

# Preparing a proponent initiated EIS referral

**Environmental impact assessment  
guidance for proponents**

|                        |   |
|------------------------|---|
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| Acronyms       | Full form  |
|----------------|--|
| EIS            | Environmental Impact Statement (includes draft EIS, supplement to the EIS and any additional information requested following submission of the supplement) |
| EP Act         | <i>Environment Protection Act 2019</i>   |
| EP Regulations | Environment Protection regulations 2020  |
| EPBC Act       | <i>Environment Protection and Biodiversity Conservation Act 1999</i><br>(Commonwealth)   |
| IAP2           | International Association for Public Participation   |
| NT             | Northern Territory   |
| NT EPA         | Northern Territory Environment Protection Authority  |
| SER            | Supplementary Environment Report   |

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

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# 1. Introduction

## 1.1. Overview

The *Environment Protection Act 2019* (EP Act) requires the proponent of a proposed action, or a strategic proposal, that has the potential to have a significant impact on the environment, or meets a referral trigger<sup>1</sup>, to refer the action to the Northern Territory Environment Protection Authority (NT EPA).

The Environment Protection Regulations 2020 (EP Regulations) provide for a proponent to make a referral of a proponent initiated EIS referral. A proponent may elect to use this provision where the proponent anticipates their proposal has the potential to have a significant impact on the environment, and anticipates the likely method of assessment would be an environmental impact statement (EIS).

The proponent initiated EIS referral provision is likely to result in a more streamlined and efficient environmental impact assessment and approval process.

## 1.2. Purpose of the guidance

This document provides guidance to proponents, statutory decision makers and the community about the specific requirements of the EP Regulations that relate solely to a proponent initiated EIS referral.

This guidance should be read in conjunction with the draft *Guideline for referring a proposed action to the NT EPA* that includes a form to be used to make all types of referrals. The referral guideline and associated draft application form can be downloaded from the [NT EPA website](#).

This guidance document is part of the series of guidelines targeted at communicating the environmental impact assessment process to proponents. This guidance document should be read in conjunction with the EP Act and EP Regulations.

## 1.3. Considerations for choosing a proponent initiated EIS referral

The proponent initiated EIS referral provision would be most suitable for proposals that are likely to cause significant environmental impacts and where proponents have a high degree of familiarity with, and knowledge of environmental impact assessment policies, procedures and processes under the *Environment Protection Act 2019*; and the NT EPA's environmental factors and objectives.

Should the draft TOR, with or without amendments, be accepted by the NT EPA following the public submission period the proponent may save up to 55 business days in the environmental impact and assessment process as the NT EPA would not need to develop TOR and put them out for further consultation.

The proponent would need to prepare and submit the following three documents as part of its proponent initiated EIS referral to the NT EPA:

1. a referral
2. a draft terms of reference for an assessment by EIS
3. a statement of reasons of why an assessment by EIS is the preferred assessment pathway.

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<sup>1</sup> As of 2020, no referral triggers have been declared under the Act

The referral must contain sufficient information for the NT EPA to make its decision. The NT EPA would consider the submission and decide to accept or refuse the referral. The documents would be placed on exhibition once the referral is accepted by the NT EPA. The submission period is 30 business days for a standard assessment and 40 business days for a strategic assessment.

After considering the referral, and any comments provided through consultation with the community and government authorities, the NT EPA must determine whether the proposed action, or strategic proposal, has the potential to have a significant impact on the environment. If so, the NT EPA will decide that environmental impact assessment is required, and whether assessment by EIS is the appropriate method, or whether another method is more appropriate, in accordance with the *Environment Protection Regulations 2020* (EP Regulations).

If the NT EPA decides that EIS is the method of assessment, the draft TOR would be finalised after taking into account the submissions made during the exhibition period. If the NT EPA decides that EIS is not the method of assessment, a direction to prepare a Supplementary Environment Report would be issued. The environmental impact assessment would then continue as detailed in other NT EPA guidance material available on the [NT EPA website](#).

