

3 PROJECT APPROVALS

3.1 INTRODUCTION

This chapter summarises changes to key approvals for the Project, as a result of recent amendments to Commonwealth, State, and local government legislation, since the preparation and lodgement of the Environmental Impact Statement (EIS). The information presented builds on the EIS Volume 1, Chapter 3 Project Approvals and should be read in conjunction with the EIS chapter.

Within this Chapter, each relevant legislative instrument is discussed with regard to any implications it has for the Project, particularly with regard to mining leases and development.

3.2 COMMONWEALTH LEGISLATION

3.2.2 *NATIVE TITLE ACT 1993*

The version of the *Native Title Act 1993* (reprint No. 10B) referenced in the EIS is superseded by the current *Native Title Act 1993* (reprint No. 110).

This reprint does not affect the content of the EIS.

3.2.4 *AIRPORTS ACT 1996 AND CIVIL AVIATION ACT 1988*

The EIS identifies the scope of approvals required under these Acts will be determined when the nature and scale of the aviation facility is finalised. The WJV is exploring two alternatives for providing air transport services during the operation of the Project, as described in the Supplementary EIS Volume 1, Chapter 6 Project Operations, section 6.6.4. Where applicable, any changes to these Acts since the lodgement of the EIS will be reflected within the respective applications for aviation facilities.

3.3 STATE LEGISLATION

3.3.1 *STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACT 1971*

The version of the *State Development and Public Works Organisation Act 1971* (reprint No. 5B) referenced in the EIS is superseded by the current *State Development and Public Works Organisation Act 1971* (reprint No. 6).

This reprint does not affect the project approvals content as described in the EIS Volume 1, Chapter 1 Introduction and Chapter 3 Project Approvals.

3.3.2 *MINERAL RESOURCES ACT 1989*

The version of the *Mineral Resources Act 1989* (reprint No. 10A) referenced in the EIS is superseded by the current *Mineral Resources Act 1989* (reprint No. 11).

This reprint does not affect the content of the EIS Volume 1.

3.3.3 *INTEGRATED PLANNING ACT 1997*

The version of the *Integrated Planning Act 1997* (reprint No. 9C) referenced in the EIS is superseded by the current *Integrated Planning Act 1997* (reprint No. 10).

This reprint does not affect the project approvals content as described in the EIS Volume 1, Chapter 3 Project Approvals.

As at the time of drafting the Supplementary EIS, the *Sustainable Planning Bill 2009*, which is proposed to replace the *Integrated Planning Act 1997*, has been introduced into State Parliament. The Bill still needs to be debated and approved by Parliament and subsequently proclaimed before it becomes law. As such, the Supplementary EIS has not been assessed in relation to the *Sustainable Planning Bill 2009*.

IDAS development applications

The WJV will submit, where required, development applications to the Western Downs Regional Council for any development outside the mining lease area. These applications will be made under and assessed in accordance with the relevant planning legislation (at this time, the *Integrated Planning Act 1997*) at the time of application. Appendix 3-1-V1.4 of the EIS contains a broad list of the likely approvals required for the Project, including details on the approval's applicability, administering authority and other pertinent details.

3.3.5 ENVIRONMENTAL PROTECTION ACT 1994

The version of the *Environmental Protection Act 1994* (reprint No. 8B) referenced in the EIS is superseded by the current *Environmental Protection Act 1994* (reprint No. 9) (EP Act).

The EP Act gives effect to the:

- Environmental Protection Regulations (EP Reg), discussed under section 3.3.6 below
- Environmental Protection Policies (EPPs), as discussed under section 3.3.7 below.

The EIS identifies that a Level 1 Environmental Authority (mining activities) is applicable to the Project. This is not amended by changes to the EP Act.

An Environmental Management Plan (mining) (EM Plan) is still required in support of the Project under s201 of the EP Act, with a draft EM Plan (mining) provided in this Supplementary EIS Volume 1, Chapter 27A EM Plan (mining).

The EP Act continues to place 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 WJV takes all reasonable and practicable measures to prevent or minimise the harm.

