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### 3 APPROVALS AND LEGISLATIVE FRAMEWORK

#### 3.1 Relevant Legislation and Policy Requirements

This Chapter summarises the legislative and policy framework under which the Glebe Option will operate. This includes identification of likely Commonwealth, State and Local Government legislation and policies relevant to the assessment and the approval process applying to the Glebe Option, with particular regard to requirements relating to water supply.

Supporting the detail contained in this Chapter 3 is an approvals matrix, **Table 3-1**. The matrix provides a broad list of the likely approvals required for the Glebe Option.

Details of the EIS approval process for the overall Project EIS, including an outline of the public notification processes and appeal rights that will be available in the anticipated approval process, are contained in Volume 1 of the EIS.

### 3.1.1 Legislation

The major legislation that applies to the Glebe Option is noted below and more detail is provided in following sections.

#### Commonwealth legislation

- *Environment Protection and Biodiversity Act 1999 (EPBC Act )*;
- *Native Title Act 1993*;
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* ; and
- *Australian Heritage Council Act (2003)*

#### State legislation and policy frameworks

- *State Development and Public Works Organisation Act 1971 (SDPWO Act)*;
- *Integrated Planning Act 1997*;
- *Environmental Protection Act 1994*;
- *Water Act 2000 and Regulation 2003 and Water Resource(Fitzroy Basin) Plan 1999 (NRW, 1999)*;
- *Vegetation Management Act 1999 and Vegetation Management Regulation 2000*;
- *Aboriginal Cultural Heritage Act 2003*;
- *Fisheries Act 1994*;
- *Land Protection (Pest and Stock Route Management ) Act 2002*;
- *Land Act 1994*;
- *Nature Conservation Act 1992*;
- *Queensland Heritage Act 1992*;
- *Transport Infrastructure Act 1994*; and
- *Environmental Protection Policies (EPPs – Water, Air and Noise)*.

## 3.2 Commonwealth Legislation and Policies

### 3.2.1 Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act establishes a streamlined assessment and approval process which applies to proposed actions that have, or are likely to have, a significant impact on any matters of National Environmental Significance (NES) or Commonwealth land. Such action is determined to be a 'controlled action', which requires approval under the EPBC Act from the Commonwealth Minister for the Environment, Water, Heritage and the Arts.

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 if it is a controlled action.

The EPBC Act sets out to ensure that factors affecting the matters of NES are fully evaluated during the preparation and undertaking of works, and in negotiation, operation and enforcement of agreements with States and State authorities for their long-term sustainability.

The Glebe Option was one of four interrelated referrals made to the Minister for DEWHA to assess the Project's potential impact on matters of NES on 23 June 2008, with a nomination that the Project was a 'controlled action' because of its potential impact on matters of NES. On the 21<sup>st</sup> July 2008, the Glebe Option was designated a 'controlled action' by the Federal Minister for the Environment, Heritage, Water and the Arts with the following relevant controlling provisions:

- Listed threatened species and communities (sections 18 and 18A);
- Listed migratory species (sections 20 and 20A).

Therefore, the environmental impact for the Glebe Option required assessment through an accredited process, in this instance being part of the Project EIS.

The Project will be assessed under the Bilateral Agreement between the Commonwealth and Queensland governments as an EIS pursuant to Part 4 of the SDPWO Act.

After completion of the EIS assessment process, the Coordinator-General's evaluation report is provided to the Federal Minister. The EPBC Act approval process then addresses the Glebe Option and other controlled actions that make up the overall Project. The Federal Minister will make a decision whether to approve the Glebe Option (and other interrelated referrals) based on the EIS and other information presented.

The EPBC Act Environmental Flow Chart is shown in **Figure 3-1**.

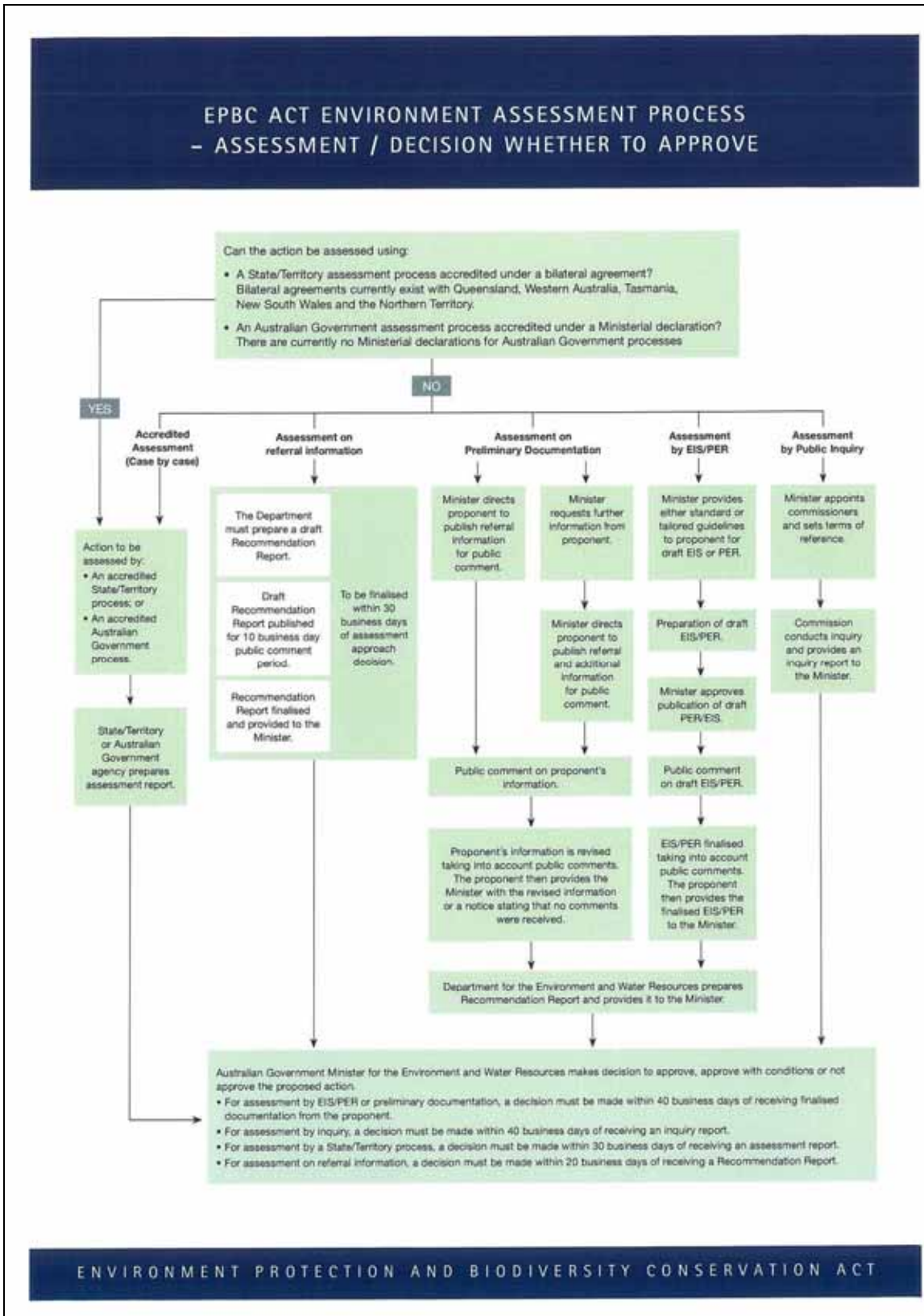


Figure 3-1. EPBC Assessment Process ([www.environment.gov.au/epbc](http://www.environment.gov.au/epbc))

