

4. Land use, planning and approvals

4.1 Summary of comments

A summary of the comments received during the JRYUP EIS consultation process relevant to land use, planning and approvals issues are outlined below.

- Clarifying the JRYUP compliance with the *State Coastal Management Plan* (State Coastal Plan) in relation to:
 - Coastal dependent land uses
 - Erosion prone areas
 - Water quality management
 - Conserving nature
- Identifying an additional Environmentally Relevant Activity (ERA) that applies to the project and amending the list of ERAs that do not apply.

4.2 State Coastal Management Plan

4.2.1 Coastal dependent land uses

The EIS states that item 2.1.3 “Coastal Dependent Land Uses” of the State Coastal Plan does not apply, as the JRYUP does not adjoin the foreshore (refer EIS Table 4.7). However, subsequent review of the State Coastal Plan revealed that Plane Creek is considered part of the “foreshore”. Therefore, Table 4.1 demonstrates how JRYUP complies with this policy.

Table 4.1 Compliance with Section 2.1 Coastal use and development

Regional Coastal Policy	Trigger by location	Trigger by development type	Application to Project
2.1.3 Coastal-dependent land uses	<p>Development adjoining the “foreshore”.</p> <p>The “foreshore” refers to the land lying between high water mark and low water mark and is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides.</p> <p>During the design process the distance between the Plane Creek foreshore and the Project has been maximised. A buffer of 20 m has been provided between Plane Creek and the Project.</p>		<p>Applicable</p> <p>Plane Creek, which is adjacent to the northern portion of the project area, is influenced by tides and is therefore considered as “foreshore” under the State Coastal Plan. The proposed buffer will minimise adverse impacts on the Plane Creek coastal resource and its values.</p>

4.2.2 Physical coastal processes

Table 4.8 of the EIS has been amended to identify the relevant items of “Physical Coastal Processes” (Policy 2.2) under the State Coastal Plan (refer Table 4.2).

Table 4.2 Compliance with Section 2.2 Physical coastal processes

Regional Coastal Policy	Trigger by location	Trigger by development type	Application to Project
2.2.2 Erosion prone areas	<p>Development located within Erosion Prone Areas. An erosion prone area is defined as:</p> <ul style="list-style-type: none"> • The plan position of Highest Astronomical Tide (HAT) • A line measured 40 metres landward from the plan position of Mean High Water Spring tide • Whichever provides the greater erosion prone area width <p>Erosion prone areas in the Sarina area are described on Erosion Prone Area Plan - Sarina (SC3384).</p>	All permanent structures	<p>Applicable</p> <p>The area adjoining Plane Creek is subject to tidal inundation and is contained within an erosion prone area (refer Appendix B SK-C-000-101-1016). The JRYUP area has been developed to a scale and intensity that retreat from erosion prone areas is not possible. Property protection works will be implemented to reduce the impact of erosion through erosion and sediment control measures (ESC measures) outlined in the Construction Environmental Management Plan (CEMP) and the ESC sub-plan.</p>
2.2.3 Shoreline erosion management	Erosion prone areas	The construction of seawalls and groynes and artificial beach nourishment	<p>Not applicable</p> <p>The Project is not for shoreline erosion management. The nearest priority area for shoreline erosion management is Armstrong Beach (shown on Map 3.3 of the Draft Coastal Plan).</p>
2.2.4 Coastal hazards	Storm tide hazard area	Urban land uses	<p>Not applicable</p> <p>The JRYUP is not located within a storm tide hazard area/storm surge area as outlined on Overlay Map NHOM3: Storm Surge Overlay Map from the Sarina Plan</p>
2.2.5 Beach protection structures	Coastal waters	Beach protection structures including seawalls, groynes and artificial reefs	<p>Not applicable</p> <p>The Project is not for beach protection structures</p>

4.2.3 Public access to the coast

Table 4.3 has been included to identify the relevant items of "Public Access to the Coast" (Policy 2.3) under the State Coastal Plan.

