

EIANZ - CONTEMPORARY ISSUES IN ENVIRONMENTAL IMPACT ASSESSMENT

Xavier McMahon, Special Counsel
Environment and Planning

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4 March 2015

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OUTLINE

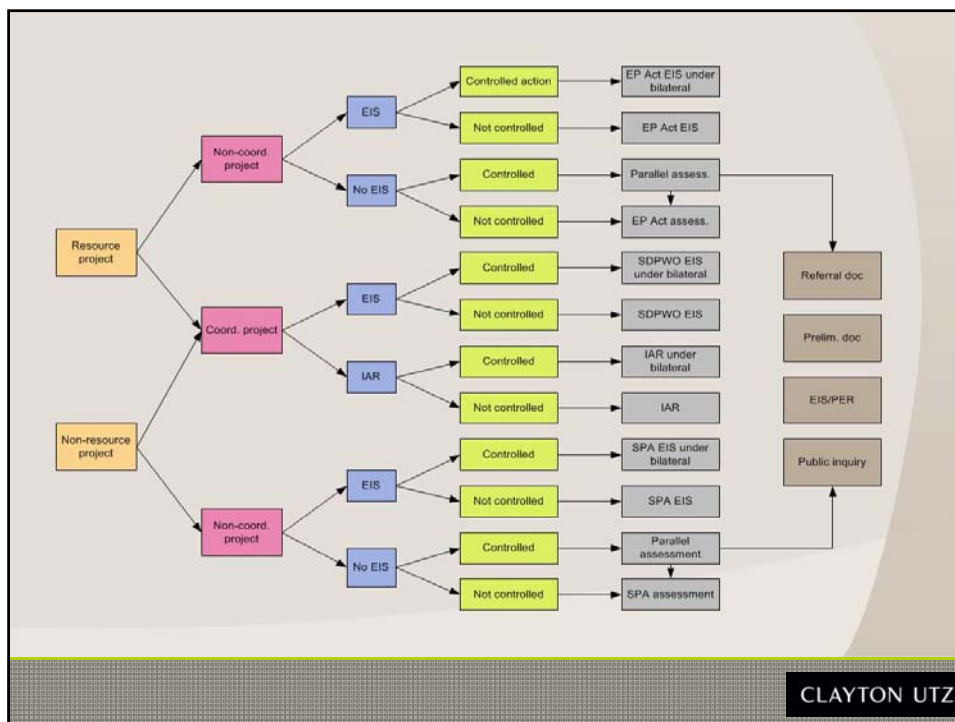
1. What EIA options are available?
2. What is best option for your project?
3. What are the potential legal risks?