It would be beneficial for the proponent to also discuss the proposal with the Department of Environment and Natural Resources prior to deciding on the method of referral.

## 2. Information to be provided

### 2.1. Referral form and supporting information

The NT EPA requires proponents to complete a Referral Form (and provide supporting information) for all referrals, including proponent initiated EIS referrals. The form can be downloaded from the NT EPA's website: <https://ntepa.nt.gov.au/>, or a hard copy can be obtained from the Department of Environment and Natural Resources. Proponents can contact the Environment Division if they require assistance to complete the form. For information on filling out the form, please refer to the draft *Guideline for referring a proposed action to the NT EPA*.

### 2.2. Draft terms of reference

When referring a proponent initiated EIS, a proponent must prepare and submit draft terms of reference (TOR). Further information on drafting terms of reference is provided at Appendix 1.

### 2.3. Statement of reasons

When referring a proponent initiated EIS, a proponent must prepare and submit a statement of reasons to state why an assessment by environmental impact statement is the preferred pathway for the proposed action. The statement of reasons (SOR) should:

- Provide a brief description of the proposal
- A justification section on the need for an EIS that may include, but may not be limited to, a consideration of:
  - objects of the EP Act
  - section 42 of the EP Act
  - section 43 of the EP Act

- the NT EPAs environmental factors and objectives
- principles of environment protection and management under Part 2 of the EP Act
- consultation outcomes.
- Why the draft TOR are appropriate.

### 3. Initial considerations

#### 3.1. Grounds for refusing to accept a proponent initiated EIS referral

Regulation 47 of the EP Regulations provide the general grounds for refusing to accept a referral. These are discussed in more detail in the referral guidelines on the [NT EPA website](#). Further to this, regulation 48 provides specific additional grounds for refusing to accept a strategic proposal for strategic assessment. Further information on these grounds is provided for in the referral guidelines.

In addition to regulations 47 and 48, regulation 49 provides a specific ground for the NT EPA to refuse to accept a referral as a proponent initiated EIS referral. If the NT EPA considers that an assessment by environmental impact statement is not appropriate for the proposed action or strategic proposal then the referral can be refused, and a decision can be made to accept the referral as a referral for a standard assessment or strategic assessment.

### 4. Process following acceptance of the proponent initiated EIS referral

Regulation 58 of the EP Regulations provides for a decision, or recommendation, on a proponent initiated EIS referral. Within 35 business days of the public exhibition period of an accepted proponent initiated EIS referral closing the NT EPA is required to make one of the following decisions:

- decide that an environmental impact assessment is not required
- decide that an assessment is required and an EIS is the required method of assessment
- decide that an assessment is required other than an EIS and the proposed environmental impact assessment methodology
- recommend to the Minister that a strategic assessment be carried out and the proposed environmental impact assessment methodology
- recommend to the Minister that an environmental approval for the proposed action be refused.

The NT EPA is to prepare a notice of its decision supported by a statement of reasons, provide it to the proponent and make it publicly available.

### 5. Further information

Further information and guidance on the EIA process is available on the [NT EPA website](#). If you require assistance in applying this guideline to your circumstances or you are unsure whether a proponent initiated EIS referral is required for your proposed action, please contact the Environment Division of the Department of Environment and Natural Resources. Appointments with relevant staff can be made through the contact details below:

Email: [eia.ntepa@nt.gov.au](mailto:eia.ntepa@nt.gov.au) or Tel: 08 8924 4218

## Appendix 1: Guidance for developing draft terms of reference

DRAFT

## 1. Contents of a draft terms of reference

The following provides key information to be used as a guide for developing proponent initiated EIS terms of reference (TOR). Content examples are provided to assist in addressing all relevant requirements under the EP Act and EP Regulations. Such examples may need to be adapted when submitting draft proponent initiated EIS TOR to the circumstances of the proposed action.