Following submissions on the EIS, to provide clarification, the WJV is required to prepare a draft EM Plan (mining), with this terminology replacing the previously used terminology of an Environmental Management Overview Strategy (EMOS) for non-standard mining projects. The draft EM Plan, as included in Chapter 27A and within the statutory framework for EM plans, considers such documents as the *Central Queensland Strategy for Sustainability– 2004 and Beyond* (Fitzroy Basin Association 2005), including section 3.4.9 of the strategy incorporating Resource Condition Target R6 '*Reduce off-site and on-site impacts of mining operations within 10 years*'; Management Action Target M14 '*Full implementation of EMOS and Environmental Authority conditions for whole of mine life (ongoing) including cultural heritage management, biodiversity, landform stability and cover retention now and ongoing*'; and On-Ground Action A165 '*Full implementation of EMOS conditions for whole of mine life (ongoing) including cultural heritage management, biodiversity, landform stability and cover retention now and ongoing*'.

3.3.6 ENVIRONMENTAL PROTECTION REGULATION 2008

The *Environmental Protection Regulation 2008* (EP Regulation), which commenced on the 1 January 2009, supersedes the *Environmental Protection Regulation 1998*.

Key changes to the EP Reg include:

- an updated list of ERAs contained within Schedule 2 of the EP Regulation, with further discussion provided below on the changes to the ERAs applicable to the Project
- a new fee structure for ERAs
- amendments to other Schedules
- broader responsibility for local government.

Schedule 2 – Environmentally Relevant Activities (ERAs)

Pursuant to the EP Act, activities that will, or will have the potential to, release contaminants into the environment and which may cause environmental harm, are defined as Environmentally Relevant Activities (ERAs). The Environmental Authority will cover the ERAs within the MLA areas.

The following indicates the ERAs deemed relevant to the Project, and supersedes the ERAs listed in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.6. The changes to the ERAs given below follows review of the amended legislation revisions (EP Regulation 2008), refinement of the Project scope and consideration of the submissions for the EIS.

The WJV (or other relevant proponent) will submit, where required, subsequent applications for ERAs which fall outside of the MLA areas and Environmental Authority. Schedule 2 of the EP Regulation describes all ERAs, with the following relevant to the Project within the MLA areas:

- ERA 6 Asphalt manufacturing
- ERA 8 Chemical Storage
- ERA 14 Electricity generation
- ERA 15 Fuel burning
- ERA 17 Abrasive blasting
- ERA 18 Boiler making or engineering
- ERA 31 Mineral processing
- ERA 38 Surface coating
- ERA 43 Concrete batching.

As discussed in Chapter 11 Water Supply and Management, section 11.4.4, in the event that coal seam methane (CSM) by-product is used as the raw water supply for the mine, some reverse osmosis will be undertaken to supply fire fighting and vehicle wash water. The anticipated rate of reverse osmosis treated water is 0.45 ML/day, which is less than the 0.5 ML/day threshold criteria for ERA 64(1)(a). Release of the waste streams from the reverse osmosis process would be to the tailings storage on the MLA areas.

ERAs relevant to the Project that are outside the MLA areas are:

- ERA 60 Waste disposal
- ERA 62 Waste transfer station operation
- ERA 63 Sewage treatment.

As described in Chapter 11 Water Supply and Management, section 11.4.1, potable water treatment at the Wandoan water treatment plant will be upgraded. Incorporating the upgraded works, the potable water treatment activities at the Wandoan water treatment plant are anticipated to be approximately 3.5 kL/day, which is less than the threshold criteria for ERA 64(3) of treating 10 ML or more raw water in a day.

Schedule 6 – Level 1 Mining projects

The EP Regulation Schedule 6 defines level 1 mining projects, with the mining of coal as described in this Project being a level 1 mining project, subsection 5 mining black coal.

3.3.7 ENVIRONMENTAL PROTECTION POLICIES

Environmental Protection (Air) Policy 1997

The version of the *Environmental Protection (Air) Policy 1997* (reprint No. 3) referred to in the EIS is superseded by the *Environmental Protection (Air) Policy 2008* (reprint No. 1).

The object of the *Environmental Protection (Air) Policy 2008* (EPP 2008 Air) 'is to achieve the object of the Act in relation to the air environment.' (section 5, EPP(Air) 2008).

Chapter 13 Air Quality discusses the applicability of EPP(Air) 2008 to the Project.

Environmental Protection (Noise) Policy 1997

The version of the Environmental Protection (Noise) Policy 1997 (reprint No. 3A) referred to in the EIS is superseded by the Environmental Protection (Noise) Policy 2008 (reprint No. 1).

The object of the *Environmental Protection (Noise) Policy 2008* (EPP 2008 Noise) 'is to achieve the object of the EP Act in relation to Queensland's acoustic environment.' (section 5, EPP 2008 Noise).

Chapter 15 Noise discusses the applicability of EPP(Noise) 2008 to the Project.

