

Introduction

This document outlines the general requirements for preparing a Notice of Intent (NOI) for a proposal to be assessed under the *Environmental Management and Pollution Control Act 1994* (the EMPC Act).

The NOI is prepared by the proponent and provides an overview of the proponent, the proposal, proposal location and the potential impacts of the proposed activity. It enables the Board of the Environment Protection Authority (the Board) to determine the “class of assessment” and to develop guidelines for the proponent/their consultant to prepare a case for assessment.

Lodging a NOI is a preliminary step only, so the information provided should be brief and succinct.

Content of the NOI

Section 27B(2) of the EMPC Act stipulates that a NOI should contain the information outlined below. The Board may refuse to accept a NOI that does not adequately address these requirements.

- 1) The name and contact details of the person lodging the application.¹
- 2) The name of the proposed project and its location.²
- 3) Background of the project proponent, including details of the proponent's experience and financial capacity to undertake the project and his, her or its contact details.³
- 4) A description of the proposed project, including its key physical components.⁴
- 5) An outline of the proposed location of the project and a general site location map.
- 6) An outline of the stakeholder consultation process undertaken or proposed to be undertaken, including the consultation method, stakeholders consulted or to be consulted and the issues raised or to be raised.
- 7) A general description of the physical environment that may be affected by the project.
- 8) The key environmental, health, economic and social issues identified for the project to date.
- 9) The surveys and studies proposed or underway in relation to the key issues for the project.
- 10) The proposed timetable for the project.

¹ The person likely to make an application to the relevant Council for a permit. Provide also the name and contact details of the person or organisation lodging the NOI, if different.

² The project location should include all land parcels, including easements, reserves and roads, within which works or changes of use are proposed (consistent with permit application to be lodged with the relevant Council).

³ Include the proponent's name (the name of the legal entity), registered address, postal address, ABN, ACN (if relevant), telephone number and email address.

⁴ Project description should include all works or change of use which will form part of an application for a permit to be lodged with the relevant Council. If the proposal relates to an existing activity, provide details of any current regulatory approvals including land use planning permit, environment protection notice, licence, etc.

For the purposes of section 27B(2)(k) of the EMPC Act, the Board has determined that a NOI should contain the following additional details:

- 1) Whether the project requires or is likely to require approval under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). This will be determined by the project's potential to impact upon Matters of National Environmental Significance or Commonwealth land.
- 2) Whether the proponent has or intends to refer the project to the Australian Government for a determination on whether approval is required under the EPBC Act.⁵
- 3) If the proposal has a reasonable likelihood of requiring approval from the Australian Government under the EPBC Act, a statement should be provided as to whether the proponent elects for the proposal to be assessed pursuant to the Bilateral Agreement made under section 45 of the EPBC Act between Tasmania and the Australian Government (dated 22 October 2014).
- 4) The status of the proposal under the *Land Use Planning and Approvals Act 1993* (the LUPA Act).⁶ This must include:
 - a) whether the relevant Council will require a LUPA Act permit application;
 - b) whether a single permit application or multiple applications will be required;
 - c) the division of the LUPA Act under which the application will be made;
 - d) zoning of the proposal site(s), and whether rezoning will be required;
 - e) if the proposal is for intensification or alteration of an existing activity, the status of the existing activity under the LUPA Act; and
 - f) if the proposal is for intensification or alteration of an existing activity, whether the council regards the proposal as a substantial intensification for the purposes of subsection 12(7) of the LUPA Act.
- 5) Where the NOI relates to an activity that requires an Environmental Licence under the EMPC Act:
 - a) Whether the person (which includes any body of persons, corporate or unincorporated) who intends to submit the development application has contravened the EMPC Act. This includes failure to comply with environmental conditions or restrictions imposed under the Act or subordinate regulations, including those contained in permits issued under the LUPA Act and Environment Protection Notices issued under the EMPC Act. If so, provide details of these contraventions, including the date and relevant provision of the EMPC Act.
 - b) Whether the person (which includes any body of persons, corporate or unincorporated) or an associate of the person has within the last 5 years been convicted of an offence against:
 - the EMPC Act;
 - any other Tasmanian Act that relates to the protection of the environment; or
 - a law of another State, a Territory, or the Commonwealth, that relates to the protection of the environment.
 - c) Where a natural person is intending to submit the development application (as opposed to a company or corporation), the person is over the age of 18.

⁵ Consult with the Australian Government Department of Climate Change, Energy, the Environment and Water about the need or otherwise for a referral under the EPBC Act before lodging the NOI. For further information see www.dcceew.gov.au/environment/epbc.

⁶ Consult with the relevant council on the proposal's LUPA Act status.

Lodging a NOI

The NOI should be lodged with the Board by email to assessments@epa.tas.gov.au.

Assessment Fees

The *Environmental Management and Pollution Control (General Fees) Regulations 2017* prescribe the fees payable for assessments. Where the assessment fee is to be calculated on an hourly rate basis, EPA will commence recording hours from acceptance of the NOI. On completion of the assessment, the assessment fee is payable whether or not the proposal is approved and whether or not it proceeds.

Further Information

Assessments Section,
Environmental Assessments Branch,
Environment Protection Authority

Telephone: (03) 6165 4599
Email: assessments@epa.tas.gov.au
Web: www.epa.tas.gov.au/assessment