## 2. Structure of the draft terms of reference

Proponents draft TOR should be structured in the following way:

- Part 1 – Introduction: an overview of the proposal and decisions relating to its environmental assessment.
- Part 2 – Matters to be addressed in the Draft EIS: a description of the information requirements specific to this Proposal. The proponent is required to address all these matters, relating to the proposal and the surrounding environment, in its draft EIS. This part must be read in conjunction with the NT EPA General Guidance for Proponents Preparing an EIS (NT EPA 2020), which outlines the general information that is also required in a draft EIS.
- Part 3 – Other requirements for the draft EIS: a list of applicable guidelines and policies, and description of the public consultation requirements and statutory decision makers.

## 3. Introduction to the TOR

### 3.1. Overview

The proposal will have already been described in the referral form and associated documentation. The draft terms of reference and associated statement of reasons will be an attachment to the referral. There are relevant sections of the EP Regulations that should be referred to in the overview of the proposed draft terms of reference to demonstrate which requirements are being met.

Some examples of statements that could provide a basis for the inclusion of such information are as follows (in blue, italics font):

*It is proposed that the referral for a <insert proposed action or strategic proposal>, <insert name of proposal> will be assessed through the environmental impact assessment method of an environmental impact statement.*

*In accordance with regulation 43 of the EP Regulations, these TOR set out the matters relating to the environment that are to be addressed in the draft EIS for this proposal. It is acknowledged that the draft EIS will also need to address all requirements in the NT EPA General Guidance for Proponents Preparing an EIS (NT EPA 2020).*

### 3.2. Background

The background section for draft TOR should include a very brief description of the proposal. Whilst the referral form submitted will include this information, given that the draft TOR are a standalone document throughout the assessment process a brief description of one to two sentences here is also required. Proponents should also list key components of the proposal as dot points, such as:

- Construction activities include - provide a brief description of construction activities.

### 3.3. Assessment under bilateral agreement or accredited assessment process (as relevant)

Approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is required for an action which has, will have, or is likely to have, a significant impact on a matter of national environmental significance, or on Commonwealth land.

If the Australian Government Minister has determined that the proposal is, or is not, a controlled action for matters protected under the EPBC Act the proponent must include in the draft TOR the relevant EPBC referral number (where relevant) and details of the decision as to whether the proposal does or does not require further assessment and approval under the EPBC Act before it can proceed.

If the NT EPA assesses the proposal under a Bilateral Agreement between the Australian and Northern Territory governments in accordance with section 45 of the *Environment Protection and Biodiversity Conservation Act 1999* (or as an accredited process), the TOR will need to include:

- the relevant matters of national environmental significance (MNES) for the proposal
- potential impacts on MNES under the relevant key environmental factor
- required work to address the potential impacts on MNES under the relevant key environmental factor.

### 3.4. Assessment timeline

The proponent will need to set out a proposed assessment timeline for the proposal. Prior discussions with departmental staff would be an advantage before submitting your referral. Table 1 provides an example of the dates to be included.

**Table 1 Assessment timeline**

| Key assessment milestones   | Proposed Completion date |
|---|--------------------------|
| Proponent submits the referral for a proponent initiated EIS with draft TOR and SOR | <i>date</i>              |
| NT EPA accepts the proponent initiated EIS referral with draft TOR and SOR          | <i>date</i>              |
| Consultation period commences on draft referral                                     | <i>date</i>              |
| Close of public consultation period   | <i>date</i>              |
| NT EPA approves Terms of Reference  | <i>date</i>              |
| Terms of Reference published  | <i>date</i>              |
| Draft EIS submitted to the NT EPA   | <i>date</i>              |
| Public and government authority consultation period                                 | <i>date</i>              |
| Direction to prepare supplement issued (if required)                                | <i>date</i>              |
| Supplement submitted  | <i>date</i>              |
| Public and government authority consultation period                                 | <i>date</i>              |

| Key assessment milestones              | Proposed Completion date |
|--|--------------------------|
| Assessment report provided to Minister | <i>date</i>              |
| <i>(add extra lines if needed)</i>     | <i>date</i>              |

## 4. Matters to be addressed in the draft EIS

### 4.1. Summary

A summary of the draft EIS is required to provide a clear and concise overview of the proposal, its environmental implications, the approvals process and the function of the EIS in the context of the approvals process.

