

3 PROJECT APPROVALS

3.1 INTRODUCTION

The purpose of this chapter is to summarise the key approvals for the proposed southern coal seam methane (CSM) water supply pipeline (the proposed pipeline) under Commonwealth, State, and local government legislation. Each relevant legislative instrument is discussed with regard to its overall objective and any implications it has for the proposed pipeline.

The proposed pipeline is a sub-component of the Wandoan Coal Project (the Project), which has been declared as a significant project under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) for which an environmental impact statement (EIS) is required. The information and assessment generated within Volume 2 of the EIS will be incorporated within the overall EIS process for the Project under the SDPWO Act (refer Volume 1).

Supporting the detail contained in this Chapter is an approvals matrix, contained in Appendix 3-1-V2.4. Note that figures/documents with numbering ending in V2.4, for example, refer to figures/documents contained in Volume 2, Book 4 of the EIS. Appendix 3-1-V2.4 provides a broad list of the likely approvals required for the proposed pipeline. The approvals matrix will be used for managing the procurement of the pipeline's approvals.

Details regarding the overall EIS approval process for the Project are contained in Chapter 1 Introduction.

It should also be noted that the Central Queensland Regional Growth Management Framework 2002, which provides regional planning policy pertinent to the Project area, is not discussed in this chapter. The framework provides a strategic vision to long term land use planning but does not regulate development. Volume 2, Chapter 8 Land Use provides further detail in this regard.

3.2 COMMONWEALTH LEGISLATION

This Section discusses the Commonwealth Government approval requirements pertinent to the development of the proposed pipeline supporting the Project.

3.2.1 *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) establishes a process for environmental assessment and approval of proposed actions that have, or are likely to have a significant impact on matters of national environmental significance (MNES) or on Commonwealth land. Such an action is a '*controlled action*'. It is an offence to undertake a '*controlled action*' without the approval of the Commonwealth Minister responsible for the legislation.

The Department of the Environment, Water, Heritage and the Arts (DEWHA) administers the EPBC Act. Parties proposing to undertake what they consider may be a controlled action, must refer details of the action to the Commonwealth Minister for a decision as to whether it is a controlled action.

Four inter-related referrals to assess the Project's potential impact on matters of NES were referred to the Minister for Environment, Water, Heritage and the Arts on 23 June 2008 with a nomination that the Project was a '*controlled action*' because of its potential impact on five matters of NES (refer to Chapter 17 Ecology for details on these referrals). The proposed pipeline was the subject of one of the referrals.

On 21 July 2008, the Minister's delegate decided that each of the components were controlled actions, for which the relevant controlling provisions for all four were Sections 18 and 18A (listed threatened species and ecological communities). For the Glebe Weir raising and pipeline only, the Minister's delegate decided the additional relevant controlling provisions were sections 20 and 20A relating to listed migratory species.

Therefore the environmental impact of the Project (including for the proposed pipeline) requires assessment through an accredited process, in this instance being an EIS pursuant to part 4 of the SDPWO Act.

The bilateral agreement between the Commonwealth and the State of Queensland recognises the EIS process under the SDPWO Act as an accredited process for the purposes of assessment of environmental impacts for the EPBC Act.

The Department of Infrastructure and Planning, on behalf of the Coordinator-General (CG), will manage the EIS process for the Project.

After completion of the EIS assessment process, a report evaluating the EIS is prepared by the CG and provided to (among others) the Commonwealth Minister. The Commonwealth Minister will then make a decision on the controlling provisions for each of the controlled actions (including the proposed pipeline).

3.2.2 *NATIVE TITLE ACT 1993*

The *Native Title Act 1993* (NTA) recognises native title rights and provides the government with ways in which to validate or legitimise past acts such as granting of leases.

The NTA provides for the determination of native title claims, the treatment of future acts which may impact on native title rights and the requirement for consultation and/or notification to relevant native title claimants, where future acts are involved.

It is noted that the Iman People # 2 (NNTT No. QC97/55) has a registered native title claim over the relevant area. The Barunggam People (NNTT No. 99/5) had a registered claim over part of the relevant area, however that claim has now been dismissed.

In relation to the pipeline route, if it cannot be determined that native title has been extinguished on the basis of tenure over the entirety of the proposed pipeline area, the Project proponent, the Wandoan Joint Venture (WJV), will follow the relevant future act requirements under the NTA.

Native title issues will be addressed fully once the WJV has established the preferred water supply option for the Project.

3.2.3 *ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984*

The purpose of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHPA), as described under part I, section 4 of the Act, is to provide for the protection of places, precincts and items of particular cultural significance to indigenous people in accordance with their traditions.

The ATSIHPA enables traditional owners to make an application to the DEWHA to declare certain areas or objects as protected. The WJV is obligated to ensure that an area or an object declared under part II, division 1 or division 2 of the ATSIHPA is protected or preserved.

Furthermore, in accordance with part II, division 3, section 20 of the ATSIHPA, where the WJV discovers anything that they have *'reasonable grounds to suspect to be Aboriginal remains'* they will report the *'discovery to the Minister, giving particulars of the remains and of their location'*.

