Guide to Environmental Impact Assessment conducted by the EPA Board

November 2018
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1  Purpose

This document provides information for proponents and other stakeholders on the environmental impact assessment process conducted by the Board of the Environment Protection Authority (the Board) under the Environmental Management and Pollution Control Act 1994 (EMPCA).

2  Definitions

The following terms are defined in Part 1 of EMPCA, and are summarised here. Refer to EMPCA for full details.

**Level 1 activity** means an activity which may cause environmental harm in respect of which a permit under the Land Use Planning and Approvals Act 1993 is required but does not include a level 2 activity or a level 3 activity;

**Level 2 activity** means an activity specified in Schedule 2 of EMPCA;

**Level 3 activity** means an activity which is a project of State significance under the State Policies and Projects Act 1993;

**Board** means the Board of the Environment Protection Authority established under section 13 of EMPCA¹;

**Director** means the Director, Environment Protection Authority appointed under section 18 of EMPCA;

**Environmental harm** means environmental harm as described in section 5 of EMPCA, and includes serious environmental harm, material environmental harm and environmental nuisance;

**Environmental licence** means an environmental licence granted under Division 8 of Part 3 of EMPCA.

**Environmental nuisance** means:

(a) the emission, discharge, depositing or disturbance of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and

(b) any emission, discharge, depositing or disturbance specified in an environment protection policy to be an environmental nuisance;

**Finfish farming** means the activity that consists of, or includes, any one or more of the following activities:

(a) the farming, culturing, hatching, rearing, enhancement, or breeding, of finfish; and

(b) any activities associated with, and for the purposes of, these activities.

**Marine farming** has the same meaning as in the Living Marine Resources Management Act 1995.

**Permissible level 1 activity** or **level 2 activity** means a level 1 or level 2 activity in respect of which a planning authority --

(a) has a discretion to refuse a permit; or

(b) is bound to grant a permit either unconditionally or subject to conditions.

¹ The Board has delegated some of its powers to conduct assessments to the Director and other EPA Tasmania officers. Any reference to the Board in this document includes the Board’s delegates.
3 Introduction

Attachments 2 and 3 contain flow charts illustrating the environmental impact assessment (EIA) process conducted by the Board. Attachment 3 shows the process for activities that require an environmental licence, Attachment 2 is for all other activities. Further detail and background is available in the subsections below.

The Board considers the environmental impact assessment of a proposal in accordance with the objectives of the Resource Management and Planning System (RMPS) and the Environmental Management and Pollution Control System (EMPCS). The Board’s assessment must be undertaken in accordance with the Environmental Impact Assessment Principles defined in section 74 of EMPCA, and timeframes specified in EMPCA. The assessment focuses on potential environmental impacts and the potential for environmental harm.

EPA Tasmania, within the Department of Primary Industries, Parks, Water and the Environment (DPIPWE), provides advice and recommendations to the Board on each environmental assessment and administers the assessment process on behalf of the Board.

4 What activities does the Board assess?

The activities assessed by the Board are described below. A level 2 activity means an activity listed in Schedule 2 of EMPCA. The Act is available at https://www.legislation.tas.gov.au/. If a proponent or other stakeholder is unsure whether a proposal will require assessment by the Board, and what process will apply, they should contact the Assessments Section of EPA Tasmania for advice.

4.1 Level 2 activities that require a permit under LUPAA

Most level 2 activities will require a land use permit under the Land Use Planning and Approvals Act 1993 (LUPAA). The primary exception to this is finfish farming activities in State Waters outside municipal boundaries (e.g. marine farms). The Planning Authority (usually the local Council) refers to its planning scheme to determine whether a permit is required.

Proponents should contact their relevant Planning Authority at the beginning of developing their project proposal to ascertain whether a permit application under LUPAA is required and any issues and risks for the proposal under the relevant Planning Scheme.

A Planning Authority is required, under section 25(1) of EMPCA to refer a permit application to the Board for assessment when the application is for:

- a use or development that is a permissible level 2 activity; or
- a use or development that is on the same land as, and is not ancillary to, an existing level 2 activity.

