Submission form

*Environmental Protection Act 1994*

Submission of a draft terms of reference (TOR) for project assessed by environmental impact statement (EIS) process under *Environmental Protection Act 1994* (EP Act)

This form is for proponents to use when submitting a new or amended draft TOR under sections 41, 41B or 45 of the EP Act

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **GUIDE**  More information on the EIS process is available in the department’s guideline [The EIS process for resource projects under the EP Act](https://www.qld.gov.au/environment/management/environmental/eis-process/resources) (ESR/2016/2171).  **Proponent**  The ‘proponent’ is the person who proposes the project, the registered legal entity(s) intending to carry out the activity and, in whose name, the applicable permits, licenses or authorities are to be issued. List all proponents if there is more than one.  **IAS checklist**  The ‘IAS checklist’ is Appendix 5 of the department’s [The EIS process for resource projects under the EP Act](https://www.qld.gov.au/environment/management/environmental/eis-process/resources) (ESR/2016/2171). It provides guidance on information required to assess if an EIS is appropriate for the project. This includes:   * ‘a written description of the project and the operational land’ * ‘a statement of the potential adverse and beneficial environmental impacts of the project, and the measures to avoid or minimise the adverse impacts and offsets, if required’ * ‘a statement of how the proponent proposes to consult with the interested and affected persons’.   **Interested and affected persons list**  To protect privacy, it is important that the list of interested and affected persons is provided as a **separate** document, not within the IAS. This list is not needed if it has already been provided in its entirety with a voluntary or EIS decision application. However, an updated list must be provided if aspects of the project or interested and affected persons have changed. Further information is provided in Appendix 6 of the department’s guideline [The EIS process for resource projects under the EP Act](https://www.qld.gov.au/environment/management/environmental/eis-process/resources) (ESR/2016/2171).  **Approved form**  The ‘approved form’ for the draft TOR is the department’s document [Approved form for submission of a draft TOR](https://www.qld.gov.au/environment/management/environmental/eis-process/resources) (ESR/2017/4038).  It must be adapted with project-specific information in accordance with instructions in the text.  **Commonwealth MNES**  The MNES draft TOR appendix is only relevant for projects that are controlled actions under the Commonwealth *Environmental Protection, Biodiversity and Conservation Act 1999* (EPBC Act) and being assessed by the Queensland EIS process under the bilateral agreement or an accredited process. The appendix sets out the terms of reference for MNES. It is provided by the Commonwealth on a project-specific basis and must be obtained prior to submission of the draft TOR. Contact the department’s EIS coordinator to discuss this process at [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au).  **Fees**  The fee will depend on whether you have previously submitted a draft TOR for the project. Appendix 1 provides information to assist you in determining the applicable fee.  **Further information**  Further information on [fees](https://www.qld.gov.au/environment/management/environmental/eis-process/about-the-eis-process/fees) is available at [www.qld.gov.au](http://www.qld.gov.au) using ‘EIS fees’ as the search term. |  | Date | | | | |
|  | Click or tap to enter a date. | | | | |
|  | Project name | | | | |
|  | Insert project name  Click or tap here to enter text. | | | | |
|  | Proponent | | | | |
|  | INSERT PROPONENT(S)  Click or tap here to enter text. | | | | |
|  | Draft TOR details | | | | |
|  | Select **one** from the following list. The draft TOR provided with this form is: | | | | |
|  | The first time a draft TOR has been submitted for this project  *EP Act s. 41* | | | | ® Complete section 5.1 |
| An amendment or replacement of a previously submitted draft TOR (except for the below)  *EP Act s. 41B or new draft TOR under s. 41 following refusal* | | | | ® Complete section 5.1 |
| An amended draft TOR that includes changes proposed by the proponent because of comments made on the draft TOR during public consultation. This must be accompanied by a summary of comments and a statement of the proponent’s response to the comments.  *EP Act s. 45* | | | | ® Complete section 5.2 |
|  | Information requirements Complete section 5.1 **or** 5.2 based on the answers you provided in section 2 | | | | |
|  | **Submission of a draft TOR or amended draft TOR** | | | | |
|  | The following information must be provided to meet the requirements of the EP Act: | | | | |
|  |  | Prescribed fee (if relevant; see [Appendix 1](#_Appendix_1._Calculation)) *EP Act s. 41(2)(b)* | | | |
|  |  | Draft TOR is accompanied by: | | | |
|  |  |  | ‘Initial advice statement (IAS) checklist’ which is completed and signed | | |
|  |  |  | An ‘IAS’ (or similar termed document) that covers all matters listed in the department’s ‘IAS checklist’*EP Act ss. 41(3)(a), 41(3)(c), 41(3)(e)* Note: This information is not needed if it has already been provided in its entirety with a voluntary or EIS decision application or previous draft TOR submission provided the information is current. An updated IAS should be provided if since the EIS application was approved, significant new information is available (e.g., updated baseline studies, changes in legislation) or more than 12 months has passed | | |
|  |  |  | A list of the names and addresses of the interested and affected persons for the project, as defined under ss. 38 and 39 of the EP Act, in a separate document*EP Act ss. 41(3)(b) and (d)*Note: This information is not needed if it has already been provided in its entirety with a voluntary or EIS decision application and the information is current | | |
|  |  | Project-specific draft TOR or amended draft TOR is provided in the latest ‘approved form’ and adapted with project-specific information *EP Act ss. 41 and 41B* The following six requirements must be met: | | | |
|  |  |  | The project-specific draft TOR is based on the department’s ‘approved form’ | | |
|  |  |  | All changes to the ‘approved form’ are tracked | | |
|  | All drafting instructions depicted in ‘red text’ in the ‘approved form’ have been followed specific to the proposed project | | |
|  | The project-specific description and background are brief (maximum 2 pages), includes location figure(s) at the appropriate scale | | |
|  | Any changes proposed by the proponent in ‘black text’ are tracked and supported by comments justifying the reason for the proposed deviation from the approved form (excluding any typographical errors). | | |
|  |  |  | Draft **TOR MNES (Commonwealth EPBC Act) appendix** has been included (if relevant) | | |
|  | **Amended draft TOR with response to comments on the draft TOR** | | | | |
|  | The following information must be provided to meet the requirements of s. 45 of the EP Act: | | | | |
|  |  | A written summary of the comments Describe the total number of comments received as well as a breakdown of the number of comments by different sectors e.g., federal, state and local governments, organisations, industry bodies and the community. Summarise the key matters raised in the comments (positive and negative). A table/graph may assist in presenting this information. | | | |
|  |  | A statement of the proponent’s response to the comments List all comments along with the proponent’s response to each comment and cross reference to the relevant section in the draft TOR where the matter has been addressed (if relevant).  Include the following: | | | |
|  |  |  | | A **table in Microsoft Word** (see example of Table in [Appendix 2](#_Appendix_2._Example)) with the following information:an individual identification (ID) number for each ‘person’ (e.g., individual, community group, government department, company, or organisation) who provided written comments to the chief executive on the draft TOR (which should match the numbering system provided to the department). Do not include any personal contact information here or names of individuals.comments from all persons (exact wording) broken into separate line items where needed for different topic areas.topic (e.g., land, air quality, water, waste) and subtopic (where appropriate) assigned to each line item. This is to assist with sorting and analysing matters raised by multiple persons on similar topicsproponents response to each line item and recommendation on how the draft TOR should be amended to address the comments. If no changes to the draft TOR are proposed because of the comments, then detail the reasonreference to specific sections/sub-sections of the draft TOR that the proponent suggests should be amended to address the comments (if relevant). | |
|  | | A copy of the above table, but in a **separate Microsoft Excel** document. Importantly,cells should not be mergedcolumns should be searchableuse different ‘tabs’ (i.e., separate worksheet within the excel document) for different persons or groups. For example, ‘tab’ for individual persons, department comments, Australian Government Environment Department and another for each state government agency that provided comments, one for (each) utility companies and another for non-government organisations. | |
|  | | In a **separate document**, provide a list of ID numbers, including the contact name, address and other personal contact information (as required). This is to assist with maintaining privacy as the summary of comments and response to submissions is publicly available. | |
|  |  | An amended draft terms of reference with changes proposed by the proponent to address comments.This must be in a **Microsoft Word** format with all proposed amendments tracked. | | | |
|  | Fees Please use the information in Appendix 1 to assist in determining the relevant fee | | | | |
|  | **The applicable fee is:** | | | | **$** Click or tap here to enter text. |
|  | To organise payment of fees please contact the EIS Coordinator by email at [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au). | | | | |

