Australia (MGA) zone.

All maps and figures contained in the EIS must be clear and readable, of appropriate scale, in either jpg or pdf format and of good resolution (> 300 dpi) to enable interpretation of the content. A scale bar, north arrow and legend or caption to describe all symbols used must be included for all maps. 'Flatten' figures to reduce the size of the EIS. Any raw data collected or generated to support development of the EIS must be provided in csv or excel file formats. Data columns must be clearly titled for variables with relevant units.

Any disclaimers included in the EIS must not prevent the NT EPA from using the EIS for its assessment in accordance with legislated requirements. For example, there must be no limitation on providing copies of the EIS or supporting documents to government authorities, members of the public, or reproducing information to prepare any NT EPA reports on the proposal.

4. Matters to be addressed in the EIS and suggested structure

The EIS should provide high quality content and adequate technical analysis to allow readers with an interest, accountability or specialist knowledge in specific matters, a thorough understanding of the potential significant impacts and the associated avoidance, mitigation and management measures proposed. The EIS should also provide a summary of those matters in non-technical language for readers who seek to understand the proposal at a general level.

4.1. Matters to be addressed in the draft EIS

The draft EIS comprises three main parts as outlined below:

1. Executive summary - a stand-alone document that includes a brief outline of the proposal and each chapter of the draft EIS, allowing the reader to obtain a clear understanding of the proposal, its potential environmental implications and management objectives
2. Main body of the report - the main text of the draft EIS consisting of a series of chapters addressing all of the information requirements outlined in this guidance and the TOR. If there are inconsistencies between the main the report and appendices (e.g. a specialist technical report recommends mitigation measures or there are differences in the proposal scope) the draft EIS should address these recommendations and discrepancies so it is clear to the public and NT EPA what is proposed and why alternatives or changes are not adopted
3. Appendices - where required, include detailed technical information, studies or investigations (including data) necessary to support the main text. If supporting documents recommend further work be undertaken, address those recommendations. Clarify any inconsistencies with the supporting documents, e.g. changes in the proposal scope since studies were undertaken.

A declaration form (available from the NT EPA website) must completed and submitted with the draft EIS and the supplement.

Table 1 details the information requirements for an EIS. This table also provides an example of the preferred order for the table of contents for the development of an EIS. The TOR set out the matters to be addressed in a draft EIS. (If other relevant matters that are not included in the TOR arise throughout the EIS process, these should be identified and addressed).

Table 1: Matters to be addressed in the draft EIS and suggested item structure

Item	Matters to be addressed in the draft EIS
<i>Table of contents</i>	EIS documents, including the draft EIS, the supplement and any documents providing additional information, can be extensive and complex with multiple sections or volumes. Include a clear table of contents (TOC) in all EIS documents to allow the reader to easily find information. Electronic pdf document files should have the TOC bookmarked to allow for ease of navigation. The TOC headings will vary for each type of document and for individual proposals.

Item	Matters to be addressed in the draft EIS
<i>Executive summary</i>	<p>Provide a stand-alone executive summary document that includes an accurate, concise outline of the proposal and the draft EIS, allowing the reader to obtain a clear understanding of the proposal, the potential significant environmental impacts and proposed measures to avoid, mitigate and/or offset those impacts. Provide a summary of the benefits of the proposal, alternatives to the proposal, the outcomes of consultation, and compliance with the TOR.</p> <p>Provide concluding statements in the executive summary which discuss how the proposal has been designed to avoid potential significant impacts, the proposed justification and mitigation measures for unavoidable impacts and any proposed offsets for residual significant impacts.</p> <p>Avoid technical language where practicable, and include figures, tables and graphics to assist understanding of technical information. Include a section indicating the current and future phases in the environmental impact assessment. Information and conclusions presented in the executive summary are to be consistent with information detailed in the main body of the draft EIS.</p>
<i>Introduction</i>	<p>The introduction should include a brief proposal overview and objectives and proposal history (if relevant).</p> <p>Brief proposal overview and objectives:</p> <p>Identify the proposal location and describe the key elements of the proposal. The overview should be brief but consistent with the more detailed proposal description that appears later in the draft EIS. Include the key objectives of the proposal and a description of how the proposal meets these objectives, with consideration of the environmental objectives for the relevant NT EPA factors.</p> <p>Proposal history:</p> <p>Provide a brief overview of the history of the proposal if it is relevant, that includes, but is not limited to, any existing statutory authorisations, the previous use of the site, and details about how the proposed site was chosen for the intended use.</p>
<i>Alternatives</i>	<p>The consideration of alternatives in developing the proposal is a critical step in the early stages of environmental impact assessment. Proponents have a general duty (section 43 of EP Act) to apply the environmental decision-making hierarchy in the design of the proposal (section 43(f) of EP Act). The opportunity to avoid potentially significant environmental impacts from a proposal is greatest in the early stages of planning a proposal. It is important to demonstrate that the planning phase of the proposal included the identification of local/regional/national environmental values including through consultation with affected people and communities.</p> <p>Proponents must demonstrate that the environmental decision-making hierarchy has been applied to avoid and then mitigate and offset potentially significant environmental impacts where practicable.</p>

