

Information sheet

Environmental Protection Act 1994

Relationship between an application for an environmental authority and the environmental impact statement process

This information sheet outlines the relationship between an application for an environmental authority (EA) and the environmental impact statement (EIS) process under the Environmental Protection Act 1994 (EP Act).

Application, information request and public notification

There are a number of circumstances where a completed EIS under the EP Act results in a streamlined EA assessment.

The purpose of this fact sheet is to provide guidance around the circumstances where a completed EIS removes the requirement for:

- the submission of general application requirements for an EA application
- the information request and public notification stages of an EA assessment.

Application Stage

As outlined in section 125(3) of the EP Act, an EA application does not need to comply with the 'general application requirements' where a completed EIS includes an assessment of the environmental risk of each activity that forms part of the application.

An EIS is used to assess the adverse and beneficial environmental, economic and social impacts of a project, and to propose management, monitoring, planning and other measures to minimise any adverse environmental impacts. It also provides information to help the administering authority decide an EA application.

The extent to which an EIS provides sufficiently detailed information to decide an EA application varies depending upon the stage of development of the project (feasibility or design) and the extent to which the EIS has described at a suitable scale the impacts and proposed mitigation measures.

To ensure that a proponent can enjoy the benefits of not having to comply with the 'general application requirements' for an EA, the EIS should include a thorough assessment of the risks of each activity that forms part of the project.

A way proponents can achieve this is to ensure that an EIS includes the 'general information required' by section 125 of the EP Act. The Department of Environment, Science and Innovation website also provides a range of application guidance material, setting out acceptable environmental outcomes.

For example, there is an application guideline to assist in the preparation of environmental authorities for petroleum activities which clearly outlines the department's expectations for fully considering potential impacts on environmental values, and measures for preventing and minimising these impacts.

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Information request and public notification stage

Section 139 and 150 of the EP Act state that the information and notification stages of an assessment for an EA do not apply where:

1. the environmental impact statement (EIS) process under the EP Act has been completed for the relevant activity;
2. for a site-specific application for a mining activity relating to a mining lease – the notification of the EIS included notification of a proposed PRC plan;
3. the environmental risks of the activity and the way it will be carried out have not changed since the EIS was completed;
4. if a change to the way the activity is carried out is proposed, the administering authority is satisfied the change would not likely attract a submission objecting to the change; and
5. for a previously notified proposed PRC plan (item 2 above), any post-mining land use or non-use management areas have not changed, or the day rehabilitation date has not changed; and

(for the information request stage only) with regards to a previously notified proposed PRC plan (item 2 above), achieving a stable condition for land and the way in which achieving the post-mining land use has not changed. In considering whether there is a change in environmental risks or the way the activity will be carried out between the completed EIS process and the application for an EA, the administering authority will consider whether there is any change to:

- the activity, including its location on the site;
- the way the activity will be carried out;
- impacts on environmental values;
- management practices for mitigating impacts; and
- sensitive receptors.

As previously outlined, an EA application is carried out at an activity level, and must include a thorough consideration of actual or potential impacts on environmental values for each activity.

Where an EIS does not include a thorough assessment of the environmental risk for each activity, it is likely that that the activity and/or the risks of the activity will have changed between the completed EIS assessment and the application for the EA. In these circumstances, the information request and public notification stages will continue to apply.

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Enquiries:

Permit and Licence Management
Ph: 1300 130 372 (select option 4)
Ph: 13 QGOV (13 74 68)
Email: palm@des.qld.gov.au

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Version history

| Version | Effective date | Comments |
|---------|------------------|--|
| 1.00 | 27 March 2013 | First published version. |
| 1.01 | 9 August 2018 | The document template, header and footer have been updated to reflect current Queensland Government corporate identity requirements and comply with the Policy Register. |
| 1.02 | 14 April 2022 | Facsimile number removed. |
| 2.00 | 26 June 2023 | Changes made to reflect notification provisions updated under the <i>Environmental Protection and Other Legislation Amendment Act 2023</i> . |
| 2.01 | 16 February 2024 | Updated to align with the MOG |