### 3.2.2 Native Title Act 1993

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

Native title has been extinguished over the majority of the Glebe Option area.

It is noted that a Native title claim has been registered by the Wulli Wulli People (QC00/007) over an area that includes the lower section of the weir impoundment and the upper section of the pipeline route from the weir to Cockatoo Creek. A Native Title claim has also been registered by the Iman People #2 (Iman) (QC97/055) over an area that includes the pipeline route from Cockatoo Creek to the Wandoan Coal Project. However, the major part of the weir impoundment area is not subject to a registered native title claim. The native title registered claims over the Glebe Option area are shown in **Figure 16-1** in **Chapter 16** of this EIS (Volume 4).

Where native title has not been extinguished, SunWater (on WJV's behalf) will comply with the NTA and *Native Title (Queensland) Act 1993* in obtaining relevant approvals. SunWater may enter into an Indigenous Land Use Agreement (ILUA) that will ensure the validity of the grant of all approvals associated with the Glebe Option. Alternatively other sections of the NTA may be used by relevant government agencies prior to issue of the relevant approvals to SunWater including section 24HA, section 24KA and section 24MD to ensure that all approvals are validly granted. In relation to all of these alternatives, the relevant native title parties will be given an opportunity to provide their views on the project approvals and related project works.

### 3.2.3 Aboriginal and Torres Strait Islander Heritage Protection Act (1984)

This Act is intended to preserve and protect areas and objects in Australia and Australian waters that are of particular significance to Aboriginals and Torres Strait Islanders in accordance with their traditions. The Act permits Aboriginals and Torres Strait Islanders to apply to the Commonwealth Government to protect areas or objects of significance to them if any are threatened. If a declaration is made in relation to an area or object, it is an offence for any person to engage in conduct which contravenes a provision of the declaration made about a significant Aboriginal area or object.

### 3.2.4 Australian Heritage Council Act (2003)

This Act establishes the Australian Heritage Council, which is responsible for keeping a register of places in Australia having heritage value. This legislation interacts with the EPBC Act in that it is an offence to carry out an action that has a significant impact on the national heritage values of a national heritage place without an approval, i.e., an item on the national heritage list is a matter of NES for which an approval is required if so determined by the Minister. The Minister's determination of the controlling provisions for the Project did not include a reference to any item impacted by the Project being on the national heritage list.

### 3.2.5 Water Reform Framework, Council of Australian Governments Agreement (COAG) 1994

This is an Agreement between States, Territories and the Australian Government on water reforms covering water prices, allocations and trading, environmental and water quality, and public education. The Agreement implements National Competition Policy and related reforms, in which governments committed to:

- price water and wastewater services so businesses achieve full cost recovery, with prices set on a consumption basis where cost-effective;
- create clearly specified water entitlements separate from land;
- recognise the environment as a user of water by allocating water specifically for use by the environment;
- encourage intrastate and interstate trading in water entitlements;
- implement market based and regulatory measures aimed at improving water quality;
- integrate natural resource management and catchment management processes;
- implement a range of institutional reforms, including separating the roles of service provision and standards setting and regulation, and ensuring better commercial performance by water businesses;
- employ rigorous economic and environmental appraisal processes before new investment in rural water schemes; and
- conduct public education and consultation programs and ensure stakeholder involvement in significant change issues.

The reforms aim to promote good water management practices and ensure the development of strategies to promote water uses that make good business sense, are good for the environment and ultimately ensure the long term sustainability of the resource.

As part of the most recent assessment in 2006, Queensland committed to reduce timelines for finalisation of plans wherever possible, without compromising quality, through the implementation of process improvements (including legislative amendments) and policy approaches.

The *Water Resource (Fitzroy Basin) Plan 1999* (WRP) (NRW, 1999) represents the culmination (at the time) of water resource planning for the Fitzroy Basin, which addresses the requirements of the Council of Australian Governments (COAG) Agreement to finalise plans in areas where there is water scarcity and a need for additional infrastructure.

The Glebe Option will be required to comply with the requirements of the WRP. Further details are provided in **Section 3.3.5** of this Chapter.



### 3.2.6 National Water Initiative

The National Water Initiative (NWI) (National Water Commission, 2004) follows on from the COAG agreement and provides a blueprint for national water reform which takes effect through an Intergovernmental Agreement signed by the States, Territories and Australian Governments in June 2004 (with Tasmania signing in June 2005 and WA in April 2006).

The objective of the NWI is to achieve a nationally compatible market, regulatory and planning based system of managing surface and groundwater resources for rural and urban use that optimises economic, social and environmental outcomes. Full implementation of the NWI is expected to achieve:

- clear and nationally compatible characteristics for secure water access entitlements;
- transparent, statutory-based water planning;
- statutory provision for environmental and other public benefit outcomes, and improved environmental management practices;
- the return of all currently over allocated or overused systems to environmentally sustainable levels of extraction;
- the progressive removal of barriers to trade in water and the meeting of other requirements to facilitate the broadening and deepening of the water market to achieve an open trading market;
- a clear assignment of the risk arising from future changes in the availability of water for consumption;
- water accounting to meet the information needs of different water systems in terms of planning, monitoring, trading, environmental management and on-farm management;
- policy settings that facilitate water use efficiency and innovation in urban and rural areas;
- responses to future adjustment issues that may have an impact on water users and communities; and
- recognition of the connectivity between surface and groundwater resources with connected systems managed as a single resource.

The NWI includes objectives, outcomes and agreed actions to be undertaken by governments including the integrated management of water for environmental and other public benefit outcomes. The aim is to identify, within water resource planning frameworks, the environmental and other public benefit outcomes sought for water systems and develop and implement management practices and institutional arrangements that will achieve those outcomes.