Table 4.3 Compliance with Section 2.3 Public access to the coast

Regional Coastal Policy	Trigger by location	Trigger by development type	Application to Project
2.3.1 Future need for access	Development adjacent to beach areas	Development that could restrict access to beach areas	Not applicable There is no net loss of public access to the foreshore or of public useability of coastal waters and will not impede public access to, or along foreshores and waterways
2.3.2 Design of access	Development adjacent to beach areas	Development that could restrict access to beach areas	Not applicable No direct beach access from development
2.3.3 Coastal road network	Roads constructed along and adjacent to the coast	New road	Applicable There will be some road upgrades as a result of the JRYUP to ensure that existing accesses are maintained. Refer Chapter 2.
2.3.4 Vehicle use on beaches	Development adjacent to beach areas	Development that could encourage vehicular access to beach areas	Not applicable JRYUP will not encourage vehicular access to beach areas

4.2.4 Water Quality Management

The EIS states that item 2.4.1 "Water Quality Management" of the State Coastal Plan does not apply, as the JRYUP is located outside of the coastal zone. Section 13 of the *Coastal Protection and Management Act 1995* (Coastal Act) refers to the coastal zone as Queensland waters to the limit of the highest astronomical tide (HAT). The HAT refers to the highest level that can be predicted to occur under average meteorological conditions and any combination of astronomical conditions (EPA 2001).

Subsequent review of the State Coastal Plan revealed that the area adjoining Plane Creek is subject to tidal inundation. EIS Table 4.10 has been amended to show the JRYUP compliance with this policy (refer Table 4.4).

Table 4.4 Compliance with Section 2.4 Water quality

Regional Coastal Policy	Trigger by location	Trigger by development type	Application to Project
2.4.1 Water quality management	Development within the vicinity of coastal waters and freshwater, estuarine and marine water habitats		Applicable The JRYUP is located within the coastal zone. Plane Creek is within coastal waters as defined by the Coastal Act. Water quality will be monitored to ensure that the JRYUP complies with the water quality objectives (WQOs) and the environmental values (EVs) of the downstream coastal resources (refer Section 7 of the EIS). Water quality will be managed through the CEMP (ESC measures) (refer Section 17 of the SEIS).

4.2.5 Conserving nature

The EIS states that item 2.8.2 “Coastal Wetlands” of the State Coastal Plan does not apply. However, subsequent review of the EIS identified that the JRYUP is located within 100 m of a referable wetland. Table 4.5 has been included to outline how the JRYUP complies with this policy.

Table 4.5 Application of Section 2.8 Conserving nature

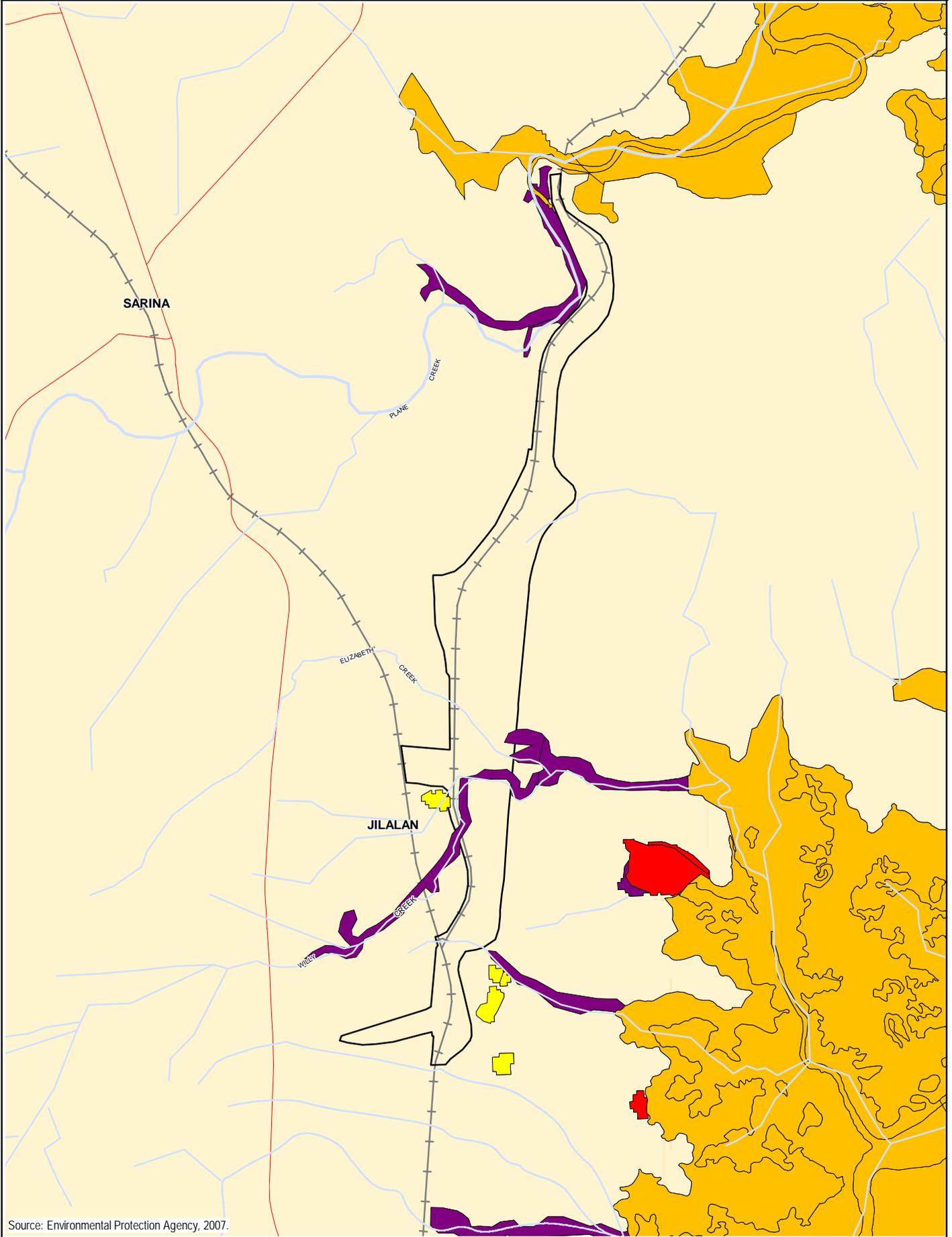
Regional Coastal Policy	Trigger by location	Trigger by development type	Application to Project
2.8.2 Coastal wetlands	Land within 100m of a coastal wetland	Applicable	Applicable The project area is within 100 m of a coastal wetland. The wetland is located alongside Willy Creek within the southern extent of the project area (refer Figure 4.1). There will be no direct disturbance to the wetland as a result of construction activities. Indirect impacts will be minimised through ESC measures in the CEMP.

