



**EDO** Qld.

Environmental Defenders Office

*Using the law to protect  
our environment.*



**This factsheet is current as at April 2014**

## Coordinated Projects



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### What is this factsheet about?

This factsheet outlines information for communities concerned about Coordinated Projects.

### Key Points

The key points are:

- Coordinated Projects involve large and complex infrastructure (or mines) which generally have economic significance but also the potential for significant environmental impacts;
- A declaration of a Coordinated Project will usually mean Queensland's Coordinator-General will oversee the environmental impact assessment process;
- After the assessment process, the Coordinator-General will release a detailed report. If the project is approved, conditions (such as offsets, or further monitoring) can be recommended which must be implemented by other Departments when deciding on final approvals.
- For Coordinated Projects, there are public submission rights during the environmental assessment stage and objection/appeal rights usually remain for the final approvals.

For more detailed information on Coordinated Projects relating to mining and coal seam gas projects (including associated infrastructure such as pipelines, ports, railway lines and electricity infrastructure) see EDO's Community Guide to Mining and CSG law [here](#). Contact EDO Qld if you are still confused and are seeking to protect the environment.

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**DISCLAIMER:** This Factsheet is for general information purposes and is not legal advice. Important legal details have been omitted to provide a brief overview of this area of the law. If you require legal advice relating to your particular circumstances you should contact the EDO or your solicitor.

## 1. About the Coordinator-General

The Coordinator-General is a senior state public official who is, in practice, part of the Department of State Development, Infrastructure and Planning.

The Coordinator-General's main role is the administration of the *State Development and Public Works Organisation Act 1971* (Qld) (**SDPWO Act**). Under the SDPWO Act, the Coordinator-General can facilitate large-scale projects but he has a responsibility to ensure that the environmental, social and economic impacts of these projects are properly assessed.

The Coordinator-General has a wide range of discretionary powers to facilitate development including the power to declare a project to be a 'Coordinated Project'.<sup>1</sup>

### Important!

In addition to Coordinated Projects, the Coordinator-General can also declare 'State Development Areas' (**SDAs**), 'Private Infrastructure Facilities' (**PIFs**) and [Prescribed Projects](#). These make it easier for the Coordinator-General to compulsorily acquire land, pay compensation and manage complex approvals. Projects can be declared Coordinated Projects and may also be within an SDA. They can also be declared Prescribed Projects so the Coordinator-General can attempt to speed up approval processes.

The Coordinator-General has a website with information on who he is, what he does, and the projects he has declared to be [Coordinated Projects](#), [PIFs](#) and areas which are [SDAs](#).

## 2. About Coordinated Projects

### What is a Coordinated Project?

A 'Coordinated Project' is a large development which usually has strategic significance to an area of Queensland because of the economic and employment benefits it might bring. Coordinated Projects often have significant associated infrastructure (e.g. roads, railway lines, port terminal expansions, coal seam gas pipelines etc.)

Until December 2012, Coordinated Projects were called 'Significant Projects'.

### How are Coordinated Projects declared?

The Coordinator-General has a lot of discretion to determine which projects get Coordinated Project status. A proponent may apply for a declaration, or, a declaration can be made by the Coordinator-General's under his own initiative.<sup>2</sup> If an application is made, the Coordinator-General needs to be satisfied that the project has at least 1 of the following:

- complex approval requirements;
- strategic significance to a locality, region or the State, including for the infrastructure, economic and social benefits, capital investment or employment opportunities it may provide;
- significant environmental effects; or
- significant infrastructure requirements.<sup>3</sup>

### Important!

In practice, often the Coordinator-General has been approached by a proponent with an **Initial Advice Statement (IAS)**. The IAS sets out plans, timeframes and economic benefits of the project. It is the proponent's way of trying to 'sell' the project. If you are concerned about a proposed project, you will find basic information about what is proposed in the IAS. This IAS will usually form the foundations of a Terms of Reference (ToR) for an Environmental Impact Statement (see below).