3.3 STATE LEGISLATION

This Section discusses the State Government approval requirements pertinent to the development of the pipeline.

3.3.1 *STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACT 1971*

The SDPWO Act provides for *'state planning and development through a coordinated system of public works organisation, for environmental coordination and for related purposes'* to facilitate large projects in Queensland'.

On 21 December 2007, the Project was declared a significant project for which an EIS is required, pursuant to section 26(1)(a) of the SDPWO Act. On 22 August 2008, the CG publicly notified and invited comments on the draft Terms of Reference for the EIS. The Terms of Reference were subsequently finalised by the CG in November 2008, after having regard to comments received within the comment period.

The EIS has been prepared and publicly notified by the proponent.

The following steps are required to complete the EIS:

- submissions received in relation to the public notification of the EIS will be provided to the WJV
- the CG may request that the WJV provides additional information about the environmental effects or other matters related to the Project
- the WJV must prepare a supplementary report which addresses comments received and additional information requested by the CG
- the CG must prepare a report evaluating the EIS and supplementary report.

The CG must provide a copy of the report evaluating the EIS and supplementary report to the WJV and must publicly notify that report by placing it on the Department of Infrastructure and Planning's website.

The CG's Report is also given to the Commonwealth Minister for Environment, Water Heritage and the Arts.

In reference to the above, the CG's Report is applied to approval requirements under various Acts. The CG's Report may state conditions for aspects of the proposed mine development, such as the proposed mining lease under the *Mineral Resources Act 1989* (MR Act) and for other (off mining lease) development (such as the proposed pipeline), through the *Integrated Planning Act 1997* (IPA).

It is noted that the SDPWO Act also identifies the relationship of the EIS assessment process under the SDPWO Act to the MR Act, the *Environmental Protection Act 1994* (EP Act) and IPA.

Further details on the approvals required are outlined in the following Sections.

3.3.2 *MINERAL RESOURCES ACT 1994*

The MR Act provides for the '*assessment, development and utilisation of mineral resources to the maximum extent practicable consistent with sound economic and land use management*' (MR Act). The principal objectives of the MR Act can be summarised as being to encourage and facilitate mining of minerals and encourage environmentally responsible mining, including responsible land care management.

With regard to the portion of the proposed pipeline on the mining lease, and section 319 of the MR Act, the proposed pipeline would be exempt development. Therefore it would not require a subsequent development application for material change of use to be lodged with Council.

All other matters relating to the granting of the mining lease are dealt with in Volume 1 of the EIS.

3.3.3 *INTEGRATED PLANNING ACT 1997*

The purpose of the IPA is to seek ecological sustainability by:

- coordinating and integrating planning at the local, regional and State levels
- managing the process by which development occurs
- managing the effects of development on the environment (including managing the use of premises).

The IPA provides a framework for planning and development assessment in Queensland.

IDAS Development Applications

Chapter 3 of the IPA includes the Integrated Development Assessment System (IDAS), the process for development assessment in Queensland. The procedural requirements for approvals under a number of State Acts are contained within IDAS. While the approvals process is undertaken using IDAS, the assessment requirements and criteria are generally taken from the other legislation (e.g. Operational Works (Clearing Vegetation) under the *Vegetation Management Act 1999*).

An aspect of the proposed pipeline will require an approval under the IPA if it involves 'development' (as defined under section 1.3.2 and section 1.3.5 of the IPA). However, schedule 9, table 5, items 1 and 2 of the IPA respectively exempt from assessment against a planning scheme:

- all aspects of development for mining and petroleum activities authorised under the MR Act and the *Petroleum and Gas (Production and Safety) Act 2004*
- all aspects of development for a mining activity to which an environmental authority (mining activities) under the EP Act applies.

Accordingly, where a material change of use of premises, reconfiguring a lot, or operational works are proposed on a mining lease, these are deemed to be exempt from assessment against any planning scheme. The section of pipeline crossing the proposed mining lease would be subject to the above exemptions.

However, on a mining lease, development applications are still required where:

- schedule 8 of the IPA makes the development assessable
- the development is carrying out plumbing or drainage works, or other forms of operational works not assessed under the relevant planning schemes.

With regards to areas off the mining leases, the abovementioned exemptions do not apply. Accordingly, development off a mining lease may constitute 'assessable development' (for which a development application is required) under the IPA and this is determined by:

- schedule 8, part 1 of the IPA
- where not specified in schedule 8, part 1 of the IPA, as declared under the Planning Scheme for Taroom Shire 2006 and Planning Scheme for Murilla Shire 2006.

3.3.4 ENVIRONMENTAL PROTECTION ACT 1994

The EP Act provides the key legislative framework for environmental management and protection in Queensland.

The EP Act utilises a number of mechanisms to achieve its objectives. Those which are relevant to this Project include:

- the establishment of a general environmental duty, under section 319 of the EP Act
- environmental protection policies (EPPs) for water, noise, air and waste management.

The EP Act is supported by the subordinate Environmental Protection Regulation 1998 which identifies environmentally relevant activities (ERAs) which require approval under schedule 8, part 1, table 2 of the IPA. However, an assessment of the ERAs did not identify any as being immediately applicable to the proposed pipeline.

