

# Guideline

## Environmental Protection Act 1994

### The environmental impact statement process for resource projects under the *Environmental Protection Act 1994*

This guideline explains the environmental impact statement (EIS) process for resource projects under chapter 3 of the Environmental Protection Act 1994.

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## Introduction

The Department of Environment and Science (the department) is responsible for the administration and regulation of resource activities under the *Environmental Protection Act 1994* (EP Act). Resource activities include mining, petroleum (including coal seam gas; CSG), geothermal, and greenhouse gas storage activities.

Resource activities that are proposed to be carried out under one or more resource tenures, in any combination, as a single integrated operation are known as resource projects.

A high-impact environmental resource project may be required to be assessed through an environmental impact statement (EIS) process under chapter 3, part 1 of the EP Act. This guideline explains the EIS process for resource projects under chapter 3 of the EP Act.

An EIS is a written document for a project that is undergoing the EIS process pursuant to the EP Act. The purpose of an EIS and the EIS process, as defined under section 40 of the EP Act, is to:

- assess the potential adverse and beneficial environmental, economic and social impacts of the project
- assess management, monitoring, planning and other measures proposed to minimise any adverse environmental impacts of the project
- consider feasible alternative ways to carry out the project
- provide information to the public about the project
- help the administering authority decide an environmental authority (EA) application for which the EIS is required
- give information to other Commonwealth and state authorities to help them make informed decisions
- allow the Queensland Government to meet its obligations for a single environmental assessment process under a bilateral agreement with the Australian Government.

While the EIS process is highly structured, timing is primarily driven by the project proponent/applicant (proponent). It is the proponent's responsibility to provide the information required for the EIS process.

This guideline is subdivided into two parts:

- **Part I:** Regulatory requirements of the EIS process—summarises the regulatory requirements of the EIS process under the EP Act
- **Part II:** EIS assessment process—explains the stages in the EIS assessment process in more detail.

This guideline should be read in conjunction with the EP Act (chapter 3) and the Environmental Protection Regulation 2008 (EP Regulation).

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## PART I: REGULATORY REQUIREMENTS OF THE EIS PROCESS

This part of the guideline summarises the regulatory requirements of the EIS process under the EP Act.

### 1 Resource activities that trigger an EIS under the *Environmental Protection Act 1994*

Resource activities may only be carried out by a person holding, or operating under, an EA issued under the EP Act and a resource tenement granted under relevant resource legislation (e.g. *Mineral Resources Act 1989*, *Geothermal Energy Act 2010*, *Greenhouse Gas Storage Act 2009*, *Petroleum Act 1923*, *Petroleum and Gas (Production and Safety) Act 2004* and the *Petroleum (Submerged Lands) Act 1982*).

The tenements provide the right to access the land and to undertake exploration, resource assessment, feasibility studies, prospecting or production. No resource tenement may be granted without an EA being held for the relevant resource activity.

Applications for an EA for resource activities may be standard applications, variation applications or site-specific applications. Further information on EA application types can be found on the [Queensland Government Business Portal website](#) (Queensland Government Business, 2019).

Only site-specific applications for new resource activities ('greenfield' sites) or the amendment of existing EAs ('brownfield' sites) require a decision whether an EIS is required.

Potential impacts due to large-scale resource projects usually require site-specific applications that trigger assessment by EIS. The scale (i.e. relative magnitude) of an impact is determined by its intensity, duration, irreversibility and the risk of environmental harm, as well as social and economic impacts. Section 143 of the EP Act describes the circumstances under which a resource activity must, or may be, assessed by EIS.

There are several ways that an EIS process under the EP Act may be applied to the assessment of a proposed resource activity:

- **A site-specific application** for an EA for a resource activity under the EP Act is made and the department decides that assessment will be by the EIS process. This includes site-specific EA amendment applications for existing resource activities. Only site-specific applications can trigger the EIS process; standard or variation applications do not.
- **An amendment application** for an existing EA for a resource activity under the EP Act is made and the department decides that the proposed amendment is a major amendment.
- The proponent submits an application to **voluntarily prepare an EIS** and the department decides that an EIS is appropriate for the proposed project.

These matters are explained further in [section 1.1](#) and [section 1.2](#) below.

An EIS under the EP Act is not required when the resource project is a 'coordinated project' declared under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

#### 1.1 Site-specific EA applications and major amendments to an existing EA

The following four stages apply for a site-specific EA application process (chapter 5 of the EP Act):

1. **Application stage**—proponent lodges an application and the department determines if the application has been properly made. This includes consideration of the adequacy of information provided in support of the application to meet the requirements of the EP Act.

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2. **Information stage**—where the information contained in the application is assessed by the department. Further information may be requested.
3. **Notification stage**—where the application documents are made publicly available by the proponent and the department and people have an opportunity to make a submission.
4. **Decision stage**—where a decision is made by the department to either approve the application with conditions (in the form of a draft EA or draft amended EA) or to refuse it.

The decision on whether an EIS will be required is made during the information stage of the EA application process. If an EA application is found to require an EIS, the EIS process replaces the information and notification stages.

Also, an EA amendment application requires the department to determine if the amendment should be treated as a major or minor amendment. Only amendment applications determined to be a major amendment require consideration of whether an EIS is required.

If an EIS has been completed before an EA application is made, the department needs to determine whether the environmental risks of the proposed activity(s) requiring an EA have changed since the time an EIS was completed. If they have, the proponent may be required to undertake public notification requirements and provide information addressing the differences or to submit a new EIS.

In deciding whether an application requires an EIS, the department will carry out its functions and responsibilities in accordance with the EP Act. Consideration is given to the triggers in the departments [EIS trigger criteria](#) (DEHP, 2014) and the standard criteria. An EIS cannot be required if the application relates to a coordinated project under the SDPWO ACT; or an EIS under the EP Act has already been submitted to the department.

In addition, a decision may be made to require an EIS even if no EIS criteria are triggered, if the department having regard to the standard criteria determines that the project applied for:

- would involve a significant environmental impact, or a high level of uncertainty about potential impacts, or involve a high level of public interest
- is likely to contribute substantially to cumulative impacts. Unacceptable cumulative impacts may occur when the environmental impacts of a project are added to environmental impacts of other activities over space and time (e.g. impacts to the local airshed, a regional water catchment, or the environmental values of aquifers).

Information on applying for an EA or an EA amendment is available at [Queensland Government Business Portal website](#) (Queensland Government Business, 2018) and the department's [webpage](#).

### 1.2 Voluntary EIS applications

Sections 69 to 72 of the EP Act allow a proponent to apply to the department for approval to voluntarily prepare an EIS. The department is required to decide whether to accept or reject an application to prepare a voluntary EIS. The EIS trigger guideline and the standard criteria are considered by the department when deciding such applications.

An application for a voluntary EIS allows a proponent to commence an EIS process for a project without having to submit an EA application. However, the proponent must be able to demonstrate that they have access to the project area to enable them to carry out the necessary studies for the EIS.

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However, an application to voluntarily prepare an EIS cannot be made when: an EIS requirement is already in force for an application under the EP Act; or when an EIS must be prepared for the project under another State Act and that Act does not allow the EIS to be prepared under the EIS process.

The voluntary EIS application must be in the approved form and must be supported by sufficient information to allow the department to decide whether an EIS would be appropriate for the proposed project. It must also be accompanied by the prescribed fee.

The EIS assessment process that is initiated by the department approval of an application to voluntarily undertake an EIS is the same as for an EIS triggered by a site-specific application for an EA and is set out in Chapter 3 of the EP Act.

Once the voluntary EIS process has been completed the proponent may apply for a site-specific EA and appropriate tenure to carry out the resource activity.

The form [Application to prepare a voluntary environmental impact statement](#) provides guidance on the information (DES 2017b).

### **2 Resource activities that also trigger an assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)**

The EPBC Act is the Commonwealth's key piece of environmental legislation and is administered by the Australian Government Environment Department (Australian Environment Department). The EPBC Act requires that an 'action' (refer to glossary for definition) that will have, or is likely to have, a significant impact on a matter of national environmental significance (MNES) must be referred to the Australian Environment Minister for a decision on whether assessment and approval is required under the EPBC Act.

Proponents are responsible for referring projects that may impact on MNES to the Australian Environment Department for assessment. The Australian Environment Minister (or the Minister's delegate) decides if the proposed action would significantly impact on MNES and if so, it will be declared a controlled action. If a proposed action is not controlled, there is no further consideration needed of MNES matters. Substantial penalties apply for taking actions that significantly impact on MNES without approval under the EPBC Act.

If the decision is made that a proposal is a controlled action, one of the five levels of assessment (of which one requires an EIS) provided for in EPBC Act are applied, depending on the significance of the project and how much information is readily available.

Under the assessment [bilateral agreement](#) between the Australian Government and the State of Queensland, proposals that are controlled action and that are required to be assessed by EIS, can be jointly assessed by an EIS process under the EP Act (DoEE 2014). This applies whether the Queensland Government environment department has determined that the EIS is required or is voluntary. This means that only one EIS is required that meets both Commonwealth and State requirements; reducing duplication. The proposed actions will require approval by the Australian Environment Minister (or the Minister's delegate) before the actions can commence. The decision by the Australian Environment Minister is made after the EIS process is completed.

