

Major environmental impact assessment (EIA) processes in Queensland

By Dr Chris McGrath (8 November 2011)

Environmental impact assessment (EIA) is the term used to describe a variety of processes used to assess the environmental impacts of a proposal and the ways of mitigating those impacts. One form of EIA is the preparation of an Environmental Impact Statement (EIS), which is a document that generally describes:

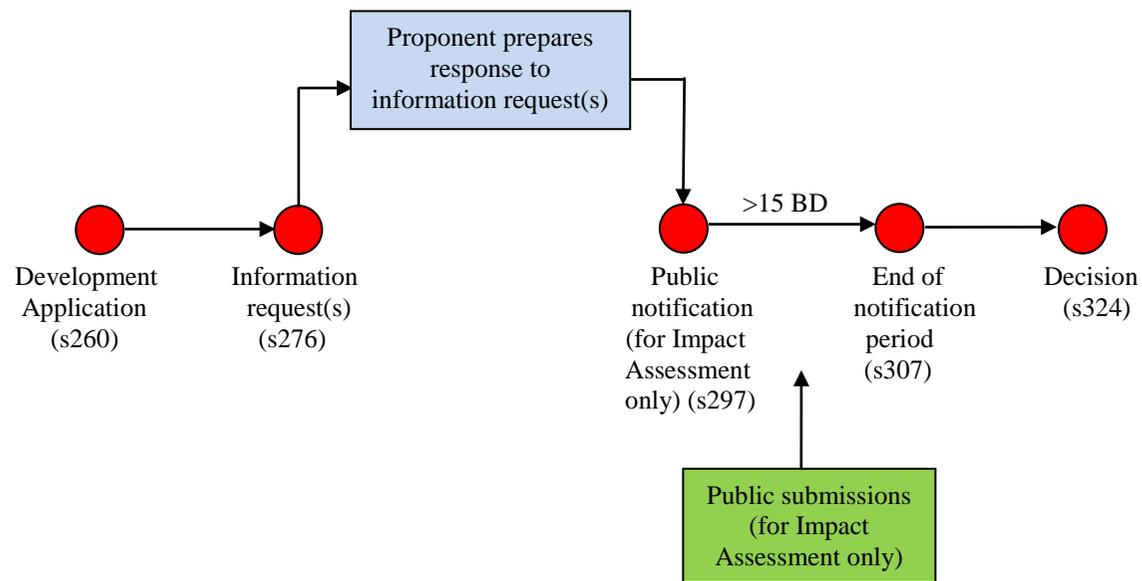
- the proposed development;
- the relevant environment;
- potential impacts of the development on the environment;
- ways of mitigating impacts to the environment; and
- alternatives to the proposed development.

The purpose of EIA is normally to inform the relevant decision-maker of potential environmental impacts and mitigation measures to enable them to decide whether to allow the development to proceed and what conditions, if any, should be placed upon it. Under Queensland law there are a range of EIA processes that may potentially be triggered or required by government decision-makers. The major ones are as follows:

| Statute | Summary of EIA provisions |
|--|---|
| 1. <i>Sustainable Planning Act</i> 2009 (Qld) (SPA) ss 270-293 and 294-307. | Contains a general procedure of “information requests” for any development application and public notification for any “impact assessable” development application (Figure 1). A special EIS process for assessing controlled actions under a bilateral agreement for the EPBC Act is provided in Part 2 of Ch 9 (ss 688-701) but is rarely used (Figure 2). |
| 2. <i>Environmental Protection Act</i> 1994 (Qld) (EPA) ss 37-72. | Contains an EIS process generally limited to assessing applications for an environmental authority (mining lease) and petroleum extraction (including natural gas extraction) (Figure 3). Linked to the EPBC Act through a bilateral agreement. |
| 3. <i>State Development and Public Works Organisation Act</i> 1971 (Qld) (SDPWOA) ss 26-35. | General power to declare a “significant project” and require an EIS involving public notification (Figure 4). Procedure over-rides EIA processes under SPA and EPA. Linked to the EPBC Act through a bilateral agreement. |
| 4. <i>Environment Protection and Biodiversity Conservation Act</i> 1999 (Cth) (EPBC Act), Part 8, ss 80-129. | Public notice and submissions on all referrals to determine whether they are controlled actions and, in addition, contains six major EIA procedures for assessing impacts of controlled actions (Figure 5): <ul style="list-style-type: none"> • Accredited assessment process; • Assessment on referral information; • Assessment on preliminary documentation; • Public Environment Report; • Environmental Impact Statement; • Public Inquiry. <p>Accredited assessment processes include a State EIA procedure under a bilateral agreement. A bilateral agreement is in force for Queensland and is typically used whenever an EIS is required.</p> |