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| **Privacy statement**  The Department of Environment, Science and Innovation (the department) is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009.* The department is collecting your personal information in accordance with the EP Act in order to process your application. The information will only be accessed by authorised employees within the department. Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. Some of this information may be given to the Rehabilitation Commissioner in accordance with the EP Act if accessing the information is necessary or convenient to be done in the performance of the Commissioner’s functions. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For further privacy information [www.des.qld.gov.au](http://www.des.qld.gov.au) search: <https://www.des.qld.gov.au/legal/privacy/> ‘privacy’ or email [privacy@des.qld.gov.au](mailto:privacy@des.qld.gov.au).  **Responsible person/appointed signatory**  The ‘responsible person/appointed signatory’ must sign this form. This person was nominated by you on the voluntary EIS, EIS decision applications or EA application form. If this person has changed, please advise the department using the form [Changes to projects undergoing EIS assessment under EP Act](https://www.qld.gov.au/environment/management/environmental/eis-process/resources) (ESR/2023/6496). |  | Declaration | | | |
|  | I declare that:   * I am the proponent or an authorised signatory for the proponent * I do solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge. * I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1997.* | | | |
|  | RESPONSIBLE PERSON/APPOINTED SIGNATORY’S NAME  Click or tap here to enter text. | | | |
|  | RESPONSIBLE PERSON/APPOINTED SIGNATORY’S SIGNATURE  A white square with a blue border  Description automatically generated | | | DATE  Select Date |
|  | POSITION OF SIGNATORY AND COMPANY  Click or tap here to enter text. | | | |
|  | PHONE  Click or tap here to enter text. | | EMAIL  Click or tap here to enter text. | |
|  | NAME OF JOINT VENTURE PARTY (IF APPLICABLE)  Click or tap here to enter text. | JOINT APPLICANT’S SIGNATURE (IF APPLICABLE)  A white square with a blue border  Description automatically generated | | DATE  Select Date |
|  | NAME OF JOINT VENTURE PARTY (IF APPLICABLE)  Click or tap here to enter text. | JOINT APPLICANT’S SIGNATURE (IF APPLICABLE)  A white square with a blue border  Description automatically generated | | DATE  Select Date |
|  | NAME OF JOINT VENTURE PARTY (IF APPLICABLE)  Click or tap here to enter text. | JOINT APPLICANT’S SIGNATURE (IF APPLICABLE)  A white square with a blue border  Description automatically generated | | DATE  Select Date |