Item	Matters to be addressed in the draft EIS
	<p>The consideration of alternatives should have already been included in the referral for the proposal; therefore, the consideration of alternatives in the draft EIS should be limited only to matters included in the TOR, and where relevant, raised in submissions received in relation to the referral information.</p>
<p><i>How TOR matters have been addressed</i></p>	<p>Include a table that demonstrates that the TOR matters have been addressed, including cross-references to matters in the TOR, how each matter has been addressed, and the relevant location/section in the draft EIS or appendices. It may be appropriate to attach the full TOR, with more detailed cross referencing, as an appendix.</p>
<p><i>Proposal description</i></p>	<p>Provide a clear description of the proposal and the full scope of works for which approval is sought. This includes the key components table. If changes have been made to the table submitted in the referral documentation, include an amended table with any changes clearly shown (e.g. in tracked changes or in a separate column) to identify the addition or removal of information.</p> <p>Where there is uncertainty in the detailed design, footprint, capacity or life of the proposal, the approach to resolving uncertainty must be clearly explained and the maximum extent for each parameter provided.</p> <p>Where there is uncertainty in the detailed design, footprint, capacity or life of the proposal, clearly explain the approach to resolving uncertainty and provide the maximum extent or range for each parameter.</p>
<p><i>Strategic and statutory context</i></p>	<p>Describe the strategic and statutory context of the proposal, and identify:</p> <ul style="list-style-type: none"> • any local, regional, Territory or Australian policies, plans, planning schemes or systems that demonstrate the need for the proposal in a strategic planning context • any related proposals, including those that may involve a potential for expansion or additional development by the proponent, and timeframes • details of how the proposal complies with the relevant policies and plans, demonstrating consideration of the overall impacts and benefits of the proposal • the key legislative requirements relating to Parts 4 and 5 of the EP Act • the requirements related to section 45 (Bilateral Agreement) or section 87 (Accredited process) of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (where relevant). • requirements under other Acts and how they relate to the EP Act.
<p><i>Stakeholder engagement</i></p>	<p>The proponent’s approach to stakeholder engagement and consultation throughout the environmental impact assessment process should be consistent with the NT EPA’s Stakeholder engagement guidance¹⁶.</p>

¹⁶ NT EPA 2020 Environmental impact assessment guidance for proponents - [Stakeholder engagement](#).