4.3 Environmentally Relevant Activities

4.3.1 Background

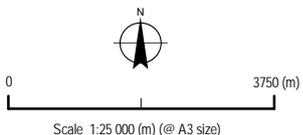
QR currently holds a development approval (Certificate of Registration No. ENRE00307205) with the EPA for the following ERAs for the existing Jilalan Rail Yard:

- 11a - Crude oil or petroleum product storing (10,000 litres – 500,000 litres)
- 15b - Sewage treatment (100 – 1,500 equivalent persons)



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Source: Environmental Protection Agency, 2007.



LEGEND

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|  Project Area | Water Bodies and Wetland Regional Ecosystem |
|  Watercourse |  Estuarine System |
|  Major Road |  Lacustrine System |
|  Rail |  Palustrine System |
| |  Riverine System |

DOWNSTREAM ENVIRONMENTS

FIGURE 4.1

- 72 - Railway facility
- 85 - Regulated waste treatment

4.3.2 Construction ERAs

Based on further development of the construction methodology the construction ERAs shown in Table 4.6 are required for the Project.

Table 4.6 Construction ERAs required for the Project

ERA Category	ERA No.	ERA Details
Crude oil or petroleum product storage	11 (a)	Crude oil or petroleum product storing – storing crude oil or a petroleum product in tanks or containers having a combined total storage capacity of 10,000L or more but less than 500000L
Sewage treatment	15 (b)	Sewage treatment operating, having a peak design capacity to treat sewage of 100 or more equivalent persons but less than 1,500 equivalent persons
Dredging activities	19 (b)	Dredging material—dredging material from the bed of any waters (other than dredging by a port authority of material for which a royalty or similar charge is not payable) using plant or equipment having a design capacity of 5,000 t or more, but less than 100,000 t, a year
Extractive activities	22 (c)	Screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or petroleum authority) or by dredging using plant or equipment having a design capacity of 100,000 t or more a year
Motor vehicle workshop	28	Operating a workshop or mobile workshop in the course of which motor vehicle mechanical or panel repairs are carried out in the course of a commercial or municipal enterprise (other than on a farm or under a mining tenement) or on a commercial basis
Non-metallic mineral product manufacture	62	Producing concrete or a concrete product by mixing cement, sand, rock, aggregate or other similar materials in works (including mobile works) having a design production capacity of more than 100 t a year

Details of the proposed construction ERAs and development application supporting information are provided in Appendix D.