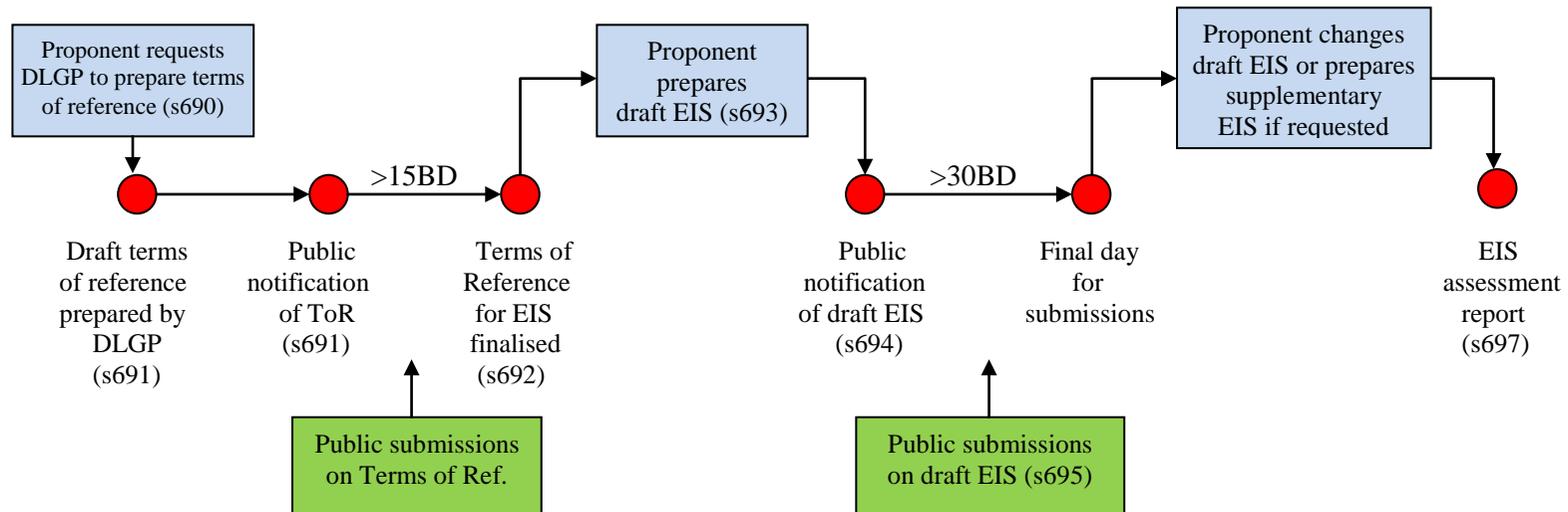
Flowcharts showing the major steps and stages in the SPA information request and EIS processes are provided in Figures 1-2 and for the EIS process in the EPA, SDPWOA, EPBC Act in Figures 3-5. These flowcharts do not include further EIA which may occur during court proceedings regarding the approval processes.

Figure 1: Information request & public notification process in the integrated development assessment system (IDAS) of the *Sustainable Planning Act 2009* (Qld)



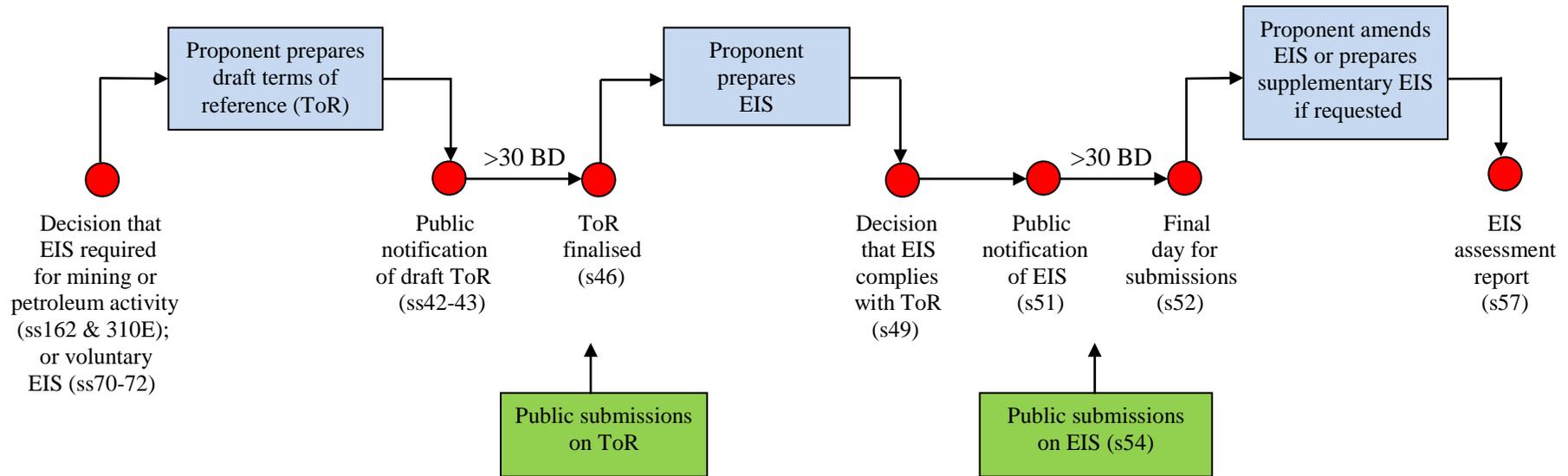
Note: BD = business days

Figure 2: EIS process under Chapter 9 of the *Sustainable Planning Act 2009 (Qld)* (SPA)