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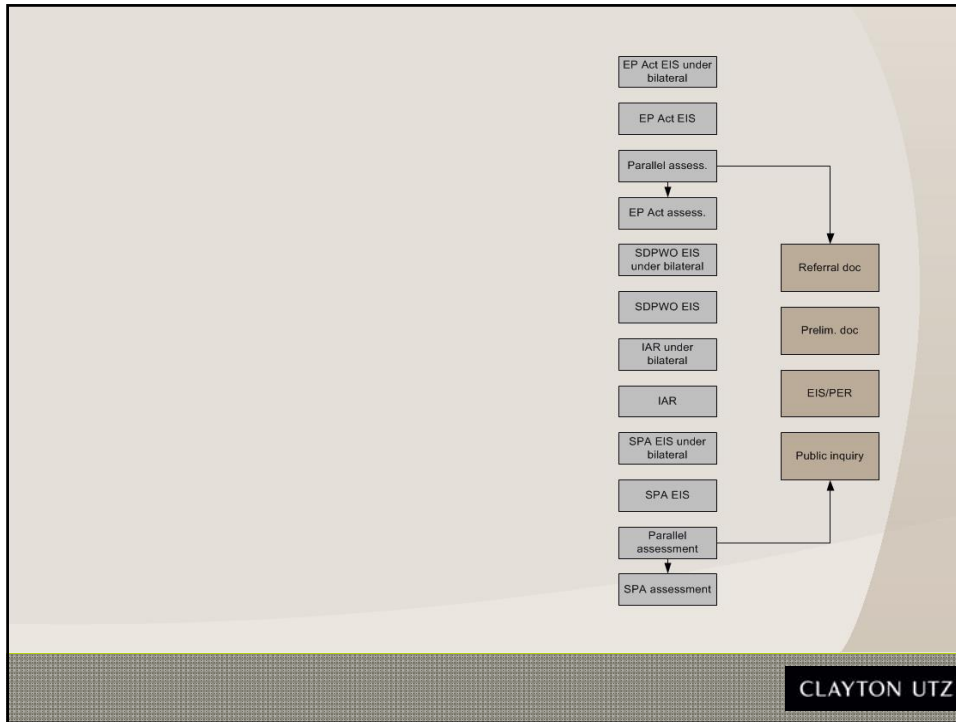
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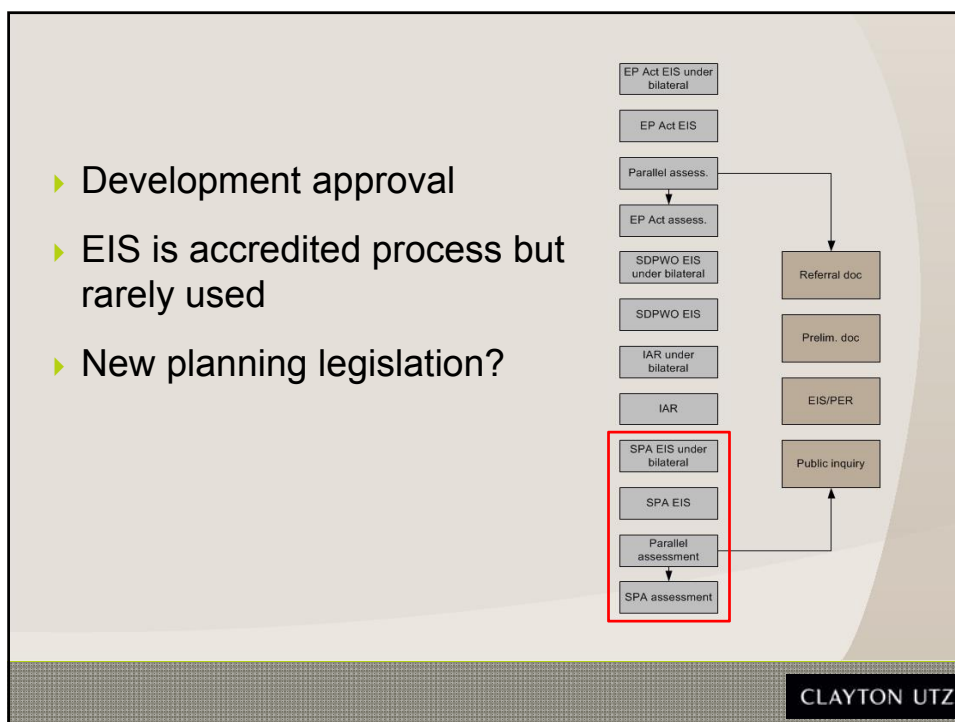
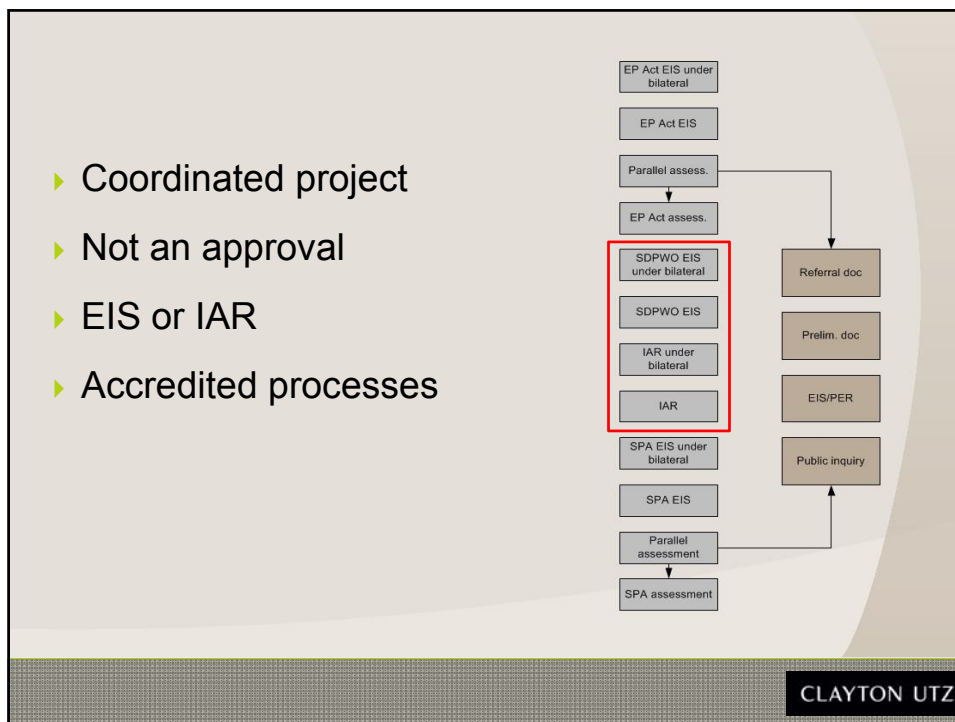


