



Australia Pacific LNG Project

Volume 1: Overview

Chapter 2: Project Approvals

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2. Project approvals

On 9 April 2009, the Coordinator-General declared the Australia Pacific LNG Project (the Project) to be a 'significant project' under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) for which an environmental impact statement (EIS) is required. Upon successful completion of the EIS, a number of approvals are required under both Commonwealth and Queensland legislation. This chapter provides an overview of the most relevant legislation as well as the approvals which are likely to be required for construction and operation of the Project.

2.1 Relevant Commonwealth legislation

The principal approvals which may be required for the Project under Commonwealth legislation are listed in Table 2.1, followed by a more detailed description of the legislation and key approvals.

Table 2.1 Project approvals which may be required under Commonwealth legislation

Project approval	Legislation	Government agency	Relevant project area
Environmental approvals	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Minister for the Environment, Heritage and the Arts	Gas fields, gas pipeline and LNG facility
Section 31 agreement, Indigenous Land Use Agreements or other future Act approval process	<i>Native Title Act 1993</i>	Queensland Department of Environment and Resource Management (DERM)/ National Native Title Tribunal	Gas fields, gas pipeline and LNG facility
Notification of potential hazardous object	<i>Civil Aviation Act 1988 and Civil Aviation Safety Regulation 1988</i>	Civil Aviation Safety Authority (CASA)	LNG facility
Maritime security plan	<i>Maritime Transport and Offshore Facilities Security Act 2003</i>	Department of Infrastructure, Transport, Regional Development and Local Government	LNG facility

2.1.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's primary environmental legislation. The Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, which are defined in the Act as matters of national environmental significance. Matters of national environmental significance relating to the Project are dealt with in Volume 2 Chapter 23, Volume 3 Chapter 23, and Volume 4 Chapter 23.

EPBC Act referral

In view of the Project's potential to impact matters of national environmental significance, the Project was referred to the Minister for the Environment, Heritage and the Arts on 6 July 2009 for a

determination on whether the proposal constitutes a controlled action requiring approval under the EPBC Act.

Australia Pacific LNG made three separate referrals for the three components of the Project. The relevant referral numbers are:

- EPBC 2009/4974 – Walloons gas fields
- EPBC 2009/4976 – Gas transmission pipeline
- EPBC 2009/4977 – LNG plant and ancillary facilities.

On 3 August 2009, the Minister determined that each referral constitutes a controlled action under the EPBC Act. The controlling provisions under the EPBC Act have been determined as follows:

- EPBC 2009/4974 - Walloons gas fields
 - Sections 16 and 17B (Ramsar wetlands)
 - Sections 18 and 18A (Listed threatened species and communities)
 - Sections 20 and 20A (Listed migratory species)
- EPBC 2009/4976 - Gas transmission pipeline Sections 12 and 15A (World Heritage properties)
 - Sections 15B and 15C (National Heritage places)
 - Sections 18 and 18A (Listed threatened species and communities)
 - Sections 20 and 20A (Listed migratory species)
- EPBC 2009/4977 - LNG plant and ancillary facilities
 - Sections 12 and 15A (World Heritage properties)
 - Sections 15B and 15C (National Heritage places)
 - Sections 18 and 18A (Listed threatened species and communities)
 - Sections 20 and 20A (Listed migratory species).

Under a bilateral agreement between the Australian and Queensland Governments, the Australian Government has accredited the Queensland SPDWO Act EIS to meet the assessment requirements under Part 8 of the EPBC Act.

As a result, the Department of Infrastructure and Planning is co-ordinating the EIS process on behalf of the Coordinator-General. Relevant Australian, Queensland and local government authorities have been invited to participate in the EIS process as advisory agencies. Comments made about the draft and supplementary EIS by these agencies are provided to the Coordinator-General for consideration.

2.1.2 Native Title Act 1993

The objectives of the *Native Title Act 1993* include providing for the recognition and protection of native title. The Act also provides a mechanism for ensuring that future Acts such as the grant of petroleum authorities, or the rights to construct and operate under such authorities, are undertaken in accordance with procedural rights given to relevant native title parties.

Petroleum authorities including petroleum leases, petroleum pipeline licences and petroleum facility licences are required before construction and operation of the Project begins. Prior to the grant of petroleum leases over land where native title has not been extinguished, or the inclusion of land

previously excluded from existing petroleum leases because of native title, Australia Pacific LNG must attempt to negotiate an agreement under section 31(1)(b) of the Act in good faith. Failing agreement, the National Native Title Tribunal decides whether the petroleum lease should be granted, or excluded land included into the petroleum lease, based on criteria in the Act.

Alternatively, an Indigenous land use agreement can be negotiated with all relevant native title parties in the proposed authority area where native title has not been extinguished. For access, construction and operation rights to land under pipeline licences and petroleum facility licences where native title has not been extinguished, Australia Pacific LNG must attempt to negotiate an Indigenous land use agreement.