Schedule D of the Agreement states agreed principles for regulatory approvals for water use and works. It requires among other things that approvals be consistent with relevant water legislation and water plans and take into account environmental, social and economic impacts of use, including on downstream users.

In accordance with the NWI, any regulatory approvals for water use and works required for the Glebe Option must be consistent with the WRP.

### 3.2.7 National Strategy for Ecologically Sustainable Development

The *National Strategy for Ecologically Sustainable Development* was introduced by the Commonwealth Government in 1992 (DEWHA, 1992) addressing a number of key issues that arose out of The United Nations Conference on Environment and Development (the Earth Summit) held in Rio de Janeiro in June 1992.

Five key principles accepted in this national strategy were:

- integrating economic and environmental goals in policies and activities
- ensuring that environmental assets are properly valued
- providing for equity within and between generations
- dealing cautiously with risk and irreversibility
- recognising the global dimension.

In adopting these principles, the national strategy for each of the identified sectors developed a goal, a strategic approach and objectives which effectively implemented the national strategy. Chapter 18 of the national strategy addresses water resource management. This chapter recognised that the major challenge in relation to water resource management was:

"To develop and manage in an integrated way, the quality and quantity of surface and groundwater resources, and to develop mechanisms for water resource management which aim to maintain ecological systems while meeting economic, social and community needs."

The major State approvals relevant to the Glebe Option, which are discussed in **Section 3.3**, involve assessment under the *Integrated Planning Act 1997* (IP Act) which also reflects the principles of ecological sustainability and which represents the major method adopted by the Queensland Government for implementing the strategy. The water resource planning process and the requirements for approvals, permits or licenses under the Water Act 2000, the Water Reform Framework Council of Australian Governments Agreement (CoAG) and the National Water Initiative, represent the current implementation of the National Strategy for Ecologically Sustainable Development in Queensland directly relevant to the Project.

Other Queensland legislation relevant to the assessment is the *Environmental Protection Act 1994* and the *Vegetation Management Act 1999* both of which are also examples of the Queensland Governments implementation of this strategy.



### 3.2.8 National Biodiversity and Climate Change Action Plan 2004-7

This was a three-year action plan of the Commonwealth Government to help focus efforts on minimising the impacts of climate change on species, communities and ecosystems (DEWHA, 2004). The main intent of the three-year Action Plan was to:

- identify priority areas for research and monitoring, and improve understanding of potential climate change impacts on biodiversity to a point where specific strategies can be developed;
- use existing knowledge about the impacts of climate change and draw from ecological principles to review and amend current biodiversity conservation policies and strategies;
- improve communication about the impacts of climate change on biodiversity between researchers, resources managers and decision makers; and
- raise community awareness of the potentially significant and specific impacts of climate change on biodiversity.

Measures proposed to mitigate potential impacts on protected species together with options for vegetation offsets proposed in the assessment are consistent with the principles identified in the Climate Change Action Plan.

### 3.3 State Legislation

#### 3.3.1 State Development and Public Works Organisation Act 1971 (SDPWO Act)

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 CG declared the overall Wandoan Coal Project a 'significant project' for which an EIS is required. On 22 August 2008, the CG publicly notified and invited comments on the draft ToR for the EIS. The ToR were subsequently finalised by the CG, after having regard to comments received within the comment period. The ToR apply to the Glebe Option, where relevant, as part of the overall Project.

The following steps are required to complete the Project 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 to the WJV and must publicly notify that report by placing it on the Department of Infrastructure and Planning's website.

The EIS process enables a whole-of-government assessment of the Project, prior to any approval related requirements being pursued. In Queensland, the majority of development assessment and approval processes occur through the Integrated Development Assessment System (IDAS) established under the *Integrated Planning Act 1997* (IP Act). IDAS provides a uniform process for development assessment for all legislative approvals that have been “rolled into” the IP Act so that a single application process applies to the assessment of all permits required under the IP Act. Where a project is declared a significant project, the SDPWO Act sets out the relationship with the IP Act. The SDPWO Act, specifically requires the application of IDAS to the assessment of applications for approvals required under the IP Act for the significant project. Particularly:

- consultation with government agencies which occurs during the EIS preparation should enable the EIS to address the requirements for approvals required for the Project;
- the EIS process, including public notification, is taken to fulfil the ‘information and referral stages’ and ‘notification stages’ of IDAS for certain development applications (those involving a material change of use or requiring impact assessment). This means that no further information requests or public notification of individual applications under the IP Act are required after the completion of the EIS for those applications.
- a properly made submission about the EIS is taken to be one about such applications under IDAS for any application that requires impact assessment;
- at the completion of the EIS process, the CG prepares a report evaluating the EIS and makes recommendations about approvals required for the Project and may state conditions to be attached to approvals under the IP Act. While the Assessment Manager may attach conditions to the approval, additional conditions cannot be inconsistent with those stated by the CG in his report;
- the CG may only recommend that an approval is not granted where the environmental effects of the Project can not be adequately addressed;
- the CG’s report is taken to be a concurrence agency response about any development application under the IP Act for the project; and
- after a relevant application is lodged and on receipt of the CG’s report, the assessment manager moves directly to the decision stage.

The SDPWO Act also deals with the involvement of the CG in the EIS process and methods of overall approval and construction of the project to be undertaken by the CG. For example, the CG can direct local bodies or other persons to undertake works and can delegate various powers of the CG under the SDPWO Act to a local body.

Under the SDPWO Act, the CG has compulsory acquisition powers that can be exercised for works to be undertaken by a local body or other person if the local body or person cannot voluntarily acquire land.

The extent to which recourse may desirably be made to the SDPWO Act and to the powers of the CG to assist the project will be considered along with other approval processes.

### 3.3.2 Integrated Planning Act 1997 (IP Act)

The purpose of the IP Act is to seek ecological sustainability by:

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

The IP Act outlines the assessment and approval process (IDAS) which applies to development permits required for 'assessable development' under Schedule 8 of the IP Act and 'assessable development' under the Planning Schemes for Dalby Regional Council and Banana Shire Council. 'Development' is defined by IP Act to be one of the following:

- carrying out building work;
- carrying out plumbing or drainage work;
- carrying out operational work;
- reconfiguring a lot; or
- making a material change of use.

The requirements for approvals under a number of State Acts have been "rolled into" the IP Act so that the approvals process is undertaken under IDAS while still allowing for the assessment requirements and criteria to be still taken from other relevant legislation. Legislation of which may influence assessment requirements for the Glebe Option component of the overall Project include the *Water Act 2000*, the *Environmental Protection Act 1994*, *Fisheries Act 1994*, and the *Vegetation Management Act 1999*.