The summary should be written as a stand-alone document, able to be provided on request to interested parties who may not wish to read the full EIS. It should address the site selection process, existing environment including location of the nearest sensitive receptors, the proposed activities and closure outcomes, and the intended future use of the site.

### 4.2. Proposal description

The proponent should include a proposal description, the key proposal characteristics and relevant maps and figures (refer to the Guide to NT EPA factors and objectives<sup>2</sup>).

### 4.3. Overview

Provide an overview of the objectives of the proposal. Guide to NT EPA factors and objectives<sup>3</sup>).

### 4.4. Construction and operation

Provide a detailed description of all construction and operation aspects of the proposal. Table 2 below provides an example of the minimum information requirements to be included as part of the proposal description.

**Table 2 Minimum information requirements for the Proposal description**

| Topic            | Required information  |
|------------------|---|
| Site layout maps | <p><i>The description of the proposal must include, but not be limited to, detailed maps and graphic illustrations of:</i></p> <ul style="list-style-type: none"> <li>• <i>The location and dimensions of existing disturbance, infrastructure and roads/tracks and natural and modified landforms (including a depiction of these overlaid on aerial photos or high resolution satellite imagery)</i></li> <li>• <i>the location and approximate dimensions of areas to be disturbed, structures to be built or repurposed including (as relevant):</i></li> </ul> |

<sup>2</sup> NT EPA 2020 Guide to the NT EPA environmental factors and objectives. Available at: [NT EPA website](#).

<sup>3</sup> NT EPA 2020 Guide to the NT EPA environmental factors and objectives. Available at: [NT EPA website](#).

| Topic        | Required information   |
|--------------|--|
|              | <ul style="list-style-type: none"> <li>○ <i>all areas to be cleared<sup>4</sup> or disturbed</i></li> <li>○ <i>roads and service infrastructure</i></li> <li>○ <i>stormwater and drainage infrastructure</i></li> <li>○ <i>buildings and structures</i></li> <li>○ <i>temporary stockpiles</i></li> <li>○ <i>waste storage facilities</i></li> <li>● <i>the Proposal layout overlain with the environmental values</i></li> <li>● <i>the boundaries of the Proponent's private property, mineral lease(s); any overlapping or adjacent permits (mineral, petroleum or other); and any other interests in land including Native Title (claims or determined), Aboriginal freehold land, and pastoral land.</i></li> </ul>   |
| Design       | <p><i>Describe design options considered, reasons for selection and how the proposed design avoids and/or mitigates environmental values and potential impacts and risks to the surrounding environment including long-term legacy contamination. Outline and justify any trade-offs in the design.</i></p>  |
| Construction | <p><i>Describe all elements of the construction phase including:</i></p> <ul style="list-style-type: none"> <li>● <i>construction methods and any limitation of these in the area of the Proposal</i></li> <li>● <i>equipment and machinery required</i></li> <li>● <i>construction materials required – major types, quantities, qualities, sources, storage requirements and potential hazards</i></li> <li>● <i>timeframes</i></li> <li>● <i>any new ancillary infrastructure and upgrades required to service the Proposal, including supply of electricity, water, sewerage and road access.</i></li> <li>● <i>environmental management of all aspects of the proposed construction with detailed maps and diagrams where relevant, including:</i> <ul style="list-style-type: none"> <li>○ <i>erosion and sediment control and stormwater drainage</i></li> <li>○ <i>water requirements</i></li> </ul> </li> <li>● <i>water use and management</i></li> <li>● <i>biosecurity</i></li> <li>● <i>waste classification<sup>5</sup> and management, including containment and disposal of contaminated wastewater and solids with details of pits, bunds, treatment and recycling</i></li> <li>● <i>noise and vibration management</i></li> <li>● <i>controls to prevent creation of biting insects habitat</i></li> <li>● <i>applicable legislation, guidelines and standards</i> <ul style="list-style-type: none"> <li>○ <i>any feasible construction alternatives. Where multiple alternatives exist, the</i></li> </ul> </li> </ul> |

<sup>4</sup> In accordance with the NT Land Clearing Guidelines and/or requirements under the NT Planning Scheme.