The following ERAs were initially included in the JRYUP EIS. However, these ERAs no longer apply during construction:

- ERA 17 “Fuel burning” does not apply because any fuel burning associated with the use of fuel burning equipment (all generators used on site) will not exceed 500 litres per hour.
- ERA 20 “Extractive activities” does not apply as the extracted material removed during construction is not intended to be sold to a third party.

Approval for these ERAs will take the form of development permits granted under IP Act and Registration Certificates granted under the EP Act. The Coal Stream Alliance will be responsible for the application for Registration Certificates from the EPA under the EP Act for their planned activities.

4.3.3 Operational ERAs

Based on further detailed design the operational ERAs shown in Table 4.7 are required for the Project.

Table 4.7 Operational ERAs required for the Project

ERA Category	ERA No.	ERA Details
Community infrastructure and services	15 (b)	Operating a sewage treatment plant having a peak design capacity to treat sewage of 100 or more equivalent persons but less than 1,500 equivalent persons
Transport and maritime services	72	Railway facility—operating any railway facility for refuelling and maintaining or repairing rolling stock

Details of the proposed operational ERAs will be provided to the EPA during the detailed design phase of the Project and as part of the Operational ERA development application (ie post EIS process). QR will obtain Registration Certificates from the EPA under the EP Act for operational ERAs.

4.4 MCU Planning Scheme

A Material Change of Use (MCU) planning scheme application will be submitted to Sarina Shire Council in December 2007. Detailed supporting information for the MCU application is provided in Appendix E.

4.5 Project approvals

Table 4.8 provides a summary of the State and Local Government approvals required for the Project.

Table 4.8 Summary of key project approvals

Legislation	Administering authority	Development action	Approval/Permit
<i>State Development and Public Works Organisation Act 1971</i>	Coordinator-General	Initial Advice Statement	Declaration as a significant project requiring an EIS
<i>Integrated Planning Act 1997</i>	Sarina Shire Council	Material Change of Use made Assessable Development under the Sarina Shire Planning Scheme (May 2005).	The EIS process for a significant project may be undertaken before an Integrated Development Assessment System (IDAS) application is made. The IDAS application for the Project will be made during December 2007.
		Material Change of Use for Construction Workforce Accommodation Village	Development Permit being obtained by Coal Stream Alliance (outside the EIS process)
<i>Aboriginal Cultural Heritage Act 2003</i>	DNRW	Construction works	Aboriginal cultural heritage investigation and Cultural Heritage Management Plan
<i>Coastal Protection and Management Act 1995</i>	EPA	Construction and operational activities	Application for Prescribed Tidal Works and Operational Works on State Coastal Land

Legislation	Administering authority	Development action	Approval/Permit
<i>Environmental Protection Act 1994 and Integrated Planning Act 1997</i>	EPA	Construction and operational activities trigger ERAs (refer Tables 4.6 and 4.7)	Development permits and registration certificates QR holds an existing Development Permit and Registration Certificates (Certificate of Registration No: ENRE00307205) for Lot 101 on SP108584. This Permit will be revised where necessary to include the proposed new areas of the Jilalan Rail Yard.
		Removal of contaminated soil from sites listed on CLR or EMR	Disposal Permit (if required)
<i>Fisheries Act 1994 and Integrated Planning Act 1997</i>	DPIF	Work in areas causing removal, destruction or damage to marine plants	Development Permit
		The construction or raising of a waterway barrier	Development Permit
<i>Nature Conservation Act 1992</i>	EPA	Taking, using, keeping or interfering with a protected animal or plant	Permit if protected plants are affected by Project
<i>Vegetation Management Act 1999 and Integrated Planning Act 1997</i>	DNRW	Removal of Regional Ecosystems as REs defined by the EPA under the Act	Development Permit or reclassification of RE by approval of PMAV
<i>Water Act 2000</i>	DNRW	Destroying of vegetation, excavating or placing fill in a watercourse, lake or spring	Riverine Protection Permit or compliance with DNRW guidelines shown
		Stream diversion for Elizabeth and Willy Creeks	Water licence
		Use of groundwater from existing or proposed bores	Water Licence or Water Permit

Table Notes:

DNRW = Department of Natural Resources and Water
DES = Department of Emergency Services
EPA = Environmental Protection Agency
DPIF = Department of Primary Industries and Fisheries

CLR = Contaminated Land Register
EMR = Environmental Management Register
ERA = Environmentally Relevant Activity
PMAV = Property Map of Assessable Vegetation