Approvals under the *Water Act 2000*, *Fisheries Act 1994*, and the *Vegetation Management Act 1999* are characterised as development permits for operational works under the IP Act, while approvals required under the *Environmental Protection Act 1994* and local council planning schemes are usually characterised as development permits for material change of use. However, a council's planning scheme may also require development permits for operational works be obtained for some aspects of the project. The permits and approvals considered to be required at this stage for this project are outlined in **Table 3-1** below.

The IP Act also allows for Community Infrastructure Designations for particular projects and land that meet the requirements of the Act. If a Community Infrastructure Designation is made, Schedule 9 of IP Act exempts from assessment against a local council's planning scheme all aspects of development for Community Infrastructure prescribed under a regulation. Community Infrastructure Designation is possible for the Glebe Option and will be considered along with other approval processes.

Additionally, if SunWater is given a direction under the SDPWO Act to carry out works (see **Section 3.3.1** of this chapter above) then the Glebe Option would be exempt from assessment against a local council's planning

scheme pursuant to Schedule 9 of the IP Act. These options will be considered along with the other approval processes for the project.

Where a project is declared a significant project under the SDPWO Act, the information and referral stages for the assessment of any impact assessable development application required under IP Act do not apply. However, any person who makes a submission on the EIS is treated as having made a properly made submission for the purpose of any impact assessable development application that is required under IP Act. As such, any person who makes a proper submission about the EIS will have a right to appeal any decision made on an impact assessable development application.

### 3.3.3 Building Act 1975

The purpose of the *Building Act 1975* (BA) is, amongst other things, to regulate building development approvals, building work, building classification and building certifiers.

A development permit for building works will be required for all building work that is identified as being 'assessable development' in Schedule 8 of the IP Act or in Dalby Regional Council's planning scheme or Banana Shire Council's planning scheme, unless an exemption applies.

### 3.3.4 Environmental Protection Act 1994 (EP Act)

The *Environmental Protection Act 1994* (EP Act) provides the key legislative framework for environmental management and protection in Queensland. The aim of the EP Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development).

The EP Act utilises a number of mechanisms to achieve its objectives. These include:

- the *Environmental Protection Regulation 1998*, which identifies Environmentally Relevant Activities (ERA) that require approvals generally under the IP Act;
- *Environmental Protection Policies* (EPPs) for water, noise, air and waste management;
- establishing a general environmental duty.

An application for registration certificate would also be required for the carrying out of the ERAs, and must be held by the entity undertaking the activity. Processes for attaining this approval are set out in the EP Act.

It is also noted that 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.

### 3.3.5 Environmental Protection Regulation 1998

Under the EP Act, ERAs are activities that will, or will have the potential to, release contaminants into the environment and which may cause environmental harm. A development permit is required under the IP Act for carrying out an ERA. Compliance with relevant conditions in the development permit will be required throughout the operation of the ERA.

The ERAs that are likely to be carried out as part of the Glebe Option are outlined below in **Table 3-1**.

### 3.3.6 Environmental Protection Policies (EPPs)

Environmental Protection Policies (EPP) are the means by which the State government declares and implements some elements of its objectives in relation to environmental protection. An EPP may include:

- background environmental quality standards;
- emissions standards; and
- monitoring procedures and requirements.

The EPPs provide a policy framework for assessment procedures to be followed and for the determination of appropriate conditions for development permits for material change of use for ERAs. Where relevant to particular environmental impacts, the matters required to be considered or procedures to be followed under the EPPs have been complied with in the preparation of this assessment.

EPPs that have been prepared to date include:

- *Environmental Protection (Air) Policy 1997 (EPA, 1997a);*
- *Environmental Protection (Noise) Policy 1997 (EPA, 1997b);*
- *Environmental Protection (Water) Policy 1997(EPA, 1997c); and*
- *Environmental Protection (Waste Management) Policy 2000 (EPA, 2000).*

#### 3.3.6.1 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 (section 6, EPP Water). The EPP Water provides a framework for:

- identifying environmental values for Queensland waters;
- deciding and stating water quality guidelines and objectives to enhance the environmental values;
- providing processes that involve the community; and
- promoting efficient use of resources and best practice environmental management.

The environmental values concerning water of the Glebe Option project area, potential impacts from the Glebe Option and management of those impacts are addressed in Volume 4 **Chapter 8** of this EIS.

### 3.3.7 Aboriginal Cultural Heritage Act 2003

The *Aboriginal Cultural Heritage Act 2003* (ACH Act) binds all persons, including the State, and aims to provide effective recognition, protection and conservation of Aboriginal cultural heritage. This Act is administered by NRW.

Section 23(1) of the ACH Act states that a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the 'cultural heritage duty of care'). A person is taken to have complied with the cultural heritage duty of care under the ACH Act if the person is acting under an approved cultural heritage management plan that applies to the Aboriginal cultural heritage.

Where an EIS is required for a project, the ACH Act makes it a mandatory requirement for a project proponent to develop a cultural heritage management plan and have it approved except to the extent the project is the subject of an existing agreement (as defined in the ACH Act) or a native title agreement (as defined in the ACH Act) that does not expressly exclude Aboriginal cultural heritage.

Details as to how SunWater proposes to manage Aboriginal cultural heritage for the Glebe Option are outlined in Volume 4 **Chapter 16** of this EIS.

### 3.3.8 Queensland Heritage Act 1992

The *Queensland Heritage Act 1992* (QH Act) provides for the conservation of Queensland's cultural heritage. Under the QH Act, places and items must be entered into a Queensland Heritage Register in order to be protected.

Where any project impacts on an item entered on the register then all aspects of development require a development approval under IDAS.

It is not expected that any sites will be impacted by the Glebe Option (**Chapter 16** Non-indigenous cultural heritage).

### 3.3.9 Transport Infrastructure Act 1994

The *Transport Infrastructure Act 1994* (TI Act) provides for the management of the State road and rail networks.

A permit under the TI Act will be required to work in, or interfere with, a State-controlled road or railway.



Chapter 9 of this EIS deals with the potential impact of the Glebe Option on the surrounding road network.

### 3.3.10 Nature Conservation Act 1992

The *Nature Conservation Act 1992* (NC Act) provides for the conservation of 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. Approvals likely to be required by the Glebe Option under the NC Act are listed in the approvals matrix provided in **Table 3-1**.

### 3.3.11 Vegetation Management Act 1999 and Vegetation Management Regulation

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

Should there be a need to clear or destroy "remnant" vegetation by permanent inundation or construction activities within the weir storage or pipeline areas, development permits will be required. Pursuant to Schedule 8 of the IP Act, a development permit for operational works is required for the clearing of remnant vegetation unless the clearing meets certain criteria listed in Schedule 8. Section 22A of the VM Act operates to limit the types of applications that can be made for development permits for clearing remnant vegetation. Particularly, an application for a development permit to clear remnant vegetation must be for a "relevant purpose" listed in the section. This project has been declared a significant project, as such, any clearing required for the project would satisfy the "relevant purpose" requirements of section 22A of the VM Act.