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|  |  | Checklist | | | | |
|  |  | Fee paid (if relevant) | | | |
|  |  | This form has been signed by the ‘responsible person/appointed signatory’ and all questions completed | | | |
|  |  | All supporting information is attached: | | | |
|  |  |  | Draft TOR or amended draft TOR including an MNES appendix (if required) | | |
|  | IAS or amended IAS | | |
|  | Completed IAS checklist | | |
|  | List of names and addresses of interested and affected persons (as a separate document) | | |
|  | If you are providing an amended draft TOR with response to comments on the draft TOR following public consultation: | | |
|  |  | A written summary of the comments (if required) | |
|  |  | A statement of the proponent’s response to the comments (if required) | |
| **Further information**  More information on the EIS process is available in the department’s guideline [The EIS process for resource projects under the EP Act](https://www.qld.gov.au/environment/management/environmental/eis-process/resources) (ESR/2016/2171).  The latest version of this publication and other publications referenced in this document can be found at [www.des.qld.gov.au](http://www.des.qld.gov.au/) using the relevant publication number (ESR/2023/6499) for this form as a search term. |  | **Submit your completed application and supporting information to:**  [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au) or  Environmental Impact Assessment  Department of Environment, Science and Innovation  GPO Box 2452  BRISBANE QLD 4001 | | | | **For enquiries or assistance filling in this form:**  Contact the EIS Coordinator by email at [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au) or the department on 13 QGOV (13 74 68) |