Section 319 of the EP Act places a general environmental duty on the WJV to ensure that

'it does not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm'.

The EP Act also has implications for the approval process for the supply and use of CSM water to the mine. This process has been discussed separately in Section 3.3.7.

3.3.5 ENVIRONMENTAL PROTECTION REGULATION 1998

Under the EP Act, the following Environmental Protection Policies (EPPs) have been developed to achieve the objectives of the EP Act and to provide guidance on specific aspects of the environment, namely air, noise, water and waste management:

- Environmental Protection (Waste Management) Regulation 2000
- Environmental Protection (Air) Policy 1997
- Environmental Protection (Noise) Policy 1997
- Environmental Protection (Water) Policy 1997
- Environmental Protection (Waste Management) Policy 2000.

Where relevant impacts could occur for this pipeline, impact studies have been undertaken, having due regard to the environmental values specified in each EPP.

Environmental Protection (Waste Management) Regulation 2000

The Environmental Protection (Waste Management) Regulation 2000 (EPR Waste Management) aims to protect the environment through minimising the impact of waste on the environment and establishing an integrated framework for minimising and managing waste under the principles of ecologically sustainable development (section 4, EPR Waste Management).

Of relevance to the proposed pipeline, the EPR Waste Management includes provisions regarding:

- general waste management (part 2A, EPR Waste Management)
- approval of resources for beneficial use (part 6A, EPR Waste Management).

In reference to the first bullet item, the pipeline activities governed by this EPR Waste Management will include the management of wastes, tracking of wastes, and the disposal of wastes off site.

In reference to the second bullet item, refer to Section 3.3.7 for details on how the EPR Waste Management relates to the use and supply of CSM water to the mine.

Environmental Protection (Air) Policy 1997

The object of the Environmental Protection (Air) Policy 1997 (EPP Air) *'is to achieve the object of the EP Act in relation to Queensland's air environment'* (section 5, EPP Air). Section 6 of the EPP Air states that, to achieve this object, the EPP Air provides a framework for:

- identifying environmental values to be enhanced or protected
- specifying air quality indicators and goals to protect the environmental values
- providing processes which manage the air environment and involve the community in achieving air quality goals that best protect Queensland's air environment.

The air quality values of the area, potential impacts from the proposed pipeline construction and operation, and management of those impacts, are established as part of Chapter 13 Air Quality.

Environmental Protection (Noise) Policy 1997

The object of the Environmental Protection (Noise) Policy 1997 (EPP Noise) *'is to achieve the object of the EP Act in relation to Queensland's acoustic environment'* (section 8, EPP Noise). The EPP Noise provides a framework for:

- identifying the acoustic (including vibration) values to be enhanced or protected
- specifying the Project's acoustic quality objective
- providing processes to protect Queensland's acoustic environment such as dispute resolution and facilitating the development of noise management programs.

The acoustic values of the area, potential impacts from the pipeline construction and operation, and management of those impacts, are established as part of Chapter 15 Noise and Chapter 16 Vibration.

Environmental Protection (Water) Policy 1997

The Environmental Protection (Water) Policy 1997 (EPP Water) establishes a process for identifying environmental values to be protected and states standards for water quality in support of those values. The EPP Water provides a framework for:

- identifying environmental values for Queensland waters
- identifying water quality guidelines and objectives to enhance the environmental values
- promoting efficient use of resources and best practice environmental management.

Of particular relevance to the proposed pipeline, section 17 of the EPP Water contains provisions regarding the release of waste water to land. It is anticipated that pressure testing and maintenance of the proposed pipeline may require discharge. Options for discharge include:

- discharge of waste water to ground
- discharge into tanker and remote disposal at an appropriate location.

From an environmental management perspective the WJV will ensure that wastes resultant from testing and maintenance are discharged into a tanker and released into a suitable storage dam (e.g. raw water dam) at the mine site.

The environmental values (concerning water) of the area, potential impacts from the proposed pipeline construction and operation, and management of those impacts are addressed in Chapter 11 Water Supply and Management.

Environmental Protection (Waste Management) Policy 2000

The purpose of the Environmental Protection (Waste Management) Policy 2000 (EPP (Waste Management)) is to provide a strategic framework for managing wastes in Queensland. The EPP (Waste Management) does this by establishing a preferred waste management hierarchy and supporting principles as the basis for waste management. The waste hierarchy moves from the most preferred alternative (waste avoidance,) through re-use, recycling, and energy recovery, to waste disposal being the least preferred.

Waste generated in pipeline construction and operation, and the management of that waste, is discussed in Chapter 18 Waste Management.

3.3.6 *WATER ACT 2000*

The *Water Act 2000* (Water Act) establishes a sustainable system for the planning, allocation and use of the majority of Queensland's non-tidal waters.

In consultation with the Department of Natural Resources and Water (NRW), a number of watercourses have been identified that would be subject to the provisions of the Water Act. The final route and associated detailed design for the Project would dictate the need for the following approvals under the Water Act:

- for the taking or interfering with the flow of water, including from a watercourse or overland flow (water licence, section 206, Water Act)
- to selectively clear or disturb vegetation, place fill or excavate in a watercourse (Riverine Protection Permit/s, section 266 Water Act).