<sup>5</sup> In accordance with NSW Waste Classification Guidelines <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

| Topic                 | Required information   |
|-----------------------|--|
|                       | <p><i>choice of the preferred option(s) should be clearly explained, and a comparison provided against other options in terms of potential environmental impacts.</i></p> <ul style="list-style-type: none"> <li>• <i>environmental management of all aspects of the proposed operation with detailed maps, diagrams and facility design specifications and standards where relevant, including:</i> <ul style="list-style-type: none"> <li>○ <i>erosion and sediment control</i></li> <li>○ <i>water requirements</i></li> <li>○ <i>water management including stormwater drainage biosecurity measures</i></li> <li>○ <i>waste management</i></li> <li>○ <i>air quality management</i></li> <li>○ <i>ongoing maintenance of components and servicing infrastructure</i></li> <li>○ <i>noise management (above and underwater)</i></li> <li>○ <i>applicable legislation, guidelines, and standards</i></li> <li>○ <i>(where multiple alternatives exist, the choice of the preferred option(s) should be clearly explained, and a comparison provided against other options in terms of potential environmental impacts.</i></li> </ul> </li> </ul> |
| Transport and traffic | <p><i>Describe land and water traffic and transport activities during construction and operation, including but not limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>type, size, draft, number and frequency of vessels and hours of operation</i></li> <li>• <i>details on access, haulage routes, vehicle types, volumes of traffic.</i></li> </ul>   |
| Energy                | <p><i>Provide relevant information with respect to energy during construction and operation, including but not limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>energy requirements and sources</i></li> <li>• <i>consideration of renewable sources of energy and justification of selected option</i></li> <li>• <i>estimate of greenhouse gas emissions (scope 1 and 2)<sup>6</sup></i></li> <li>• <i>measures and or initiatives to maximise energy efficiency and avoid and/or reduce greenhouse gas emissions, particularly relating to source and consumption of energy, and consistent with the NT Government's aspirational target of achieving net zero greenhouse gas emissions by 2050 (NT Government 2019).</i></li> </ul>   |
| Workforce             | <p><i>Provide a summary for each phase of the Proposal, of the:</i></p> <ul style="list-style-type: none"> <li>• <i>estimated number of people to be employed</i></li> <li>• <i>skills base required</i></li> <li>• <i>likely sources (local, regional, overseas)</i></li> <li>• <i>on-site facilities provided (including any accommodation).</i></li> </ul>  |

<sup>6</sup> Greenhouse Gas Protocol available at: <https://ghgprotocol.org/corporate-standard>

## 4.5. Rehabilitation and closure

Provide details of information required in the environmental impact statement for the proposed decommissioning, closure and rehabilitation of the proposal, with consideration of section 42 of the EP Act (Purpose of environmental impact assessment) and the need to ensure that the potential for actions to enhance or restore environmental quality through restoration or rehabilitation is identified and provided for to the extent practicable.

## 5. Information requirements for environmental factors

Proponents will need to identify the key environmental factors for the EIS that need to be addressed during the assessment. Table 3 below provides a summary of the NT EPA’s environmental factors and objectives. These are usually the factors identified when the NT EPA decides to assess a proposal, but there may also be additional factors. Where relevant additional factors should also be included by the proponent.