Environmental Protection (Water) Policy 1997

The version of the *Environmental Protection (Water) Policy 1997* (reprint No. 3B) referred to in the EIS is superseded by the current *Environmental Protection (Water) Policy 1997* (reprint No. 3C).

The object of the *Environmental Protection (Water) Policy 1997* (EPP 1997 Water) 'is to achieve the object of the Act in relation to Queensland waters' (section 5, EPP 2008 Water).

This reprint does not affect the project approvals content described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.7.

Environmental Protection (Waste Management) Policy 2000

The version of the *Environmental Protection (Waste Management) Policy 2000* (reprint No. 3) referred to in the EIS has been superseded by the *Environmental Protection (Waste Management) Policy 2000* (reprint No 3A).

The object of the *Environmental Protection (Waste Management) Policy 2008* (EPP 2008 Waste Management) 'is to achieve the object of the Act in relation to waste management.' (section 5, EPP 2008 Waste Management).

This reprint does not affect the project approvals content described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.7.

Environmental Protection (Waste Management) Regulation 2000

The version of the *Environmental Protection (Waste Management) Regulation 2000* (reprint No. 3C) referred to in the EIS has been superseded by the *Environmental Protection (Waste Management) Regulation 2000* (reprint No. 4).

The object of the *Environmental Protection (Waste Management) Regulation 2000* is to protect the environment by 'minimising the impact of waste on the environment including, in particular, the impact of waste so far as it directly affects human health; and establishing an integrated framework for minimising and managing waste under the principles of ecologically sustainable development' (section 4, EP Waste Management Regulation 2000).

This reprint does not affect the project approvals content described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.7.

3.3.9 QUEENSLAND HERITAGE ACT 1992

The version of the *Queensland Heritage Act 1992* (reprint No. 4A) referenced in the EIS is superseded by the current *Queensland Heritage Act 1992* (reprint No. 4B).

This reprint does not affect the project approvals content described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.9.

Recent State Government departmental arrangements occurred on 26 March 2009. The Department of Environment and Resource Management (formerly the EPA) is now responsible for the administration of the Queensland Heritage Register. The Department of Environment and Resource Management will require notification if an artefact is uncovered under section 89 of the QH Act.

3.3.10 TRANSPORT INFRASTRUCTURE ACT 1994

The version of the *Transport Infrastructure Act 1994* (reprint No. 11D) referenced in the EIS is superseded by the current *Transport Infrastructure Act 1994* (reprint No. 12).

The content of this reprint has been reviewed and this reprint does not affect the project approvals as described in EIS Volume 1, Chapter 3 Project Approvals, section 3.3.10.

3.3.11 *NATURE CONSERVATION ACT 1992*

The version of the *Nature Conservation Act 1992* (reprint No. 5C) referenced in the EIS is superseded by the current *Nature Conservation Act 1992* (reprint No. 5E).

The content of this reprint has been reviewed and this reprint does not affect the project approvals as described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.11.

3.3.12 *VEGETATION MANAGEMENT ACT 1999*

The version of the *Vegetation Management Act 1999* (reprint No. 2F) referenced in the EIS is superseded by the current *Vegetation Management Act 1999* (reprint No. 3).

The content of this reprint has been reviewed and this reprint does not affect the project approvals as described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.12.

3.3.13 *WATER ACT 2000 AND WATER SUPPLY (SAFETY AND RELIABILITY) ACT 2008*

The version of the *Water Act 2000* (reprint No. 6A) referenced in the EIS is superseded by the current *Water Act 2000* (reprint No. 6E).

The content of this reprint has been reviewed and this reprint does not affect the project approvals as described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.13.

As stated in the EIS, Volume 1, Chapter 3 Project Approvals, section 3.3.13, proposed stream diversion works will require approval under sections 206 and 266 of the *Water Act 2000*. The EIS has involved the preparation of conceptual designs for the stream diversion works to demonstrate that it will be possible to divert the nominated streams in compliance with the Guidelines without significant impacts on flooding. In this case the DERM (formerly NRW) Central West Regional Office guideline document titled '*Watercourse Diversions – Central Queensland Mining Industry*' is considered applicable to the geomorphic criteria in the Upper Dawson. During the water licensing process, consideration will be given to establishing Project-specific design criteria based on local geomorphic processes.

The authorisation of levee banks on mining tenements falls under the jurisdiction of the Department of Environment and Resource Management (DERM, formerly the Environmental Protection Agency). However, where levee banks form plugs for the existing watercourses, some levees may be incorporated into the licensing of the watercourse diversions, and would be assessed under the *Water Act 2000* and the *Integrated Planning Act 1997*, in association with DERM.