A project cannot be assessed under the bilateral agreement if:

- public notification of the draft terms of reference (TOR) for an EIS for a resource project does not state the 'controlling provisions' for the project under the EPBC Act; or
- a controlling matter is a nuclear action.

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For the public notification of the draft TOR to state the controlling provisions for the project, the Australian Environment Department must have previously issued a decision notice stating that the proposed action is a controlled action, what the controlling provisions are, and that an EIS is necessary.

Further information on [EPBC Act requirements](#) and the [bilateral agreement](#) are available on the Australian Environment Department's website.

### **3 EIS process under the EP Act**

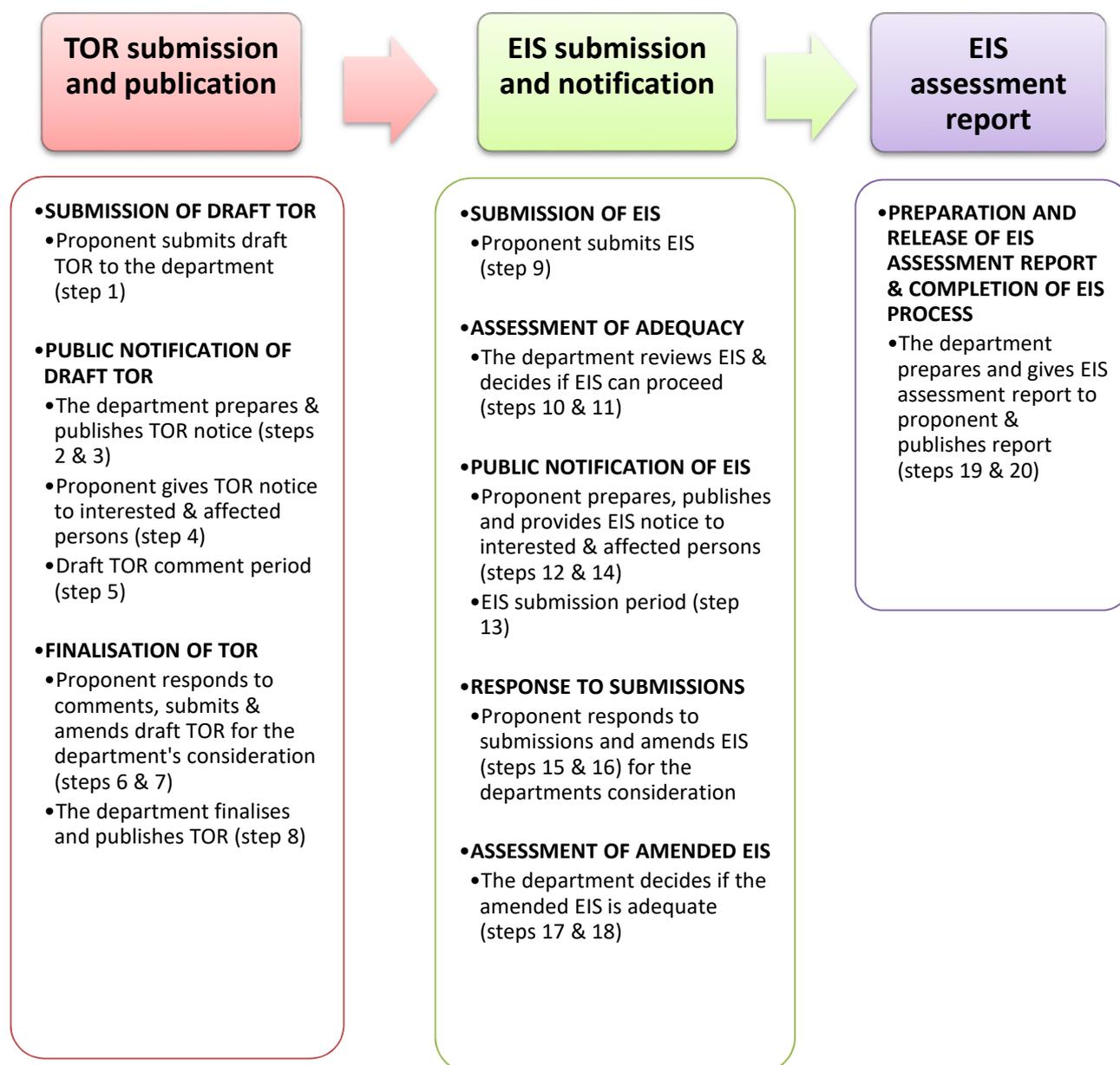
The EIS process consists of the following stages:

- submission and publication of the TOR
- submission and notification of the EIS
- preparation and release of the EIS assessment report.

The EIS process under chapter 3 of the EP Act is summarised in Figure 1. Each step mentioned in Figure 1 is described in Table 1.

The EIS assessment process is explained in more detail in Part II of this guideline.

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**Table 1** The EIS process under chapter 3 of the *Environmental Protection Act 1994*

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Step no.#	Task	Time allowed (business days) <sup>s</sup>	Section of EP Act
<b>Submission and publication of the TOR</b>			
1	<b>Proponent</b> submits draft TOR.  The submitted draft TOR must be accompanied by the prescribed fee.	Initiates EIS process	41
2	<b>The department</b> prepares TOR notice and provides it to the proponent.	15	42
3	<b>The department</b> publishes TOR notice.	5	43(1)
4	<b>Proponent</b> gives TOR notice to interested and affected persons.	5 (concurrent with step 3)	43(3)
5	Comment period for draft TOR.	30 (minimum)	42(3)
6	<b>The department</b> gives comments to proponent.	10	44
7	<b>Proponent</b> responds to comments and makes amendments to the TOR.	20*	45
8	<b>The department</b> considers comments and the proponent's response, publishes the final TOR and gives the proponent a copy of the final TOR.	20*	46
<b>EIS submission and notification</b>			
9	<b>Proponent</b> submits the EIS to the department within 2 years of receiving the final TOR. The submitted EIS must be accompanied by the prescribed fee.	Within 2 years*	47
10	<b>The department</b> reviews the EIS and determines if it addresses the final TOR in an acceptable form and if the EIS can proceed to public notification.	20*	49(1) & (3)
11	<b>The department</b> provides written notice to proponent if a decision (step 10) has been made.	10	49(6)
12	<b>Proponent</b> prepares EIS notice.  <b>Proponent</b> 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	52 51(2)
13	EIS submission period.	30 (minimum)	49(4)
14	<b>Proponent</b> provides statutory declaration of compliance with notice requirements.	10 (concurrent with step 13)	53

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Step no.#	Task	Time allowed (business days) <sup>§</sup>	Section of EP Act
15	<b>The department</b> provides a copy of all submissions to proponent.	10	56(1)
16	<b>Proponent</b> provides to the department a summary of the submissions, a response to submissions and any amendments of the EIS.  This must be accompanied by an EIS amendment notice.	20*	56(2) & (3)  66
17	<b>The department</b> decides if the proponent's response to submissions and submitted EIS are adequate for the EIS process to proceed.	20	56A(2) & (4)
18	<b>The department</b> provides written notice of the decision.	10	56A(5)
<b>EIS assessment report and completion of process</b>			
19	<b>The department</b> gives an EIS assessment report to proponent and publishes the assessment report.	30	57
20	The EIS process under Chapter 3 of the EP Act is completed when the proponent is given the EIS assessment report.	-	60

<sup>#</sup>Step numbers are provided in this table to assist explanation of the EIS assessment process in Part II of this guideline.

<sup>\*</sup>These time periods can be extended (by agreement) usually only once and then only during the initial period.

<sup>§</sup>business days 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.

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## PART II: EIS ASSESSMENT PROCESS

This part of the guideline explains, in more detail, the stages involved in the EIS assessment process under chapter 3 the EP Act.

### 4 Pre-lodgement discussions

It is recommended that the proponent engage with the department through a pre-lodgement meeting to discuss:

- the project activities
- the scale and the feasibility of the project
- if the project is expected to have a medium or high probability of causing serious or material environmental harm or a high probability of causing environmental nuisance
- if the project could be considered contentious by the public (e.g. the project has had extensive media coverage or there is a public perception of potential environmental harm or nuisance)
- if a decision under the EPBC Act has been made for the project regarding a specific controlling provision
- information and support documents required for the application
- relevant timeframes
- any matters considered important about this project by the administering authority.

This should occur prior to submitting an EA application or EA amendment application for a project that would potentially trigger the EIS process, or prior to submitting a voluntary EIS application.

Further information on pre-lodgement discussions is available on the [department's website](#). To request a meeting with the department please lodge the [Application for pre-lodgement services form](#) (ESR/2015/1664, DES, 2016).

