ELLA BAY DEVELOPMENT PROPOSAL - SIGNIFICANT PROJECT **ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS**

The Project is also a Controlled **Action under the Commonwealth** EPBC Act¹

ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS UNDER STATE DEVELOPMENT & PUBLIC WORKS ORGANISATION ACT (SD&PWO ACT)

The Coordinator The CoG invites The CoG finalises The CoG assesses The Proponent **General declares** prepares and publicly the EIS and submissions on **ToR** significant project the draft Terms of for the EIS notifies the EIS prepares a report status & advises who Reference for the the Assessment **EIS** Manager will be The CoG assesses the EIS and The CoG prepares the draft prepares an EIS in the submissions received and ToR for the EIS with assistance The CoG must have regard accordance with the ToR2 to prepares a Report evaluating from other agencies. The declaration and the to all comments and the satisfaction of the CoG. the EIS5. The CoG may ask P3 Assessment Manager information received in advertises for further information on the The CoG advises P3 and are advertised in the submissions in finalising particulars of the EIS3 for a project in order to complete publicly announces the **Government Gazette.** the ToR. The CoG may period to be determined by the Report. The CoG will requirement of an EIS and the seek further advice from the CoG. All submissions publicly notify the Report and draft ToR for the project. other agencies in relation are forwarded to the CoG4. provide a copy to P3 and to the to the ToR1. designated Assessment The public and State Agencies Manager. can make a submission on the

INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM (IDAS) PROCESS UNDER THE INTEGRATED PLANNING ACT (IPA)

Application Stage - Proponent makes a development application under IDAS

decision within 20 business days7.

P3 makes an Impact Assessable application to the Assessment Manager for an MCU. There

will be no need for further referral to other

agencies or public notification of the

application because the process has already

been undertaken under the SD&PWO Act⁶. The proposal will go straight to the decision making

stage and Council will be required to make a

draft ToR.



No Referral or Public **Notification Stage**



Decision Stage - The Assessment Manager assesses the development application and includes the CoG's response

The Assessment Manager relies on the CoG's Report8 in preparing a report to make a decision on the application. The decision stage cannot commence until the Assessment Manager receives the CoG's report.

The CoG in the Report may, direct certain conditions be attached to any approval, or approval to be given in part, or only preliminary approval to be given or the application be refused providing appropriate reasons.

Any submissions made on the EIS are deemed to be submissions for consideration in the decision stage.

There are no submitter appeal rights given that there is no referral or public notification stage.

1	_	As a Controlled Action in accordance with the Environmental Protection and Biodiversity Conservation Act (Commonwealth) - before or after the
		Project is declared a Significant Project, the Commonwealth Minister for the Environment may decide the Project will be assessed either by an
		accredited assessment process or the project is to be assessed under a bilateral agreement.

1	-	The CoG may refer details of the project to any entity that may be able to assist the CoG comment and assist in preparing the EIS. If the entity wishes P3 to consider its response in preparing the EIS, it must give its response within the 'response time' for giving the response. If the entity does not give its response within the 'response time' it is as if the entity had no comment on the project.
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2	_	The EIS must for the whole project, address the terms of reference to the satisfaction of the CoG; or
		for a particular stage of the project, address the terms of reference to the satisfaction of the CoG. If only a particular stage is addressed a further EIS may be prepared for another or all remaining stages of the project and provided to the COG by the day stated in the CoG's report.
		As a Controlled Action, the EIS must provide information on a whole range of matters set out in Schedule 1 of the SD&PWO Regulation.
3	-	P3 must publicly notify the following:
		- Where a copy of the EIS is available for inspection;
		 Where a copy of the EIS may be obtained at a stated reasonable cost (must not be more than the actual cost of producing the copy) That submissions may be made to the CoG about the EIS
		- The period ('submission period') set by the CoG during which a submission may be made
		As a Controlled Action, the submission period must be at least 28 days.
		The following must also be stated:
		- The project title
		- The proponent's name
		- The name of the entity intending to take the action the subject of the project;
		- If the proponent and designated proponent are not the same entity – the designated proponent's name;
		- A brief description of the project
		- The location of the project
		- The protected matters (defined by the EPBC Act) for the project
		Public notification must be in a newspaper circulating throughout Australia; or in each State and Territory in a newspaper circulating generally in the State and Territory.
4	-	During the submission period the CoG must accept properly made submissions however, the CoG may also accept submissions not properly made. If the CoG has accepted a submission, the person who made the submission may by written notice amend the submission during the submission period or withdraw the submission anytime before a decision about the EIS is made.
		Submission period of withdraw the submission anythine before a decision about the £10 is made.
5	-	In evaluating the EIS, the CoG may:
		 Evaluate the environmental effects of the project and any other related matters; and State conditions
		The CoG's report may state either that:
		- conditions must attach,
		- development approval must be for part only of the development;

		 the approval must be a preliminary approval only or there are no conditions or the application must be refused (but only if the CoG is satisfied there are environmental effects in relation to the development that can not be adequately addressed). The Report must state the entity that is to have jurisdiction for the condition and the condition is to be taken to be a concurrence agency condition under the IPA.
6	-	A properly made submission about the EIS is taken to be a properly made submission about the application under the IDAS process
7	-	Council has 20 business days to make a decision on the application but may extend that period by a further 20 business days.
8	-	The CoG's Report has the same effect as if it were a concurrence agency's response under IDAS. The CoG takes the power of any entity that would have been a concurrence agency for the application. This does not limit the assessment manager's power under the IPA to assess the application and impose condition not inconsistent with those recommended by the CoG.
		A copy of the Report is also provided to the Commonwealth Environment Minister.