# Appendix 1. Calculation of fees for draft TOR submission

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| --- | --- | --- | --- |
| **Fees**  The fee will depend on whether you have previously submitted a draft TOR for the project. These questions will assist you in determining the applicable fee.  Information on [fees](https://www.qld.gov.au/environment/management/environmental/eis-process/about-the-eis-process/fees) is available at [www.qld.gov.au](http://www.qld.gov.au) using ‘EIS fees’ as the search term.  **Resubmission following refusal**  If the chief executive decided a draft TOR cannot proceed to public notification, a draft TOR can only be amended and resubmitted once (see s. 41B(3)). However, a new draft TOR can be submitted under s.41 in relation to the same project. This would be restarting the EIS process for the project. A new draft terms of reference needs to be accompanied by the relevant fee. |  | Answer the following questions to assist in determining the applicable fee | |
|  | 1. Is the draft TOR or amended draft TOR being submitted with a summary of comments and a statement of the proponent’s response to the comments made on the draft TOR during public consultation to meet requirements of s.45 of the EP Act?   Yes ® No fee applies  No ® Go to question 2 | |
|  | 1. Is this the first time you have submitted a draft TOR for this project under s.41 of the EP Act?   Yes ® The fee under EP Act s.41(1) applies  No ® Go to question 3 | |
|  | 1. Did the chief executive refuse to allow the draft TOR to proceed to public notification under s.49 of the EP Act?   Yes ® Go to question 4  No ® No fee applies | |
|  | 1. Is this draft TOR an **amended** version of a previous draft TOR?   Yes ® No fee applies  No ® Go to question 5 | |
|  | 1. Is this draft TOR a **new draft TOR**?   Yes ® The fee under EP Act s.41(1) applies.  No ® Not applicable. | |
|  |  | **The applicable fee is:** | **$** Click or tap here to enter text. |
|  |  | To organise payment of fees please contact the EIS Coordinator by email at [eis@des.qld.gov.au](mailto:eis@des.qld.gov.au). | |

# Appendix 2. Example of table to present response to comments on draft TOR

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Submitter ID** | **Topic** | **Sub-topic** | **Comment** | **Proponent response to comment** | **Section in amended draft TOR where matter was addressed** |
| ID1 | *Topics should align with the TOR sections where possible. (e.g., project proponent; proposed project; flora and fauna; waste management; air quality; noise and vibration).* | *For more complex topics include a sub-topic (e.g., surface water; groundwater dependent ecosystems; groundwater; offsets)* | *Insert exact wording. For example:*  *‘The TOR did not adequately address <insert issue>’ or* ‘*Amend the TOR to adequately address all monitoring requirements, including the establishment of appropriate thresholds to trigger longer-term monitoring’* | *Specially address matters for each line item. Do not say ‘noted’; if you are not proposing to update the draft TOR because of the comment, explain why e.g., out of scope for XXX reasons.* | *For example:*   * *Updated section 5.2, paragraph 1 to include reference to XXXXX* * *reference to XXXX creek was inserted into sections 6.2, 7.3 and 9.9* |

**FOR DEPARTMENTAL USE ONLY** — proponents please do not complete

|  |  |  |  |
| --- | --- | --- | --- |
| **GUIDE**  **Information provided**  Use the proponent’s response to questions in section 2 as a guide. To comply with s. 41, s. 41B or s. 45 of the EP Act, the information listed in Section 5 should be provided.  **Fees**  Refer to the proponent’s response to Appendix 1 and the EP Act as a guide. Further information on fees for the EIS process is available on the department’s website.  **Statutory timeframes**  The statutory timeframes do not start if the application is not valid (i.e., does not meet requirements of ss. 41, 41B or 45 of the EP Act). |  | Answer the following questions to assist you to determine whether the draft TOR submission complies with the EP Act requirements | |
|  | **Has the applicable fee been paid?** | |
|  | ☐ Yes ® Go to question 2  No ® Go to question 2 | |
|  | **Does the draft TOR comply with the information requirements of s. 41, s. 41B or s. 45 of the EP Act (whichever is relevant)?** | |
|  | Yes ® If all boxes in Section 5.1 **or** Section 5.2 are marked “YES” then the draft TOR may meet the relevant EP Act requirements  No ® If any of the boxes in Section 5.1 or Section 5.2 are marked ‘NO’, the draft TOR may not meet the relevant EP Act requirements | |
|  | **Recommendation** | |
|  | Choose one of the following:  Draft TOR/amended draft TOR submission **is** **valid**  Draft TOR/amended draft TOR submission **is not** **valid**  INSERT ANY COMMENTS  Click or tap here to enter text. | |
|  | ASsessing officer's name  Click or tap here to enter text. | Position  Click or tap here to enter text. |
|  |  | Signature | DATE  Click or tap to enter a date. |
|  | **Next steps** | |
|  | For a **valid application**:   * Finalise and file this document. Send email to the proponent confirming receipt of all documents, applicable fee and decision date. * The next statutory step is for the chief executive to decide, within 15 business days (can be extended by agreement), whether to allow the draft TOR to proceed to public notification under subdivision 2 of the EP Act. | For an **invalid application**:   * Issue written correspondence to the proponent that the draft TOR does not meet the EP Act requirements and cannot be assessed until all the appropriate information is provided. State the reason(s) why the draft TOR submission is not valid and the additional information that is required. |