The NRW *Policy for Vegetation Management Offsets* (28 September 2007, NRW, 2007a) defines a vegetation management offset as a legal arrangement or agreement that, over time, guarantees to maintain the extent, structure and function of:

- regional ecosystems;
- essential habitat; and
- vegetation associated with –
  - i. watercourses;
  - ii. natural wetlands; and
  - iii. natural significant wetlands.

An offset is a means of meeting relevant performance requirements of an applicable code under the VMA.

### 3.3.12 Queensland Government's Environmental Offsets Policy

The *Queensland Government's Environmental Offsets Policy* (QGEOP) (EPA, 2008c) provides principles and guidelines for the application of 'specific-issue' offsets policies. The specific-issue offsets policies that are currently being applied in Queensland are the -

- *Policy for Vegetation Management Offsets*, September 2007, Department of Natural Resources and Water (NRW, 2007c);
- *Mitigation and Compensation for Works or Activities Causing Marine Fish Habitat Loss*, 2002, Department of Primary Industries and Fisheries (DPI, 2002); and
- *Offsets for Net Benefit to Koalas and Koala Habitat*, 2006, Environmental Protection Agency (EPA, 2006b).

The QGEOP requires the Departments to amend their respective specific-issue policies to ensure they are consistent with the QGEOP. Since the QGEOP took effect, the DNRW's *Policy for Vegetation Management Offsets* has not been amended.

The QGEOP only applies to the State Government's assessment of development applications for setting conditions, either in its capacity as the assessment manager or in its capacity as a Concurrence Agency (e.g. DNRW's assessment of development permits for vegetation clearing), or for projects where an EIS is required, the Coordinator-General's assessment of the EIS.

The QGEOP requires all specific-issue policies to identify both direct and indirect offsets that may be allowed for environmental impacts and to identify acceptable delivery options, such as an option for a financial contribution. A direct environmental offset may be restoration measures or reinstating a riparian buffer, whereas an indirect offset may be the funding of targeted research linked directly to the environmental values or providing infrastructure that will help protect environmental values. However, the QGEOP encourages the use of direct offsets and the use of indirect offsets where deemed acceptable.

The QGEOP allows for offsets to be packaged that includes one or more offset action to offset the environmental impact, this may include both direct and indirect offsets.

For this Project it is expected that only the *Policy for Vegetation Management Offsets* will be triggered by the development as it is expected that vegetation clearing will be required in order to construct the pipeline. Depending on the application process used for obtaining the development permits necessary for the vegetation clearing for the construction of the pipeline, DNRW will either be the Assessment Manager for the application(s) or a concurrence agency.

The Wandoan Coal Project has been declared a significant project, as such for the purposes of section 22A of the *Vegetation Management Act 1999* any application made for vegetation clearing for the project will be for a relevant purpose.

An application for vegetation clearing must comply with the relevant code, for this project the relevant code is DNRW's *Regional Vegetation Management Code: Brigalow Belt and New England Tableland Bioregions* (NRW,

2006c). Part P of the Code sets out the requirements for clearing for public safety and infrastructure; Part S of the Code sets out the requirements for clearing for significant projects. Where a performance requirement in the Code requires that the proposed development “maintain the current extent” of certain vegetation habitat, the *Policy for Vegetation Management Offsets* states that an offset may be proposed as a solution to meet that performance requirement in the Code.

The performance criteria for Part P and Part S of the Code requires that where the proposed development requires the clearing of *endangered regional ecosystem, remnant of concern regional ecosystem, essential habitat* or *conservation status thresholds*, the proposed development must “maintain the current extent” of the vegetation. As such, where such vegetation needs to be cleared for the construction of the pipeline, offsets may be used to offset the impact of that vegetation clearing.

Whilst the *Policy for Vegetation Management Offsets* sets out the guidelines for providing offsets, the Policy has not yet been amended since the QGEOP commenced. Therefore, the Policy does not currently allow for financial contributions to be made into an offsets fund. However, the *Policy for Vegetation Management Offsets* does allow for contributions to be paid to a third party for the management of an offset.

An offset for vegetation clearing must meet the seven (7) criteria set out in the *Policy for Vegetation Management Offsets*. However, where a project will result in a demonstrated high level of community benefit at a local, regional or state level, the offset must at least meet criteria number 6 of the Policy, if otherwise meeting the remaining criteria would unreasonably delay the project. Generally, the seven criteria of the Policy require that suitable land be identified for providing the vegetation offset. Most importantly, where an offset is provided, the *Policy for Vegetation Management Offsets* requires that the offset be legally secured to ensure the offset is protected.

### 3.3.13 Draft Environmental Offsets Policy

The Department of Environment and Heritage has released a *Draft Environmental Offsets Policy* (DEH, 2007) for the provision of environmental offsets under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). Submissions on the draft closed on 30 November 2007, however, the policy currently remains in draft form.

The policy generally operates in the same way as the QGEOP, in that it allows for direct and indirect offsets to be provided. Like the QGEOP, the Policy encourage mitigation before relying on environmental offsets for environmental impacts. An offset supplied under the Draft Policy, must meet the 8 principles in the Draft Policy. The Draft policy provides offsets may be applied as part of an approval condition for a development. Whilst offsets may be suitable in some instances, the Draft Policy states that they are not suitable for all development and that the application of offsets should be assessed on a case-by-case basis, taking into account the scale and intensity of environmental impact.

Whilst the policy remains in draft form, section 134 of the EPBC Act allows the minister to impose conditions they consider to be necessary or convenient. As such, the Minister may as a condition of an approval under the EPBC Act require an offset be provided for certain impacts if those impacts cannot be mitigated.

**Chapter 12** identifies the vegetation classifications for which offsets may be provided for the Glebe Option.

### 3.3.14 Water Act 2000 and Regulation 2003

The *Water Act 2000* establishes a sustainable system for the planning, allocation and use of the majority of Queensland's non-tidal waters (section 10, Water Act). The Water Act provides for the following:

- Water Allocation and Management System – the sustainable management and efficient use of water and other resources by establishing a system for the planning, allocation and use of water;
- Regulation for Service Providers – the provision of (a) a regulatory framework for providing water and sewerage services in Queensland, (b) functions and powers of service providers, (c) protecting the interests of customers of service providers, (d) regulation of referable dams, and (e) flood mitigation responsibilities;
- Water Authorities Establishment and Operation – the provision of a framework for the establishment and operation of water authorities; and
- Investigations, Enforcement and Offences – the functions and powers of authorised officers, enforcement matters, and offences under the Act.