### 5 Lodgement of applications and payment of fees

Lodgement of applications (i.e. voluntary EIS application) and EIS documents (i.e. draft TOR and EIS) should be organised through the EIS coordinator ([eis@des.qld.gov.au](mailto:eis@des.qld.gov.au)). EIS application documents cannot be applied online through Connect (<https://environment.des.qld.gov.au/connect/>).

Fees apply for the following EIS assessment stages:

- an application fee for a voluntary EIS when lodging the application
- fees for the draft TOR and the EIS when submitting the documents
- when the proponent provides a notice of an amendment to an EIS not related to matters raised in submissions on the EIS under section 56(2) of the EP Act (DES 2017b).

The fees are payable by cheque/money order to the Department of Environment and Science and must be paid in person on level 3, 400 George Street, Brisbane after making an appointment with the EIS coordinator.

Fees are subject to an annual Consumer Price Index adjustment. Please call Permit and Licence Management on 1300 130 372 (and select option four), email [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au) or [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au) to confirm the latest fees.

Further information on EIS related fees is available on the [department's website](#) or [Queensland Government Business Portal](#) webpage.

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## 6 Information request and advisory bodies

The EP Act (section 62) allows the department to seek relevant advice, comment or information from any person or organisation during the EIS assessment process. If the request is made of the proponent, it must be written, and must state a reasonable period for the giving of the advice. The request may also be by public notice.

At notification stages (draft TOR and EIS) in the assessment process, the department seeks advice from various advisory bodies. For this purpose, an advisory body is an individual or organisation that is requested to provide advice to the department within the extent of their areas of responsibility, interest and expertise. As such, advisory bodies provide advice to the department and do not have a decision-making role in respect of the EIS process. However, they may have a decision-making role in approvals that may be required for the project under legislation, which they administer.

The option to use advisory bodies is consistent with the department's aim to ensure the TOR and the EIS are comprehensive, and adequately assess impacts on matters relevant to the interests and requirements of all key agencies and interested parties. It is important that parties that may need to give approval for the project are consulted to ensure that the issues relevant to that approval are adequately addressed in the EIS and recommendations about the suitability of the project and recommended conditions of approval can be included in the EIS assessment report. Members of the advisory body may be individuals with specific expertise and can be selected from the following on a project-by-project basis:

- commonwealth and state government departments
- local governments
- statutory authorities and academic institutions
- private organisations, community groups (including environmental groups) and special interest groups (including recognised landowner and Indigenous organisations).

## 7 Terms of reference

The TOR is a statutory document that describes the format, structure and content requirements of the submitted EIS. The TOR stage, including statutory timeframes and relevant EP Act sections, is summarised in Table 1 (steps 1-8).

The TOR stage has a nominal timeframe of 100 business days; comprising of:

- 50 business days for the department to complete its allocated steps
- 30 business days (minimum) public comment period for the draft TOR
- 20 business days for the proponent to respond to submissions and recommend changes to the draft TOR (step 7).

The steps of the TOR stage are discussed in more detail below.

### 7.1 Preparation and submission of the draft TOR (step 1)

Once a proponent has received written notification from the department stating that an EIS is required, or the application for a voluntary EIS has been granted, the proponent can, at any time, provide a draft TOR. Lodging a draft TOR initiates the statutory timeframes of the EIS process (step 1).

The draft TOR must be in the approved form and must contain sufficient information to enable the department to finalise the TOR. The '*Generic TOR template*' for preparing a project specific draft TOR can be downloaded

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from the [department's website](#) (DES 2017b). Furthermore, the proponent is required to provide the following information in accordance with section 41(3) of the EP Act:

- a description of the project and operational land (often referred to as the initial advice statement—refer to Appendix 3: Description of the project and operational land of this guideline)
- a list of names and addresses of all interested and affected persons (as defined in the EP Act).
- a statement explaining how interested persons will be consulted
- EPBC Act requirements if the project is a controlled action
- the prescribed fee (refer to [section 5](#) of this guideline).

There are no application forms for submitting a draft TOR. However, it is recommended that proponents include information on the type of the application (i.e. voluntary EIS application, site-specific EA application or EA amendment application) to which the draft TOR relates.

### 7.2 Public notification of the draft TOR (steps 2–4)

The submitted draft TOR document is reviewed by the department and, if found acceptable, the department will prepare the TOR notice and will provide it to the proponent (step 2). The department then publishes the TOR notice in the approved form in at least one newspaper circulating throughout Australia or in each State or Territory (step 3). Projects that are assessed under the bilateral agreement must be advertised in a nationally circulating newspaper, or in newspapers circulating in each state or territory (refer to [section 8](#) of the EP Regulation).

### 7.3 Comments on the draft TOR (step 5)

The comment period on the draft TOR is a minimum of 30 business days (step 5). During this comment period, the department seeks and considers relevant advice, comment or information from project-specific advisory bodies (refer to [section 6](#) of this guideline) to ensure that their interests are addressed in the TOR.

The department must accept all 'properly made' comments, that:

- are written
- are signed by or for each person ('signatory') who has made a submission
- state the name and address of each signatory
- are made to the chief executive
- are received on or before the last day of the submission period.

The department may also decide that a submission that does not meet all these requirements is a properly made decision.

### 7.4 Finalisation and public notification of the final TOR (steps 6–8)

The department provides the comments it receives on the draft TOR to the proponent (step 6). It is a statutory requirement that a copy of all comments are forwarded to the proponent.

The proponent must provide a summary of the comments, a response to the comments and an amended draft TOR to the department (step 7) within 20 business days. This period can be extended by agreement.

The department finalises the TOR, considering all comments and the proponent's response, and publishes the TOR on its website.

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The proponent has two years to submit an EIS addressing the final TOR.

## 8 Environmental impact statement

### 8.1 Preparation of the EIS

#### 8.1.1 Requirements under the EP Act

The EIS must meet the requirements of the EP Act and EP Regulation, and relevant requirements under the EPBC Act if it is also being assessed under the assessment bilateral agreement. It must address relevant Commonwealth, state or local government interests in the proposed project and provide information for regulatory authorities to assist in future decision-making regarding the project. These matters are set out in the TOR as 'routine' and 'critical matters'.

Key requirements outlined in the EP Act and subordinate legislation, include but are not limited to:

- the requirements of section 40 of the EP Act, which specifies the purpose of an EIS and of the EIS process
- the requirements of sections 125, 126 and 126A which set out the general information requirements for applications for an EA
- the requirements of chapter 2 and schedule 1 of the EP Regulation, including matters to be addressed by assessment under the bilateral agreement between the Australian Government and the State of Queensland
- the environmental objectives and performance outcomes specified in schedule 5, part 3, tables 1 and 2 of the EP Regulation.

Section 139 of the EP Act states that the information stage of the EA application process does not apply if the EIS process is complete, unless there has been a subsequent change to the proposed project. It is therefore important that the EIS provide all the information needed to enable the issuing of an EA for the proposed project as set out in the TOR in conjunction with the latest version of guidance material published on the [department's website](#) (DES 2016).

The detail in which the EIS deals with all matters relevant to the proposed project should be proportional to the scale of the impacts on environmental values. When determining the scale of an impact, the EIS must consider the impact's intensity, duration, cumulative effect, irreversibility, the risk of environmental harm, management strategies and offset provisions. The EIS must further identify and assess expected adverse and beneficial environmental, social and economic impacts of the project and include suitable planning, mitigation and monitoring measures to manage any adverse impacts of the project. Critical matters need to be specifically addressed in detail in the EIS either because of the high potential risk of adverse impacts and/or the identified values potentially affected. Routine matters would require less detailed consideration.

Scientific and specialist studies undertaken in response to the TOR must provide details of the methodology, reliability, assumptions and scientific conclusions used to predict the potential beneficial and adverse impacts. Avoidance, mitigation and management strategies for the protection or enhancement of identified environmental values must be proposed following the department's management hierarchy: (a) to avoid; (b) to minimise or mitigate; once (a) and (b) have been applied, (c) if necessary and possible, to offset.