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- ▶ Environmental authority
- ▶ Standard, variation or site-specific application
- ▶ EIS - voluntary or required
- ▶ EIS is accredited process
- ▶ EIS process - Chapter 3

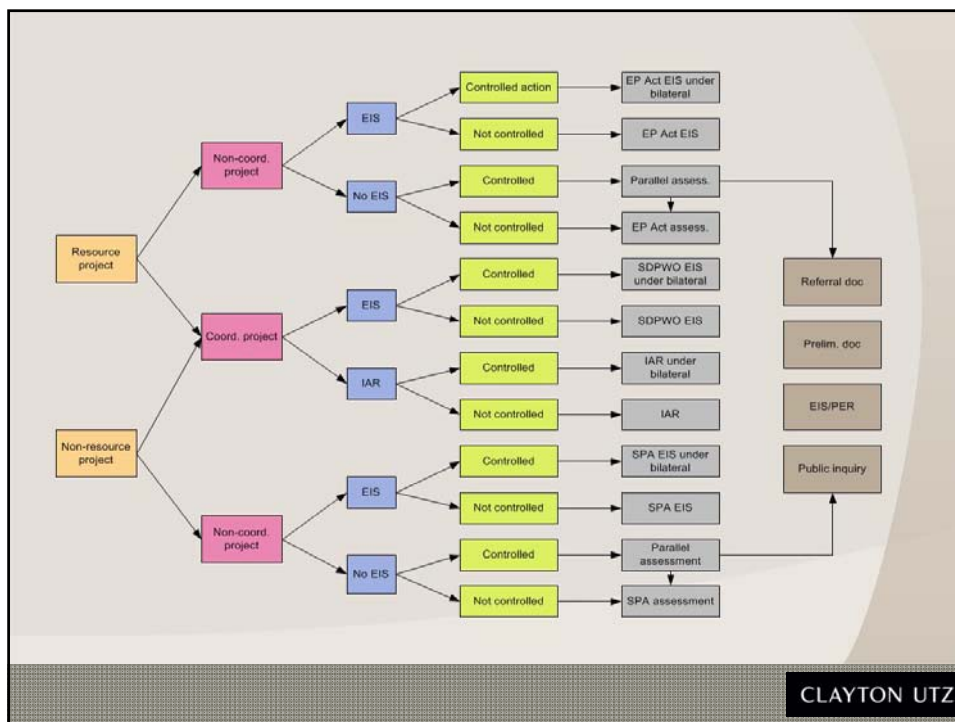
This slide contains the same flowchart as above, but with the top three boxes of the left track ('EP Act EIS under bilateral', 'EP Act EIS', and 'Parallel assess.') enclosed in a red rectangular box. The Clayton UTZ logo is in the bottom right corner.