Where a level 2 forms only part of an application referred to the Board, it is only obliged to assess the level 2 activity. The Council will remain responsible for for all other use and development in the application, unless the Board decides to ‘call-in’ other aspects of the application (see Section 4.3 below).

The Planning Authority concurrently assesses the land use planning aspects of the permit application under the provisions of LUPAA, which may include some environmental matters. See Guidance for Land Use Planners on EIA assessments conducted by the EPA Board (Land Use Planners
4.2 Level 2 activities that do not require a permit under LUPAA

Proposed level 2 activities that do not require a permit under LUPAA, including those that are an environmental licence activity, must be referred by the proponent directly to the Board for environmental assessment under section 27 or 27AA of EMPCA. The following marine farming exceptions apply:

- Where an application has been made under the Living Marine Resources Management Act 1995 for a marine farming licence; or
- Where there is a permit, issued under section 12 or 14 of the Living Marine Resources Management Act 1995 that is in force in relation to the activity.

The Board also assesses the following activities under section 27AA of EMPCA, where the Director has refused to accept a licence application and the activity has been referred to the Board for assessment:

- An environmental licence application for a marine farm;
- An environmental licence application for a dormant activity;
- A variation of a marine farm environmental licence;
- A major environmental licence variation.

4.3 ‘Called-in’ activities

The Director may require a Planning Authority to refer an application for a level 1 activity to the Board for environmental assessment as if it were a level 2 activity under section 24(1) of EMPCA. The Board may also require a proponent to refer any proposed activity that does not require a land use permit directly to the Board for environmental assessment under section 27(2) of EMPCA. These directions are made after considering the potential environmental impacts and whether such an assessment is in the public interest.

4.4 Other

The Board also assesses applications for level 2 activities where a combined permit and planning scheme amendment process is commenced under LUPAA. This has a slightly different assessment process. More information is available in the Land Use Planners Guide (see link above).

If a project is declared a project of regional significance under LUPAA, the Minister will refer the project to the Director, EPA. The Director has discretion as to whether the Board will undertake an environmental impact assessment of the project. PORS are assessed under a separate statutory process, the majority of which is defined under LUPAA. For further information, contact the Assessments Section.

5 Preliminary Discussions

Where details of a proposal are being developed, and statutory requirements for assessment and approval are being determined, a meeting between the proponent and EPA Tasmania is

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3 The Director, Environment Protection Authority assesses an application for an environmental licence, or variation to an environmental licence, for a marine farm through an alternative statutory process under EMPCA. More information is available on the EPA website at http://epa.tas.gov.au/regulation/salmon-aquaculture/industry-regulation.
recommended. Attendance of other key stakeholders, including the Planning Authority, may also be of benefit. This meeting offers the opportunity to provide the proponent with an overview of the assessment process, relevant documentation to assist them in understanding the process and initial advice on the likelihood of requiring referral to the Board for assessment.

The Commonwealth Government may also have a role in the environmental assessment and approval of a proposal. This meeting may assist in understanding whether the proponent should consider referring the proposal to the Commonwealth and what determination as a ‘controlled action’ may mean. See Section 14 of this document for more details.

6 Commencement of the Assessment Process

The environmental assessment of an activity by the Board commences in one of the following ways:

- A proponent lodging a Notice of Intent (NoI) with the Board; or
- Referral of a permit application (if a permit is required) or proposal to the Board; or
- For activities that require an environmental licence (EL), a referral from the Director to the Board of an EL application for a finfish farming activity, a marine farm, a dormant activity, a marine farm variation or a major EL variation.

Lodging a NoI is optional. It can only be used where the proponent will also be lodging an application for a permit for a permissible level 2 activity. The NoI process does not apply to:

- Level 2 activities that do not require a permit.
- ‘Called-in’ activities.
- Use or development of land that is on the same land as, and is not ancillary to, an existing level 2 activity, where the activity is not a level 2 in its own right.
- Variation to EL activities where the Director refers the application to the Board.
- Combined planning scheme amendments and permit applications.