Failing agreement, Australia Pacific LNG must seek compulsory acquisition of the native title by the State. The Act also provides a mechanism for such compulsory acquisition. Other future act processes¹ that do not require agreement, such as the process provided under section 24HA of the Native Title Act, may also be used for various aspects of the Project. Some of these other processes require notices to be provided to relevant native title parties, and give the native title parties the right to provide comments or submissions in relation to the particular project approval.

2.1.3 Civil Aviation Act 1988, Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998

The *Commonwealth Civil Aviation Act 1988* and *Civil Aviation Safety Regulations 1998* require Australia Pacific LNG to notify the Civil Aviation Safety Authority (CASA) if it intends to build a structure that is 110m or more in height, or which will produce exhaust plumes with a vertical gust of more than 4.3m/s in the vicinity of an airport. This allows CASA to determine whether the proposed development will be a hazardous object for aircraft and to notify the relevant authority assessing the development application before a decision is made.

The proposed LNG facility near Laird Point is likely to have exhaust plumes with a vertical gust in excess of 4.3m/s and is situated approximately 12km south of the existing Gladstone Airport. Aviation authorities have established that an exhaust plume with a vertical air velocity in excess of 4.3m/s may interfere with low flying aircraft. Volume 4 Chapter 13 assesses the potential impacts to aviation operations from the plume rise at the LNG facility.

Australia Pacific LNG has conducted modelling of its own LNG facility, as well as qualitative assessment of the cumulative impact of the hot air plumes associated with the flaring of the other proposed LNG facilities, to determine the possible risks to aviation. This information will assist Australia Pacific LNG in addressing its obligations under the relevant legislation and CASA policies.

2.1.4 Maritime Transport and Offshore Facilities Security Act 2003

The purpose of the *Commonwealth Maritime Transport and Offshore Facilities Security Act 2003* is to safeguard against unlawful interference with maritime transport or off-shore facilities. To achieve this, the Act establishes a regulatory framework based upon the development of security plans for ships, other maritime transport operations and off-shore facilities.

A maritime security plan will be required for the Project if the port is declared a security regulated port and Australia Pacific LNG is declared to be the port facility operator. A maritime security plan must be consistent with the maritime security outcomes set out in the *Maritime Transport and Offshore Facilities Security Act 2003*, including fulfilling Australia's obligations under the relevant sections of

¹ Future acts as defined under Division 3 of the *Native Title Act 1993*.

Chapter XI-2 of the International Convention for the Safety of Life at Sea and the International Ship and Port Facility Security Code.

The codes are designed to reduce the vulnerability of Australian ships to terrorist attacks and other unlawful activity and ensure effective communication of security information among maritime industry participants and government agencies.

2.2 Relevant Queensland legislation

The principal project approvals required under Queensland legislation are:

- The Coordinator-General's EIS evaluation report under the SDPWO Act
- Environment authorities (petroleum activities) under the *Environmental Protection Act 1994*
- Petroleum tenure and licences under the *Petroleum and Gas (Production and Safety) Act 2004* (PAG Act)
- Development approvals under the *Sustainable Planning Act 2009* (SP Act).

There are also a number of other approvals required under Queensland legislation before the construction and operation of the Project can begin. Principal approvals under Queensland legislation which have already been acquired or may be required for the Project are listed in Table 2.2, followed by a more detailed description of the key legislation and approvals.

Table 2.2 Project approvals which may be required under Queensland legislation

Project approval	Legislation	Government agency	Relevant project area
Coordinator-General's EIS evaluation report	<i>State Development and Public Works Organisation Act 1971</i>	Coordinator-General/Department of Infrastructure and Planning	Gas fields, gas pipeline and LNG facility
Environmental authorities for petroleum activities	<i>Environmental Protection Act 1994</i>	Department of Environment and Resource Management (DERM)	Gas fields, gas pipeline and LNG facility
Petroleum survey licence	<i>Petroleum and Gas (Production and Safety) Act 2004</i>	Department of Employment, Economic Development and Innovation (DEEDI)	Gas fields (proposed pipelines and petroleum facilities), gas pipeline and LNG facility
Petroleum lease	<i>Petroleum and Gas (Production and Safety) Act 2004</i>	DEEDI	Gas fields
Petroleum pipeline licence	<i>Petroleum and Gas (Production and Safety) Act 2004</i>	DEEDI	Gas fields and gas pipeline
Petroleum facility licence	<i>Petroleum and Gas (Production and Safety) Act 2004</i>	DEEDI	Gas fields and LNG facility