Chapter 2, part 6 of the Water Act includes provisions that regulate the taking or interfering with water. The taking or interfering with water requires a water licence under the Water Act. At a minimum this would be required for the taking of CSM water for use at the mine (refer to Section 3.3.6.1 for further detail). The taking of water would also be assessed against the requirements of the Water Resource (Fitzroy Basin) Plan 1999.

The need for other water licenses is dependant on the final route and associated detailed design for the Project.

3.3.7 *PETROLEUM AND GAS (PRODUCTION AND SAFETY) ACT 2004*

The *Petroleum and Gas (Production and Safety Act) 2004* (PG Act) is an act primarily about regulating, exploration and production of petroleum and transporting by pipeline, petroleum and fuel gas and ensuring the safe and efficient carrying out of those activities.

Of relevance to the Project, the PG Act includes provisions regarding:

- underground water rights for the taking or interfering with water arising from carrying out CSM extraction (section 185, PG Act)
- authorisation for the taking or interfering with water, under the underground water rights (section 188, PG Act)
- regulation on the use of water pipelines within petroleum leases and associated contiguous lease areas (section 110, PG Act).

Further details regarding the application of these provisions are outlined in the following sections.

CSM Water Approval Process

The approval process for the supply and use of CSM water to the mine involves a number of the Acts discussed in preceding Sections of this chapter. The interrelationship between these Acts, and the actions required by their various statutory provisions, is complex. Whilst the manner of the design and delivery of the CSM water to the site is yet to be finalised, the following is a summary of the understandings and key actions required for the pipeline that are currently known:

- the CSM water provider is assumed to have an existing environmental authority (petroleum activities) under the EP Act

- a primary by-product of the CSM extraction is water; under section 185(1) of the PG Act, the CSM water provider has underground water rights for the taking or interfering of such water (defined as '*associated water*' under section 185(4) of the PG Act)
- associated water can be used for:
 - domestic or stock purposes under section 186 of the PG Act
 - carrying out authorised activities under a petroleum tenure
 - irrigation and general use, livestock drinking water, aquaculture, general drinking water, dust suppression, landscaping and revegetation under the EPA Notice of decision to approve a resource for beneficial use
- under section 188 of the PG Act, the use of associated water for washing coal at the mine site is not authorised under the underground water rights inherent in section 185 of the PG Act
- to use associated waters for washing coal at the mine site:
 - a specific approval of the resource for a beneficial use is required under part 6A of the Environmental Protection (Waste Management) Regulation 2000
 - a water licence is required under chapter 2, part 6 of the Water Act
- the CSM water provider will therefore need a water licence to supply water to the mine. As the water licence will be held by a petroleum tenure holder, it will not attach to the licensee's land (section 213 of the Water Act)
- to enable the CSM water provider to subsequently 'on-sell' water to Xstrata, approval as a service provider would generally be required under chapter 2, part 3 of the *Water Supply (Safety and Reliability) Act 2008* (WS Act)
- a pipeline will be required to take water from the water delivery point at the Condamine Power Station to the mine. Section 110 of the PG Act regulates the use of water pipelines within petroleum leases and associated contiguous lease areas
- where the water pipeline would be outside petroleum and mining leases, it would ordinarily constitute development, for the purposes of the IPA. In this instance the proposal is exempt development under the relevant planning schemes as detailed in Section 3.4.

Note that the procurement of some of the approvals outlined in this Section would be the responsibility of the CSM water provider and potentially beyond the scope of that required by the WJV.

3.3.8 *ABORIGINAL CULTURAL HERITAGE ACT 2003*

Chapter 3 of the *Aboriginal Cultural Heritage Act 2003* (ACH Act) contains provisions for identifying and protecting significant Aboriginal cultural heritage from development, including:

- undertaking a duty of care towards Aboriginal cultural heritage (section 23, ACH Act)
- the establishment of an Aboriginal cultural heritage database (section 39, ACH Act)
- the establishment of a register of Aboriginal cultural heritage (section 46, ACH Act).

Section 23(1) of the ACH Act requires that the WJV, when carrying out an activity, takes all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage. This is known as the '*cultural heritage duty of care*'.

Section 87 of the ACH Act requires a cultural heritage management plan (CHMP) to be developed and approved under the ACH Act.

CHMPs will be prepared for the Project (including the proposed pipeline corridor) in consultation with the traditional owner claimants. Chapter 20A Indigenous Cultural Heritage discusses further detail concerning cultural heritage and preparation of CHMPs.

3.3.9 QUEENSLAND HERITAGE ACT 1992

The *Queensland Heritage Act 1992* (QH Act) 'provides for the conservation of Queensland's cultural heritage'.

Under section 31 of the QH Act, the Queensland Heritage Register has been established and this is administered by the EPA. A search of the Register identified that registered (protected) places are remote from the pipeline corridor. Thus, there does not appear to be an immediate need to seek either an:

- approval to develop on a registered place or
- exemption certificate to carry out development on a registered place.