For any significant residual impact, the EIS must propose offsets that are consistent with the following requirements as set out in applicable State and Commonwealth legislation or policies:

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- Where a significant residual impact will occur on a prescribed environmental matter as outlined in the Environmental Offsets Regulation 2014, the offset proposal(s) must be consistent with the requirements of *Queensland's Environmental Offsets Act 2014* and the latest version of the Queensland Environmental Offsets Policy (DES 2018).
- Where Commonwealth offset policy requires an offset for significant residual impacts on a MNES, the offset proposal(s) must be consistent with the requirements of the [EPBC Act Environmental Offsets Policy](#) and [Offsets assessment guide and relevant guidelines](#) (Commonwealth of Australia, 2012), available at: <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>

Sufficient information for the following persons and organisations must be provided in the EIS:

- The department (administrating authority)—to allow the state to meet its obligations under the bilateral agreement and to allow the department to decide EA applications for the project. Given that the EIS process replaces the information and notification stages<sup>1</sup> for site-specific EA applications, it is essential that all the information needed by the department in deciding an EA application is provided in the EIS.
- Australian Environment Department—to allow the Australian Environment Minister to make an informed decision when deciding the project (i.e. approval or refusal and appropriate conditions).
- State and local government and other advisory bodies—to provide a framework for decision makers to assess the environmental, social and economic aspects of the proposed project with respect to the legislation, policies and standards administered by these bodies; and to assist in making a decision whether the project could obtain the necessary approvals, or be refused, and to develop conditions.
- Affected persons—to provide sufficient information to groups and persons with rights or interests in land; to understand how the proposed project relates to land of interest; how land would be affected; and how impacts on land would be assessed, avoided and mitigated. Queensland Government-owned corporations and businesses (i.e. ports, energy, water and transport service providers) should be consulted to ensure their assets would meet project demands and that their services are not adversely impacted by the proposed project. Privately owned utility and service providers should be consulted in a similar manner. More information about Queensland Government-owned corporations is available at the [Queensland Treasury website](#).
- Interested persons—to provide sufficient information to persons that may have a financial or non-financial interest in the area in which the project would be situated (e.g. unincorporated community or environmental bodies).
- The proponent—to understand the potential environmental, social and economic impacts of their proposed project to optimise the benefits and minimise adverse impacts and risks, including identifying management measures required to avoid, mitigate and offset the adverse and residual environmental impacts.

### 8.1.2 Requirements under the EPBC Act

An EIS subject to the bilateral agreement must include a stand-alone assessment report for the MNES included in the controlling provisions. The report should provide enough information about the project and relevant

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<sup>1</sup> This is provided in the environmental risks of the activity and the way the activity will be carried out have not changed since the EIS has been completed (see [section 12](#) of this guideline for further information).

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impacts on MNES to allow the Australian Environment Minister to make an informed decision on the project (i.e. approval or refusal) and, if relevant, impose appropriate conditions of approval.

The information provided in the report must be consistent with other relevant sections of the EIS. Proposed mitigation measures for MNES must be consistent with those proposed under Queensland legislation while offsets for impacts on MNES must meet Commonwealth requirements.

For resource projects where [water is a controlling provision](#) under the EPBC Act and which are coal seam gas or large coalmine developments, the Australian Environment Department, jointly with Queensland Government, must make a referral to the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC). The IESC provides scientific advice to decision makers on potential impacts from Coal Seam Gas (CSG) and large coal mining developments on Australia's water resources.

### 8.1.3 New or previously unforeseen matters

While every attempt is made by the department to ensure the final TOR requires an assessment of all relevant matters, the final TOR may not be exhaustive. The EIS should address other matters not covered in the final TOR if the following circumstances arise:

- Studies reveal a matter that had not been foreseen when the TOR was finalised.
- An issue not identified previously is considered contentious by the public (e.g., project has had media coverage or there is a public perception of potential environmental harm or nuisance).
- The department directs the proponent in writing to address a matter (information request under section 62 of the EP Act).
- New or amended legislation or policies come into effect after the TOR has been finalised, regardless of whether or not the legislation or policies have been listed in the TOR. Transitional arrangements or exemptions may apply for individual projects.
- The proponent makes amendments to the project that would result in a change in the nature, timing or location of any impacts.

If the EIS omits the analysis of matters initially considered relevant but subsequently found not to be, the reasons for each omission should be sufficiently documented.

### 8.1.4 EIS structure and publishing requirements

To avoid duplication, the findings of each section of the EIS should be cross-referenced to other corresponding sections. Matters already covered in a chapter should not be repeated elsewhere. The only exception is for projects assessed under the bilateral agreement where the chapter on MNES must be written as a stand-alone report and should therefore contain information already stated in other chapters of the EIS.

The EIS should meet general formatting and publishing requirements and reflect the format, structure and content requirements of the final TOR. The EIS is a public document and should be written in plain English so that a person without any prior knowledge of the project understands the information presented. Acronyms and abbreviations should be included in full in a glossary of terms. Technical terms should be defined or adequately explained. Statements used to assess relevant impacts in the main body of the EIS must be supported by appendices, technical information and supporting data. To support the generic TOR, the department has developed [guidance materials](#) to assist with preparing the EIS.

Maps, diagrams, pictures, artist's impressions or other illustrative material to assist readers to visualise and understand information should be clear and unambiguous. Appropriate scaling and orientation should be

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provided. Aerial photography and digital information (e.g. of the project site and adjacent properties) should be provided.

### 8.1.5 EIS consultation

The proponent should develop and implement a consultation plan for the persons and organisations identified in [section 8.1.1](#) of this guideline, as well as the general public. The extent to which a proponent consults with relevant persons will be determined by the public interest and significance of the project's potential environmental, social and economic impacts. Early and sustained consultation is recommended.

The consultation plan should be consistent with, and complement, the notification activities in the EIS process.

The proponent's consultation plan should identify issues of potential concern to relevant persons and organisations and address issues from project planning to commencement, project operations, and decommissioning. The consultation plan should include:

- the objectives of the consultation process
- timing of consultation
- the number and interests of the persons involved
- methods of consultation and communication
- reporting and feedback methods for consulted persons
- an assessment explaining how the objectives have been met
- an analysis of the issues raised, including:
  - issues raised and by whom
  - how each issue will be addressed in the EIS process
- alterations to the proposed project as a result of feedback received.

The proponent must also prepare a social impact assessment (SIA) for the proposed project that is consistent with the requirements of the *Strong and Sustainable Resource Communities Act 2017* (SSRC Act) and the Coordinator-General's SIA guideline (March 2018).

The SIA is to be developed in consultation with the Coordinated Project Delivery Division in the Office of the Coordinator-General, Department of State Development, Manufacturing Infrastructure and Planning. The SIA is to describe the potential social impacts (both positive and negative) of the proposed project, and must identify relevant and effective impact mitigation and benefit enhancement measures.

### 8.1.6 EIS amendments

The proponent can amend or replace a submitted EIS at any time before the EIS assessment report has been given to the proponent, except during the EIS submission period. An EIS amendment, other than an amendment in response to submissions on the EIS, incurs a fee. An EIS amendment must be accompanied by the department's Notice – [Amendment/replacement of an original of environmental impact statement](#) (ESR/2016/2186, DES, 2016).

## 8.2 Submission and notification of the EIS (steps 9–18)

The submission and notification stages for an EIS, including statutory timeframes and relevant EP Act sections, are summarised in Table 1 (steps 9–18) and explained in more detail below.

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### 8.2.1 Submission of the EIS (step 9)

The proponent has two years from receiving the final TOR to prepare and submit an EIS (hereafter referred to as the 'submitted EIS') to the department. While it is preferred that the EIS be submitted within this period, the proponent may request an extension to the chief executive before the two years ends. In considering whether to grant an extension, the department would take into account the length of extension sought, if any major changes to the project from that described in the TOR is proposed, whether there has been any major legislative or policy changes that would affect the project, and any other matter considered relevant.

The submitted EIS must be accompanied by the prescribed fee.

### 8.2.2 Decision on whether the EIS may proceed (steps 10–11)

Within 20 business days of the EIS being submitted, the department must determine if it adequately addresses the requirements of the TOR (step 10). To allow the proponent to address any significant errors or omissions in the submitted EIS, a longer period for that decision can be agreed between the department and the proponent (if agreed within the first 20 business days). The department will seek to determine if any changes are needed to the submitted EIS as early in this 20-day review period as possible.

Once the department has decided whether the submitted EIS is suitable to proceed to public notification (step 10), a written notice of the decision is given to the proponent (step 11). Where the decision is to proceed, the notice will state the length of the submission period (minimum 30 business days) and a template for preparing the EIS notice for public notification.

If the submitted EIS does not sufficiently meet the requirements of the TOR, the department can refuse to allow the submitted EIS to proceed under section 49(6) of the EP Act. If the submitted EIS has been refused, the proponent can apply to the Queensland Government Environment Minister (Queensland Environment Minister) to review the decision under section 50 of the EP Act. Under sections 49A(3-4) the proponent may resubmit, with changes, the EIS once within three months after the day notice of the decision is given to the proponent or within an agreed period if agreed to by the department and the proponent.

### 8.2.3 Public notification of the EIS (step 12)

The EIS notice and its contents must be prepared in accordance with section 52 of the EP Act and the department's guideline [Requirements for an environmental impact statement notice](#) (ESR/2016/2172, DES, 2018). The EIS notice must include information on the project and operational land, where the submitted EIS may be inspected (e.g. a local library, the department and/or proponent's office) or where copies, or extracts, from the submitted EIS may be obtained.

Under section 51 of the EP Act (step 13), the proponent must:

- provide the EIS notice to all interested and affected persons, and any other person decided by the department, before the submitted EIS is made public
- provide the EIS notice to the department for publishing on its website
- publish an EIS notice in the approved form in at least one newspaper circulating throughout Australia or in each State or Territory and make a copy of the submitted EIS available on a website.

The submitted EIS must remain publicly available on the internet for a minimum period of 12 months after the department has issued the EIS assessment report. The submitted EIS must also be published on the department's website (or a link to another website) as the 'application documents' if the EIS is for an environmental authority or amendment of an environmental authority.