**Table 3 Preliminary key environmental factors that must be addressed in the Draft EIS**

| THEME | FACTOR                             | ENVIRONMENTAL OBJECTIVE  |
|-------|------------------------------------|--|
| LAND  | Landforms                          | Conserve the variety and integrity of distinctive physical landforms.  |
|       | Terrestrial environmental quality  | Protect the quality and integrity of land and soils so that environmental values are supported and maintained.   |
|       | Terrestrial ecosystems             | Protect terrestrial habitats to maintain environmental values including biodiversity, ecological integrity and ecological functioning.   |
| WATER | Hydrological processes             |  |
|       | Inland water environmental quality | 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. |
|       | Aquatic ecosystems                 | Protect aquatic habitats to maintain environmental values including biodiversity, ecological integrity and ecological functioning.   |
| SEA   | Coastal processes                  | Protect the geophysical and hydrological processes that shape coastal morphology so that the environmental values of the coast are maintained.                                 |
|       | Marine environmental quality       | Protect the quality and productivity of water, sediment and biota so that environmental values are maintained.   |
|       | Marine ecosystems                  | Protect marine habitats to maintain environmental values including biodiversity, ecological integrity and ecological functioning.  |
| AIR   | Air quality                        | Protect air quality and minimise emissions and their impact so that environmental values are maintained.   |

| THEME  | FACTOR                  | ENVIRONMENTAL OBJECTIVE  |
|--------|-------------------------|--|
|        | Atmospheric processes   | Minimise greenhouse gas emissions so as to contribute to the NT Government’s aspirational target of achieving net zero greenhouse gas emissions by 2050.                 |
| PEOPLE | Communities and economy | Enhance communities and the economy and foster resilience to a changing climate, for the welfare, amenity and benefit of current and future generations of Territorians. |
|        | Culture and heritage    | Protect sacred sites, culture and heritage.  |
|        | Human health            | Protect the health of the Northern Territory population.   |

From the list of environmental factors and objectives, a proponent needs to identify preliminary key environmental factors that the draft EIS is to provide an assessment of how the NT EPA’s environmental objective would be met, as outlined in the NT EPA General Guidance for Proponents Preparing an EIS (NT EPA 2020) and detailed below.

A proposal footprint (direct disturbance) and zone of influence (indirect disturbance) are to be established to identify the components of the environment (under each environmental factor) and their specific values that could be impacted by implementation of the proposal.

The assessment of potential environmental impacts must consider, where relevant; normal operations, abnormal operations, unplanned shutdowns of part or all of the operations, and emergency shutdowns of part or all of the operations.

If additional potential environmental impacts are identified through the environmental impact assessment process, they must also be included in the draft EIS, even if this requires addressing additional environmental factors not specified in Table 3.

For each of the key environmental factors, include the following information:

- The NT EPA environmental objective or Ministers declared environmental objective<sup>7</sup>
- Environmental values relevant to the factor
- Potential impacts and risks – any change to the environment, whether adverse or beneficial, resulting from the proposal (direct, indirect and cumulative impacts at a local and regional scale)
- Specific information that will be required in the EIS to assess the environmental impacts for that factor, with tasks written in sequential numerical order according to the following, where relevant:
  - characterise the environment relating to that factor (e.g. type of surveys, baseline data collection etc.)
  - describe elements of the proposal which affect the environment (e.g. temporary construction versus operation, impacts/pressures from the proposal etc.)

<sup>7</sup> Note – none have been declared to date.

- predict inherent and residual impacts before and after applying the environmental decision-making hierarchy (i.e. considering points 1 and 2)
- describe proposed monitoring and management (in terms of the environmental decision-making hierarchy) to achieve predicted outcomes/objectives
- describe proposed monitoring and reporting
- provide a statement of residual impact.
- identify offsets, if appropriate, if a significant residual impact may remain after applying the environmental decision-making hierarchy

The proponent should consider the specific information requirement such as:

- undertaking technical studies and investigations, and provide associated reports and data packages
- developing spatial information
- developing environmental management plans for proposed monitoring and management
- undertaking a peer review of the scope, methodologies, findings and/or conclusions of surveys, investigations, monitoring programs, modelling and/or other information
- relevant policy and guidance – list the policy and guidance applicable to the EIS

### 5.1. Relevant environmental factor 1 (example)

Proponents will need to provide the requirements for environmental factors and objectives as relevant to the proposal. Provide sufficient information to enable assessment of whether the proposal is likely to meet the NT EPA’s objective to maintain the quality and productivity of water, sediment and biota so that environmental values are protected.