In accordance with the requirements of section 89 of the QH Act, where 'an archaeological artefact that is an important source of information about an aspect of Queensland's history' is uncovered, the WJV will contact the EPA for direction.

Further detail of the non-indigenous cultural heritage aspects relating to the proposed pipeline are contained in Chapter 20B Non-Indigenous Cultural Heritage.

3.3.10 TRANSPORT INFRASTRUCTURE ACT 1994

The *Transport Infrastructure Act 1994* (TI Act) was established to allow for and encourage effective integrated planning and efficient transport infrastructure management. The TI Act provides for the planning and management of road, rail, and air infrastructure (amongst others).

Chapter 6, part 5 of the TI Act states that the Department of Main Roads manages the Queensland State-controlled road network. In reference to mapping contained in the *State Road Network of Queensland at 30 June 2007*, the pipeline will be developed in the vicinity of the following State-controlled roads:

- Jackson – Wandoan Road identified as a 'District Road' (4302)
- Leichhardt Highway (Taroom – Miles) identified as a 'State Strategic Road' (26B)
- Warrego Highway (Dalby – Miles) identified as part of the 'Auslink National Network' (18C).

The Project alignment will intersect with each of the above State-controlled roads and works will be required within the carriageway and road reserve. Under the TI Act, the following approvals would therefore be required:

- ancillary Works and Encroachment Permit to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road (section 50 of the TI Act).

3.3.11 *NATURE CONSERVATION ACT 1992*

The *Nature Conservation Act 1992* (NC Act) provides for the conservation of nature, specifically Queensland's biodiversity.

In support of the purpose and the provisions of the NC Act, the Nature Conservation (Wildlife) Regulation 2006 lists all flora and fauna species which are considered to be 'extinct in the wild', 'endangered', 'vulnerable', 'rare', 'near threatened' and 'least concern' wildlife.

A variety of aspects associated with the conservation of nature are regulated under the NC Act. Accordingly, some or all of the following permits may be required for the pipeline:

- Protected Animals Movement Permits (section 88, NC Act)
- Protected Plants Clearing Permits (section 89, NC Act)
- Wildlife Movement Permits (section 97, NC Act) (for wildlife not protected under the NC Act but found in certain areas covered by conservation plans created and implemented under the NC Act).

3.3.12 *VEGETATION MANAGEMENT ACT 1999*

The *Vegetation Management Act 1999* (VM Act) regulates the conservation and management of vegetation communities and clearing of vegetation. It provides protection for regional ecosystems classified as 'endangered', 'of concern' or 'not of concern' under the VM Act.

Vegetation clearing for the proposed pipeline is dependant initially on whether the clearing would occur on or off of a mining or petroleum lease area. Accordingly, the following is noted:

- where on a mining or petroleum lease, a development permit is not required for the clearing of vegetation that supports a mining or petroleum activity, in this instance being the associated CSM water pipeline (per exemption under schedule 8, table 4, item 1A (j) of the IPA, whereby the clearing is defined as a specified activity).

Under Schedule 10 of the IPA a 'specified activity' is defined as '*(c) a mining activity or a petroleum activity as defined under the Environmental Protection Act 1994*'. The proposed pipeline is considered to be ancillary and fundamental to the operation of the petroleum and mining activities (by way of removal of associated waters, and provision of water to the mine respectively).

- where off a mining or petroleum lease, applications for clearing of vegetation on freehold and leasehold land can be made to clear remnant assessable vegetation under section 22A(2)(a) of the VM Act. Due to the Project having been declared to be a significant project under the SDPWO Act, such applications will be accompanied by a Property Vegetation Management Plan.

Chapter 17A Terrestrial Ecology provides further detail of the existing vegetation and the management of vegetation issues.

3.3.13 *LAND PROTECTION (PEST AND STOCK ROUTE MANAGEMENT) ACT 2002*

The *Land Protection (Pest and Stock Route Management) Act 2002* (LP Act) provides for the management of declared pest species and stock route networks.

Pest management

The LP Act outlines provisions for preventing the spread of declared pest species. The subordinate Land Protection (Pest and Stock Route Management) Regulation 2003 identifies declared plants and animals that are targeted for control because they are pest species.

Section 77 of the LP Act outlines that unless the WJV possesses a Declared Pest Permit, the WJV will have an obligation to undertake reasonable steps to maintain the land comprising the pipeline corridor free of class 1 and class 2 pests (as defined in the LP Act) and to stop the spread of declared pests to other areas.

Section 78(1)(b) of the LP Act also states that it is not necessary for the WJV to control class 3 pests (as defined in the LP Act), unless the subject land is in or adjacent to an environmentally significant area. The pipeline components are not in or adjacent to an environmentally significant area and thus this requirement will not apply.

Field assessments have been undertaken within the proposed pipeline corridor which identified the presence of various weed species. For the species identified, they will be included in a weed management plan for the construction and operation of the pipeline. Chapter 17 provides further details in this regard.

