Environmental impact statement notice

Requirements for an environmental impact statement (EIS) notice

This document provides guidance to proponents on the preparation, distribution and publication of an environmental impact statement (EIS) notice in accordance with sections 51, 52 and 53 of the Environmental Protection Act 1994 (EP Act)

1. **Introduction**

An EIS notice is used to advise and inform the public, government agencies, and interested and affected persons that an EIS for a proposed project, prepared under the EP Act, is available to view. The notice also provides information on when and how submissions can be made on the EIS.

1. **Requirements to prepare and submit an EIS notice**

You (the project proponent) are required to prepare an EIS notice after an EIS has been submitted to the Department of Environment and Science (the department) and the department has made a decision, under section 49 of the EP Act, to allow the EIS to proceed to the notification stage of the EIS process.

Anyone can make a submission on an EIS.

1. **Timeframes to distribute and publish the EIS notice**

The department does not set the date that the EIS notice has to be advertised. Rather, the EP Act requires that you must publish the public notice within 20 business days of being notified of the department’s decision to allow the EIS to proceed to public notification.

The department will set the length of time (the submission period) during which submissions on the EIS can be made to the department. The submission period must not be less than 30 business days from the first business day after the EIS notice is published or, if the notice is advertised in a number of newspapers on different dates, when it last appears in a newspaper.

The minimum publication requirements are summarised in Table 1. There are additional requirements for projects being assessed under the bilateral agreement between the Australian Government and the State of Queensland, or as an accredited process under the Commonwealth *Environmental Protection Biodiversity and Conservation Act 1999* (EPBC Act).

**Table 1. Minimum publication requirements for EIS notice**

|  |  |  |
| --- | --- | --- |
| Project type | Website | Newspaper |
| Cth matters not being assessed | Yes | Optional |
| Cth matters being assessed under bilateral or accredited process | Yes | Newspaper circulating throughout Australia (e.g., The Australian) or circulating generally in each State or Territory  (section 8 of the Environmental Protection Regulation 2019) |

Note: The department may also require the proponent to publish the EIS notice in another way. You would be advised by notice if this was deemed necessary.

Before the EIS notice is published, you must give the EIS notice to:

* each interested and affected person[[1]](#footnote-2) for the project
* any other person directed to by the administering authority.

Additionally, you must make a copy of all submitted EIS documents publicly available on a website from the start of the submission period until two years after the chief executive gives the proponent the EIS assessment report. This should be the same website where the public notice is published.

1. **EIS notice content and format requirements**

The EIS notice must be in the approved form (see Attachment A) and state:

* a description of the project and the operational land
* where the submitted EIS may be inspected
* where copies of, or extracts from, the submitted EIS may be obtained
* that anyone may make a submission to the chief executive about the submitted EIS
* the period (the submission period) during which submissions may be made
* that for a submission to be properly made, it must be:
  + written
  + signed by or for each person (*signatory)* who made the submission
  + state the name and address of each signatory
  + made to the chief executive
  + received by the chief executive on or before the last day of the submission period
* any other matter prescribed under a regulation. For projects being assessed by EIS under the Bilateral Agreement, this would include:
  + the project’s title and location
  + the name of the proponent for the project
  + if the proponent and designated proponent for the project are not the same entity—the name of the designated proponent
  + the protected matters for the project[[2]](#footnote-3).

Other considerations:

* All information about the project should be consistent with that in the EIS and any other public information prepared and distributed by the proponent, for example, information sheets and newsletters.
* Notices published in newspapers should contain typography which is readable for seniors and partially sighted readers. Type size 9–12 pt. (or an average x-height of 2.5 mm) is recommended as a minimum.
* The notice must contain a privacy statement (as per the approved form in Attachment C).

1. **Making a declaration of compliance**

Within 10 business days after the EIS notice is last published in a newspaper, you must give the chief executive:

* a statutory declaration (see Attachment B) declaring:
  + the requirements under section 51 and 52 of the EP Act have been complied with
  + the name and address of each person to whom the EIS notice was given under section 51
  + a copy of the EIS notice.

A statutory declaration template is provided in Attachment B. You may email or post this to the department. Alternatively, you may make a statutory declaration in electronic form using the statutory declaration form available on the Queensland Government website[[3]](#footnote-4). The information in Attachment B should be used as a guide about the matters that are to be included when using the electronic form.

1. **Further information**

The latest version of this publication can be found at the Queensland Governments or department’s website using the publication number ESR/2016/2172 as a search term.

1. **Disclaimer**

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and consult their own professional advisors before embarking on any proposed course of action.