Information requirements outlined in Table 4 below should be read in consideration of NT EPA General Guidance for Proponents Preparing an EIS (NT EPA 2020). It provides an example of how the proposed structure for an environmental factor/objective could be included in the proposed proponent initiated EIS terms of reference. Proponents would need to repeat this approach and include as many environmental factors/objectives as are relevant.

**Table 4: Minimum information required for assessment of *Relevant environmental factor 1***

| Aspect                               | Specific information required   |
|--------------------------------------|---|
| <i>(State factor objective here)</i> |   |
| Environmental values                 | <ul style="list-style-type: none"> <li>• <i>List environmental values</i></li> <li>• <i>the outcomes of geotechnical investigations and surveys of the zone of influence and an assessment of the site’s suitability</i></li> <li>• <i>water quality (chemical, physical and biological) of the Proposal footprint (surveyed baseline), zone of influence including temporal and spatial variations and reference to the metric by which water quality is measured</i></li> <li>• <i>water quality objectives and declared beneficial uses</i></li> <li>• <i>the physical and chemical characteristics within the Proposal footprint and zone of influence (surveyed baseline)</i></li> <li>• <i>the location and physical and biological characteristics of the spoil disposal site</i></li> </ul> |

| Aspect                      | Specific information required  |
|-----------------------------|--|
|                             | / reclamation site.  |
| Potential impacts and risks | <p><i>Utilise surveys and field-verified modelling to determine the areas that could feasibly experience impacts associated with the proposed activities. This is to take into account (list relevant matters for consideration). Classify the areas as:</i></p> <ul style="list-style-type: none"> <li>• <i>Zones of impact – or direct disturbance footprint (Proposal footprint). These are the areas of proposed infrastructure, vegetation clearing and direct use.</i></li> <li>• <i>Zones of influence – or indirect disturbance footprint. These are surrounding areas that may be indirectly affected by proposed activities, for example via the release of contaminants (air, water, land), changes to land, water etc.</i></li> </ul> <p><i>Provide a detailed and comprehensive assessment of potential impacts, benefits and risks to (environmental factor) utilising modelling, geotechnical investigations, outcomes of investigations and other relevant information. As a minimum, the assessment should take into consideration:</i></p> <ul style="list-style-type: none"> <li>• <i>methods, equipment, timing and frequency</i></li> <li>• <i>the likely scale, extent and fate of contaminants/pollutants/materials</i></li> <li>• <i>other industries and proposals that may contribute to cumulative impacts of this Proposal</i></li> <li>• <i>environmental management requirements associated with seasonal weather, extreme weather conditions such as storms and cyclones for the 2, 10 and 100 year average recurrence interval events</i></li> <li>• <i>details of containment, dewatering, settlement etc.</i></li> <li>• <i>the physical and chemical characteristics of discharge</i></li> <li>• <i>potential contaminants and sources</i></li> </ul> <p><i>The assessment must take into account all construction and operation activities of the Proposal including (list all relevant activities)</i></p> <p><i>The assessment must identify potential impacts and risks to (environmental factor) and quantify their significance:</i></p> <ul style="list-style-type: none"> <li>• <i>against relevant guideline thresholds</i></li> <li>• <i>on the beneficial uses, water quality objectives and identified environmental values</i></li> <li>• <i>The assessment of each aspect should consider cumulative impacts and the reversibility of potential impacts.</i></li> </ul> |
| Mitigation and management   | <p><i>Outline the measures for avoiding, mitigating, or offsetting adverse impacts identified above, with consideration of sections 26 (Environmental decision making hierarchy) and section 27 (Waste management hierarchy) of the EP Act. Also include here measures to enhance or restore environmental quality.</i></p> <p><i>These may be incorporated into management plans and address at a minimum:</i></p> <ul style="list-style-type: none"> <li>• <i>facility design and layout</i></li> <li>• <i>water management, including stormwater and wastewater management</i></li> <li>• <i>waste management including a detailed description of management methods for all types of wastes (including bilge water, and anti-foul materials removed from and/or added to boats)</i></li> </ul>   |