Stock route management

Under the LP Act, the integrity of stock route networks (SRN) must also be maintained by the WJV. Under chapter 3, part 3 of the LP Act, the former Taroom Shire Council (part of which now forms part of the Dalby Regional Council) and former Murilla Shire Council (which now forms part of the Dalby Regional Council) have individually prepared a Stock Route Network (SRN) Management Plan, 2005 to 2009. These plans are generally intended to improve the management of the SRN so that the impacts of stock on the resources of the SRN are minimised.

Under section 94 of the Local Government Reform Implementation Regulation 2008, the SRN Management Plans will apply until 15 March 2010 or until Dalby Regional Council prepares a new SRN Management Plan (at which time the obligations for the proposed pipeline need to be determined).

The following SRN infrastructure is located within the proposed pipeline corridor:

- Jackson – Wandoan Road (stock route number: U708 [inactive stock route])
- Camping and Water Reserve R.15 (Lot 58 on FT1013)
- Leichhardt Highway (stock route numbers: M423; M434)
- Myranga Road (stock route number: U433)
- Leichhardt Creek Taroom Road (stock route number: U434)
- Pelham Road (stock route number: U436)
- Warrego Highway (stock route number: S071).

The WJV has consulted and will work with NRW (Stock Route Management Unit) regarding the possible temporary closure of the above stock route infrastructure to facilitate the pipeline construction.

3.3.14 *LAND ACT 1994*

The *Land Act 1994* (Land Act) provides a framework for the allocation of State land as leasehold, freehold or other tenure and its subsequent management.

Under chapter 4, part 4 of the Land Act, Permits to Occupy are required for the occupation of a reserve, road or unallocated State land. Where the proposed pipeline would be constructed on unallocated state land, reserves or roads, a Permit to Occupy will be required.

3.3.15 *DANGEROUS GOODS SAFETY MANAGEMENT ACT (2001)*

The *Dangerous Goods Safety Management Act 2001* (DGSMA) is an Act about the 'safe management... of the storage and handling of hazardous materials, particularly dangerous goods and combustible liquids, and the management of major hazard facilities and emergencies involving hazardous materials'.

With regard to section 3 of the DGSMA, the DGSMA is only of relevance to the proposed pipeline where it would be constructed off mining lease areas. The following approval may be required under the DGSMA for temporary storage of chemicals used as part of the pipeline construction:

- approval for storage and handling of flammable and combustible liquids (typically in minor quantities and to which AS 1940 applies).

An analysis of the pipeline and whether chemicals are to be stored and used (for both construction and operation) would be required to determine the obligations of the WJV under the DGSMA.

Note also that dependant on the nature of the chemicals used (if any), alternate licensing may be required under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

3.3.16 *STATE PLANNING POLICIES*

State Planning Policies (SPP) are statutory planning instruments that relate to matters of Queensland State interest. The implications of SPP for the pipeline are discussed in this section.

As the proposed pipeline would not require development applications for material change of use or operational works under a Planning Scheme, there are limited 'triggers' for SPP to be considered as part of local government development application assessment.

Such triggers are limited to development applications lodged directly with State Agencies (post-issue of the Coordinator-General's Report), with the relevant SPP being considered as part of the State Agencies interest in their assessment of the development application. In this instance, this is NRW's consideration of the following SPP as part of its assessment of expected development applications for operational works (vegetation clearing):

- Development and the Conservation of Agricultural Land – 1/92
- Planning and Managing Development Involving Acid Sulfate Soils – 2/02

These SPP are discussed below.

Development and the Conservation of Agricultural Land – 1/92

Development and the Conservation of Agricultural Land – 1/92 (SPP 1/92) protects good quality agricultural land (GOAL) from subdivision into uneconomic units and seeks to minimise the potential for land use conflicts between agricultural and non-agricultural land uses.

GOAL mapping contained in the Planning Scheme for Taroom Shire 2006 (Land Characteristics Map - Good Quality Agricultural Land - Sheet 1 of 6) indicates that the pipeline will be located primarily within land designated as Class A GOAL and also within small tracts of Class B and Class C GOAL.

GOAL mapping contained in the Planning Scheme for Murilla Shire 2006 (Planning Scheme Land Characteristics Map – Good Quality Agricultural Land; Sheet 2 of 6) indicates that the pipeline section in the former Murilla Shire will be located within land designated as Class A and Class B GOAL.

The long-term viability and sustainability of the GOAL will not be significantly impacted upon by the pipeline. The pipeline will be located underground and excavation and backfilling to facilitate the laying of pipeline would not materially affect premises or their use.

Similarly, from an operational perspective, the proposed pipeline will be contained within an unfenced easement and therefore any existing rural practices would generally be able to continue. The GOAL within which the proposed pipeline will be located represents a minor proportion of the total regional GOAL stock available for agricultural use and production.

Accordingly, the proposed pipeline is considered to not compromise the overall intent of SPP 1/92.

3.4 LOCAL GOVERNMENT LEGISLATION

This Section discusses the local government approval requirements pertinent to the pipeline.