Project approval	Legislation	Government agency	Relevant project area
Cultural heritage management plan	<i>Aboriginal Cultural Heritage Act 2003</i>	DERM	Gas field, gas pipeline and LNG facility
Development approval for a material change of use under a development scheme	<i>State Development and Public Works Organisation Act 1971</i>	Coordinator-General	Gas pipeline and LNG facility
Development approval for a material change of use for a major hazard facility	<i>Dangerous Goods and Safety Management Act 2001</i> <i>Sustainable Planning Act 2009</i>	Department of Justice and Attorney General	LNG facility
Development approval for a material change of use of premises for environmentally relevant activities	<i>Environmental Protection Act 1994</i> <i>Sustainable Planning Act 2009</i>	DERM	Gas field, gas pipeline and LNG facility
Development approval for an material change of use on strategic port land	<i>Transport Infrastructure Act 1996</i> <i>Sustainable Planning Act 2009</i>	Gladstone Ports Corporation	LNG facility
Development approval for operational works for removal, destruction or damage to a marine plant	<i>Fisheries Act 1994</i> <i>Sustainable Planning Act 2009</i>	DEEDI	Gas pipeline and LNG facility
Development approval for operational works that are waterway barrier works if waterway barriers are required	<i>Fisheries Act 1994</i> <i>Sustainable Planning Act 2009</i>	DEEDI	Gas fields, gas pipeline and LNG facility
Development approval for operational works that are tidal works	<i>Coastal Protection and Management Act 1995</i> <i>Sustainable Planning Act 2009</i>	DERM/ local government	Gas pipeline and LNG facility
Development approval for operational works within a coastal management district	<i>Coastal Protection and Management Act 1995</i> <i>Sustainable Planning Act 2009</i>	DERM	Gas pipeline and LNG facility

Project approval	Legislation	Government agency	Relevant project area
Approval for the removal or placement of quarry material below high water mark	<i>Coastal Protection and Management Act 1995</i> <i>Sustainable Planning Act 2009</i>	DERM	Gas pipeline and LNG facility
Development approval for building works	<i>Building Act 1993</i> <i>Sustainable Planning Act 2009</i>	Local government/ private certifier	Gas fields, gas pipeline and LNG facility
Development approval for operational works for taking or interfering with water	<i>Water Act 2000</i> <i>Sustainable Planning Act 2009</i>	DERM	Gas fields, gas pipeline and LNG facility
Dredge management plan	<i>Coastal Protection and Management Act 1995</i>	DERM	Gas pipeline and LNG facility
Approval to damage vegetation on State coastal land	<i>Coastal Protection and Management Act 1995</i>	DERM	Gas pipeline and LNG facility
Marine parks permit for activities, such as dredging and dredged material disposal or the placement and operation of moorings, within marine park boundaries	<i>Marine Parks Act 2004</i>	DERM	Gas pipeline
Beneficial reuse approval for associated water	<i>Environmental Protection Act 1994</i> <i>Environmental Protection (Waste Management) Regulation 2000</i>	DERM	Gas fields
Licence for taking or interfering with water	<i>Water Act 2000</i>	DERM	Gas fields and gas pipeline
Riverine protection permit	<i>Water Act 2000</i>	DERM	Gas fields and gas pipeline
Registration as a water service provider	<i>Water Supply (Safety and Reliability) Act 2008</i>	DERM	Gas fields
Permit to interfere with forestry products	<i>Forestry Act 1959</i>	DERM	Gas fields and gas pipeline
Development permit for interference with native vegetation, protected	<i>Nature Conservation Act 1992</i>	DERM	Gas fields, gas pipeline and LNG facility

Project approval	Legislation	Government agency	Relevant project area
plants or animals			
Licence to store flammable and combustible liquids	<i>Dangerous Goods and Safety Management Act 2001</i>	Relevant local government	Gas fields and LNG facility
Licence to use, store and transport explosives	<i>Explosives Act 1999</i>	DEEDI	Gas fields, gas pipeline and LNG facility
Road closures	<i>Land Act 1994</i> <i>Transport Operations (Road Use Management) Act 1995</i>	DERM Queensland Transport	LNG facility
Approval to interfere with a railway or State-controlled road	<i>Transport Infrastructure Act 1994</i>	Department of Transport and Main Roads / Queensland Rail	Gas fields and gas pipeline
Approval for night transfer	<i>Transport Operations (Marine Pollution) Act 1995</i>	'Authorised officer' Department of Transport and Main Roads	LNG facility
Approval under local law	<i>Local Government Act 1993</i>	Relevant Local Government	Gas fields, gas pipeline and LNG facility

2.2.1 State Development and Public Works Organisation Act 1971

The SDPWO Act provides for the assessment of significant projects through an EIS process and for the declaration of State Development Areas and the regulation of development through a development scheme.

A Coordinator-General's report evaluating Australia Pacific LNG's EIS for the Project will be required. This report may state conditions that attach to any development approval, environmental authority or petroleum authority.

The gas pipeline will transverse both the Callide Infrastructure Corridor State Development Area and the Gladstone State Development Area (GSDA). The LNG facility will be constructed within the GSDA. Under the SDPWO Act, a development approval for a material change of use under a development scheme is likely to be required for any works undertaken within these State Development Areas.