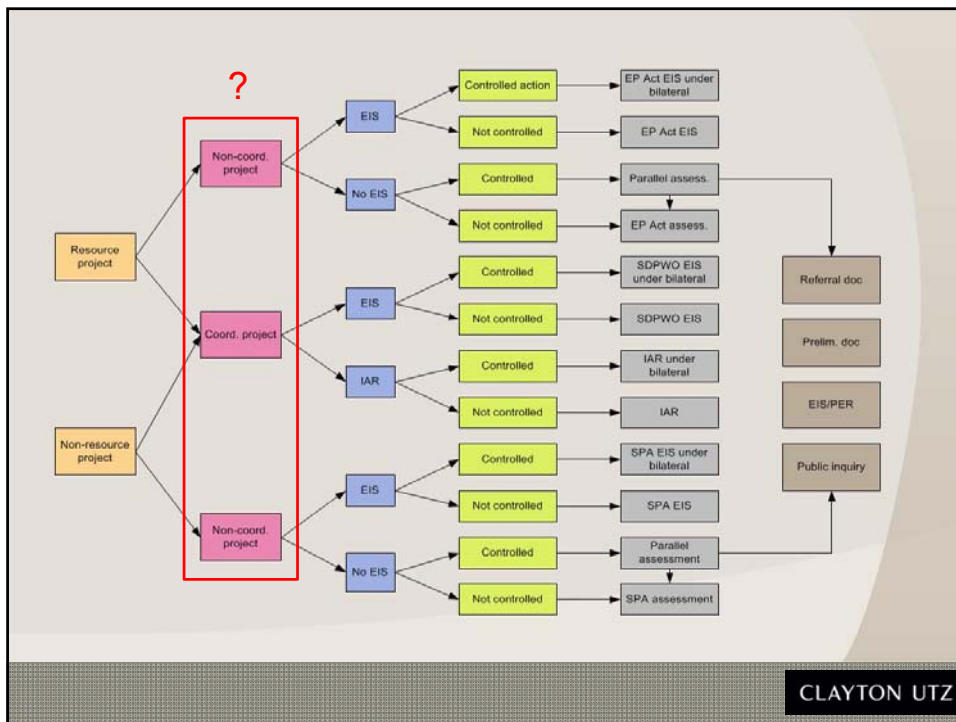
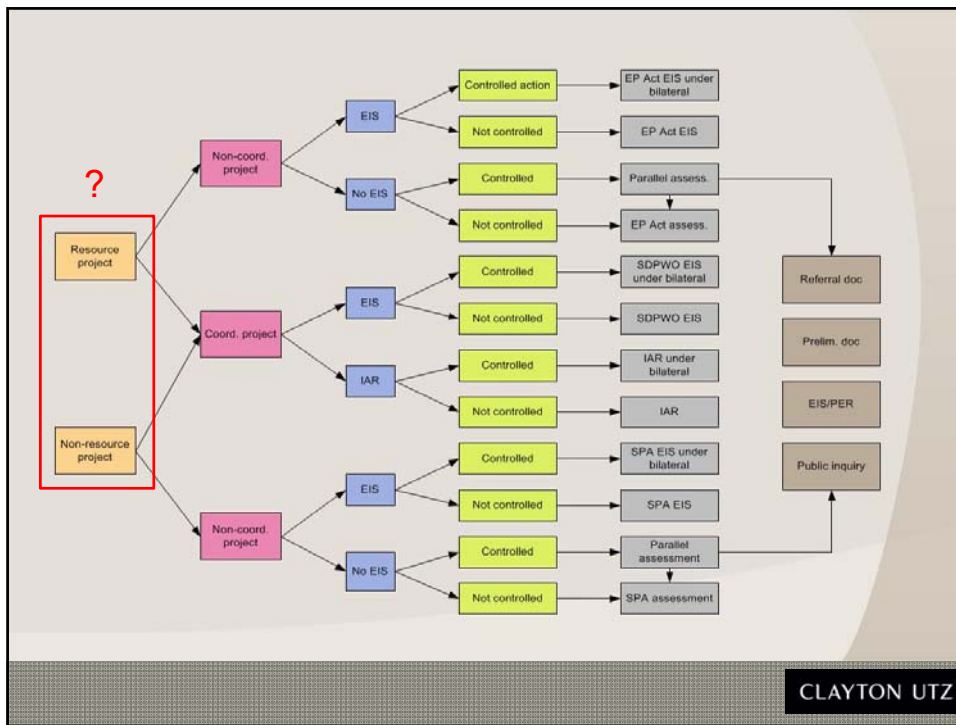
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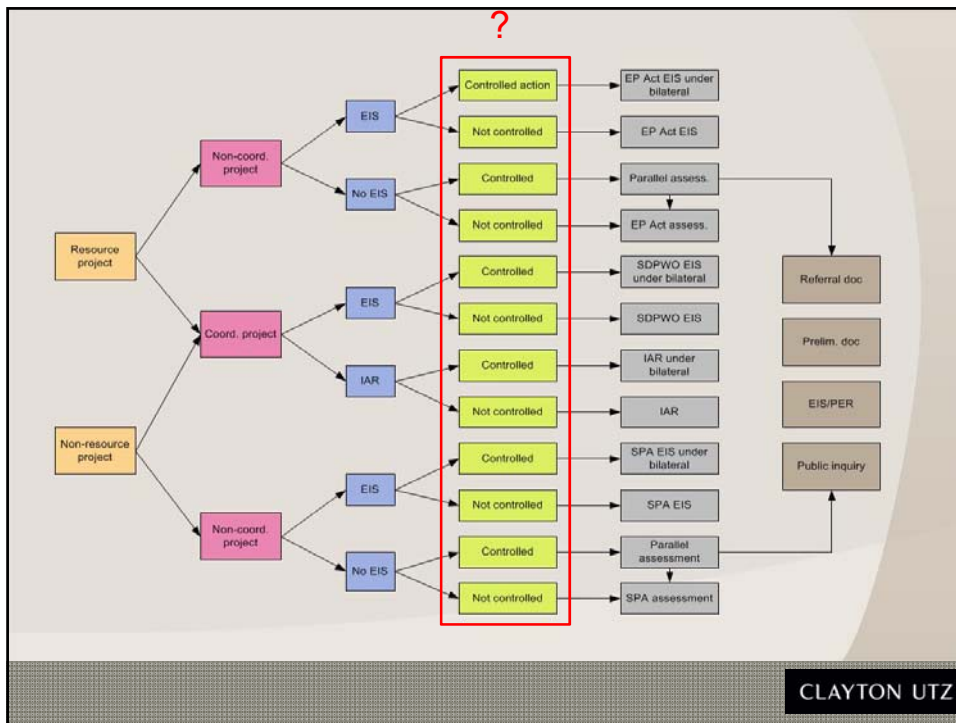
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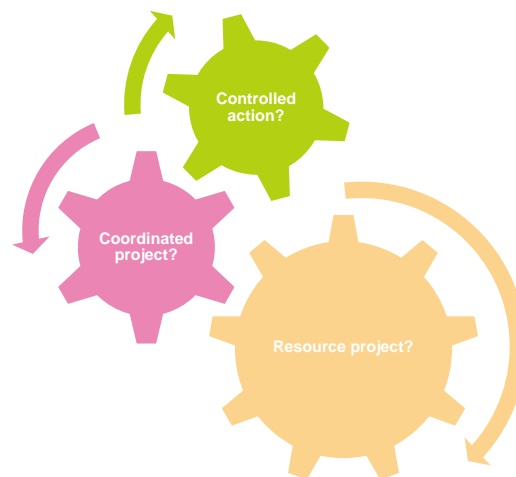
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WHAT IS BEST OPTION?