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Electronic and/or printed copies of the submitted EIS should be provided to each advisory body a few days before the submission period commences.

### 8.2.4 EIS submission period (step 13)

The public submission period for an EIS is a minimum of 30 business days unless there are special circumstances that warrant a longer period (step 13—concurrent with step 14). During this period, submissions on the submitted EIS are accepted by the department. Submissions, which meet the EP Act requirements for a properly made submission, have to be accepted. The department can also accept any other submissions if it is considered appropriate to do so.

As well as receiving submissions from the public and interested persons and organisations, the department seeks and considers relevant advice, comment or information about a range of matters in the EIS from advisory bodies (see [section 6](#) of this guideline). The department has to consider all properly made submissions when deciding on the adequacy of the EIS.

For resource projects where impacts on water resources is a controlling provision under the EPBC Act, the department, jointly with the Australian Environment Department, must make a referral to the IESC.

The IESC provides scientific advice to decision makers (and proponents) on potential impacts from CSG and large coal mining developments on Australia's water resources. Information about the IESC can be found on the [IESC webpage](#). A referral to the IESC does not affect the statutory EIS assessment timelines.

### 8.2.5 Statutory declaration of compliance with notice requirements (step 14)

Within 10 business days after the EIS notice has been published, the proponent must provide a statutory declaration to the department (step 14—concurrent with step 13) consisting of the following:

- a statement of compliance under the EP Act
- the names and addresses of each person to whom the EIS notice was given
- a copy of the EIS notice that was given.

Use the department form [Requirements for an environmental impact statement notice](#) (Environmental Impact Statement) (ESR/2016/2194, DES, 2018)

### 8.2.6 Response to submissions (steps 15–16)

All submissions on the submitted EIS are forwarded to the proponent within 10 business days after the submission period has ended (step 15).

The proponent then has 20 business days to provide the department with:

- a summary of the submissions
- a statement of the proponent's response to submissions
- any amendments to the submitted EIS as a result of the submissions.

This response is often referred to as the 'supplementary EIS stage', although it is not a recognised term under the EP Act. A longer period to make that response may be agreed in writing, within the 20 business days, at the proponent's request (step 16).

If changes have been made to the submitted EIS because of the submissions, the proponent must provide an EIS amendment notice (under section 66 of the EP Act). Use the department form '[Amendment or replacement of an original environmental impact statement](#)' (EM562).

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### 8.2.7 Assessment of adequacy of response to submissions and submitted EIS (steps 17–18)

It is essential that the response to submissions and any amendments made to the submitted EIS (often referred to as the 'supplementary EIS') contains sufficient information on potential impacts and proposed avoidance and mitigation measures for the department to be able to prepare the EIS assessment report including recommendations for conditions.

Under section 56A of the EP Act, the department must assess and consider:

- the submitted EIS
- a summary of the submissions
- a statement of the proponent's response to the submissions
- any amendments of the submitted EIS because of the submissions (step 17).

The department has 20 business days after receiving the response to submissions to decide whether to allow the EIS to proceed and must only allow the EIS to proceed if:

- the proponent's response to the submissions is adequate
- the proponent has made all the appropriate amendments to the submitted EIS because of the submissions.

The period may be extended if, at any time before the decision is made, the proponent has agreed in writing to the extension. Within 10 business days after the decision to proceed or not has been made, the department must provide written notice of the decision to the proponent (step 18).

If the decision is to refuse to allow the submitted EIS to proceed, the notice must also state:

- the reasons for the decision
- that the proponent may, under section 56B, apply to the Queensland Environment Minister to review the decision
- how to apply for a review.

If the chief executive decides, under section 56A, to refuse to allow the EIS to proceed, the proponent can apply to the Queensland Environment Minister to review the decision under section 56B of the EP Act. The proponent may resubmit under sections 56AA(2-4), with changes, the submitted EIS and the proponent's response to the submissions once. This needs to occur within 20 business days after the notice of decision is given to the proponent under 56A(5), or within an agreed period if agreed to by the department and the proponent. A resubmitted EIS must be accompanied by the prescribed fee and the form *Notice – [Amendment/replacement of an original of environmental impact statement](#)* (ESR/2016/2186, DES, 2016) (refer to [section 8.1.6](#) of this guideline).

## 9 EIS assessment report (step 19)

Once the department has issued the proponent with a decision notice allowing the EIS to proceed to the next stage, the department must prepare an EIS assessment report and gives it to the proponent within 30 business days (step 19).

The EIS assessment report must:

- address the adequacy of the submitted EIS (including any amendments made to the submitted EIS) in addressing the final TOR

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- address all properly made submissions and any other submissions accepted by the chief executive
- address the adequacy of any environmental management plan for the project
- include recommendations about the suitability of the project
- include any recommended conditions for required approvals
- address the standard criteria
- address other matters prescribed under a regulation (e.g. an assessment of the adequacy of the submitted EIS in addressing MNES under the EPBC Act).

If the EIS is conducted under the bilateral agreement, a copy of the report must be given to the Australian Environment Minister. The EIS assessment report is also made available on the department's website.

### 10 Completion of process (step 20)

The EIS process under Chapter 3 of the EP Act is completed when the proponent is given the EIS assessment report (step 20).

### 11 Failure to take a required step

If the proponent does not complete or comply with a required step under the EP Act for the EIS process, the EIS process will be suspended until the step has been taken. The proponent's draft TOR or submitted EIS will lapse on the first anniversary of the suspension or a later day if agreed to by the department and the proponent before the first anniversary.

If under sections 49 (step 10) and 56A (step 17) the department decides to refuse to allow the EIS process to proceed, the proponent may, by written notice, apply to the Queensland Environment Minister to review the decision.

### 12 Post EIS process

Upon completion of the EIS process under Chapter 3 of the EP Act, any current application process suspended by the EIS process resumes pursuant to their respective law.

For resource projects, the EA application resumes to chapter 5 of the EP Act, namely the decision stage—where a decision is made either to approve the EA application with conditions or to refuse it. Specifically:

- For site-specific applications and major amendments to an EA, the draft EA is issued in the decision stage after the EIS process is completed, and may involve the hearing of objections in the Land Court. Under section 172 of the EP Act, the department must then decide if the EA application for a site-specific application is approved subject to conditions or is refused (refer to [section 1.1](#) of this guideline). For voluntary EIS projects, the proponent may now apply for a site-specific EA and for tenure under relevant resource legislation (refer to [section 1.2](#) of this guideline). If the environmental risks of the activity or way the activity will be carried, have changed between the time when the voluntary EIS was completed under the EP Act and when the EA application was made, the proponent will not be exempt from the information request and public notification requirements under the EP Act.

For projects assessed under the bilateral agreement, the Australian Environment Minister makes a separate decision under the EPBC Act, subsequent to completion of the EIS process.

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## 13 Enquiries

The EIS process under the EP Act is administered by the department's Environmental Impact Assessment team. Any EIS queries can be directed to this unit, which can be contacted via email: [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au) or on telephone 13 74 68 (13 QGOV) during business hours, 8:30am–5:00pm on business days.

## 14 References

Commonwealth of Australia 2012, *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy <[http://www.environment.gov.au/system/files/resources/12630bb4-2c10-4c8e-815f-2d7862bf87e7/files/offsets-policy\\_2.pdf](http://www.environment.gov.au/system/files/resources/12630bb4-2c10-4c8e-815f-2d7862bf87e7/files/offsets-policy_2.pdf)> accessed January 2019.

Commonwealth of Australia 2014, Queensland Bilateral Agreement Information <<http://www.environment.gov.au/protection/environment-assessments/bilateral-agreements/qld>> accessed January 2019.

Business Queensland 2018, Types of applications for a new environmental authority <<https://www.business.qld.gov.au/running-business/environment/licences-permits>> accessed January 2019.

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Department of Environment and Heritage Protection 2014, Triggers for environmental impacts statements under the *Environmental Protection Act 1994* for mining and petroleum activities <<https://www.qld.gov.au/environment/pollution/management/eis-process/resources>> accessed March 2019.

Department of Environment and Science 2016, Application for pre-lodgement services form (ESR/2015/1664) <<https://environment.des.qld.gov.au/assets/documents/regulation/cor-ap-pre-design-meeting.docx>> accessed March 2019.

Department of Environment and Science 2016, Amendment/replacement of an original of environmental impact statement (ESR/2016/2186) <<https://www.qld.gov.au/environment/pollution/management/eis-process/resources>>.

Department of Environment and Science 2016 (ESR/2016/2172), Requirements for an environmental impact statement notice <<https://www.qld.gov.au/environment/pollution/management/eis-process/resources>> accessed March 2019.

Department of Environment and Science 2016, Information guideline for an environmental impact statement <<https://www.qld.gov.au/environment/pollution/management/eis-process/resources>> accessed March 2019.

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Department of Environment and Science 2017b, Environmental impact statement guidelines <<https://www.qld.gov.au/environment/pollution/management/eis-process/about-the-eis-process/terms-of-reference>> accessed March 2019.