2.2.2 Environmental Protection Act 1994

The *Environmental Protection Act 1994* aims to promote ecologically sustainable development in Queensland in order to protect Queensland's environment. This Act is the principal environmental legislation in Queensland and governs the environmental regulation of petroleum activities, including the issue of environmental authorities for a petroleum activity.

The Project involves petroleum activities and, as such, will require the issue of environmental authorities (petroleum activities). It is likely that environmental authorities granted under the *Environmental Protection Act 1994* will also be required to authorise other activities that are environmentally relevant activities (ERAs) to be carried out in the area of a petroleum authority including:

- ERA 8 – Chemical storage
- ERA 14(1) – Electricity generation – power stations using gas at a rated capacity of 10MW electrical or more
- ERA 17 – Abrasive blasting
- ERA 38 – Surface coating
- ERA 43 – Concrete batching
- ERA 50 – Bulk material handling
- ERA 56 – Regulated waste storage
- ERA 57 – Regulated waste transport
- ERA 60 - Waste disposal
- ERA 63 – Sewage treatment
- ERA 64 (1(a)) – Water treatment – desalinating 0.5ML or more of water in a day.

Petroleum tenure can only be granted after the relevant environmental authority has been approved by DERM.

The *Environmental Protection Act 1994* also enables the Minister to make environmental protection policies about anything that affects or may affect the environment. An environmental protection policy is subordinate legislation which can prescribe offences for contraventions of the policy and can assign a restricted number of penalty units or fine for a contravention.

Environmental protection policies relevant to the Project include Environmental Protection (Air) Policy 2008, Environmental Protection (Noise) Policy 2008, Environmental Protection (Waste Management) Policy 2000 and Environmental Protection (Water) Policy 2009. Further details about these policies and their applicability to the Project are provided in the legislative framework section of the relevant chapters.

2.2.3 Petroleum and Gas (Production and Safety) Act 2004

The *Petroleum and Gas Act 2004* (PAG Act) regulates petroleum activities in Queensland. Petroleum authorities that may be issued under the PAG Act include petroleum survey licences, petroleum leases, petroleum pipeline licences and petroleum facilities licences.

Powers under the PAG Act exempt from the need to obtain approval under some other legislation when operating within a petroleum tenure. Approvals under the *Nature Conservation Act 1992* and *Vegetation Management Act 1999*, as well as development approvals against the planning scheme under the *Sustainable Planning Act 2009*, are exempt under the PAG Act. Approvals under this legislation are only required if works are undertaken outside a petroleum tenure and trigger approval under the relevant Act. Exempted legislation and its relevance to the Project are discussed further in the following sections.

The PAG Act will be relevant to each of the components of the Project (gas fields, gas pipeline and LNG facility). Petroleum authorities are likely to be required for each component of the Project before construction or operation can begin.

A petroleum survey licence to cover the proposed LNG facility was lodged on the 7 April 2009 and issued by DEEDI on 3 August 2009. A petroleum survey licence to cover the proposed gas pipeline

and gas fields (outside existing petroleum authority areas) was lodged on the 17 June 2009 and issued by DEEDI on 26 August 2009. The licences entitle Australia Pacific LNG to enter the area of the licence to investigate and survey the land for its potential suitability for the construction and operation of pipelines or petroleum facilities, and identify possible pipeline routes or petroleum facility sites.

The principal petroleum authority that is required prior to the construction of gas wells and any other associated infrastructure in the gas fields for production is a petroleum lease. A petroleum lease allows Australia Pacific LNG to carry out various activities, including exploring for, testing, and producing petroleum, constructing and operating petroleum pipelines and water pipelines, petroleum storage and petroleum processing facilities authorised under the lease. Other related incidental activities may also be authorised under this lease.

The principal approval required prior to construction of the gas pipeline extending from the gas fields in the Surat Basin to the LNG facility on Curtis Island, is a petroleum pipeline licence. Such a licence allows for the transport of 'petroleum' (which includes coal seam gas) outside the area of a petroleum lease. Petroleum pipeline licences may also be required to transport gas between non-contiguous petroleum leases in the gas fields' area for further processing before transmission to the LNG facility.

DEEDI has advised Australia Pacific LNG that the LNG facility will be classified as a petroleum facility requiring a petroleum facility licence prior to construction and operation. A petroleum facility licence is required for the distillation, processing, refining, storage and transport of petroleum, which is not otherwise authorised under a petroleum lease or petroleum pipeline licence. In addition to the LNG facility on Curtis Island, petroleum facility licences may also be required for gas processing facilities in the gas fields.

The grant of an environmental authority for the proposed activity is a prerequisite for consideration of the grant of any petroleum tenure.