Key factors...



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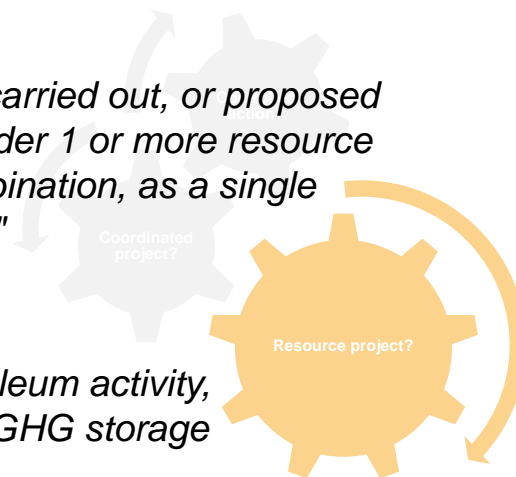
KEY FACTORS

Resource project?

"resource activities carried out, or proposed to be carried out, under 1 or more resource tenures, in any combination, as a single integrated operation"

Resource activities?

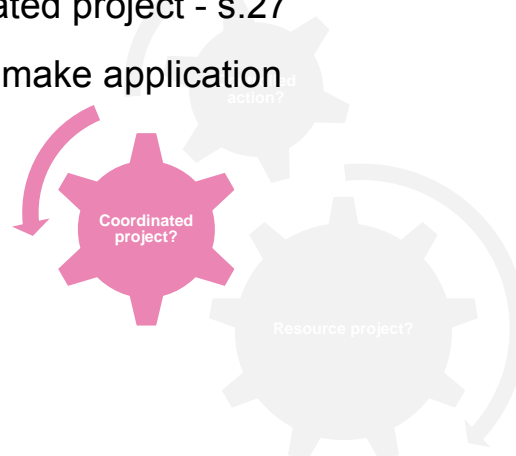
mining activity, petroleum activity, geothermal activity, GHG storage activity