3.4.1 LOCAL GOVERNMENT PLANNING SCHEMES

The proposed pipeline is located within the local government boundary of the Dalby Regional Council. Prior to local government amalgamations on 15 March 2008, it was formerly under the jurisdiction of Taroom Shire Council and Murilla Shire Council. Accordingly, the following are the respective statutory planning schemes regulating land use in the project area:

- Taroom Shire Planning Scheme 2006 (Taroom Planning Scheme)
- Planning Scheme for Murilla Shire 2006 (Murilla Planning Scheme).

The proposed pipeline has been assessed against the above planning schemes to determine whether development applications for material change of use are required and if so, what their level of assessment would be. The outcomes of this assessment are identified below.

Taroom planning scheme

With regard to a development application for material change of use for the proposed pipeline under the Taroom Planning Scheme, the following is noted:

- the pipeline will be developed on land included in the 'Rural Zone' in the Taroom Planning Scheme
- the pipeline is defined as *'development involving water cycle management infrastructure, including infrastructure for water supply...'* under section 1.4(2)(a)(v) of the Taroom Planning Scheme
- the development of water cycle management infrastructure (for water supply) is exempt development under section 1.4(2)(a)(v) of the Taroom Planning Scheme.

On this basis, a development application for material change of use for the proposed pipeline under the Taroom Planning Scheme is therefore not required.

Murilla planning scheme

With regard to a development application for material change of use for the pipeline under the Murilla Planning Scheme, the following is noted:

- the pipeline will be developed on land included in the 'Rural Zone' in the Murilla Planning Scheme
- the pipeline is defined as *'development involving water cycle management infrastructure, including infrastructure for water supply...'* under section 1.4(2)(v) of the Murilla Planning Scheme
- the development of water cycle management infrastructure (for water supply) is exempt development under section 1.4(2)(v) of the Murilla Planning Scheme.

A development application for material change of use for the proposed pipeline under the Murilla Planning Scheme is therefore not required.

Operational works

As the works involves the construction of an underground pipeline, the excavations and subsequent backfilling to facilitate this are not *'materially affecting premises or their use'*. Accordingly, such works are not considered *'operational works'* under section 1.3.2 of the IPA and therefore a development application for this form of operational works is not required.

Reconfiguring a lot and building works

In reference to 'carrying out building works' and 'reconfiguring a lot', as defined in Section 1.3.2 of the IPA, the need for applications for these forms of development would be determined when detailed design and property tenure requirements for the proposed pipeline are known.

3.4.2 LOCAL LAWS

A local law is a law adopted by a local government that reflects community needs and ensures the good rule and government of the local government area. Local laws are created via the process set out in the *Local Government Act 1993*.

As stated above, prior to local government amalgamations on 15 March 2008, the proposed pipeline corridor was formerly within the Taroom Shire and Murilla Shire local government areas. In accordance with part 2, division 3 of the Local Government Reform Implementation Regulation 2008, until local laws are adopted that apply to the entire local government area (or until 31 December 2010, whichever comes first) the local laws in place for the former Taroom and Murilla local government areas continue to apply in that geographical area.

Taroom Shire local laws

Dalby Regional Council currently administers nine former Taroom Shire local laws and subordinate local laws. A review of these identified that only former Taroom Shire Local law No. 21 (Roads) is relevant to the proposed pipeline, due to the likely impacts of construction and operational traffic on the local road network. This local law primarily confers on Dalby Regional Council certain powers incidental to its responsibilities for roads within the former Taroom area.

Part 3, section 13 of the local law details that a licence is required for the following activities:

- alterations or improvements to a local government road
- use of local government roads for regulated purposes, which includes the discharge of stormwater or wastes, or for the deposit of construction materials.

Further, the WJV recognises that in accordance with part 4, item 21 (Damages to roads) of the local law that should they negligently damage local government roads (or structures associated with local government roads) they will be liable to the Council for the damage caused.

A final determination will occur of the local government controlled roads that may be affected by the proposed pipeline, and if an authority under the local law is required, this will be subsequently sought from Dalby Regional Council.

Murilla Shire Local laws

Dalby Regional Council currently administers 30 former Murilla Shire local laws and subordinate local laws. A review of these identified that the following may be of direct relevance to the pipeline components within the former Murilla Shire local government area:

- Chapter 12 Bridges and Culverts
- Local Law No 13 (Control of Pests)
- Local Law No 16 (Blasting Operations)
- Local Law No 21 (Roads).

The relevance of the above local laws to the proposed pipeline is discussed below.

Chapter 12 Bridges and Culverts

This local law establishes Council's procedure for the management of bridges. Of relevance to the proposed pipeline, the WJV recognises that the following obligations are placed on them by the local law:

- Part 4(i) of the local law requires that vehicles used for construction and operation of the pipeline do not exceed bridge weight limits
- Part 6 of the local law requires that vehicles used for construction and operation of the pipeline do not obstruct or damage culverts.

Local Law No 13 (Control of Pests)

This local law establishes Council's procedure for the management and protection of the environment against animal and plant pests. It places additional pest control obligations above that of the LP Act. Currently, a local law policy outlining declared pests (for the purposes of Local Law 13) had not been adopted, which would enliven the provisions of the local law.