2.2.4 Aboriginal Cultural Heritage Act 2003

The *Aboriginal Cultural Heritage Act 2003* provides for the effective recognition, protection and conservation of Aboriginal cultural heritage. The fundamental principles of the Act include:

- The recognition, protection and conservation of Aboriginal cultural heritage based upon respect for Aboriginal knowledge, cultural and traditional practices
- Recognition of Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage
- The importance of respect, preserving and maintaining knowledge, innovations and practices of Aboriginal communities and promoting understanding of Aboriginal cultural heritage.

Methods to achieve this under the Act include:

- Recognition of Aboriginal ownership of Aboriginal human remains wherever held
- Recognition of Aboriginal ownership of Aboriginal cultural heritage of a secret or sacred nature held in State collections
- Establishment of a duty of care for activities that may harm Aboriginal cultural heritage
- Establishment of processes for the timely and efficient management of activities to avoid or minimise harm to Aboriginal cultural heritage.

Further information on the purpose of the Act can be found in Volume 2 Chapter 18, Volume 3 Chapter 18, and Volume 4 Chapter 18.

As the Project requires the preparation of an EIS, and in the absence of a native title agreement that does not expressly exclude cultural heritage, Australia Pacific LNG will be required to develop a cultural heritage management plan in conjunction with relevant Aboriginal parties. It is expected that the Aboriginal parties will be the:

- Western Wakka Wakka People
- Barunggam People
- Mandandaji People
- Bigambul People
- Iman People 2
- Wulli Wulli People
- Gangulu People
- Port Curtis Coral Coast People.

Desktop research has been completed and site surveys have been or will be completed to identify the existence of cultural heritage (both Indigenous and non-indigenous). A number of management techniques to minimise the impact to these areas will be considered as part of the cultural heritage management plan.

2.2.5 Sustainable Planning Act 2009

The *Sustainable Planning Act 2009* (SP Act) provides the framework for Queensland's planning and development assessment system. The SP Act commenced on 18 December 2009 and replaced the *Integrated Planning Act 1997*.

The Act aims to balance community wellbeing, economic development and protection of the natural environment to achieve sustainable development. A range of approvals may be required under the SP Act for work associated with the Project. These include the approvals discussed below.

Development approval for a material change of use for a major hazard facility

Development approval for a material change of use of premises for a major hazard facility will be required under the SP Act if the LNG facility is a major hazard facility or possible major hazard facility as defined under the *Dangerous Goods Safety Management Act 2001*. Section 31 of that Act defines a possible major hazard facility as:

- A facility where hazardous material is stored or handled if the quantity of the material is more than the quantity prescribed under regulation
- A facility that the occupier of the facility intends to use for the storage or handling of a hazardous material if the quantity of the material that is likely to be stored or handled is more than the quantity prescribed under a regulation.

As the LNG facility constitutes a potential major hazard facility under the *Dangerous Goods Safety Management Act 2001*, an approval for material change of use for a major hazard facility will likely be required under the SP Act.

Development approval for building works

The Project will require an approval under the SP Act for building works that are assessable under the *Building Act 1975* unless the works are within the petroleum tenure and categorised as incidental activities under the PAG Act.

The Project may also require, depending on final project design and construction responsibilities, plumbing and drainage works approvals if the works are not authorised under the PAG Act or are located outside of the petroleum tenure.

Development approval for development of a place listed under the Queensland Heritage Register

The *Queensland Heritage Act 1992* places restrictions on development within Queensland heritage places and archaeological places listed in the Queensland Heritage Register and protected areas listed under the regulation. If any aspect of the Project is likely to occur on a place listed on the Queensland Heritage Register, a development approval must be obtained. No areas of the Project have currently been identified which are on the Queensland Heritage Register and, on this basis, it is unlikely that approval will be required.

Development approval for tidal works/development approval for works in a coastal management district

Development approvals required under Schedule 3 of the SP Act for operational works that are tidal works, and for operational works that are located within a coastal management district, are both assessed under the *Coastal Protection and Management Act 1995*. The Curtis Coast Coastal Management District is located adjacent to the seaward boundary of the LNG facility site.

Australia Pacific LNG will be responsible for obtaining approvals for marine infrastructure and dredging which is outside the scope of the Port of Gladstone Western Basin Strategic Dredging and Disposal Project. This includes works associated with the wharf and materials offloading facility and gas pipeline construction.

Development approval for the removal and destruction of marine plants/development approval for operational works for waterway barrier works

The *Fisheries Act 1994* promotes ecological sustainability through accountability in terms of the use, conservation and enhancement of the community's fisheries resources and fish habitats. The Act regulates the taking of, causing damage to and disturbance of marine plants, including mangroves, waterway barriers that impede the passage of fish, and development in a fish habitat reserve. Should the Project incorporate operational works that involve the above activities, approval for such works will be sought under the SP Act.

The works likely to trigger a requirement for approvals for removal of marine plants include the construction of the gas pipeline across The Narrows, the reclamation of land near Laird Point and the construction of the marine facilities.