A NoI provides a brief outline of the proponent, proposal and location. It should be no more than 10 pages in length. It starts the assessment of the environmental impacts of the activity outside of the statutory process under LUPAA. Lodging a NoI is encouraged for proposals with large scale or complex environmental impacts to provide efficiencies in the application process.

Where a draft NoI has been lodged for a proposal that is likely to be a 2B or 2C, EPA Tasmania will organise a meeting between the proponent and relevant stakeholders. This meeting will allow discussion of the assessment process, identification of key issues and risks and provision of relevant documentation to assist in understanding the assessment process and information requirements.

6.1 What should be included in the document submitted to the Board?


A proposal referred to the Board should include most of the information required by a NoI, excluding those requirements that are not relevant.

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4 ‘not ancillary’ is defined under s 25(1A) of EMPCA.
A permit application must contain sufficient information to satisfy the Planning Authority that the application is a valid application and to allow it to determine whether it should be referred to the Board.

A proponent should also indicate whether a proposal is likely to require Commonwealth approval when lodging a NoI, permit application, proposal or environmental licence application. This information may affect the assessment process determined by the Board (see section 14 for further information).

Overall, the information provided determines:

- whether assessment is required by the Board,
- the level and scope of assessment, and
- the statutory timeframes.

A summary of the key timeframes is provided in Attachment 1.

6.2 Determining whether assessment is required

Once a permit application is referred to the Board or it receives a proposal for a level 2 activity, it must determine whether or not it needs to assess the activity. For EL activities, including inland and marine farming, this determination constitutes a decision on the following:

- If the proposal relates to an existing EL – whether the proposal is environmentally significant and whether to refuse to grant an EL on specified grounds.
- If the proposal relates to a variation to an existing EL – whether to refuse to grant an EL on specified grounds.
- If the proposal relates to a new EL or dormant activity - whether the applicant is disqualified from holding an EL and whether to refuse to grant an EL on specified grounds.

If the Board does not notify the Planning Authority of its determination within the specified statutory timeframe, the Board is taken to have determined that it will assess the activity.

More information on what the decision to assess or not to assess means for an activity, where an application has been lodged with the Planning Authority, is available in the Land Use Planners Guide.

Where the Board refuses to grant an EL, it will also direct the Planning Authority to refuse to grant a permit where one is needed and an application has been lodged. A decision not to grant an environmental licence creates a right of Appeal (see Section 12 below).

7 Class of assessment

If assessment is required, the Board will determine the class of assessment (2A, 2B or 2C). This determines the statutory timeframes that apply to the assessment process and are defined in EMPCA (see Attachment 1, 2 and 3 for details). The Board will advise the proponent and the Planning Authority (if applicable) of its determination.

Criteria for each assessment class are defined in Schedule 5 of EMPCA, and summarised below:

**Class 2A assessments** are generally for low environmental risk, small scale projects with environmental impacts that are minor in scale or consequence, local in extent and which can be readily avoided or mitigated through management measures. Level 2A activities are expected to generate limited public interest.

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5 ‘specified grounds’ are defined in section 42L of EMPCA.
Class 2B assessments are for any proposed activity that is not included in Class 2A or Class 2C.

Class 2C assessments are for projects that are likely to have high environmental risk and include proposals that are:

- projects of regional significance under LUPAA; or
- have a reasonable likelihood of requiring approval from the Commonwealth Government under the Environment Protection and Biodiversity Conservation Act 1999, or of generating a very high level of public interest; or
- possess more than one of the following characteristics:
  - a high level of public interest;
  - very large scale of development or potential for environmental impacts across a wide area;
  - potential to significantly increase pressure on a threatened species;
  - are subject to unusual or complex factors that are likely to demand additional time during the environmental impact assessment process.

If further significant information becomes available during the assessment process, the Board may reclassify the assessment and the proponent and Planning Authority (if applicable) will be informed accordingly.