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KEY FACTORS

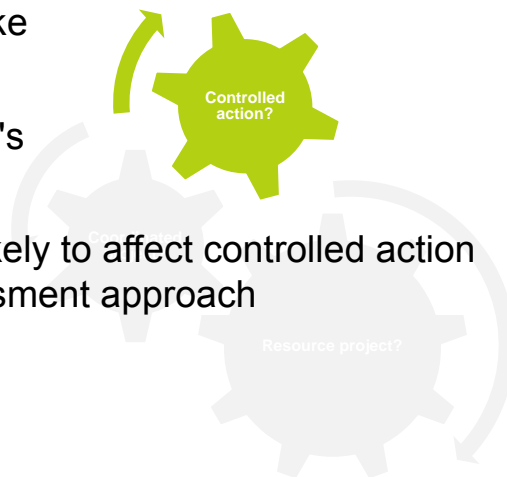
- ▶ Criteria for coordinated project - s.27
- ▶ Up to proponent to make application
- ▶ Unilateral power
- ▶ CG not bound to approve



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KEY FACTORS

- ▶ Requirement to make referral
- ▶ Minister or delegate's decision
- ▶ Quality of referral likely to affect controlled action decision and assessment approach



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WHAT IS BEST OPTION?



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WHAT IS BEST OPTION?

	Coordinated project		EP Act		SPA
	EIS	IAR	EIS	Non-EIS	Non-EIS
Whole project assessment?	✓	✓	Only if single project EA	Only if single project EA	Only if single project DA
Approval?	✗	✗	EIS to be considered for EA app'n	✓	✓
Streamlining of later applications?	SPA app'ns streamlined No further EIS		Streamlining of EA process	✗	✗

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WHAT IS BEST OPTION?

	Coordinated project		EP Act		SPA
	EIS	IAR	EIS	Non-EIS	Non-EIS
Accredited process for EPBC?	✓	✓	✓	✗	✗
Relevant purpose for VMA?	✓	✓	✗	✗	✗