**Attachment A**

Notice

***Environmental Protection Act 1994***

Environmental impact statement notice – approved form

*This notice template is in the approved form that the proponent must use to give public notice for an environmental impact assessment (EIS) under sections 51 and 52 of the* Environmental Protection Act 1994.

|  |
| --- |
| **Public Notice** |
| *Environmental Protection Act 1994 – Sections 51 and 52* **Notice of Environmental Impact Statement (EIS)  Proposed INSERT project name.**  An EIS for the proposed INSERT project name has been prepared by INSERT proponent, full registered legal entity required. j would be located INSERT include kilometres in number, e.g. 123 km INSERT direction, e.g. north-west. of INSERT nearest town. The project covers INSERT area of land and state tenure applications, e.g. mining lease application (MLA) [number] [cadastral information – if relevant].  The project would involve the development of INSERT project description. Up to INSERT number and unit; e.g. million tonnes a year of run-of-mine (ROM) or quantity of gas being produced, etc. INSERT resource would be mined. The project would involve INSERT main project infrastructure; pipelines, power, water, rail, haul roads, port, etc.. The expected life of the project would be INSERT number years, including construction, operation, decommissioning and rehabilitation.  ***Environmental Protection Act 1994* (Queensland)**  Application was made by the proponent under INSERT section XXXX of the Environmental Protection Act (EP Act) for INSERT a voluntary EIS; or an environmental authority; or an amendment to an existing environmental authority for INSERT project name. Under INSERT section XXXX of the EP Act it was determined that assessment of the INSERT project name would be by EIS.  INSERT the following section if relevant.  ***Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth)**  The project was determined to be a controlled action (INSERT EPBC Act reference) under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The controlling provisions are:   * INSERT controlling provisions, e.g. World Heritage properties (sections 12 and 15A).   The EIS process will assess potential impacts of the project on the controlling provisions consistent with the bilateral agreement (section 45 of the EPBC Act) between the Australian and Queensland Governments for the purpose of the Australian Government’s assessment under part 8 of the EPBC Act.  The EIS can also be viewed INSERT viewing type, e.g. online at INSERT location, e.g. web page. Electronic copies can be ordered by phoning the proponent on INSERT proponent’s phone number or emailing INSERT proponent’s email.  Written submissions in relation to the EIS are invited from any person within the submission period. The submission period commences on INSERT day month year and concludes on INSERT day month year.  **Submissions should be addressed to:**  The Chief Executive  Department of Environment and Science  Attention: The EIS Coordinator (INSERT project name.)  GPO Box 2454, Brisbane QLD 4001  400 George Street, Brisbane QLD 4000  Or by email to [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au).  **A properly made submission is one that**:   * is written * is signed by or for each person (“signatory”) who made the submission * states the name and address of each signatory * is made to the chief executive * is received on or before the last day of the submission period.   For further information regarding the EIS process for this proposal, contact the EIS coordinator INSERT project name on 13 QGOV (13 74 68) or email [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au).  **Privacy Statement**  Please note it is a statutory requirement that all submissions (including names and addresses) will be provided to the proponent as required under section 56 of the EP Act, so that they may consider them and provide a response to the department. This consultation is a public process, and any submission you provide may be published (including online) and may be transmitted outside of Australia. You may wish to bear this in mind when providing your submission. Your information will not be disclosed by the department to any other parties unless authorised or required by law. |

**Attachment B**

**Statutory Declaration**

*Environmental Protection Act 1994*

Declaration of compliance with public notice requirements

(environmental impact statement)

A statutory declaration is a written statement of facts that is sworn or declared under the Oaths Act 1867. This statutory declaration should be completed in accordance with section 53 of the Environmental Protection Act 1994 (EP Act).

*NOTE: If you wish to make a statutory declaration in electronic form, please use the statutory declaration form available on the Queensland Government website[[4]](#footnote-5). The information below should be used as a guide about the matters that are to be included when using the electronic form.*

# *Oaths Act 1867*

# QUEENSLAND

# TO WIT

|  |  |  |
| --- | --- | --- |
| For an application for: | | Click here to enter text. |
|  | | (Type of application and reference number) |
| I, | Click here to enter text. | |
|  | (Name of person making this declaration) | |
| of, | Click here to enter text. | |
|  | (Street address of the person making this declaration) | |

in the state of Queensland do solemnly and sincerely declare that in accordance with section 53 of the *Environmental Protection Act 1994* (EP Act)*,* in relation to the above mentioned application, the proponent

|  |
| --- |
| Click here to enter text. |
| (Insert proponent’s name. The ‘proponent’ is a registered legal entity intending to carry out the activity and in whose name the applicable permits or licences are to be issued) |

has (please tick only one of the following):

fully complied with the public notice requirements of sections 51 and 52 of the EP Act and declared the name and address of each person to whom the EIS notice was given under section 51

or

not fully complied with the public notice requirements of sections 51 and 52 of the EP Act and has not declared the name and address of each person to whom the EIS notice was given under section 51.

If you have stated that the applicant **has not** fully complied with the public notification requirements, please provide details of, and the reasons for, the non-compliance below or provide an attachment:

|  |
| --- |
| Click here to enter text. |

This statutory declaration must attach the following documentation (tick to indicate attachment):

A copy of the published EIS notice.