| Aspect                   | Specific information required   |
|--------------------------|---|
|                          | <ul style="list-style-type: none"> <li>• dredging management</li> <li>• dredge spoil management</li> <li>• erosion and sediment control</li> <li>• acid sulfate soil management (if present)<sup>2</sup></li> <li>• emergency response management</li> <li>• compliance with any statutory or policy basis for the proposed measures.</li> </ul> <p>Discuss adaptation to a changing climate including design and resultant viability of the Proposal.</p> <p>All mitigation measures should be substantiated and in accordance with best practice, including advice from relevant Northern Territory Government advisory agencies.</p> |
| Monitoring and reporting | <p>Outline how the Proponent will monitor and report on potential impacts and risks to (environmental factor) as outlined above, including:</p> <ul style="list-style-type: none"> <li>• e.g. water quality</li> <li>• e.g. sediment quality</li> <li>• e.g. spoil and spoil leachate, including acid sulfate soils</li> <li>• e.g. erosion and sediment</li> <li>• e.g. waste management, including antifoul removal, disposal and application.</li> </ul> <p>All monitoring activities should be substantiated and in accordance with best practice advice from relevant Northern Territory Government advisory agencies.</p>         |
| Residual impact          | <p>Assess the significance of any residual impact or risk of the Proposal to identified values.</p>   |
| Offsets                  | <p>Where a significant residual impact may remain after applying the environmental decision-making hierarchy, identify offsets and describe how any proposed offset is consistent with the NT Offset Policy<sup>8</sup>.</p>  |

The proponent should include additional tables for all relevant environmental factors and objectives. A list of relevant guidance should also be included (see Attachment A).

## 6. Other requirements

### 6.1. Other environmental factors or matters

The draft EIS is focussed on the key environmental factors. The draft TOR may, however, note other aspects or issues that the NT EPA considers are relevant to the proposal, but are not significant enough at the draft TOR stage to warrant further assessment by the NT EPA. Refer to the *NT EPA Guidance for Proponents Preparing an EIS*, for how to address other environmental factors or matters and discuss them in the EIS.

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<sup>8</sup> NT Offset Policy is currently in draft form and will be available on the [NT EPA website](#) once finalised.

The proponent must identify any other environmental factors or matters relevant to the proposal and provide a brief description of each of those environmental factors or matters.

## 6.2. Stakeholder engagement and consultation

Proponents have a general duty under section 43 of the EP Act to provide communities that may be affected by a proposal an opportunity for consultation to assist community understanding of the proposed action and its potential impacts and benefits.

The proponent must engage and consult with stakeholders<sup>9</sup> who are affected by and interested in the proposal. The proponent must document the following in the EIS:

- identified stakeholders
- the stakeholder consultation undertaken and the outcomes, including decision-making
- agencies' or authorities' specific regulatory approvals
- any adjustments to the Proposal as a result of consultation
- any future plans for consultation.

## 6.3. Public consultation requirements

The public consultation requirements for the draft TOR are outlined in Part 5 Division 5 of the EP Regulations. Additional specific details are provided below.

### 6.3.1. Submission period and public consultation locations

The proponent will need to identify the submission period for the Draft TOR/Draft EIS. This may be adjusted following consultation with the Proponent. The proponent should identify where the draft EIS will be provided and be made available for public consultation at. These should include:

- NT EPA, Level 1, Arnhemica House, 16 Parap Road, Parap, NT 0820
- Northern Territory Library, Parliament House, Darwin, NT 0800
- Environment Centre Northern Territory, Unit 3, 98 Woods St, Darwin, NT 0800.

Proponents should also add in additional locations that are relevant to the location of the proposal, as considered necessary.

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<sup>9</sup> As defined in the NT EPA Guidance for Proponents - Stakeholder Engagement (NT EPA 2020)

## Attachment A – List of relevant guidance material

Proponents should List guidance material as relevant to the proposed draft TOR, including but not limited to:

- NT EPA guidance
- NT Government guidance
- Commonwealth guidance
- Guidance from other Australian jurisdictions
- Best practice guidance
- Industry guidance
- Australian Standards
- Codes of practice
- Specifications.

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