8 Guidance and Case for Assessment

The environmental assessment of a proposal cannot be advertised or a determination made until a case for assessment has been prepared to the satisfaction of the Board. A case for assessment is the documentation required from the proponent, to enable the Board to assess its environmental impact. It may include an Environmental Effects Report (EER) or a Development Proposal and Environmental Management Plan (DPEMP).

The Board must provide guidance to the proponent which sets out what is to be included in the case for assessment and is issued in the form of guidelines.

Environmental matters that may be considered by the Board include, but are not limited to:

- Noise emissions
- Air emissions and air quality
- Natural values (including flora and fauna, weeds and diseases and geoconservation)
- Water emissions and quality (including storm water and marine water quality)
- Groundwater
- Waste management – including liquid, solid waste and controlled wastes
- Management of environmentally hazardous materials
- Land contamination
- Monitoring
- Decommissioning and rehabilitation

In determining the class of assessment and developing guidelines, EPA Tasmania usually arranges a site inspection. A representative from the Planning Authority and the proponent are invited. Other key stakeholders may also be asked to attend.

For low environmental risk projects (class 2A assessments), the Board will require preparation of an EER. The EER must provide information about the proponent, proposal, potential environmental

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6 Section 27D of EMPCA.
impacts and the management of impacts. The Board has prepared generic guidelines for the preparation of an EER that are available on the internet at [http://epa.tas.gov.au/assessment/assessment-process/guidance-documents](http://epa.tas.gov.au/assessment/assessment-process/guidance-documents). The Board will amend the generic guidelines to include site specific requirements relevant to the proposal. EER Guidelines may also be issued for class 2B assessments where the key environmental issues are limited and a DPEMP is not warranted.

For class 2B and 2C assessments, a DPEMP is likely to be required. The DPEMP provides details on the proponent and the proposal, describes the existing environment in the vicinity of the project site, identifies all significant environmental, social and economic effects associated with the project and describes the proposed measures to mitigate potential adverse environmental effects. The preparation of a DPEMP is likely to require detailed studies by consultants with relevant expertise.

General Guidelines for the preparation of a DPEMP are available on the internet at [http://epa.tas.gov.au/assessment/assessment-process/guidance-documents](http://epa.tas.gov.au/assessment/assessment-process/guidance-documents). The Guidelines include instructions on how to address the requirements of the Board, including structure and formatting, submission of drafts and how to address the potential mitigation and management section of the report. These instructions should be applied for each report submitted to the Board.

The Board will issue site specific guidelines for 2B and 2C assessments. For higher environmental risk proposals (2C assessments), draft Project Specific Guidelines may also be released for public comment before they are finalised.

The timeframes for issuing guidelines are 21 days for a class 2A assessment, 28 days for a 2B and 63 days for a 2C (which includes the public consultation period). These times are extended where the Board has asked a person to provide additional information. This is someone other than the proponent, for example, a government agency or technical specialist. See Attachment 1.

The Board is only obliged to include its own information requirements in its guidelines. The accompanying cover letter may outline some of the requirements of the Planning Authority or other government agencies that also require approvals. The Planning Authority can ask for any further information it needs under provisions in LUPAA. The below, with further information available in the Land Use Planners Guide.

The case for assessment documents should be prepared in consultation with EPA Tasmania. One or more drafts should be submitted for comment before they are finalised. The Board also expects proponents to undertake consultation that reflects the scale and complexity of the project and its potential environmental impacts. A guide to community consultation is available at [http://epa.tas.gov.au/assessment/assessment-process/guidance-documents](http://epa.tas.gov.au/assessment/assessment-process/guidance-documents).

While the Board recommends finalising the case for assessment before lodging a permit application (where the assessment process has started with a Nol), the permit application can be lodged at any time. If an EER or DPEMP is submitted with a permit application, and guidelines have previously been issued under the Nol process, guidance will be provided as comments on the document. Comments may also be issued, along with the class of assessment and guidelines, where the Board has not previously considered the proposal.