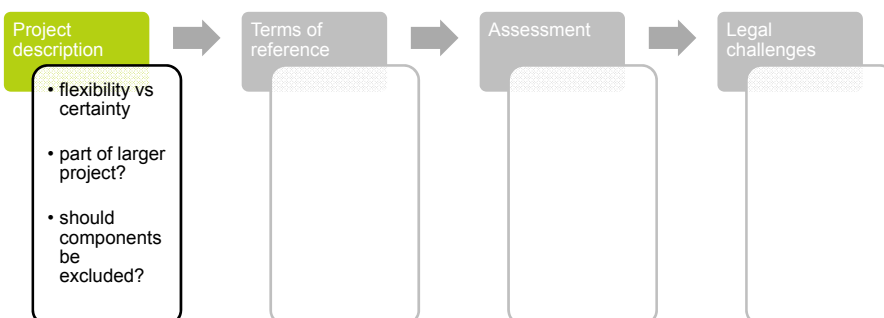
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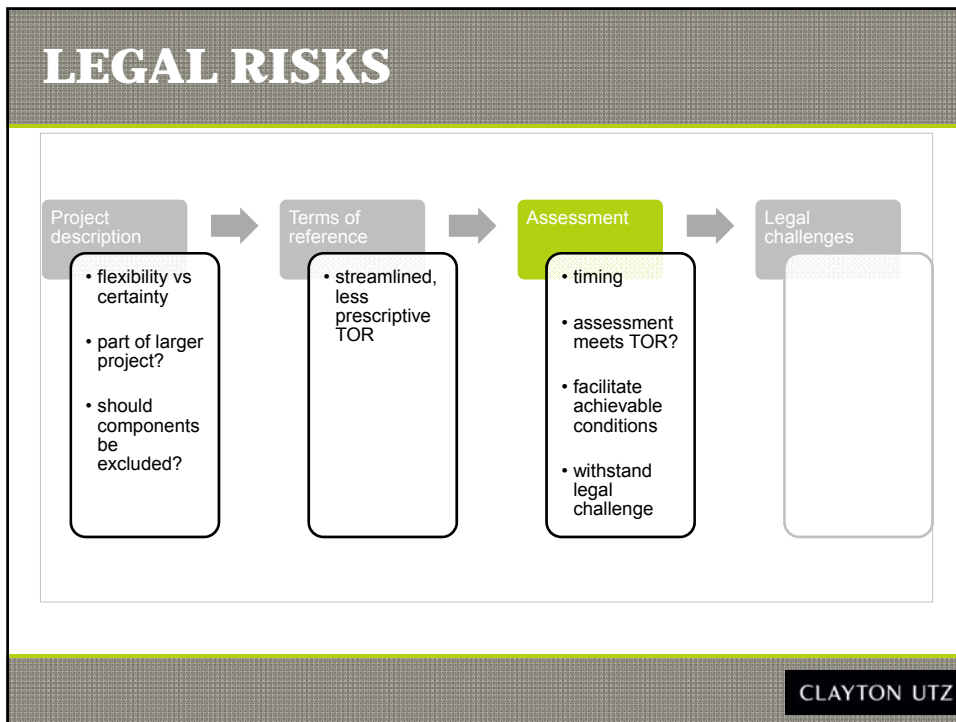
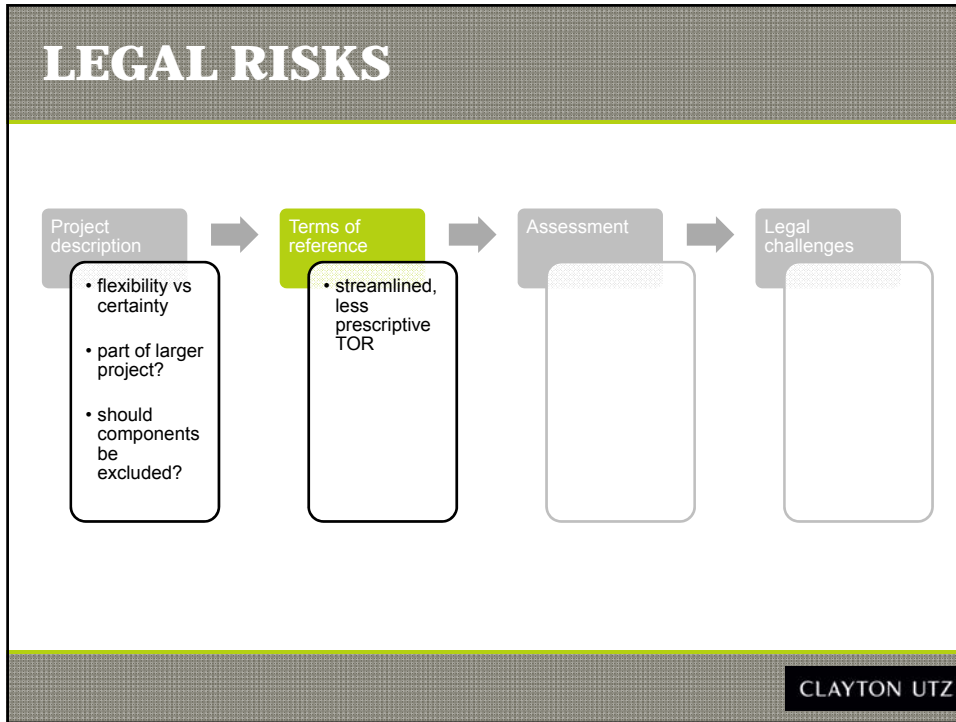
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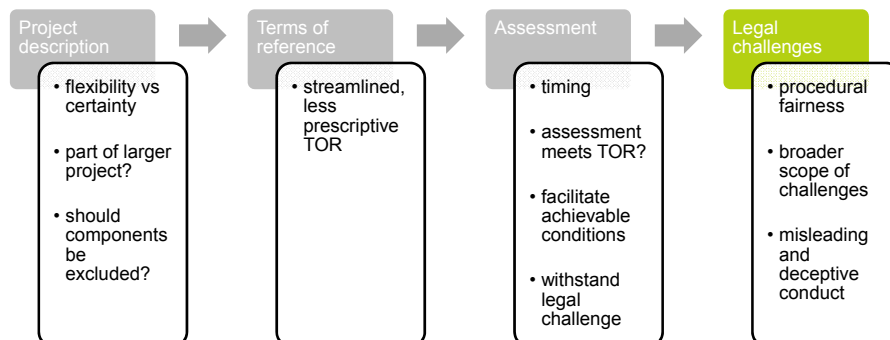
LEGAL RISKS



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LEGAL RISKS



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RECOMMENDATIONS

- ▶ Develop clear approvals strategy
 - » Project description
 - » Likely regulatory approvals
 - » Anticipate risks
- ▶ Consider early and revisit...

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