Approvals likely to be required by the Glebe Option under the Water Act are listed in the approvals matrix provided in **Table 3-1**.

The *Water Resource (Fitzroy Basin) Plan 1999* (WRP) (NRW, 1999) aims to:

- provide a framework for sustainably managing water and the taking of water in the Fitzroy Basin;
- provide a framework for establishing water allocations; and
- regulate the taking of overland flow.

Under the WRP, the owner of water storage and supply infrastructure is issued with a Resource Operations Licence (ROL). Conditions attached to this licence specify how the infrastructure is to be operated to ensure that specific environmental flow objectives (EFO's) and water allocation security objectives (WASO's) are met, to ensure the sustainable management of water for the Dawson and Fitzroy. These objectives are provided in Schedules 2 and 3 of the WRP. SunWater currently holds a ROL for Glebe Weir. The ROP and ROL may need to be amended to cater for the changed conditions of the raised weir and the allocations associated with it.

Changes to the allocations being made available in relation to the raised weir are described in Volume 4, **Chapter 8** of the EIS.

### 3.3.15 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 pests and the stock route network.

Management of identified pest plants and animals around the Glebe Option project area (including the inundation and pipeline areas) must comply with the requirements of the LP Act. A Weed Management Plan has been prepared for the construction and operation of the Glebe Option to manage identified weed species.

Chapter 12 of Volume 4 of the EIS provides further detail on pest and stock route management considerations.

### 3.3.16 Land Act 1994

The *Land Act 1994* (Land Act) regulates the opening and closing of State and local roads and land dealings relating to changes in land tenure.

Roads are managed on a day-to-day basis by the relevant local government authority, or in the case of State-controlled roads, by the Department of Main Roads. NRW through the provision of the Land Act, is responsible for the land in roads and road reserves. There is potential for the Glebe Option to require a number of tenure permits under the Land Act, including:

- temporary road closure applications; and
- permits to occupy in unallocated State land, reserves or roads.

### 3.3.17 Fisheries Act 1994

The *Fisheries Act 1994* (Fisheries Act) states that the main purpose of the Act is to 'provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to:

- (a) apply and balance the principles of ecologically sustainable development and
- (b) promote ecologically sustainable development.

The raising of Glebe Weir waterway barrier constitutes operational works pursuant to Schedule 8 of IP Act, requiring a development permit. This development application will be assessed against the relevant provisions of the Fisheries Act.

The proponent will work with the Department of Primary Industries and Fisheries (DPI&F), and other relevant government agencies and stakeholders to consider and, if necessary, develop appropriate fishway and other aquatic fauna arrangements with respect to the requirements of local species. Advice would be sought from experts as necessary.

### 3.3.18 State Planning Policies

State Planning Policies (SPP) are a statutory planning instruments that relate to matters of Queensland State interest. Potentially relevant polices are discussed below.

#### *3.3.18.1 Development and the Conservation of Agricultural Land – 1/92*

Development and the Conservation of Agricultural Land – 1/92 (DIP, 1992) protects good quality agricultural land (GOAL) from subdivision into uneconomic units and to minimise the potential for land use conflicts between agricultural and non-agricultural land uses. Dalby Regional Council and Banana Shire Council must have due regard to SPP 1/92 when carrying out their planning functions.

The long-term viability and sustainability of the GOAL in the area of inundation will be impacted through the Glebe Option. However, the GOAL likely to be impacted upon represents a minor proportion of the overall regional GOAL stock available for agricultural use and production.

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

**Chapter 7** of Volume 4 of this EIS provides further detail on good quality agricultural land.

#### *3.3.18.2 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide – 1/03*

*Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* — 1/03 (Department of Emergency Services, 2003) covers natural hazards of flood, bushfire and landslide and ensures these matters are adequately addressed when carrying out development assessment. An assessment of the natural hazards, as they apply to the project area, has been undertaken for landslip, bushfire and flooding.

Refer to **Chapter 6** of this EIS (Volume 4) for further detail.

### 3.3.19 Planning Schemes

As part of the local government reform process, the Queensland Government has reduced the number of local governments to 73 (from 157). As part of that reform, the Taroom Shire Council no longer exists and the area is now part of both the Banana Shire Council and the Dalby Regional Council. However, the current planning schemes will continue to apply as transitional planning schemes until such time it is reviewed and consolidated into a new planning scheme. As such, the schemes that currently apply to the Glebe Option project area will continue to apply.

Where an activity is identified as being “assessable development” under a relevant planning scheme a development permit will be required unless an exemption applies.



### 3.3.20 Local Laws

Local laws are created via the process set out in the *Local Government Act 1993*.

Approvals potentially required under relevant local laws are covered in **Table 3-1**.

### 3.3.21 Other Relevant Guidelines and Legislation

The following items have been identified as of potential relevance to some aspects of the Glebe Option Project.

- *The Explosives Act 1999*
- *The Dangerous Goods Safety Management Act 2001*
- *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland (EPA, 1998a)*
- *Forestry Act 1959*.

## 3.4 Likely Project Approvals Summary

Approvals and permits which may be potentially required throughout construction and/or operational phases of the Glebe Option are provided in **Table 3-1**.

**Table 3-1.** The following table outlines a broad range of permits, licences and approvals likely to be required for the Glebe Option, based on an analysis of the Glebe Option components known at the time of the EIS preparation. Final identification of all permit, licences and approvals for the Glebe Option cannot occur until such time as detailed design for the overall Project occurs and/or siting of the project infrastructure is confirmed.

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
<p>Project nominated as a 'controlled action'. Commonwealth approval is required from the Department of Environment, Water, Heritage and the Arts (DEWHA).</p>	<p>Where an action is likely to have a significant impact on matters of national significance then the project is referred to the Commonwealth Minister for the Environment.</p>	<p>Environmental Protection and Biodiversity Conservation Act 1999.</p>	<p>Department of the Environment, Water, Heritage and the Arts</p>	<p>The Project was declared a Controlled Action by the Department of Environment, Water, Heritage and the Arts on 21 July 2008 with the following controlling provisions :</p> <ul style="list-style-type: none"> <li>• Listed threatened species or endangered community and communities (sections 18 and 18A);</li> <li>• Listed migratory species (sections 20 and 20A).</li> </ul>
<p>Assessment of Native Title implications for the Glebe Option</p>	<p>The native title implications for the Glebe Option are being investigated to ensure that the Glebe Option addresses Native Title which may exist within the project area</p>	<p>Native Title Act 1993 Aboriginal and Torres Strait Islander Heritage Protection Act 1984</p>	<p>Authority depends upon the relevant future act (if any)</p>	<p>Will depend on the relevant future act (if any)</p>