Development approval for building or operational works within a fish habitat area

It is unlikely that this approval will be required as there are no fish habitat reserves in the Gladstone Harbour in the region where the Project will be developed.

Development approval for reconfiguring a lot

Development approval for reconfiguring a lot may be required if the Project requires the subdivision of any freehold land.

Development approval for a material change of use of premises assessed against a planning scheme

Any parts of the Project authorised under the PAG Act will be exempt from the need to obtain approval for a material change of use on premises assessed against a planning scheme. However, assessment against the planning scheme may be required for development outside the petroleum tenures.

Development approval for a material change of use of premises for environmentally relevant activities

Development approval for a material change of use of premises for environmentally relevant activities will be required if any environmentally relevant activities will be undertaken as part of the Project outside the petroleum tenures.

Development approval for a material change of use of premises on strategic port land

A development approval for a material change of use of premises on strategic port land may be required for the construction of the mainland component of the LNG facility, if it is to be located on strategic port land.

Under the *Port of Gladstone Land Use Plan 1999*, Fisherman's Landing is designated as a multi-user/multi-product wharf. The location is intended to service a variety of industries that may be established in the Yarwun and Aldoga industrial areas. The region from Barney Point to Auckland Point and the land in between (referred to as Port Central), provides for a mix of handling cargo, container storage, coal, petroleum, grain, railway marshalling yards and bulk handling facilities as well as other miscellaneous items.

Development approval to clear native vegetation

The *Vegetation Management Act 1999* provides for the management of remnant vegetation, high value regrowth vegetation and essential habitat areas. Under the PAG Act, petroleum activities associated with the Project within the petroleum tenure are exempt from approval under the *Vegetation Management Act 1999*.

2.2.6 Coastal Protection and Management Act 1995

The purpose of the *Coastal Protection and Management Act 1995* is to provide for the protection, conservation, rehabilitation and management of the coast and all its resources and biological diversity. This is achieved through the preparation of coastal management plans, declaring control districts in the coastal zone with special development controls, management practices and integration with other relevant legislation.

A number of approvals under the Act may be required for the gas pipeline crossing of The Narrows and the LNG facility. Dredging, damage to vegetation on State coastal land and the removal or placement of quarry material below the high water mark are activities which may require approval under this Act before any relevant marine works begin.

2.2.7 Marine Parks Act 2004

The main purpose of the *Marine Parks Act 2004* is to provide for conservation of the Queensland marine environment through the management of State marine parks. The Great Barrier Reef Coast Marine Park (State marine park) runs along the western side of northern Curtis Island and ceases near Graham Creek and Laird Point.

An approval under the Act will not be required for marine works which occur outside the boundary of the State marine park. However, the designated gas pipeline corridor crossing at The Narrows from the mainland to Curtis Island is currently proposed to transverse the State marine park. Therefore the Project may require a marine park permit.

2.2.8 Environmental Protection (Waste Management) Regulation 2000

The purpose of the Environmental Protection (Waste Management) Regulations 2000 is to protect the environment by minimising the impact of wastes. It also establishes an integrated framework for minimising and managing waste under the principles of ecologically sustainable development.

In the gas fields' area, the reuse of associated water, other than for operational purposes on the petroleum tenure, may require a beneficial reuse approval under this Regulation. In addition, the management and handling of all wastes produced during the construction and operation phases will come under the auspices of this Regulation.

2.2.9 Water Act 2000

The *Water Act 2000* provides for the sustainable management of water and other resources, a regulatory framework for providing water and sewerage services and the establishment and operation of water authorities. This Act provides for riverine protection permits to undertake activities involving the disturbance and/or destruction of vegetation, excavation and placing fill below the high bank mark of any watercourse, lake or spring, unless carried out under a petroleum authority issued under the PAG Act. A licence is required under the Act to take or interfere with water.

A water licence under the Act may be required if the Project is likely to take or interfere with the flow of water (such as from dams, culverts, crossings, creek diversions and weirs in non-tidal areas) unless authorised under the PAG Act. This is in addition to any approvals for works associated with the interference with water required under the SP Act.

Under the PAG Act, underground water taken or interfered with during, or resulting from, petroleum activities may be used for another authorised activity for the tenure or for domestic or stock purposes by the owner or occupier of land within the tenure or adjoining land that they own.

2.2.10 Water Supply (Safety and Reliability) Act 2008

The purpose of the *Water Supply (Safety and Reliability) Act 2008* is to provide for the safety and reliability of water supply in Queensland.

Where Australia Pacific LNG will operate as a supplier of a water service in the course of re-using its associated water, it may need to register as a water service provider. Operating as the supplier of a water service includes transmission or reticulation of water but excluding where the service is only used by the owner of the infrastructure.

2.2.11 Forestry Act 1959

The *Forestry Act 1959* establishes a framework that allows for the dedication of land as State forests and timber reserves, with the aim of protecting the State's forest and other lands. A permit may be required when interference with State forests and/or timber reserves is not authorised under a petroleum tenure.