The *Water Supply (Safety and Reliability) Act 2008* regulates referable dams, which stipulates a referable dam as a dam which is more than 8 m high and has:

- a storage capacity of more than 500 ML
- a storage capacity of more than 250 ML and a catchment area more than three times the maximum surface area of the dam at full supply level.

Any dams or levees on the MLA areas that meet the criteria of referable dams will be subject to the Act, and the WJV will undertake the necessary measures to comply with the Act.

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

The version of the *Land Protection (Pest and Stock Route Management) Act 2002* (reprint No. 3) referenced in the EIS is superseded by the current *Land Protection (Pest and Stock Route Management) Act 2002* (reprint No. 3A).

The content of this reprint has been reviewed and this reprint does not affect the project approvals as described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.14.

Stock route management

Volume 1, Chapter 3 Project Approvals, section 3.3.14 provided various levels of activity for stock routes affected by the Project, and Figure 8-5-V1.3 of the EIS shows the location of stock routes in the vicinity of the Project. The classification of the levels of activity of the stock routes listed in the EIS is from the *Taroom Shire Council Stock Route Management Plan July 2005 – June 2009*. The Stock Route Management Plan classifies the activity of stock routes based on the level of use of the route by travelling stock derived from statistics obtained from the issue of Stock Route Permits between 1988 and 1997 (Taroom Shire Council 2005, p8).

Stock routes are divided into four classifications for operational and management purposes. The classification is determined by permit data obtained from local governments and is classified by average usage over a five year period, as shown in Table 3-1, below.

Table 3-1: Thresholds for stock route classifications*

Classification	Cattle equivalent for a five year period
Primary	>9000
Secondary	3000–9000
Minor	<3000
Inactive	local and unrecorded movements

* Taroom Shire Council 2005, Table 2, p8

Map 1 of the *Stock Route Management Plan (2005-2009)* highlights the specific routes and their classification as at December 2005 (p59), summarised as:

- M423, adjacent to the Leichhardt Highway as a minor stock route
- U708, along the Jackson-Wandoan Road as an inactive stock route
- U734, along the Bundi Road as an inactive stock route.

Given the recent years of drought, the issuing of stock route permits may have increased since the last statistically examined period of 1988 to 1997. While the activity classification of a stock route can change over time, the WJV recognises stock routes are an important part of stock management for land owners and land managers in the Western Downs Regional Council and Banana Shire Council areas, and has committed to re-establish all impacted stock routes. Relocated stock routes will be at least the same width as the stock routes being replaced, being 'like for like', and will be safe for travelling stock and drovers and the travelling public

Chapter 8, section 8.6.6 provides further information on stock routes associated with the Project.

3.3.15 LAND ACT 1994

The version of the *Land Act 1994* (reprint No. 10B) referenced in the EIS is superseded by the current *Land Act 1994* (reprint No. 10D).

The content of this reprint has been reviewed and this reprint does not affect the project approvals as described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.15.

3.3.16 EXPLOSIVES ACT 1999

The version of the *Explosives Act 1999* (reprint No. 3) referenced in the EIS is superseded by the current *Explosives Act 1999* (reprint No. 3A).

The content of this reprint has been reviewed and this reprint does not affect the project approvals as described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.16.

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

The version of the *Petroleum and Gas (Production and Safety) Act 2004* (reprint No. 3E) referenced in the EIS is superseded by the current *Petroleum and Gas (Production and Safety) Act 2004* (reprint No. 4C).

The content of this reprint has been reviewed and this reprint does not affect the project approvals as described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.17.

3.3.18 *DANGEROUS GOODS SAFETY MANAGEMENT ACT (2001)*

The version of the *Dangerous Goods Safety Management Act 2001* (reprint No. 2) referenced in the EIS is superseded by the current *Dangerous Goods Safety Management Act 2001* (reprint No. 2B).

The content of this reprint has been reviewed and this reprint does not affect the project approvals content of the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.18.

Section 3 of the DGSMA indicates that the Act does not apply to a coal mine and in some instances, associated contiguous land areas (per section 9 of the *Coal Mining Safety and Health Act 1999*). This is taken to include the proposed coal mine.

However, the Department of Emergency Services (DES) must be notified if a site off the MLA areas is a possible Major Hazard Facility. The consultation with and notification to DES of a Major Hazard Facility under the *Dangerous Goods Safety Management Regulations 2001*, will occur when final hazardous materials and quantities are known in relation to any off-MLA area activities.

