# Appendix 9. Checklist—Submission of a draft terms of reference (TOR)

This checklist is an excerpt from the department’s form [Submission of a draft TOR for project assessed by environmental impact statement (EIS) process under *Environmental Protection Act 1994* (EP Act)](https://www.qld.gov.au/environment/management/environmental/eis-process/resources) (ESR/2023/6499). It summarises the information to be provided with a draft TOR submission.

Complete either Option 1 or Option 2 below.

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| OPTION 1: Submission of a draft TOR or amended draft TOR (excluding response to comments) | | |
|  | Prescribed **fee** (if relevant; see Appendix 1 of ESR/2023/6499)  *EP Act s. 41(2)(b)* | |
|  | Draft TOR is accompanied by: | |
|  |  | **Initial advice statement (IAS) checklist** ([Appendix 2](#_Appendix_2._Table—Statutory) of this guideline, ESR/2016/2167) 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 provided, significant new information is available (e.g., updated baseline studies, legislation changes) or more than 12 months has passed |
|  |  | A list of the **names and addresses of the affected and interested 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** 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’ (ESR/2017/4038) |
|  |  | All changes to the ‘approved form’ (ESR/2017/4038) 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) and 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 matters of national environmental significance (MNES) under Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) appendix has been included (if relevant) |
| **OPTION 2: 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 submissions received as well as a breakdown of the number of submissions by 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 received on the draft TOR  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 Table 22 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 topics * proponents 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 reason * reference 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 merged * columns should be searchable * use 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**. | |

Table . 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* |