If interference with forest products in State forests is not authorised under the petroleum lease or petroleum pipeline licence, a permit to interfere with any forest product in a State forest, timber reserve or forest entitlement located on Crown land, may be required.

2.2.12 Nature Conservation Act 1992

The *Nature Conservation Act 1992* provides for the conservation of nature in Queensland. The Act provides a comprehensive strategy for the conservation and management of Queensland's native animals and plants. Approval may be required under the Act if works involve the removal, translocation and disturbance of protected native plant species and wildlife.

2.2.13 Dangerous Goods and Safety Management Act 2001

The *Dangerous Goods and Safety Management Act 2001* provides protection from the threat of major chemical and industrial accidents through regulating the use and storage of hazardous materials.

The Act and associated Regulation are concerned with protecting against harm or injury to people, or damage to property or the environment, arising from an explosion, fire, harmful reaction or the evolution of flammable, corrosive or toxic vapours involving dangerous goods; or the escape, spillage or leakage of any dangerous goods. It also defines the criteria by which a facility is classified as a 'large dangerous goods location' or a 'major hazard facility'. Additional risk minimisation requirements are defined for such facilities in order to obtain the necessary licenses to operate.

LNG and other associated materials involved with the Project are classed as hazardous under the Act. Therefore approval to store flammable and combustible liquid may be required. A development approval for a major hazard facility or possible major hazard facility under the Act may be required for the LNG facility.

2.2.14 Explosives Act 1999

The *Explosives Act 1999* regulates the importation, exportation, manufacture, storage, transport, sale and use of explosives in Queensland.

Explosives may be required for blasting along the gas pipeline route and shot blasting at the LNG facility site. A licence or permit under this Act is likely to be required for the purchase, transportation and use of explosives for the Project.

2.2.15 Land Act 1994

The *Land Act 1994* provides a regime for administering land, including State land below the high water mark, in Queensland. This Act is the principal legislation governing the process for obtaining seabed and reclamation leases required for the LNG facility and related infrastructure (i.e. wharf structures).

Road closures may be required for the Project. The road closure process is regulated under this Act and administered by DERM.

2.2.16 Transport Infrastructure Act 1994

The *Transport Infrastructure Act 1994* provides a regime that allows for, and encourages, effective integrated planning and efficient management of a system of transport infrastructure.

Approval under this Act will be required for any works interfering with a railway or State-controlled road.

This may apply to gas pipeline crossings of roads and railways, as well as intermittent closures required for the movement of materials and equipment during construction.

2.2.17 Transport Operations (Marine Pollution) Act 1995

The purpose of the *Transport Operations (Marine Pollution) Act 1995* is to protect Queensland's marine and coastal environment by minimising the deliberate and negligent discharge of ship-sourced pollutants into coastal waters. Australia Pacific LNG may require an approval for any night transfer operations involving a ship of greater than 15m length.

2.2.18 Local Government Act 1993

The *Local Government Act 1993* allows local governments to make laws particular to the related local government area. The laws usually cover the conservation of local amenity and values including animals, vegetation, noise, light, roads, footpaths and fences.

Relevant local laws which may affect the Project will be considered once the engineering design and location of project works is finalised. Australia Pacific LNG will continue to liaise with the relevant local governments to determine permits required under local laws for the Project.

2.3 Other relevant legislation

Other minor approvals may be required for the Project. The legislation under which these approvals may be required is discussed below.

This section also identifies legislation which should be considered as part of the approvals process, even if an approval under the Act is not expressly required.

2.3.1 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The purpose of the Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* is the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters, which are an area or object of particular significance to Aborigines in accordance with Aboriginal tradition. Declarations of preservation may be made by the relevant Australian Minister if significant Aboriginal areas and objects are under threat of injury or desecration.

The cultural heritage management plan prepared under the Queensland *Aboriginal Cultural Heritage Act 2003* will contain measures to mitigate potential impacts of the Project on significant Aboriginal areas and objects.

2.3.2 Australian Heritage Council Act 2003

The Commonwealth *Australian Heritage Council Act 2003* established the Australian Heritage Council which replaced the Australian Heritage Commission as the principal advisory body to the Australian

Government on heritage matters, particularly in relation to administering the heritage registers now created under the EPBC Act. The role of the Australian Heritage Council is to:

- Assess cultural heritage items and places for inclusion in the National Heritage List or Commonwealth Heritage List
- Advise the Minister in relation to the inclusion of places in, and the removal of places from, the 'List of Overseas Places of Historic Significance to Australia'
- Advise the Minister about matters relating to the condition of places included in the National Heritage List or Commonwealth Heritage List
- Advise the Minister about the Commonwealth's responsibilities for historic shipwrecks
- Promote the identification, assessment, conservation and monitoring of heritage
- Keep the Register of the National Estate.

