

Appendix 3. Table— Statutory timeframes under *Environmental Protection Act 1994 (EP Act)* environmental impact statement (EIS) process if public interest evaluation (PIE) report is required

Note: The shaded row and text only apply to mining projects where the proposed progressive rehabilitation plan (PRC plan) provided with the EIS identifies an area of land as a non-use management area (NUMA)

Task	Time allowed (business days) [#]	EP Act section
Submission and publication of the terms of reference (TOR)	-	-
Proponent submits draft TOR [#] (with prescribed fee). For mining projects, the draft TOR will include a requirement for a PRC plan to be provided in the EIS	Initiates EIS process	41
The department decides if the draft TOR can proceed to public notification and gives the proponent a notice	15	41A(1)
The department publishes TOR notice	5	43(1)
Proponent gives TOR notice to interested and affected persons	5 (concurrent with above step)	43(3)
Comment period for draft TOR	30 (minimum)	42(3)
The department gives comments to proponent	10	44
Proponent responds to comments and makes amendments to the TOR	20*	45
The department considers comments and the proponent's response, publishes the final TOR and gives the proponent a copy of the final TOR	20*	46
EIS submission and notification	-	-
Proponent submits the EIS (with prescribed fee) to the department	Within 2 years of receiving the final TOR*	47
The department reviews the EIS and determines if the EIS can proceed to public notification with or without conditions or refuses to allow it to proceed	20*	49(1), 49(3), 49(3A)
The department provides written notice to proponent if a decision has been made	10	49(6)
Proponent prepares EIS notice, provides EIS notice to interested and affected persons, publishes the EIS notice and makes a copy of the submitted EIS available on a website	20	51(2), 52
Proponent provides statutory declaration of compliance with notice requirements	10 (after EIS notice is published)	53
EIS submission period	30 (minimum)	49(4)
For mining project where the proposed PRC plan identifies a NUMA, and the department decides to allow the EIS to proceed the department must ask a qualified entity (QE): <ul style="list-style-type: none"> to carry out a public interest evaluation (PIE) for each area identified as a NUMA give a report about the evaluation that complies with section 316PB within a stated period of no more than 12 month (this can be extended by no more than 6 months). 	As soon as practical (after the decision to allow the EIS to proceed)	49(5A), 49(5B), 49(5C)
Where the department requests a QE to carry out a PIE for the NUMA, the QE must: <ul style="list-style-type: none"> conduct a PIE in accordance with section 316PA and prepare a report consistent with s316PB <i>before</i> giving the report to the department provide the proponent: 	Project dependant (depending on the scope and complexity)	s316PB

Task	Time allowed (business days) [#]	EP Act section
<ul style="list-style-type: none"> ○ a copy of the proposed PIE report ○ notice stating, they have 20 business days to make a submission on the proposed report • before finalising the PIE report consider any submissions properly made by the proponent • provide a PIE report to the department that includes a recommendation about whether it is in the public interest to approve the non-use management area, reasons for the recommendation and a response to any comments made by the proponent on the report 		
<p>On receipt of a PIE report the department:</p> <ul style="list-style-type: none"> • publishes the PIE report on the register • notifies the proponent and submitters that the PIE report has been received • provides a copy of the PIE report and submissions on the EIS to the proponent • provides a copy of the PIE report to submitters 	<p>5 (after receipt of the PIE)</p> <p>10 (after receipt of the PIE)^{&}</p>	<p>316PB (5)</p> <p>56</p>
<p>Submitters may ask the department to arrange for another qualified entity to review the original PIE report. <i>If a submitter on the EIS (entity) asks for a review:</i></p> <ul style="list-style-type: none"> • the department must arrange for another qualified entity to review the original PIE report • the reviewing entity must: <ul style="list-style-type: none"> ○ decide to confirm each recommendation or substitute 1 or more recommendations in the original report ○ give written notice to department and entity who asked for the review • after receiving the written notice, the department must <ul style="list-style-type: none"> ○ note the decision on the register ○ notify the proponent and submitters 	<p>15 (after being notified about the report)</p> <p>Not specified</p> <p>Within 6 month</p> <p>5 (after receiving the notice)</p>	316PC
<p>The department provides the proponent a copy of all submissions.</p> <p>Note: If a PIE report was required then the submissions are provided to the proponent at the same time as the PIE report</p>	10 (after submission period closes)	56(1)(a)
<p>Proponent provides to the department a summary of the submissions, a response to submissions, a response to a PIE report (where applicable), and any amendments of the EIS</p>	20 after the proponent is given a copy of all submissions and PIE report* [^] or if PIE is reviewed, 20bd* after receipt of the reviewing entity's decision	56(2), 56(3)
<p>The department decides if the proponent's response to submissions (and any PIE report) and submitted EIS are adequate for the EIS process to proceed</p> <p>Note: The department may only allow the EIS to proceed if it is consistent with any recommendations made in any report about a PIE</p>	20*	56A(2), 56A(4), 56A(4A)
<p>The department provides written notice of the decision</p>	10	56A(5)
<p>EIS assessment report and completion of process</p>	-	-
<p>The department gives an EIS assessment report to proponent and publishes the assessment report</p> <p>The EIS process under Chapter 3 of the EP Act is completed when the proponent is given the EIS assessment report</p>	30	57
		60

[#]Business days under EP Act do not include a business day that occurs during the period starting on 20 December in a year and ending on 5 January in the following year

*These time periods can be extended by agreement

[&]If the PIE report was received *during* the EIS submission period, then the department must provide a copy of the PIE to the proponent and submitters 10 business days **after** the submission period closes.