Department of Environment and Science 2018, About the EIS process <<https://www.qld.gov.au/environment/pollution/management/eis-process/about-the-eis-process>> accessed January 2019.

Department of Environment and Science 2018, Queensland Environmental Offsets Policy Version 1.6 <<https://environment.des.qld.gov.au/assets/documents/pollution/management/offsets/offsets-policyv1-6.pdf>> accessed January 2019.

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Department of Environment and Science 2018, Forms and applications  
<[http://www.ehp.qld.gov.au/land/mining/forms\\_and\\_applications.html](http://www.ehp.qld.gov.au/land/mining/forms_and_applications.html)> accessed January 2019.

Department of State Development 2017, Economic impact assessment guideline  
<<http://www.coordinatorgeneral.qld.gov.au/resources/guideline/cg/economic-impact-assessment-guideline.pdf>>  
accessed March 2019.

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

## Approved:

signed

Signature

23/04/2019

Date

Philip Rowland  
Operational Support  
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*Environmental Protection Act 1994*

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## Version history

Version	Effective date	Description of changes
1.00	03/06/2015	Publication of guideline EM1375 (replacing guidelines EM584 and EM596)
1.01	26/11/2015	Guideline updated to reflect legislative changes
1.01	15/03/2016	Guideline renamed to ESR/2016/2171
2.00	23/04/2019	Guideline updated to reflect legislative and departmental changes

# The environmental impact statement process for resource projects under the *Environmental Protection Act 1994*

## Appendix 1: Acronyms and abbreviations

Acronym/abbreviation	Meaning
Australian Environment Department	Australian Government Department of the Environment and Energy
Australian Environment Minister	The Australian Government Minister whom administers the EPBC Act
Commonwealth	Commonwealth of Australia
CSG	coal seam gas
EA	environmental authority
the department	Queensland Government Department of Environment and Science
EIS	environmental impact statement
EP Act	<i>Environmental Protection Act 1994</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
EP Regulation	Environmental Protection Regulation 2008
IESC	Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (Commonwealth)
MNES	matters of national environmental significance
MSES	matters of national environmental significance
NUMA	Non Use Management Area
Queensland Environment Department	The Queensland Government Department of Environment and Science
Queensland Environment Minister	The Queensland Government Minister whom administers the EP Act
TOR	terms of reference

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## Appendix 2: Glossary

Term	Definition
<p>Actions under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)</p>	<p>The glossary of terms under the EPBC Act states that “<i>an action is defined broadly in the EPBC Act and includes: a project, a development, an undertaking, an activity or a series of activities, or an alteration of any of these things. A lawful continuation of an existing use is not an action. A decision by a government body to grant an authorisation (for example, a permit or licence) or to provide funding is not an action.</i></p> <p><i>Actions include, but are not limited to: construction, expansion, alteration or demolition of buildings, structures, infrastructure or facilities; storage or transport of hazardous materials; waste disposal; earthworks; impoundment, extraction and diversion of water; research activities; vegetation clearance; military exercises and use of military equipment; and sale or lease of land.”</i></p>
<p>Advisory bodies</p>	<p>Individuals or organisations invited by the department to provide advice or information during the EIS process.</p>
<p>Affected person for a project</p>	<p>An affected person for a project is defined under section 38 of the EP Act. It includes a person for the operational land or any land joining it; such as: local governments; Native title holder bodies/claimants or representative Aboriginal/Torres Strait Islander bodies; landowners/landholders; mining leases; state land (state forests; state controlled roads; national parks; conservation parks). The full list can be found in the EP Act.</p>
<p>Bilateral agreement</p>	<p>The environmental impact statement process under the EP Act has been accredited under ‘<a href="#">An agreement between the Commonwealth and the State of Queensland</a> under section 45 of the EPBC Act relating to environmental assessment’ (the bilateral agreement).</p> <p>The bilateral agreement can be applied to projects that are:</p> <ul style="list-style-type: none"> <li>• controlled actions requiring assessment under part 8 of the EPBC Act, and</li> <li>• are subject to the EIS process under the EP Act.</li> </ul>
<p>Chief executive</p>	<p>The chief executive is the person in charge of managerial matters for a government department. Chief executives (or their delegate) make decisions under legislation they are responsible for administering.</p>
<p>Controlling provision</p>	<p>It is a requirement under the EPBC Act that actions must not be carried out without prior approval under this Act if they have, or are likely to have, a significant impact on matters of national environmental significance. The Australian Environment Department determines whether or not an action is, or is likely to,</p>

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Term	Definition
	have a significant impact on a matter/s of national environmental significance. If so, these matters are the 'controlling provisions' for that action.
Coordinated project	<p>A project may be declared to be a coordinated project under the SDPWO Act if a proponent applies to the Coordinator-General, and if the Coordinator-General accepts the application. In making that decision, the Coordinator-General may consider the following matters:</p> <ul style="list-style-type: none"> <li>• complex approval requirements involving local, Queensland and the Australian Governments</li> <li>• significant environmental effects</li> <li>• strategic significance to the locality, region or state, including infrastructure, economic and social benefits, capital investment or employment opportunities</li> <li>• significant infrastructure requirements.</li> </ul>
Environmental authority (EA)	<p>In Queensland, before undertaking an environmentally relevant activity, approval, in the form of an EA, is needed. Environmentally relevant activities are industrial, resource or intensive agricultural activities with the potential to release contaminants into the environment and are defined in the EP Act and regulations. They include a wide range of activities such as aquaculture, sewage treatment, cattle feed lotting, mining and other resource activities such as petroleum (which includes coal seam gas), geothermal and greenhouse gas storage activities.</p>
Environmental nuisance	<p>The EP Act defines environmental nuisance as unreasonable interference or likely interference with an environmental value caused by:</p> <ul style="list-style-type: none"> <li>• aerosols, fumes, light, noise, odour, particles or smoke</li> <li>• or an unhealthy, offensive or unsightly condition because of contamination</li> <li>• another way prescribed by regulation.</li> </ul>
<i>Environmental Protection Act 1994</i> (EP Act)	<p>The EP Act is administered by the Department of Environment and Science. The object of this Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (<i>ecologically sustainable development</i>).</p>
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	<p>The EPBC Act is administered by the Australian Government Department of the Environment and Energy. The Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and</p>

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Term	Definition
	heritage places, defined in the Act as matters of national environmental significance.
<i>Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC)</i>	The committee is a statutory committee established by the Australian Government under the EPBC Act.
Description of the project and operational land (commonly referred to as the 'initial advice statement')	The description of the project and operational land (commonly referred to as the 'initial advice statement') is a document that should be submitted with a draft terms of reference application or with a voluntary environmental impact statement application to meet requirements under the EP Act. The project description should be in accordance with <a href="#">Appendix 3</a> land of this guideline.
Interested person	Interested person means an interested person proposed by the proponent under section 41(3)(b) of the EP Act; such as an unincorporated community or environmental body with a financial or non-financial interest in the local government area that the operational land is in.
Material environmental harm	The EP Act defines material environmental harm (other than environmental nuisance) as environmental harm: <ul style="list-style-type: none"> <li>• that is not trivial or negligible in nature, extent or context</li> <li>• or that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount but less than the maximum amount</li> <li>• that results in costs of more than the threshold amount but less than the maximum amount being incurred in taking appropriate action to prevent or minimise the harm and to rehabilitate or restore the environment to its condition before the harm.</li> <li>• The threshold amount is \$5000, or, if a greater amount is prescribed by regulation, the greater amount.</li> </ul>
Mining activity	A mining activity is: <ul style="list-style-type: none"> <li>• an activity that is an authorised activity for a mining tenement under the MR Act</li> <li>• or another activity that is authorised under an approval under the MR Act that grants rights over land.</li> </ul>
No use management area (NUMA)	An area of land the subject of a PRC plan that cannot be rehabilitated to a stable condition after all relevant activities for the PRC plan carried out on the land have ended (section 112 of the EP Act).
Offsets	An activity undertaken (either voluntarily or imposed) to counterbalance significant residual impacts of activities on

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Term	Definition
	particular matters of national, state or local environmental significance. Relevant legislation include the Queensland <i>Environmental Offsets Act 2014</i> and/or the Commonwealth's EPBC Act.
Operational land	Operational land means the land on which the project is to be carried out.
Person	Person includes a body of persons, whether incorporated or unincorporated.
Petroleum activity	<p>A petroleum activity is:</p> <ul style="list-style-type: none"> <li>• an activity that, under the <i>Petroleum Act 1923</i>, is an authorised activity for a petroleum tenure under <i>Petroleum Act 1923</i></li> <li>• or an activity that, under the <i>Petroleum and Gas (Production and Safety) Act 2004</i>, is an authorised activity for a petroleum authority under that Act</li> <li>• or exploring for, exploiting or conveying petroleum resources under a licence, permit, pipeline licence, secondary licence or special prospecting authority granted under the <i>Petroleum (Submerged Lands) Act 1982</i>.</li> </ul>
Project	A project includes a development, a proposed development, an action, a proposed action, a plan or policy.
Proponent	Proponent means the person who proposes the project to which the EIS process applies.
Proposed action	A proposed action is an activity or activities proposed under a project that has to be assessed under the EPBC Act because it would or has the potential to impact on matters of environmental significance.
Resource activities	<p>Resource activities include mining, petroleum (including coal seam gas), geothermal and greenhouse gas storage activities.</p> <p>The Department of Environment and Science is responsible for the administration and regulation of resource activities under the EP Act.</p>
Resource projects	Resource activities that are proposed to be carried out under one or more resource tenures, in any combination, as a single integrated operation are known as resource projects.
Serious environmental harm	<p>The EP Act defines serious environmental harm as environmental harm (other than environmental nuisance) as:</p> <ul style="list-style-type: none"> <li>• irreversible, of a high impact or widespread</li> </ul>