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
Declaration as Significant Project by the Coordinator-General	The Coordinator-General has declared the overall Project to be a Significant Project for which an EIS is required	State Development and Public Works Organisation Act 1971	Department of Infrastructure and Planning/ Coordinator-General	Declaration has been made.
<p>Land/Road Resource Entitlement</p> <p>Water Resource Entitlement</p> <p>Quarry Resource Entitlement</p>	<p>A Resource Entitlement for state resources must be obtained for works that are proposed for State land and roads (section 3.2.1 of the <i>Integrated Planning Act 1997</i>, Schedule 10 of the <i>Integrated Planning Regulation 1998</i>)</p> <p>A Resource Entitlement of the resource (water) must be in place prior to 'taking or interfering' with water under the <i>Water Act 2000</i>. (section 3.2.1 of the <i>Integrated Planning Act 1997</i>, Schedule 10 of the <i>Integrated Planning Regulation 1998</i>)</p> <p>Evidence of entitlement to the resource (quarry material) is required prior to the removing of material from the bed or banks of a watercourse or impoundment. (section 3.2.1 of the <i>Integrated Planning Act 1997</i>, Schedule 10 of the <i>Integrated Planning Regulation 1998</i>)</p>	Integrated Planning Act 1997	Department of Natural Resources and Water (NRW)	Required before making a development application for a development permit over the relevant state resource.

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
A referable dam resource entitlement	Evidence the chief executive is satisfied the development is consistent with an allocation or an entitlement to the resource (increasing the storage capacity) (section 3.2.1 of the <i>Integrated Planning Act 1997</i> , Schedule 10 of the <i>Integrated Planning Regulation 1998</i> )			
A Development Permit for taking or interfering with water from a watercourse	A development permit is required for all construction works that allow taking or interfering with water from a watercourse (Section 206 – <i>Water Act 2000</i> ).	Integrated Planning Act 1997	NRW	Is required before carrying out the assessable development.
Water Permit	A water permit is required when taking water for an activity with a reasonable foreseeable conclusion date (Section 237 – <i>Water Act 2000</i> ). This is likely to be triggered if water is required to be extracted from the watercourse during construction.	Water Act 2000	NRW	Is required before carrying out the assessable development.
Riverine Protection Permit	A Riverine Protection Permit will be required for any proposed works that will destroy vegetation, place fill or excavate within a watercourse (Section 266 – <i>Water Act 2000</i> ).	Water Act 2000	NRW	Is required before carrying out works that may destroy riverine vegetation in a watercourse.

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
Amendment to the current Resource Operations Licence (ROL) may be required Amendment to the Resource Operations Plan	An amended ROL is required for the operation of the upgraded weir infrastructure (Section107A – <i>Water Act 2000</i> ).	Water Act 2000	NRW	The ROL amendment will be required to reflect upgraded weir infrastructure.
Development Permit – Operational Works – Referable Dam	A development permit is required for works that increase the storage capacity by more than 10%.(Schedule 8, <i>Integrated Planning Act 1997</i> )	Integrated Planning Act 1997	NRW	Is required before carrying out the assessable development
Development Permit – Operational Works – removing quarry material from a watercourse or lake	A development permit is required for all aspects of development for removing quarry material from a watercourse or lake as defined under the <i>Water Act 2000</i> , other than in an urban development area, if an allocation notice is required under the <i>Water Act 2000</i>	Integrated Planning Act 1997	NRW	Is required before carrying out the assessable development
Allocation Notice for Quarry Material	An allocation for quarry material is required when taking quarry material (section 280 <i>Water Act 2000</i> )	Water Act 2000	NRW	Is required before taking the quarry material.
Development Permit – Operational Works – Constructing or raising a waterway barrier	Development permit is required when raising, or constructing a barrier across a waterway.	Integrated Planning Act 1997	Department of Primary Industries and Fisheries (DPI&F)	Is required before carrying out the assessable development

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
Fish Movement Exemption Notice	Applicants for a development application for a construction or raising of a waterway Barrier works in an area may apply for a fish movement exemption notice (section 76E of the <i>Fisheries Act 1994</i> )	Fisheries Act 1994	DPI&F	Exemption notice needs to be obtained for making application if applicable.
Development Application for a Material Change of Use for the following Environmentally Relevant Activities (ERA): <ul style="list-style-type: none"> <li>• ERA 7 – Chemical Storage</li> <li>• ERA 11 – Storing crude oil or petroleum products</li> </ul>	Development Application for a Material Change of Use will be required if the follow triggers are exceeded: <ul style="list-style-type: none"> <li>• storing chemicals (other than crude oil, natural gas and petroleum products), including ozone depleting substances, gases or dangerous goods under the dangerous goods code in containers having a design storage volume of—               <ul style="list-style-type: none"> <li>(a) more than 10m<sup>3</sup> but less than 1000m<sup>3</sup></li> <li>(b) 1000m<sup>3</sup> or more</li> </ul> </li> <li>• storing crude oil or a petroleum product in tanks or containers having a combined total storage capacity of—               <ul style="list-style-type: none"> <li>(a) 10000L or more but less than</li> </ul> </li> </ul>	Environmental Protection Act 1994 Integrated Planning Act 1997	Environmental Protection Agency (EPA)	Is required before carrying out the assessable development





Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
<ul style="list-style-type: none"> <li>• ERA 62 – Concrete batching</li>   <li>• ERA 17 – Fuel Burning</li>   <li>• ERA 23 – Abrasive Blasting</li> </ul>	<p>dredging using plant or equipment having a design capacity of—</p> <ul style="list-style-type: none"> <li>(a) more than 50t, but less than 5000t, a year .</li> <li>(b) 5000t or more, but less than 100000t, a year .</li> <li>(c) 100000t or more a year</li> </ul> <ul style="list-style-type: none"> <li>• 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 100t a year</li> <li>• Any process involving the use of fuel burning equipment (including for example, a standby power generator) that is capable of burning (whether alone or in total) 500kg or more of fuel an hour.</li> <li>• Commercially cleaning equipment or structures using a stream of abrasives – <ul style="list-style-type: none"> <li>(a) if the activity is carried out at a permanent location</li> </ul> </li> </ul>			

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
<ul style="list-style-type: none"> <li>ERA 19 – Dredging</li> </ul>	<p>(b) if the activity is a mobile and temporary environmentally relevant activity(c) if the activity is carried out at a permanent location and includes a mobile and temporary environmentally relevant activity.</p> <ul style="list-style-type: none"> <li>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 –           <ul style="list-style-type: none"> <li>(a) not more than 5000t a year</li> <li>(b) 5000t or more, but less than 100000t a year</li> <li>(c) 100000t or more a year</li> </ul> </li> </ul>			
Registration Certificate (s) to undertake relevant ERA (s)	Registration Certificates are required for the persons proposing to undertake the ERA (s)	Environmental Protection Act 1994 Environmental Protection Regulation 1998	EPA	A registration certificate is required before carrying out the ERA.
If land is contaminated, a management plan may be	A disposal permit is required to remove, treat or dispose of contaminated soil from land on	Environmental Protection Act 1994	EPA	A disposal permit is required before dealing treating, disposing or removing