Information solely for the purpose of assessment under the relevant Planning Scheme should be supplied to the Planning Authority either:

- as required under s 54 of LUPAA, where the planning application has commenced the environmental assessment process; or
- where it is intended to submit an EER/DPEMP (draft or final) with the planning application, a combined planning and environmental report can be prepared. The
information require for the Board’s assessment must be distinguished from that supplied for the purposes of LUPAA.

Where a combined report is submitted, EPA Tasmania will only review and comment on the sections relevant to the Board’s assessment.

If the case for assessment is not submitted within 12 months of the issuing of the guidance, the Board may terminate the assessment.  

9 Public consultation

Once a satisfactory case for assessment has been received by the Board, the relevant documentation (application or proposal), including the case for assessment, will be made available for public inspection, and representations invited.

Where the assessment requires a permit, the Planning Authority will advertise the proposal under the provisions of LUPAA. Where no permit is required, EPA Tasmania will manage the advertising under the provisions of EMPCA. EPA Tasmania will also be responsible for managing the advertising in national newspapers for 2C assessments, particularly those involving the Commonwealth. Fees for advertising may be charged by the Planning Authority and EPA Tasmania.

Notice of the availability of the documents and how to make representations is published in relevant newspapers. This information and the case for assessment are made available on the EPA website. The full application, if relevant, is sometimes made available on the Council website and is always available at Council offices for inspection.

If the proposal is for a permit application, representations must be sent to the Planning Authority as described in the advertisement and on their website. If a permit is not required, representations must be sent directly to the Board as detailed in the advertisement or on the EPA website. A Guide for preparing a public representation to the EPA Board is available at http://epa.tas.gov.au/assessment/assessment-process-guide-for-preparing-a-public-submission.

The specified public consultation periods are 14 days for class 2A assessments, 28 days for class 2B assessments or 42 days for class 2C assessments (see Attachment 1). These timeframes can amend the LUPAA timeframes and may be affected by public holidays. Times for advertising permit applications may also be affected by days of municipal office closure that apply under LUPAA. The dates in the advertisements will reflect these requirements.

The proponent must provide hard copies of the case for assessment report to EPA Tasmania (and Council if applicable) for display during the consultation period. They are also expected to provide copies of the report to the public if requested, during the consultation period.

During this period, the case for assessment report will be referred to relevant EPA specialists and government agencies for review and comment on matters assessed by the Board.

10 Additional information

Once representations have been received and considered, the Board may require the proponent to provide additional information in response to environmental issues raised in public representations or in government agency submissions. The Board will also inform the proponent of other issues raised in the representations and/or by other agencies, including the Planning Authority,

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7 s 27F of EMPCA.
which the applicant may choose to address in their response. This generally takes the form of a Supplement to the EER or DPEMP.

Once the supplement is accepted, it is made available on the EPA website.

11 Determination

After the consultation period is over and any representations have been received from the Planning Authority (if applicable), the Board must complete its assessment within 35 days for a class 2A assessment, 56 days for a class 2B assessment, or 91 days for a class 2C assessment (see Attachment 1). These are calendar days and may be affected by public holidays, including a closure period between Christmas Day and the New Year’s Day public holiday.

The periods for assessment are extended when additional information is requested (see section 10 above), until satisfactory information is received. They may also be extended either by agreement with the applicant or by the Minister, on application from the Board.

EPA Tasmania prepares a draft Environmental Assessment Report (EAR) for the Board, based on the documentation provided by the proponent, any public representations and specialist advice. The Board will consider the draft report and make a determination.

Draft conditions are forwarded to the proponent for comment before the draft EAR is submitted to the Board for determination. For variations to environmental licences initiated by the Director, EPA the Board must provide the draft conditions or restrictions to the proponent at least 14 days before making its decision and a response must be received within 14 days.8

The final EAR, which sets out the reasons for the Board’s decision, is made available on the EPA website. The outcomes and actions that apply to the Board’s determination are outlined below.

11.1 Activities that require a permit

After completing an assessment that requires a permit, the Board must (except for EL activities) either:

- notify the Planning Authority of any conditions which the Board requires to be contained in a permit granted by the Planning Authority and the reasons for requiring the condition; or
- direct the Planning Authority to refuse to grant the permit and provide the reasons for giving the direction.