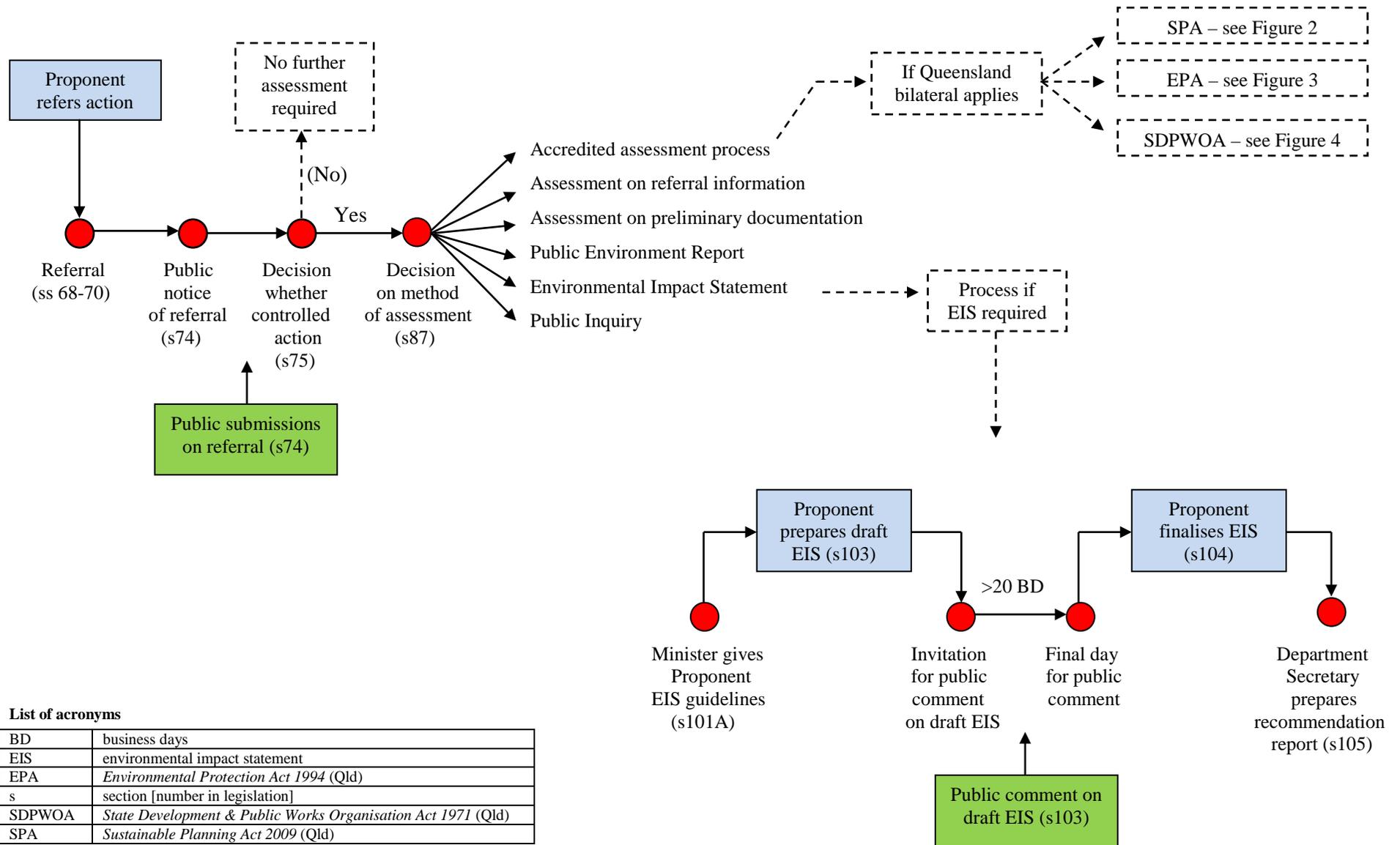
Note: DLGP = the Queensland Department of Local Government & Planning; and BD = business days

Figure 3: EIS process under the *Environmental Protection Act 1994* (Qld)



Note: BD = business days

Figure 5: EIS process under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)



List of acronyms

| | |
|--------|---|
| BD | business days |
| EIS | environmental impact statement |
| EPA | <i>Environmental Protection Act 1994</i> (Qld) |
| s | section [number in legislation] |
| SDPWOA | <i>State Development & Public Works Organisation Act 1971</i> (Qld) |
| SPA | <i>Sustainable Planning Act 2009</i> (Qld) |