The National Heritage Places Inventory is maintained by Department of the Environment, Water Heritage and the Arts and contains summary information about places listed in state, territory and Commonwealth Heritage Registers and Lists.

2.3.3 Environment Protection (Sea Dumping) Act 1981

No sea dumping activities are proposed for the Project. An approval under the *Environment Protection (Sea Dumping) Act 1981* is therefore unlikely to be required.

2.3.4 Food Act 2006

The *Food Act 2006* considers matters relating to handling and selling food. Any handling of food at temporary accommodation facilities will need to comply with provisions of any relevant Food Safety Standards.

2.3.5 Great Barrier Reef Marine Park Act 1975

The Commonwealth *Great Barrier Reef Marine Park Act 1975* provides for the long-term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef region. The Great Barrier Reef Marine Park is located off the eastern coast of Curtis Island. The LNG facility, including jetty structures, will not be located within the Great Barrier Reef Marine Park.

An approval or permit under the Act is not likely to be required for the Project as each component is located outside of the Commonwealth Great Barrier Reef Marine Park boundary.

2.3.6 Land Protection (Pest and Stock Route Management) Act 2002

The *Land Protection (Pest and Stock Route Management) Act 2002* provides for the management of pests on land and the management of the stock route network. This Act identifies state-declared plants (weeds) and animal pests and the management requirements of landholders to control these species.

Comprehensive lists of the weed species in the Project area, as well as weed management strategies which are consistent with the purpose of this Act, are available in Volume 2 Chapter 8, Volume 3 Chapter 8, and Volume 4 Chapter 8.

2.3.7 Mineral Resource Act 1989

The objectives of the *Mineral Resource Act 1989* include to:

- Encourage and facilitate prospecting and exploring for, and mining of, minerals
- Enhance knowledge of the mineral resources of the state
- Minimise land use conflict with respect to prospecting, exploring and mining.

The Project spans a number of locations which are subject to this legislation. In the gas fields' areas, some petroleum licences will need to be granted over existing exploration permits for coal. In this case a negotiation process with the exploration tenement holder is required to determine which party will gain tenure for this area. No approvals are likely to be required under the Act for the Project.

2.3.8 Public Health Act 2005

The purpose of the *Public Health Act 2005* is to promote the health of the Queensland public. Construction workers' accommodation and operations offices will need to comply with the requirements of this Act.

2.3.9 Radiation Safety Act 1999

The main purpose of the *Radiation Safety Act 1999* is to protect persons and the environment from the harmful effects of particular sources of ionising radiation and harmful non-ionising radiation. A licence will be required for the possession and use of a radiation source and the transportation of radioactive substances or installation of level-detecting instrumentation incorporating radiation sources. An approval under this Act may be required prior to the use of x-ray equipment to inspect the welds in the gas pipeline.

2.3.10 Soil Conservation Act 1986

The *Soil Conservation Act 1986* allows for the approval of soil conservation property plans to ensure the co-ordination of runoff to control erosion. Although there are no approvals required under this Act, the Project will need to comply with any project plans, property plans, runoff coordination notices and soil conservation notices that are issued under the Act.

2.3.11 Transport Planning and Coordination Act 1994

The *Transport Planning and Coordination Act 1994* aims to improve the economic, trade and regional development performance of Queensland and the quality of life of Queenslanders through strategic planning and management of transport resources. Australia Pacific LNG will consider the requirements of this Act and any approvals required.

2.3.12 Transport Operation (Marine Safety) Act 1994

The *Transport Operation (Marine Safety) Act 1994* aims to achieve a balance between:

- Regulating the maritime industry to ensure marine safety
- Enabling the effectiveness and efficiency of the Queensland maritime industry to be further developed.

The Act creates a general safety obligation which will be met by Australia Pacific LNG complying with relevant standards.

Approval under the *Transport Operation (Marine Safety) Regulation 2004* is required for establishing a buoy mooring. Hazard and risk assessments, particularly those associated with the LNG facility and associated marine operations during the construction and operations phases, will need to consider the requirements of this Act when assessing impacts and developing mitigation strategies.

2.4 Planning processes and standards

2.4.1 Policies, standards, codes and guidelines

In addition to the legislative considerations set out above, there are also a number of policies, standards, codes and guidelines which will be relevant to the Project. Project works must be consistent with all binding policies, standards, codes and guidelines. A detailed summary of the relevant legislation, standards, codes and guidelines appropriate to each component of the Project is provided in the legislative framework section of each chapter. These sections outline how Australia Pacific LNG intends to comply with the relevant policies, processes and standards during each stage of the Project.

2.4.2 Land use and planning policies

Summaries of existing land use plans or long-term policy frameworks are provided in Volume 2 Chapter 6, Volume 3 Chapter 6, and Volume 4 Chapter 6. These chapters identify relevant Queensland and regional planning policies, including state planning policies, and indicate how the Project will be consistent with these planning policies.