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
required for the removal, disposal or management of the contaminated soil	the Environmental Management Register (EMR) or Contaminated Land Register (CLR), if applicable.			the contaminated soil.
Permit to disturb, harm or destroy flora and fauna protected by the <i>Nature Conservation Act 1992</i>	A permit is required prior to works been undertaken that have the potential to interfere with any listed species.	Nature Conservation Act 1992	EPA	A permit is required before interfering with the listed species.
Interfering with protected areas	Development in or adjacent to a protected area(state land such as protected areas requires authority before work is carried out (section 34 <i>Nature Conservation Act 1992</i> )	Nature Conservation Act 1992	EPA	Authority is required before the work is carried out.
Clearing protected plants	A permit is required clearing protected plants. (section 276 of the <i>Nature Conservation (Wildlife) Regulation 2006</i> )	Nature Conservation (Wildlife) Regulation 2006	EPA	A permit is required before clearing.
Disturbing Aboriginal Cultural Heritage	An approved Cultural Heritage Management Plan is required where an EIS is required (Section 87 of the <i>Aboriginal Cultural Heritage Act 2003</i> )	Aboriginal Cultural Heritage Act 2003	Department of Natural Resources and Water	A Cultural Heritage Management Plan is required to ensure impacts upon Aboriginal Cultural Heritage are managed
Disturbing non-indigenous cultural heritage	In order to obtain an exemption certificate, a heritage agreement must be obtained for the heritage place (sections 72 and 80 of the <i>Queensland Heritage Act 1992</i> )	Queensland Heritage Act 1992	EPA	If applicable, the exemption certificate must be obtained before interfering with the heritage place.
Development Permit - development of heritage listed	A development permit is required for all aspects of development of a Queensland	Integrated Planning Act 1997	EPA	Is required before carrying out the assessable development

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
places/ structures	heritage place (schedule 8 of the <i>Integrated Planning Act 1997</i> )	Queensland Heritage Act 1992		
Work within a State-controlled road reserve	Approval is required for all works carrier out, on, or within the road reserve of a State controlled road. (section 33 <i>Transport Infrastructure Act 1994</i> )	Transport Infrastructure Act 1994	Department of Main Roads (DMR)	Approval is required before works commence.
Approval for ancillary works and encroachments (AWE) in a State-controlled Road (Permit to Occupy)	Approval is required before constructing, maintaining, operating, or conducting ancillary works and encroachments on a State-controlled road. (Section 50 <i>Transport Infrastructure Act 1994</i> )	Transport Infrastructure Act 1994	DMR	Approval is required before works commence.
Approval for development on or adjacent to railway land	Development on railway land or development adjacent to railway land that has the potential to impact on railway land or operations. (section 255, <i>Transport Infrastructure Act 1994</i> )	Transport Infrastructure Act 1994	Queensland Rail or Rail Operator	Is required before carrying out the assessable development
Permit to install a gate or grid across a public road	A permit is required when a person (s) proposes to install a gate or a grid or a gate and a grid across a public road.	Banana Shire Council Local Law No. 3.	Banana Shire Council	Permit is required before installing gate or grid.
Permit for alteration to a Local Government road	A permit is required when a person makes an alteration or improvement to a Local Government road, which is not already	Banana Shire Council Local Law No. 17. Dalby Regional Council	Banana Shire Council Dalby Regional Council	Permit is required before making alteration to road.

Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
	permitted under the <i>Integrated Planning Act 1997</i> .	Local Law No. 21		
Permit to authorise a nuisance activity	If required, the council have the power to grant a permit authorising activities that are unlawful under the local nuisance laws. This maybe required for short periods during construction works.	Banana Shire Council Local Law No. 14 Dalby Regional Council Local Law No. 18	Banana Shire Council Dalby Regional Council	Permit is required before carrying out activity.
Licence for storage of flammable and combustible liquids above specified thresholds	Appropriate permits and approvals are required if trigger limits for storage quantities are exceeded	Dangerous Goods Safety Management Act 2001. Dangerous Goods Safety Management Regulation 2001	Relevant Local Council (Banana Shire Council or Dalby Regional Council)	Permit is required before storing goods.
Permit to light fires	A permit will be required for lighting fires greater than 2m x 2m	Fire and Rescue Service Act 1990 Fire and Rescue Services Regulation 2001	Commissioner of the Fire and Rescue Service	Permit required before lighting fire.
Development Permit – Building Work	A development permit for building work is required for assessable building work.	Integrated Planning Act 1997	Banana Shire Council Dalby Regional Council	Is required before carrying out the assessable development
Development Permit – reconfiguring a lot	A development permit is required for reconfiguring a lot unless the plan of subdivision satisfies the criteria listed in Schedule 8 of the <i>Integrated Planning Act 1997</i> .	Integrated Planning Act 1997	Banana Shire Council / NRW Dalby Regional Council / NRW	Is required before carrying out the assessable development



Approvals/ Permit Requirements	Why it applies	Legislation	Administering Authority	Approval Application details/ approval timing
Development Permit Operational Works – Clearing of Native Vegetation	A development permit for operational works is required for the clearing of vegetation to which the <i>Vegetation Management Act 1999</i> applies. (Schedule 8 of the <i>Integrated Planning Act 1997</i> )	Integrated Planning Act 1997	Banana Shire Council / NRW Dalby Regional Council / NRW	Is required before carrying out the assessable development
Development Approvals under local government's planning schemes	Development approval is required for all development that is made assessable by a local government's planning scheme.	Integrated Planning Act 1997	Banana Shire Council Dalby Regional Council	Is required before carrying out the assessable development
Particular Works	Where a regulation directs an entity to carry out particular works under either sections 100 or 108/109 of the <i>State Development Public Works Organisation Act 1971</i> this streamlines the other approvals that may be required by various State departments or local governments.	State Development Public Works Organisation Act 1971	DIP	
Community Infrastructure Designation	Where a Community Infrastructure Designation is made under the <i>Integrated Planning Act 1997</i> , it has the effect of making the development exempt from assessment from a local government's planning scheme.	Integrated Planning Act 1997	DIP	
Quarry Permits under Forestry Act 1959	Permits for quarry material may be required under the Forestry Act 1959	Forestry Act 1959	NRW	Permit is required before quarrying material.