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Term	Definition
	<ul style="list-style-type: none"> <li>• or caused to an area of high conservation value or special significance</li> <li>• or that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount</li> <li>• or that results in costs of more than the threshold amount being incurred in taking appropriate action to prevent or minimise the harm and to rehabilitate or restore the environment to its condition before the harm.</li> </ul> <p>The threshold amount is \$50,000, or, if a greater amount is prescribed by regulation, the greater amount.</p>
Significant impact (under the EPBC Act)	<p>A significant impact is defined under the EPBC Act as an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. All of these factors should be considered when determining whether an action is likely to have a significant impact on the environment.</p> <p>Refer to Commonwealth significant impact guidelines</p>
Significant impact on water resources	<p>Significant impact on water resources is caused by a single action or the cumulative impact of multiple actions which would directly or indirectly:</p> <ul style="list-style-type: none"> <li>• result in a substantial change in the quantity, quality or availability of surface or ground water</li> <li>• substantially alter ground water pressure and/ or water table levels</li> <li>• alter the ecological character of a wetland that is State significant or a Ramsar wetland</li> <li>• divert or impound rivers or creeks or substantially alter drainage patterns</li> <li>• reduce biological diversity or change species composition</li> <li>• alter coastal processes, including sediment movement or accretion, or water circulation patterns</li> <li>• result in persistent organic chemicals, heavy metals, or other potentially harmful chemicals accumulating in the environment such that biodiversity, ecological integrity, human health or other community and economic use may be adversely affected</li> <li>• substantially increase demand for, or reduce the availability of water for human consumption.</li> </ul> <p>Refer to Commonwealth significant impact guidelines.</p>

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Term	Definition
Site-specific application	<p>A site-specific application is an application for an environmental authority for ineligible Environmentally Relevant Activities under the EP Act, i.e. for activities that are:</p> <ul style="list-style-type: none"> <li>• not able to comply with the eligibility criteria</li> <li>• have no set eligibility criteria</li> <li>• or are carried out as part of a coordinated project.</li> </ul>
Standard criteria	The standard criteria are defined in schedule 4 of the EP Act.
Voluntary EIS	Sections 69 to 72 of the EP Act allow a proponent to apply for approval to voluntarily prepare an EIS. An application for a voluntary EIS allows a proponent to commence an EIS process for a project without having to submit an environmental authority application.

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## Appendix 3: Description of the project and operational land

The description of the project and operational land (often referred to as the 'initial advice statement'), which is submitted with the draft TOR (step 1; Table 1), should contain the following information in a stand-alone document (refer to [section 7.1](#) of this guideline).

<b>Executive summary</b>
Describe the proponent and the proposed project, and convey the most important aspects and environmental values relating to the proposed project in a concise and readable form.
<b>1. Introduction</b>
<p>Explain the function and purpose of the initial advice statement (i.e. why it has been prepared and what it sets out to achieve). Include an overview of the proposed project and the structure of the document.</p> <p>Identify if:</p> <ul style="list-style-type: none"> <li>the project has a medium or high probability of causing serious environmental harm or material environmental harm or a high probability of causing environmental nuisance</li> <li>the project is considered contentious (e.g., project has had media coverage or there is a public perception of potential environmental harm or nuisance).</li> </ul>
<b>2. Proponent</b>
<p>Provide information about the proponent(s) and their business, including:</p> <ul style="list-style-type: none"> <li>the proponent's full name, street and postal address, and Australian Business Number, including details of any joint venture partners (Note: The proponent is the persons or registered legal entity intending to carry out the activity and in whose name the applicable permits or licences are to be issued)</li> <li>the nature and extent of the proponent's business activities</li> <li>the proponent's environmental record including a list of any breach of relevant environmental laws during the previous ten years</li> <li>the proponent's environmental, health, safety and community policies.</li> </ul>
<b>3. EIS process</b>
<p>Explain the need for the project and how it relates to the EIS process under the EP Act and, if applicable, under the Commonwealth EPBC Act.</p> <p>Briefly outline the steps of the EIS process, noting which milestones have been completed, and an estimated timing for the remaining EIS stages. Highlight the steps in which the public will have the opportunity to provide input or comment. This information is required to ensure readers are informed of the EIS process and are aware of their opportunities for input and commenting.</p>
<b>4. Project approvals process</b>
Insert a short summary of the key approvals under federal, state or local legislation that would likely be required to enable the proposed project to be constructed and operated, and note the legislation under which the approvals are assessed and issued.

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<p>Briefly explain how the EIS fits into the assessment and approval processes for the EA and other approvals required of the proposed project before construction and operations can start.</p> <p>For proposed projects undergoing a voluntary EIS, describe when the application was (or will be) submitted to the department and when the department approved the application.</p> <p>Explain if the EIS for the proposed project would be jointly assessed under the Queensland EP Act and the Commonwealth's EPBC Act in accordance with the assessment bilateral agreement between the Australian Government and the State of Queensland. Briefly describe the status of the project under the EPBC Act, including expected or determined controlling provisions.</p> <p>The intent is to inform stakeholders and the public of the process.</p>
<p><b>5. Consultation process</b></p>
<p>Briefly describe the planned consultation process, the involvement of advisory bodies and public and outcomes so far.</p> <p>Describe how the results of that consultation will be used in the ongoing management of the proposed project.</p> <p>Provide information on the proposed consultation plan for people and organisations identified as affected or interested persons and stakeholders for the proposed project.</p>
<p><b>6. Affected and interested persons</b></p>
<p>Provide the following information:</p> <ul style="list-style-type: none"> <li>• a list stating the name and address of the affected and interested persons for the project, as defined within sections 38 and 39 of the EP Act. Names and addresses of affected and interested persons should not be included in the initial advice statement but provided under separate cover to the department for privacy reasons</li> <li>• for land privately owned or occupied by affected and interested persons, provide real property descriptions (lot on plan)</li> <li>• provide maps showing lot on plan and resource tenures of affected and interested persons</li> <li>• a statement of how you plan to consult with the affected and interested persons.</li> </ul>
<p><b>7. Project description</b></p>
<p><b>7.1 Proposed project</b></p>
<p>Provide the following information:</p> <ul style="list-style-type: none"> <li>• the name of the proposed project</li> <li>• a short summary on the key elements of the proposed project based on the initial advice statement, including the amount of resources to be mined or extracted, how the resources would be mined or extracted, and any separation, beneficiation or processing of the mineral or gas that will occur</li> <li>• any major infrastructure requirements (including different options)</li> <li>• the operational land</li> <li>• location (geographical)</li> <li>• size and type of mining/petroleum activities</li> <li>• if any mining/petroleum tenements relevant to the proposed project are granted or have been applied for</li> </ul>

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- information for off-lease activities
- land access for the purposes of EIS studies
- power and water supply (outline all options to be assessed in the EIS)
- accommodation and transport (outline any options for these components)
- size of project site, i.e. the operational land (ha)
- size of area disturbance (ha).

### 7.2 Site and locality description

Provide the following information for the project site and surrounding area, supported with maps where possible:

- a description of the operational land
- real property descriptions
- easements
- existing resource tenures
- resource leases under application
- infrastructure (including transport (air, land and sea), state-controlled roads, utility services and rail networks)
- topography
- landforms (including catchments)
- significant features
- geology (including aquifers, faults and economic resources)
- soils
- climate.

### 7.3 Construction and operation

Provide the following information for the project site:

- sequencing and staging of activities; including all pre-construction activities (including vegetation clearing, site access, interference with watercourses, wetlands and floodplain areas)
- the proposed construction methods, associated equipment and techniques
- proposed mine life, amount of resources to be mined and the resource base including total seam thickness and seam depths
- proposed extractive and processing methods
- associated equipment and techniques
- capacity of high-impact plant and equipment and their chemical and physical processes
- potential use of chemicals or hazardous materials
- locations of existing and new plant, structures and infrastructure both on and off-site
- any activity that would otherwise be a prescribed environmentally relevant activity if it were not undertaken on a mining or petroleum lease
- quarry material and forestry products sourced on or off-site
- road and rail infrastructure, and stock routes, including new constructions, closures and/or realignments
- the proposed methods and facilities to be used for the storage, processing, transfer, and loading of product, including off-site
- any borrow pits, streambed excavations, or expanded dredging, bed levelling, quarry and screening operations that may be required to service construction or operation of the proposed project.