Item	Matters to be addressed in the draft EIS
	<p>Proponents are responsible for undertaking stakeholder engagement and consultation from the earliest stage of the environmental impact assessment process and continuing throughout the process.</p> <p>The EP Act places obligations on proponents to inform and seek community involvement, in a culturally appropriate manner, about potential environmental impacts and risks of a proposal. Proponents must seek and document community knowledge and understanding of the area, including traditional Aboriginal knowledge, and use this expertise in identifying impacts and risks and planning for the avoidance or mitigation of those impacts and risks.</p> <p>Proponents should recognise the role that Aboriginal people have as stewards of their country as conferred under their traditions and recognised in law, and the importance of participation by Aboriginal people and communities in environmental decision-making processes (section 3(e) of the EP Act). Clearly describe how the requirements of section 3(e) of the EP Act have been met, including the specific measures taken to consult with and facilitate participation by Aboriginal people and communities in environmental decision-making processes throughout all stages of the proposal.</p> <p>Provide details of any stakeholder engagement and consultation undertaken by the proponent to meet the requirements of section 43 of the EP Act, and outline how this consultation has informed the EIS; including the environmental impact assessment, identification and management of impacts, and selection of offsets. Clearly identify all stakeholders in the draft EIS (or in an appendix), with the entity name, person/s position/role consulted, details of the specific consultation undertaken, and a detailed response to any issues raised including how issues have been or will be resolved. Generic discussions with decision-making authorities that are not related to potential significant environmental impacts do not need to be included.</p> <p>Outline what future engagement activities are proposed to be undertaken throughout the assessment and post-approval, including during construction and operation of the proposal.</p>
<p><i>Matters of national environmental significance</i></p>	<p>If the proposal has been determined to be a controlled action under the EPBC Act and is being assessed by the NT EPA in accordance with the NT Assessment Bilateral Agreement (section 45 of EPBC Act) or an Accredited Process (section 87 of EPBC Act), the Australian Government requires matters of national environmental significance (MNES) to be addressed. Include the following details:</p> <ul style="list-style-type: none"> • a list of the controlled action provisions and the relevant policy and guidance for the MNES • a summary of the existing environmental value(s) that relate to the MNES • a summary of the potential impacts (direct, indirect and cumulative) on the MNES and provide relevant tables and maps

Item	Matters to be addressed in the draft EIS
	<ul style="list-style-type: none"> • a summary of the assessment on the relevant environmental factor/s to determine the level of significance of the impact on the MNES • how the mitigation hierarchy has been applied • a summary of any proposed mitigation measures • a summary of whether offsets are required in relation to the MNES and if so, provide details of the proposed offset and how the offset addressed the Australian Government Environmental Offset Policy. <p>Significant impact guidelines and an environmental assessment process flow chart are available on the Australian Government Department of Climate Change, Energy, the Environment and Water website to assist proponents to understand the assessment process and determine whether an action is likely to have a significant impact on a matter protected under the EPBC Act.</p>
<p><i>Environmental Impact Assessment</i></p>	<p>The draft EIS must address the TOR to demonstrate how any potential impacts have been avoided, mitigated or offset in accordance with the environmental decision-making hierarchy under section 26 of the EP Act; and identify any potential significant residual impacts remaining.</p> <p>Include the following information:</p> <ul style="list-style-type: none"> • a description of how the EIS meets the requirements of section 42(b) of the EP Act: <ul style="list-style-type: none"> – all actions that may have a significant impact on the environment are assessed, planned and carried out taking into account: <ul style="list-style-type: none"> ▪ the principles of ecologically sustainable development and ▪ the environmental decision-making hierarchy and ▪ the waste management hierarchy and ▪ ecosystem-based management and ▪ the impacts of a changing climate. • a description of how the EIS meets the requirements of section 43 of the EP Act: <ul style="list-style-type: none"> – A proponent of an action has the following general duties under an environmental impact assessment process: <ul style="list-style-type: none"> ▪ to provide communities that may be affected by a proposed action with information and opportunities for consultation to assist each community's understanding of the proposed action and its potential impacts and benefits

Item	Matters to be addressed in the draft EIS
	<ul style="list-style-type: none"> ▪ to consult with affected communities, including Aboriginal communities, in a culturally appropriate manner ▪ to seek and document community knowledge and understanding (including scientific and traditional knowledge and understanding) of the natural and cultural values of areas that may be impacted by the proposed action ▪ to address Aboriginal values and the rights and interests of Aboriginal communities in relation to areas that may be impacted by the proposed action ▪ to consider the principles of ecologically sustainable development in the design of the proposed action ▪ to apply the environmental decision-making hierarchy in the design of the proposed action ▪ to consider the waste management hierarchy in the design of the proposed action. <ul style="list-style-type: none"> • the existing risks to, and potential significant impacts on, environmental values • the cumulative impacts of a proposed action or strategic proposal • environmental factors and objectives – describe, and provide information about, the potentially significant environmental impacts, under each relevant environmental factor.¹⁷
<p>Key environmental factors</p>	<p>The <u>NT EPA environmental factors and objectives</u> that are relevant to the proposal (as detailed in the TOR) should be listed in order of significance with the following heading structure and content for each factor.</p> <ol style="list-style-type: none"> 1. Name of environmental factor – e.g. <i>Inland water environmental quality</i> 2. Objective for environmental factor – e.g. <i>Protect the quality of groundwater and surface water so that environmental values including ecological health, land uses and the welfare and amenity of people are maintained.</i> 3. Policy and guidance - list the relevant policy and guidance for issues under this factor, as relevant to the proposal. 4. Environmental values <ul style="list-style-type: none"> • Describe how the presence or absence of environmental values relevant to this factor has been determined. Reference the sources of information used. Consider whether a specific environmental value may be relevant to more than one of the NT EPA’s environmental factors.