Local Law No 16 (Blasting Operations)

This local law complements the requirements of the *Explosives Act 1999* with regard to the storage and use of explosives. In the unlikely event that explosives are required to be used for the construction of the proposed pipeline, the WJV will obtain:

- a permit to use the explosives for specific blasting operations under Part 2 of the Local law
- a permit to store the explosives under part 3 of the local law, assuming that no similar permit was previously obtained under the *Explosives Act 1999*.

Local Law No 21 (Roads)

This local law primarily confers on Dalby Regional Council certain powers incidental to its responsibilities for roads within the former Murilla Shire local government area.

Part 4, section 14(1) of the local law details that a permit is required for the following activities:

- alterations or improvements to a local government road (e.g. the erection or installation of structures in, on, under or over a road, changing or interfering with the structure or materials of the road).

Part 4, section 18 of the local law details that a permit is required for the following activities:

- use of local government roads for regulated purposes (e.g. the discharge of stormwater or wastes, or for the deposit of construction materials).

Further, part 5, section 29 of the local law imposes an obligation on the WJV to ensure that they do not damage a local government controlled road or associated structure without the Dalby Regional Council's authority under the local law.

A final determination will occur of the local government controlled roads that may be affected by the pipeline, and if an authority under the local law is required, this will be subsequently sought from Dalby Regional Council.

3.5 LIKELY PIPELINE APPROVALS SUMMARY

Appendix 3-1-V2.4 contains a broad list of the likely approvals required for the proposed pipeline, including details on the approval's applicability, administering authority and other pertinent details. It will be used as a tool for managing the procurement of pipeline approvals.

3.6 REFERENCES

Commonwealth Government (1999) Environment Protection and Biodiversity Conservation Act 1999, (Act No. 91 of 1999).

Commonwealth Government (2005) Aboriginal and Torres Strait Islander Heritage Protection Act 1984, (Act No. 32 of 2005).

Commonwealth Government (2008) Native Title Act 1993, (Reprint No. 10B).

Department of Housing, Local Government and Planning (1992) State Planning Policy 1/92 (Development and the Conservation of Agricultural Land).

Department of Local Government and Planning (2002) State Planning Policy 2/02 (Planning and Managing Development Involving Acid Sulfate Soils).

Murilla Shire Council (1997) Chapter 12 Bridges and Culverts.

Murilla Shire Council (1997) Local law No 13 (Control of Pests).

Murilla Shire Council (1997) Local law No 16 (Blasting Operations).

Murilla Shire Council (1997) Local law No 21 (Roads).

Murilla Shire Council (2006) Planning Scheme for Murilla Shire 2006.

Queensland Government (2002) Dangerous Goods Safety Management Regulation 2001, (Reprint No. 1).

Queensland Government (2004) Dangerous Goods Safety Management Act 2001, (Reprint No. 2).

Queensland Government (2006) Aboriginal Cultural Heritage Act 2003, (Reprint No. 1A).

Queensland Government (2006) Chemical Usage (Agricultural and Veterinary) Control Act 1988, (Reprint No. 3).

Queensland Government (2006) Environmental Protection Policy (Air) 1997, (Reprint No. 3).

Queensland Government (2006) Environmental Protection Policy (Waste Management) 2000, (Reprint No. 3).

Queensland Government (2006) Land Protection (Pest and Stock Route Management) Act 2002, (Reprint No. 3).

- Queensland Government (2007) Environmental Protection Policy (Noise) 1997, (Reprint No. 3A).
- Queensland Government (2007) Environmental Protection Policy (Water) 1997, (Reprint No. 3B).
- Queensland Government (2007) Nature Conservation Act 1992, (Reprint No. 5C).
- Queensland Government (2007) State Development and Public Works Organisation Act 1971, (Reprint No. 5B).
- Queensland Government (2008) Coal Mining Safety and Health Act 1999, (Reprint No. 2D).
- Queensland Government (2008) Electricity Act 1994, (Reprint No. 7A).
- Queensland Government (2008) Environmental Protection (Waste Management) Regulation 2000, (Reprint No. 3C).
- Queensland Government (2008) Environmental Protection Act 1994, (Reprint No. 8B).
- Queensland Government (2008) Environmental Protection Regulation 1998, (Reprint No. 7B).
- Queensland Government (2008) Integrated Planning Act 1997, (Reprint No. 9C).
- Queensland Government (2008) Land Act 1994, (Reprint No. 10B).
- Queensland Government (2008) Mineral Resources Act 1989, (Reprint No. 10A).
- Queensland Government (2008) Petroleum and Gas (Production and Safety Act) 2004, (Reprint No. 3E).
- Queensland Government (2008) Queensland Heritage Act 1992, (Reprint No. 4A).
- Queensland Government (2008) Transport Infrastructure Act 1994, (Reprint No. 11D).
- Queensland Government (2008) Vegetation Management Act 1999, (Reprint No. 2F).
- Queensland Government (2008) Water Act 2000, (Reprint No. 6A).
- Queensland Government (2008) Water Supply (Safety and Reliability) Act 2008, (Reprint No. 1A).
- Taroom Shire Council (2001) Taroom Shire Local law No. 21 (Roads).
- Taroom Shire Council (2006) Planning Scheme for Taroom Shire, 2006.