



**Queensland Government**  
**The Coordinator-General**

**Water for Bowen Project**

**TERMS OF REFERENCE  
FOR AN  
ENVIRONMENTAL IMPACT STATEMENT**

**UNDER PART (4) OF THE QUEENSLAND  
STATE DEVELOPMENT  
AND PUBLIC WORKS ORGANISATION ACT 1971**

**Department of Infrastructure and Planning**

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## PREFACE

The Water for Bowen project was declared to be a "significant project" under Section 26 of the Queensland *State Development and Public Works Organisation Act 1971 (SDPWOA)* by the Coordinator-General (CG) on 1 December 2006. Matters considered by the CG in making this declaration included information in an Initial Advice Statement prepared by the proponent, the level of investment necessary for the project, employment opportunities provided by the project, potential impact on the environment, potential effects on relevant infrastructure and the significance of the project to the region and State. The declaration initiates the statutory environmental impact assessment procedure of Part 4 of this Act, which requires the proponent to prepare an Environmental Impact Statement (EIS) for the project.

The Department of Infrastructure is responsible for managing the environmental impact assessment process on behalf of the CG. The Department has invited relevant State and Local Government representatives and authorities to participate in the process as Advisory Agencies.

The first step in the impact assessment procedure is the development of a Terms of Reference (ToR) for the preparation of an EIS. The process involves the formulation of a draft ToR which is made available for public and government agency comment. The CG has regard to all comments received on the draft ToR in finalising the ToR, which will be presented to the proponent.

The statutory impact assessment process under the *SDPWOA* is also the subject of a bilateral agreement between the Queensland and the Commonwealth Governments in relation to environmental assessment under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. The proponents referred the Project to the Commonwealth Minister for the Environment and Water Resources in accordance with the provisions of the *EPBC Act*. The Commonwealth Minister decided, on 16 October 2006, that the Project did constitute a controlled action under Section 75 of the *EPBC Act*, with the controlling provisions being world heritage (sections 12 and 15A), listed threatened species and communities (sections 18 and 18A), and listed migratory species (sections 20 and 20A).

However, it should be noted that the Commonwealth Minister will undertake a separate approval process following release of the CG's Report. The Minister will then grant, or withhold, approval for the controlled action under section 133 of the *EPBC Act*. The Minister may attach conditions to the approval, in addition to those set by the CG, to mitigate impacts on matters of National Environmental Significance (NES).

The proponent will prepare an EIS to address the ToR. Once the EIS has been prepared to the satisfaction of the CG, a public notice is advertised in relevant newspapers circulating in the district and the State. The notice will state: where copies of the EIS are available for inspection and how it can be purchased; that submissions may be made to the CG about the EIS; and the submission period. The proponent may be required to prepare a Supplementary Report to the EIS to address specific matters raised in submissions on the EIS.

At the completion of the EIS phase, the CG will prepare a report evaluating the EIS and other related material, pursuant to Section 35 of *SDPWOA*. The CG report will include an evaluation of the environmental effects of the proposed project and any related matters. The CG report will reach a conclusion about the environmental effects and any associated mitigation measures, taking into account all of the relevant material including: the EIS; all properly made submissions and other submissions accepted by the CG; and any other material the CG considers is relevant to the project, such as a Supplementary Report to the EIS, comments and advice from Advisory Agencies, technical reports on specific components of the project and legal advice.

The Project involves development that would require an application for development approval for material change of use and/or impact assessment under the *Integrated Planning Act 1997 (IPA)*. Consequently, the CG report may, under s.39 of *SDPWOA*, state for the assessment manager one or more of the following:

- the conditions that must attach to the development approval;
- that the development approval must be for part only of the development; and/or
- that the approval must be preliminary approval only.

Alternatively the CG report must state for the assessment manager –

- that there are no conditions or requirements for the project; or
- that the application for development approval be refused.

Further, the CG report must:

- give reasons for the statements (above); and
- be given to the assessment manager by the CG.

Further to the above *IPA* approvals, other approvals under a range of legislation including, but not limited to the *Integrated Planning Act 1997*, *Environmental Protection Act 1994*, *Water Act 2000* and the *Vegetation Management Act 1999* are likely to be required.

These ToR provide information in two broad categories:

- Part A – Information and advice on the preparation of the EIS.
- Part B – Content of the EIS.

For further inquiries about the EIS process for the project, please contact:

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## ABBREVIATIONS

The following abbreviations have been used in this document:

AHD	Australian Height Datum
BPA	Biodiversity Planning Assessment
CAMBA	China-Australia Migratory Bird Agreement
CHMP	Cultural Heritage Management Plan
CLR	Contaminated Land Register
CG	The Coordinator General of the State of Queensland
DEWR	Commonwealth Department of the Environment and Water Resources
DMR	Department of Main Roads
DNRW	Department of Natural Resources and Water
DPIF	Department of Primary Industries and Fisheries
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMR	Environmental Management Register
EP Act	<i>Environmental Protection Act 1994 (Qld)</i>
EPA	Environmental Protection Agency
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)</i>
EPP Air	Environmental Protection (Air) Policy 1997
EPP Noise	Environmental Protection (Noise) Policy 1997
EPP Waste	Environmental Protection (Waste Management) Policy 2000
EPP Water	Environmental Protection (Water) Policy 1997
EPR Waste	Environmental Protection (Waste Management) Regulation 2000
ERA	Environmentally Relevant Activity
ESD	Ecologically Sustainable Development
GQAL	Good Quality Agricultural Land
HAT	Highest Astronomical Tide
IAS	Initial Advice Statement
IDAS	Integrated Development Assessment System
ILUA	Indigenous Land Use Agreement
IPA	<i>Integrated Planning Act 1997 (Qld)</i>
JAMBA	Japan-Australia Migratory Bird Agreement
NCA	<i>Nature Conservation Act 1992</i>
NES	National Environmental Significance as defined by the EPBC Act
NTRB	Native Title Representative Bodies
PHA	Preliminary Hazard Assessment
QH	Queensland Herbarium
QH Act	<i>Queensland Heritage Act 1992</i>
QHC	Queensland Heritage Council
ROW	Right-of-way
SDPWO Act	<i>State Development and Public Works Organisation Act 1971</i>
ToR	Terms of Reference as described in Part 4 of the SDPWO Act
VMA	<i>Vegetation Management Act 1999 (Qld)</i>
WRP	Water Resource Plan