¹⁷ [NT EPA 2020, Environmental Assessment Guideline – Environmental Factors and Objectives.](#)

Item	Matters to be addressed in the draft EIS
	<ul style="list-style-type: none"> • Provide a summary of the surveys and studies undertaken for the proposal, including the dates and timing of surveys, referencing standards and guidelines used. • Include maps which show both the local and regional context of the proposal, an overlay of the proposal boundary and indicative disturbance footprint on a base layer showing the local and regional environmental values related to the factor. <p>5. Assessment of potentially significant environmental impacts</p> <ul style="list-style-type: none"> • Identify, describe and evaluate the potentially significant direct, indirect and cumulative impacts and risks to environmental values, under each of the relevant factors. Where relevant, evaluate the potential cumulative impacts of other proposals or activities on the environmental values. Identify and quantify the benefits arising from the proposal. • Evaluate the potentially significant environmental impacts, as defined under section 11 of the EP Act. That is, an impact of major consequence having regard to the context and intensity of the impact, and the sensitivity, value and quality of the environment impacted on and the duration, magnitude and geographic extent of the impact. • Define the potentially significant impacts from all stages of the proposal, with consideration of the extent, magnitude and duration of the impacts; the resilience of the environment to cope with impacts or change; and any potential cumulative impacts. Consider potentially significant impacts associated with normal operations, abnormal operations, unplanned shutdowns of part or all of the plant or facility and emergency shutdowns of part or all of the plant or facility. Provide an indication of the number of hours each year that it is expected that the plant or facility would be in abnormal, unplanned shutdown or emergency shutdown conditions. • Provide information that permits the general reader to understand the likelihood of occurrence and severity of each potentially significant environmental impact presented by the proposal. Consideration of risks presented by the proposal may be guided by undertaking a risk assessment consistent with the AS/NZS ISO 31000 risk management series. However, the inclusion of large risk assessment tables should be avoided, with only the potentially significant environmental risks discussed in the draft EIS (non-significant risks should not be included), with consideration of sections 10 and 11 of the EP Act. • Clearly justify the level of analysis and investigation of the potentially significant environmental impacts,

Item	Matters to be addressed in the draft EIS
	<p>commensurate with the severity of the impact. The analysis, including development of likelihood and consequence ratings for inherent and residual risk assessments, is to be based on referenced and relevant actual data and modelled predictions as appropriate.</p> <ul style="list-style-type: none"> • Where there is scientific uncertainty about the potential significance, scale or extent of an impact, identify the uncertainties and provide a detailed description of how uncertainties would be addressed, such as through an adaptive management approach incorporating monitoring and staging. Where uncertainty remains, adopt the precautionary principle and demonstrate how it has been met (section 19 of EP Act). <p>6. Avoidance, mitigation and offsets</p> <ul style="list-style-type: none"> • Describe the avoidance, mitigation and offset measures that would be implemented to manage the potentially significant environmental impacts of the proposal and ensure the environmental objective is highly likely to be met. • Include measures that are specific, enforceable and unambiguous. Where formulating strategies for avoidance, mitigation or offsets, detail how alternatives have been considered. • Draft management plans may be appended to the draft EIS where it is considered that management measures may need to be conditioned in an environmental approval for the proposal, or if specific management plans are required in accordance with the TOR. • Demonstrate that any proposed measures to manage potential significant impacts are accepted as best practice within that industry. • Where it is considered likely that there would be potentially significant residual impacts, provide a clear explanation of the acceptability of the residual impacts and describe if and how any residual impacts would be offset and how any proposed offset would compensate for the impact.¹⁸ Any proposed offsets are consistent with the Northern Territory Offsets Framework.¹⁹ <p>7. Predicted outcome / conclusion</p> <ul style="list-style-type: none"> • Describe the predicted outcome against the factor's environmental objective, and state whether there a likely to

¹⁸ Where proposals are located on Aboriginal freehold or native title land, discussion about offsets should be conducted as part of land use agreement consultation.