### What happens after a declaration is made?

When making the declaration, the Coordinator-General also considers whether the project requires the preparation of an Environmental Impact Statement (EIS).<sup>4</sup> The Coordinator-General can only declare that a project does not require an EIS if satisfied that environmental assessments will be undertaken under other legislation and the project will not result in broad scale clearing for agricultural purposes.<sup>5</sup>

After the EIS is completed, the Coordinator-General can then decide whether to recommend the project proceed or not. This is done by way of a detailed report on the project. You can think of this report as the ‘preliminary approval.’

After the Coordinator-General’s report is released, the proponent will still need to obtain final approvals from the individual Government Departments which issue the relevant permits – for example, in the case of a proposed mine; a mining lease and an environmental authority are required.

#### Example Coordinated Project: [Galilee Coal Project](#)

The Galilee Coal Project (Northern Export Facility) includes four underground coal mines, two open-cut coal mines, workers’ accommodation, tailings and water management facilities in Central Queensland, as well as 453km of rail line linking the mining site to the Coal Port of Abbot Point.

The project was declared a Coordinated Project in November 2008 and the draft Terms of Reference underwent public consultation between May 2009 and June 2009. Public consultation on the EIS occurred between September 2011 and December 2011.

In August 2013, the Coordinator-General **approved the EIS** for the project subject to conditions. Individual departments then must make a decision on all the final approvals needed (mining lease, environmental authorities, development approvals etc.) but any conditions they impose cannot be inconsistent with the Coordinator-General’s recommended conditions.

At this stage of the process, there are often still opportunities to raise concerns for example, objections to a mining lease and/or environmental authority.

### 3. Community Involvement

#### Important!

It is crucial that if you are concerned about a Coordinated Project that involves mining or coal seam gas, you must make detailed submissions when the EIS is advertised. This may be your only chance to comment on the project and retain Court appeal rights to the Land Court.<sup>6</sup>

#### Do I get a say on a Coordinated Project?

Yes, there are opportunities to comment during the EIS process:

- on a draft Terms of Reference (**TOR**) for an EIS, but only if the Coordinator-General has decided to publicly notify the draft TOR;<sup>7</sup> If the draft TOR is publicly notified, then any member of the public may review the TOR and comment on what values, impacts and



- commitments should be included.<sup>8</sup>
- during public notification of the EIS,<sup>9</sup> and
- if supplementary information to the EIS has been provided and is released for public comment.

### The draft Terms of Reference

The TOR is the document which will set out the topics to be covered in the EIS. It provides an opportunity to comment on where the emphasis for the EIS should lie. You might want to consider whether the TOR requires adequate assessment of the issues which concern you and protects the environment.

### Submissions on the EIS

Once the proponent has completed the EIS to the satisfaction of the Coordinator-General, it will be made publicly available for submissions. The EIS is usually notified in local newspapers as well as on the Coordinator-General's website.<sup>10</sup> The Coordinator-General sets the submission period for the EIS, which is usually 30 business days. Anyone (individuals and groups) may write a submission on the EIS within the submission period.

### What kinds of submissions can I make?

Even though the EIS stands for 'Environmental Impact Statement', EIS submissions may address environmental, social, and economic impacts. Some of the more common environmental impacts from mining activities include:

- impacts on groundwater (increased salt and heavy metal concentrations);
- surface water/overland flow and flooding risks;
- damage to vegetation;
- Erosion and soil degradation;
- Dust and noise issues;
- Impacts on flora and fauna;

- climate change and/or food security issues;
- contamination and pollution; and
- Impacts on good quality agricultural land such as Strategic Cropping Land.

The EIS should also contain a social impact assessment.<sup>11</sup> You might consider raising issues like:

- Possible conflicts between local and non-local populations in the area;
- Problems stemming from high rates of gender inequalities due to the project; and
- Increases in traffic and other lifestyle-related repercussions including increasing pressure on social infrastructure such as parklands and recreational areas.