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<b>8. Environmental, social and economic values</b>
<p>For the purposes of the initial advice statement and EIS process, 'environment' is defined in <a href="#">section 8</a> of the EP Act.</p> <p>The initial advice statement must:</p> <ul style="list-style-type: none"> <li>• identify environmental, social and economic values associated with the proposed project</li> <li>• describe briefly the potential adverse and beneficial environmental, economic and social impacts of the project</li> <li>• propose management, monitoring, planning and other measures to minimise any adverse environmental impacts from the proposed project on these values.</li> </ul>
<b>8.1 Land</b>
<p>Provide information on the land use. Include strategic cropping land, priority agricultural areas, priority living area and strategic environmental areas under the <i>Regional Planning Interests Act 2014</i> and the trigger map for strategic cropping land</p> <p>Provide a brief overview on:</p> <ul style="list-style-type: none"> <li>• landscape</li> <li>• visual amenity</li> <li>• existing resource tenures</li> <li>• stock routes</li> <li>• strategic cropping land</li> <li>• subsidence</li> <li>• contaminated land and notifiable activities</li> <li>• native title.</li> </ul> <p>Illustrate using maps where possible.</p>
<b>8.2 Rehabilitation</b>
<p>Outline the preferred rehabilitation strategy.</p> <p>Provide information on how the proponent plans to comply with the Queensland Government's <i>Mined land rehabilitation policy</i><sup>2</sup> (if applicable).</p>
<b>8.3 Water</b>
<p><b>Water quality:</b></p> <p>With reference to the Environmental Protection (Water) Policy 2009 and section 9 the EP Act, identify the environmental values of surface waters within the proposed project area and immediately downstream that may be affected by the proposed project, including any human uses and cultural values of water.</p> <p>Provide information about:</p> <ul style="list-style-type: none"> <li>• relevant water quality objectives applicable to the environmental values</li> <li>• general chemical, physical and biological characteristics of surface waters and groundwater potentially impacted</li> </ul>

<sup>2</sup> <https://www.ehp.qld.gov.au/management/pdf/mined-land-rehabilitation-policy.pdf>

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- potential discharges (controlled, uncontrolled, seepage, irrigation)
- potential run-off from disturbed acid sulfate soils
- potential impacts of dredging, bed levelling, and/or the potential impacts of shipping and offshore transshipping operations on the marine environment.

Illustrate using appropriate maps at a suitable scale.

### **Water resources**

With regard to water resources, describe the following:

- existing watercourses, waterbodies, estuaries and the coast
- existing users of surface and groundwater resources
- existing groundwater supply facilities (e.g. bores, wells, or excavations)
- general requirements of section 126A of the EP Act
- general requirements of Chapter 3 of the *Water Act 2000* in regards to the underground water management framework; such as proposed monitoring, assessment and making good impacts that result from resource operations
- if any approval or allocation that would be needed under the *Water Act 2000*, specifically address whether or not the proposed project would take water from, or affect recharge to, aquifers of the Great Artesian Basin
- proposed impoundment, extraction, discharge, injection, use or loss of surface water or groundwater
- significant diversion or interception of overland flow, including the effects of subsidence
- options for supplying water to the proposed project
- proposed on-site storage and treatment requirements for waste water from accommodation and/or offices and workshops
- outline the likely: nature, type, geology/stratigraphy, depth to, and thickness of the aquifers; their transmissivity; and value as water supply sources.

Illustrate using appropriate maps at a suitable scale.

### **8.4 Flooding and regulated structures**

Describe the history of flooding onsite and in proximity to the site.

Outline the proposed purpose of all dams or levees proposed on the project site. Show their locations on appropriately scaled maps.

### **8.5 Flora and fauna**

Provide information about aquatic and terrestrial ecosystems, biodiversity and environmental values to be expected on the proposed project's site and in its vicinity. Include the following aspects:

- identification of all significant and listed threatened species and ecological communities under the *Nature Conservation Act 1992* and the EPBC Act, including matters of state environmental significance (MSES) and matters of national environmental significance (MNES)
- terrestrial and aquatic ecosystems (including groundwater-dependent ecosystems)
- estuarine and marine plants and fauna and the marine environment (particularly the Great Barrier Reef Marine Park)
- potential habitat of threatened, near-threatened or special least-concern species
- integrity of landscapes and places (including wilderness, areas of high conservation value and similar places, connectivity of habitats and ecosystems)

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- weeds and pest animals.

Illustrate using appropriate maps where possible.

### 8.6 Coastal environment (if applicable)

The coastal environment is taken to include estuarine, littoral and marine environmental values, and the amenity of important natural coastal landscapes, views and vistas.

Identify any potential development for the proposed project outside a mining or petroleum lease that would be assessable development within the coastal zone requiring approval under the *Planning Act 2016*.

Provide details of the existing coastal zone that would potentially be impacted by the proposed project. Describe and illustrate any proposed works in the coastal zone. Address and illustrate where possible, the following matters:

- overview of the existing estuarine, littoral and marine environmental values, including water quality, benthos, aquatic flora and fauna, mangrove areas, salt marsh, and amenity, that may be impacted by construction or operation of the proposed project
- state or Commonwealth marine parks in the region of the proposed project's site
- marine plants and any fish habitat areas protected under the *Fisheries Act 1994*
- existing residential, commercial or recreational uses of the coastal zone that may be impacted by construction or operation of the proposed project
- capital dredging or bed levelling for navigation channels, berths, swing basins and/or harbours
- maintenance dredging or bed levelling for navigation channels, berths, swing basins or harbours
- excavations on or near the shore
- potential impacts of shipping and offshore transshipping operations on the marine environment
- potential disturbance of acid sulfate soils
- proposed disposal or placement options for dredged or excavated material
- any proposed jetties, bunds, harbour walls, groynes, channel markers, or other infrastructure, to be built in waters
- proposed buildings and infrastructure to be built on the shore or on land close to the shore
- any proposals to undertake transshipping of material in state waters or the Commonwealth marine area.

### 8.7 Air quality

Provide information about air emissions, including:

- an indicative emission inventory
- potential point and fugitive sources
- potential to impact on environmental values including human health
- potential cumulative impacts.

### 8.8 Noise and vibration

Provide information about noise and vibration sources, including:

- potential emission sources
- potential impacts on the receiving environment including sensitive receptors
- potential cumulative impacts.

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<b>8.9 Waste management</b>
<p>Provide information about waste management, including:</p> <ul style="list-style-type: none"> <li>• expected waste streams (type, quantity, state (liquid, solid, gaseous), hazard, toxicity)</li> <li>• how these wastes could disperse in the environment</li> <li>• their potential impact on environmental values</li> <li>• the likely geochemistry of all waste rock, including spoil, tailings and rejects and assess the potential risks associated with this waste stream</li> <li>• the proposed quantity, quality and location of all potential discharges of water and contaminants by the proposed project, including treated wastewater and sewage. Describe the receiving environment (such as land or surface waters)</li> <li>• existing and proposed sewage infrastructure relevant to environmentally relevant activity (ERA) 63</li> <li>• CSG water management salt management criteria.</li> </ul>
<b>8.10 Hazards and safety</b>
<p>Provide information about potential risks to people and property including:</p> <ul style="list-style-type: none"> <li>• hazards</li> <li>• hazardous substances</li> <li>• wildlife hazards</li> <li>• accidents/ catastrophic events (e.g., fire or spills)</li> <li>• natural catastrophic events (e.g. cyclones, storm tide inundation, bushfires)</li> <li>• potential risks that the project may pose to off-site receptors.</li> </ul>
<b>8.11 Cultural heritage</b>
<p>Provide information about potential impacts to:</p> <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander cultural heritage</li> <li>• non-Indigenous cultural heritage.</li> </ul>
<b>8.12 Social</b>
<p>Provide information on potential social impacts in line with the <i>Strong and Sustainable Resource Communities Act 2017</i> and the <i>Coordinator-General's Social Impact assessment guideline</i>. Include beneficial and adverse impacts on communities and economies.</p>
<b>8.13 Economic</b>
<p>Identify the potential adverse and beneficial economic impacts (DSD 2017) of the proposed project on the local and regional area and the state.</p> <p>Identify potential impacts to agricultural activities, recreational, commercial or Aboriginal and Torres Strait Islander fisheries potentially impacted by the proposed project (if applicable).</p>
<b>8.14 Transport</b>
<p>Provide information about:</p> <ul style="list-style-type: none"> <li>• likely transport requirements, including workforce, inputs and outputs, during the construction, operational and decommissioning phases of the proposed project</li> </ul>

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| <ul style="list-style-type: none"><li>• potential impacts to the existing transport infrastructure (roads, rail level crossings, port, and / or maritime operations).</li></ul> |
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<b>9. References and data sources</b>
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<b>10. Glossary, acronyms and abbreviations</b>
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