¹⁹ DENR 2020, [Northern Territory Offsets Framework](#).

Item	Matters to be addressed in the draft EIS
	<p>be any significant residual environmental impacts. Where it is considered likely that there would be potentially significant residual impacts, describe if and how these residual impacts would be offset and how any proposed offset would compensate for the impact.</p> <p>Potential significant environmental impacts identified in the TOR should not be interpreted as excluding other matters of potential environmental significance that emerge during preparation of an EIS, from environmental studies, consultation with affected communities, submissions or other sources.</p> <p>Copies of detailed surveys and studies undertaken should be appended.</p>
<i>Other environmental factors</i>	<p>Address any other environmental matters or factors where these have been identified in the TOR, or during stakeholder engagement, or have emerged during the assessment process.</p>
<i>Whole of environment considerations</i>	<p>Provide a holistic assessment of the impacts of the proposal on the whole of the environment (where relevant), including a description of the connections and interactions between the environmental factors, acknowledging that impacts may be cumulative across environmental factors. Succinctly discuss predicted outcomes in relation to the principles of environment protection and management (EP Act Part 2) and the NT EPA's environmental objectives and any of the Minister's declared environmental objectives.</p>
<i>Appendices</i>	<p>The appendices should include at a minimum:</p> <ul style="list-style-type: none"> • cross references to where the TOR are addressed in the draft EIS • spatial coordinates of the proposal footprint and site technical studies • the name of, work done by, and the qualifications and experience of, the persons involved in the studies and preparing the report • tabulation on the approach taken implementing the environmental decision-making hierarchy • detailed technical information, studies or investigations necessary to support the main text.

4.2. Matters to be addressed in the supplement

In preparing the supplement, the proponent is to provide clear, concise and relevant responses to the submissions received on the draft EIS. Where issues arise with interpretation of submissions, the proponent should contact staff of the DLPE Environmental Assessment Unit for clarity. The information requirements outlined in this guidance document should be taken into account when compiling responses to submissions.

4.2.1. Identifying any minor modifications to the proposal

The supplement must not present any significant variations²⁰ that may change the environmental significance of the proposal. Minor modifications to improve the environmental performance/outcome of the proposal, in response to a submission, are acceptable and encouraged. Any modifications of the proposal made must be clearly described in the supplement.

4.2.2. Responding to submissions

The supplement must provide meaningful and well-structured responses to public and government authority submissions received in relation to the draft EIS.

Proponents are expected to carefully consider the issues raised in submissions and where appropriate, adapt the proposal, the performance criteria or mitigation measures to address the issues raised.

The proponent's responses to the submissions are considered by the NT EPA during its assessment of the proposal, and by the Minister (or delegate) when deciding whether to approve or refuse to approve a proposal.

The supplement should include the following information in response to submissions, where relevant:

- analysis and categorisation of the submissions received, organised by environmental factor
- a summary table identifying the stakeholder, issues raised in submissions and a response to the submissions including actions taken to address those issues such as engagement and any further environmental assessment
- a description of any changes to the proposal as a result of submissions received, including updated plans, figures and images
- the proponent's response to the issues raised in the submissions
- an updated evaluation of the potentially significant environmental impacts (including residual impacts) of the proposal.

Where the proponent does not adopt the recommendations included in submissions, it should provide a clear explanation of the reasons why those recommendations have not been adopted.