Common economic impacts of large project might include:

- possible impacts on local employment and business opportunities; and
- possible impacts on local costs of living (including, for example, impact on house prices).

### Important!

There are example comments and submissions at the back of this factsheet which you might use. You should use the template form that the Coordinator-General provides on his website but you can attach additional documentation (photos, expert reports, etc.) where there isn't enough space.

### What can I do if I am not happy with an approval?

There is no merits appeal against the Coordinator-General's decision to approve an EIS and impose conditions. This means that there is no



automatic right of appeal if you simply disagree with the decision. Further, a decision by the Coordinator-General to declare a project a 'Coordinated Project' is not subject to *statutory* Judicial Review like most other government decisions.<sup>12</sup>

Likewise, any other decisions made by the Coordinator-General during the assessment process, including approving the proponent's EIS or the conditions placed on the project in the Coordinator-General's report are not subject to statutory judicial review.

### Important!

The Supreme Court of Queensland has recently ruled that decisions of the Coordinator-General are still open to judicial review under the Common Law. See the case of [Waratah Coal v the Coordinator General \(2014\)](#). It's best to contact a solicitor or the EDO before you consider taking any action as judicial review is complex and there are significant costs risks involved.

Remember, you are usually still entitled to the appeal final decisions from individual regulators to the Planning and Environment Court (for development approvals) or the Land Court (for mining and coal seam gas related projects). For more information on mining and CSG and associated infrastructure, see EDO Qld's *Community Guide to Mining and CSG Law* [here](#). For information on planning appeals, see EDO Qld's *Community Litigant's Handbook* [here](#).







## 4. Useful contacts and further information

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### Coordinated Projects:

General Information on the Coordinator-General:

<http://www.dsdip.qld.gov.au/coordinator-general/>

### Map of Coordinated Projects in Queensland:

<http://www.dsdip.qld.gov.au/assessments-and-approvals/coordinated-projects-map.html>

Coordinated Projects currently going through the EIS stage:

<http://www.dsdip.qld.gov.au/assessments-and-approvals/current-eis-projects.html>

Coordinated Projects which have completed the EIS stage:

<http://www.dsdip.qld.gov.au/assessments-and-approvals/completed-eis-projects.html>

## 5. References

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<sup>1</sup> *State Development and Public Works Organisation Act 1971* (Qld) section 26.

<sup>2</sup> *State Development and Public Works Organisation Act 1971* (Qld) section 27AA.

<sup>3</sup> *State Development and Public Works Organisation Act 1971* (Qld) section 27(2)(b).

<sup>4</sup> *State Development and Public Works Organisation Act 1971* (Qld) section 26(1).

<sup>5</sup> *State Development and Public Works Organisation Act 1971* (Qld) section 26(2).

<sup>6</sup> *Environmental Protection Act 1994* (Qld) s 150. At the time of writing there is a proposal to extend this to Coordinated Projects for mining and coal seam gas projects.

<sup>7</sup> *State Development and Public Works Organisation Act 1971* (Qld) s 29.

<sup>8</sup> *State Development and Public Works Organisation Act 1971* (Qld) s 29 (1) (b) (iii).

<sup>9</sup> *State Development and Public Works Organisation Act 1971* (Qld) s 33. If an EIS is required it must be publicly notified by the Coordinator-General.

<sup>10</sup> *State Development and Public Works Organisation Act 1971* (Qld) ss 33 and 171.

<sup>11</sup> There is no specific requirement for this under the SDPWO Act, but see Department of State Development Infrastructure and Planning's webpage [here](#). There is also a fact sheet on Social Impact Assessment prepared by the Coordinator-General [here](#).

<sup>12</sup> *State Development and Public Works Organisation Act 1971* (Qld) s 27AD.