For EL activities, the Board must:

- notify the Planning Authority of its decision to grant or not grant, or vary or not vary, an environmental licence, and
- where it has refused to grant or vary a licence, direct the Planning Authority to refuse to grant a permit and provide the reasons for giving the direction.

The Planning Authority cannot make a decision on an application until it has received notification of the Board’s decision. Where the Board directs the Planning Authority to include conditions, the Planning Authority still has the final say whether to grant or refuse a permit after considering the planning issues (unless the Board has directed the Planning Authority to refuse the application). The Planning Authority has 42 days to make a decision after the Board’s assessment is completed.

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8 Section 42P(9) of EMPCA
11.2 Activities that do not require a permit

Where an activity, except an EL activity, does not require a land use permit, and the Board approves the proposal, an Environment Protection Notice (EPN) containing the conditions set by the Board will be prepared and served on the proponent by the Director, EPA.

For EL activities, the Board will grant (or refuse to grant) an environmental licence. Where it decides to grant a licence the Director, EPA will issue an environmental licence or a variation to a licence.

12 Appeals


12.1 Activities that require a permit

The permit applicant and any person who made a representation during the public consultation period may lodge an appeal with the Tribunal against the granting or refusal of a permit. The appeal is against the Planning Authority’s decision to grant or refuse to grant a permit. The Board will either automatically become a party to the appeal, or may elect to become a party. Other interested parties may seek to join an appeal.

The Planning Authority will notify the proponent and any person who made a representation, of their appeal rights on determination of the permit.

12.2 Activities that do not require a permit

Any person aggrieved by the Board’s decision may lodge an appeal with the Tribunal against the granting or refusal of an Environmental Protection Notice.

The Board will inform the proponent and any person who made a representation of their appeal rights once the assessment is completed.

12.3 Activities that require an environmental licence

For activities that require an EL, a decision by the Board to refuse to grant a licence at the determination of assessment stage (see Section 6.2 above) creates an appeal right for the applicant. Where the Board has subsequently directed the Planning Authority to refuse the application the applicant can appeal the refusal to grant a permit.

Where the Board has completed the assessment of an activity that requires an EL (e.g. fish farm, finfish and marine farming activities), the applicant and any person who made a representation during the public consultation period may lodge an appeal against the decision. These parties may then appeal against the decision of the Planning Authority, where a permit applies.

The Board will inform the proponent and any person who made a representation of their appeal rights once the assessment is completed.

13 Fees

A once-off assessment fee is payable for assessments undertaken by the Board. An ongoing annual fee also applies to any permit, EPN or EL granted. The fee will vary depending on the type and size of the activity.
Fees are issued in accordance with the **Environmental Management and Pollution Control (General) Regulations 2017**, which are available at [https://www.legislation.tas.gov.au/](https://www.legislation.tas.gov.au/). They are subject to indexation in accordance with the **Fee Units Act 1997**.

Assessment fees are either a fixed sum (for smaller activities) or calculated on an hourly rate basis (up to a capped maximum fee). Fees apply once the Board accepts a Nol or the Board receives an application or proposal which has been referred, whichever occurs first. In the event that the application is withdrawn, or the Board becomes aware that the proposal is not to proceed, an assessment fee reflecting the hours accrued will still apply. The assessment fee must be paid regardless of whether the project proceeds.


### 14 Commonwealth Approvals

In addition to Tasmanian requirements, the Commonwealth Government may also have a role in the environmental assessment and approval of a proposal.

Under the Commonwealth’s **Environment Protection and Biodiversity Conservation Act 1999** (EPBC Act), Commonwealth approval is required for an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance or on Commonwealth waters or land. The matters of national environmental significance are World Heritage properties, National Heritage Places, wetlands of international importance (Ramsar wetlands), nationally listed threatened species and communities, nationally listed migratory species, Commonwealth marine areas and nuclear actions.