The name and address of each person to whom the EIS notice was given.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867.*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Taken and declared before me, at | | Click here to enter text. | | | | | |
|  | | (Insert location) | | | | | |
| this | Click here to enter text. | day of | | Click here to enter text. | in the year | Click here to enter text. |
|  | (Insert day, e.g. 18th) |  | | (Insert month) | (Insert year) | |
| Click here to enter text. | |  |  | Click here to enter text. | | | |
| Signed | |  |  | Signed | | | |
| (person making this declaration) | |  |  | (cross out which is not applicable) Justice of the Peace/ Commissioner for Declarations/ Solicitor/ Barrister | | | |
|  | |  |  | Click here to enter text. | | | |
|  | |  |  | Print name and registration number (if applicable) | | | |

**Enquiries:**

Environmental Impact Assessment

Ph. 13 QGOV (13 74 68)

Email. [**eis@des.qld.gov.au**](mailto:eis@des.qld.gov.au)

**Forward this statutory declaration:**

via email to [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au)

via post or registered post to

Department of Environment and Science

GPO Box 2454, Brisbane QLD 4001

Attention: EIS Coordinator, Environmental Impact Assessment

**Privacy statement**

The Department of Environment and Science is collecting your personal information on this *declaration of compliance* as part of the environmental impact statement process as required under section 53 of the *Environmental Protection Act 1994.* The information will only be used by authorised employees within the department and will not be disclosed to any third party without your consent unless authorised or required by law. For further privacy information go to our website or email [privacy@des.qld.gov.au](mailto:privacy@des.qld.gov.au).

**Attachment C**

Checklist

**Content requirement checklist for an EIS notice**

*This checklist provides guidance as to the type of information required in an EIS notice that has been made in the approved form under sections 51 and 52 of the* Environmental Protection Act 1994 *(EP Act).*

|  |  |  |
| --- | --- | --- |
| **EIS notice checklist** | **YES** | **NO** |
| 1. Is the EIS notice in the approved form?   *I.e. The template in Attachment A of this document has been used to create the notice and has not been altered, except for where explicitly required by the template.* |  |  |
| 1. Does the EIS notice state a description of the project and the operational land?   *This should include:*   * *the name of the project* * *proponent, location (geographical)* * *size and type of mining/resource activities* * *permit applications including any mining/petroleum tenements granted or applied for relevant to the project and cadastral information for off-lease activities.*   *A brief project description, including:*   * *the amount and type of resources to be mined or extracted* * *how the resources will be mined or extracted* * *any separation, beneficiation or processing of the mineral or gas that will occur* * *life of project* * *access* * *power and water supply* * *accommodation* * *transport.*   *Any project options for any of the above items should also be stated.* |  |  |
| 1. Does the EIS notice state any other matter prescribed under a regulation?   *For example, whether the project is being assessed by EIS under a bilateral agreement and any controlling provisions under the EPBC Act.* |  |  |
| 1. Does the EIS notice state where the submitted EIS may be inspected?   *For example, web address, physical location.* |  |  |
| 1. Does the EIS notice state where copies of, or extracts from, the submitted EIS may be obtained?   *For example, hard copy and electronic locations, as well as phone and email contact for enquiries.* |  |  |
| 1. Does the EIS notice state the period (*submission period*) during which submissions may be made?   *For example, specific dates.* |  |  |

**After completing the list above, mark which of the following applies:**

|  |  |  |
| --- | --- | --- |
| 1. All of the ‘YES’ boxes are marked and the content of the EIS notice complies with the legislative requirements. |  |  |
| 1. One or more of the ‘NO’ boxes are marked and the content of the EIS notice may not have complied with legislative requirements. |  |  |

1. For the purposes of this EIS notice, an affected person means any person described in section 38 of the EP Act, and an interested person means any person described by section 41(3)(b) of the EP Act. [↑](#footnote-ref-2)
2. In this context, *protected matter* means a matter mentioned in the *Environment Protection and Biodiversity Conservation Act 1999.*  [↑](#footnote-ref-3)
3. You may make a statutory declaration in electronic form. Information is available here: [Statutory Declaration Forms – Dataset – Publications | Queensland Government](https://www.publications.qld.gov.au/dataset/statutory-declaration) or by searching the Queensland Government website [www.qld.gov.au](http://www.qld.gov.au) using the terms ‘statutory declaration form’. [↑](#footnote-ref-4)
4. You may make a statutory declaration in electronic form. Information is available here: [Statutory Declaration Forms – Dataset – Publications | Queensland Government](https://www.publications.qld.gov.au/dataset/statutory-declaration) or by searching the Queensland Government website [www.qld.gov.au](http://www.qld.gov.au) using the terms ‘statutory declaration form’. [↑](#footnote-ref-5)