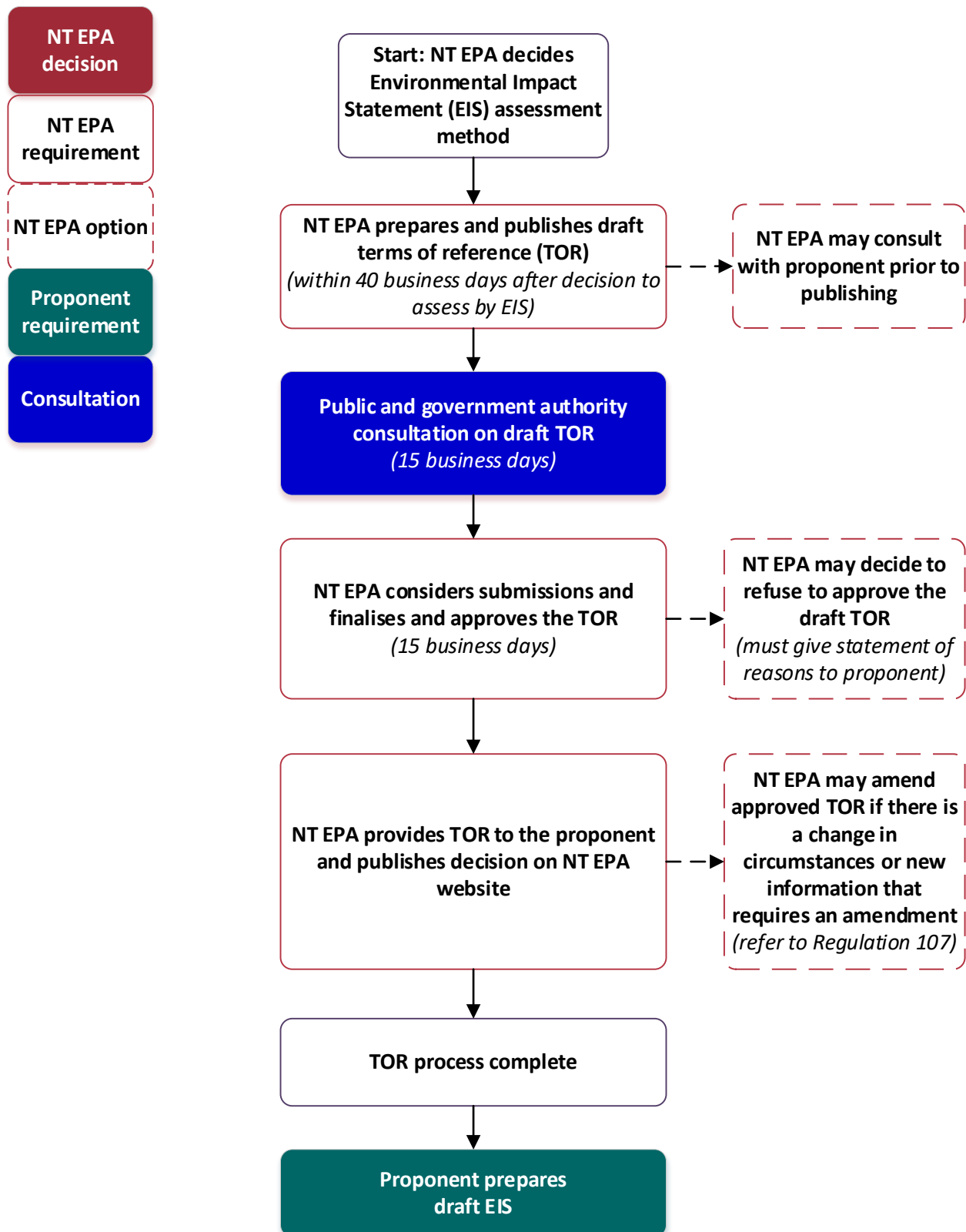
4.3. Responding to a direction to provide additional information

Where the NT EPA has directed the proponent to include additional information, either in the supplement (under regulation 136), or in addition to the EIS (under regulation 143), or under regulation 83, the additional information must be clearly responded to, and any information gaps addressed.

Where necessary, the proponent should provide additional studies, technical reports, modelling and other information to respond to the NT EPA direction. The table of additional information requirements provided by the NT EPA with the direction should be cross-referenced to the location in the document where each additional information requirement is addressed, so that the reader is able to easily locate the specific information.

²⁰ For further information on significant variations, refer to the NT EPA guidance document - [Referring a significant variation to the NT EPA](#).

Appendix 1 –TOR process flow chart



Appendix 2 – EIS process flow chart