Where Commonwealth approval is required, a bilateral agreement between the Tasmanian and Commonwealth Governments allows the two assessments to be undertaken concurrently, with the information prepared for the Board forming the majority of the information base for the Commonwealth’s decision. Where the bilateral assessment process is not invoked, the proponent will need to separately seek approval from the Commonwealth.

### 15 Further information


Attachment 1 – Timeframes Summary Flowchart

**NOI/DA RECEIVED**

**BOARD DETERMINES WHETHER TO ASSESS**
FOR EL ACTIVITIES BOARD ALSO DETERMINES WHETHER TO REFUSE TO GRANT A LICENCE

**14 DAYS**

**BOARD ADVISES CLASS OF ASSESSMENT**

2A
*21 DAYS

2B
*28 DAYS

2C
*63 DAYS

**GUIDANCE**

**RECEIVE SATISFACTORY INFORMATION** (within 12 months)

**ADVERTISE**

2A
14 DAYS

2B
28 DAYS

2C
42 DAYS

**RECEIVE REPRESENTATIONS** (within 7 days of close of consultation period)

2A
*35 DAYS

2B
*56 DAYS

2C
*91 DAYS

**COMPLETE ASSESSMENT**

Approval is not complete until Council has made a determination (if relevant) and the appeal process is concluded.

* Board may require further information. Statutory timeframe ceases until information provided.
Attachment 2 – Flowchart of assessment process for activities referred to the Board under section 24, 25 or 27 of EMPCA (excluding Environmental Licence activities)

Preliminary Discussion between proponent, EPA Tasmania and Planning Authority

Proponent refers proposal or refers details of proposal that does not require a permit (s27)

Director requires Planning Authority to refer permit application to the Board (s24(1))

Proponent lodges N0 for a permissible level 2 activity to the Board (s27A)

Planning Authority refers permit application to the Board (s25(1))

EPA Board determines whether to assess the proposal

EPA Board informs proponent that assessment not required

EPA Board informs proponent of determination on class of assessment within 14 days

EPA Tasmania prepares for Board issue guidance for preparation of case for assessment (Class 2A 21 days, Class 2B 28 days or Class 2C 63 days)

Case for assessment submitted by proponent within 12 months of issue of guidance

EXTENSION?

Yes

EPA Board determines satisfactory case for assessment received

No

EPA Board informs Planning Authority to proceed with application without further reference to the Board

EPA Board directs Council to advertise (s24, 28 or 42 days)

Permit Application submitted?

Yes

Section 24/25 assessments

Proponent submits permit application to Planning Authority

Planning Authority refers application to the EPA Board

No

EPA Board proceeds to advertising (14, 28 or 42 days)

Planning Authority determines whether to assess the proposal

Representations considered and Additional Information in the form of a Supplement may be requested from the proponent

Environmental Assessment Report prepared by EPA Tasmania

EPA Board completes its assessment (35, 56 or 91 day period for determination)

EPA Board directs Planning Authority to include conditions in any permit granted

EPA Board directs Planning Authority to refuse to grant a permit

EPA Board decision on EPN (s27 assessments only)

Planning Authority determination on permit application (42 days)

Tribunal Appeal

No

Director, EPA serves EPN or informs proposal must not proceed

DISCLAIMER: This flowchart is for information and illustrative purposes only and should not be used as a basis for determining compliance with the Land Use Planning and Approvals Act 1993 or the Environmental Management and Pollution Control Act 1994. No person or organisation should rely on or act on the flowchart as a substitute for reference to the actual legislation.

Guide to EIA conducted by the EPA Board, November 2018
Attachment 3 – Flowchart of assessment process for Environmental Licence activities referred to the Board under section 24, 25 or 27AA of EMPCA

**Disclaimer:** This flowchart is for information and illustrative purposes only and should not be used as a basis for determining compliance with the Land Use Planning and Approvals Act 1993 or the Environmental Management and Pollution Control Act 1994. No person or organisation should rely on or act on the flowchart as a substitute for reference to the actual legislation.