3.3.19 *FISHERIES ACT 1994*

The version of the *Fisheries Act 1994* (reprint No. 6A) referenced in the EIS is superseded by the current *Fisheries Act 1994* (reprint No. 6B).

The content of this reprint has been reviewed and this reprint does not affect the project approvals content of the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.19.

Regarding the *Fisheries Act 1994*, the EIS incorrectly made reference to part 5, subdivision 3A of the Fisheries Act. This section should be referred to as part 5, division 3A of the Fisheries Act.

Where translocation of fish is required as part of the waterway barrier works, the WJV will obtain the approval required under chapter 5 of the subordinate *Fisheries Regulation 2008*.

3.3.20 *FORESTRY ACT 1959*

The version of the *Forestry Act 1959* (reprint No. 7B) referenced in the EIS is superseded by the current *Forestry Act 1959* (reprint No. 7C).

The content of this reprint has been reviewed and this reprint does not affect the project approvals content described in the EIS Volume 1, Chapter 3 Project Approvals, section 3.3.20.

3.3.21 *STATE PLANNING POLICIES*

There have been no revisions of the below identified State Planning Policies, as such there is no affect on the content of the EIS.

Following various EIS submissions, the following SPPs are addressed below.

3.3.22 *DEVELOPMENT AND THE CONSERVATION OF AGRICULTURAL LAND – 1/92*

The State Planning Policy Development and Conservation of Agricultural Land 1/92 (SPP 1/92) is based on the principle that land suitable for agricultural purposes is limited in Queensland, and that suitable 'good quality' land should be protected for agricultural uses.

The *Planning Scheme for Taroom Shire 2006* Good Quality Agricultural Land mapping (Sheet 1 of 6) indicates that the MLA areas, gas supply pipeline and surrounds would be located primarily within land designated as Class A GOAL and partially within Class B and Class C GOAL.

The impact of the Project on Good Quality Agricultural Land (GOAL) is discussed in Chapter 9 Geology, Mineral Resources, Overburden and Soils, section 9.5.6 of this Supplementary EIS, which shows that with the exception of final voids and ramps, the MLA areas will remain GOAL following rehabilitation.

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

3.4 LOCAL LEGISLATION

3.5 LIKELY PROJECT APPROVALS SUMMARY

Appendix 3-1-SV1.4 of the Supplementary EIS contains a broad list of the amended approvals required for the Project, including details on the approval's applicability, administering authority and other pertinent details.

3.6 REFERENCES

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

Commonwealth Government (2004) Airports Act 1996, (Act No. 134 of 2003).

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

Commonwealth Government (2007) Civil Aviation Act 1988, (Act No. 131 of 2007).

Commonwealth Government (2008) Native Title Act 1993, (Act No. 110).

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 (2003) State Planning Policy 1/03 (Mitigating the Adverse Impacts of Flood, Bushfire and Landslide).

Queensland Government (2009) Dangerous Goods Safety Management Act 2001, (Reprint No. 2B).

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

Queensland Government (2009) Environmental Protection Act 1994, (reprint No. 9).

Queensland Government (2008) Environmental Protection Regulation 2008.

Queensland Government (2008) Environmental Protection (Air) Policy 2008, (Reprint No. 1).

Queensland Government (2009) Environmental Protection Policy (Waste Management) 2000, (Reprint No. 3A).

Queensland Government (2009) Environmental Protection (Noise) Policy 2008 (reprint No. 1).

Queensland Government (2009) Environmental Protection Policy (Water) 1997, (Reprint No. 3C)).

Queensland Government (2009) Environmental Protection (Waste Management) Regulation 2000, (reprint No. 4).

Queensland Government (2008) Explosives Act 1999, (Reprint No. 3A).

Queensland Government (2009) Forestry Act 1959, (Reprint No. 7C).

Queensland Government (2009) Nature Conservation Act 1992, (Reprint No. 5E).

Queensland Government (2009) State Development and Public Works Organisation Act 1971, (reprint No. 6).

Queensland Government (2008) Building Act 1975, (Reprint No. 6C).

Queensland Government (2008) Fisheries Act 1994, (Reprint No. 6B).

Queensland Government (2008) Fisheries Regulation 2008, (Reprint No. 1H).

Queensland Government (2009) Integrated Planning Act 1997, (reprint No. 10).

Queensland Government (2009) Land Act 1994, (Reprint No. 10D).

Queensland Government (2009) Land Protection (Pest and Stock Route Management) Act 2002, (Reprint No. 3A).

Queensland Government (2009) Mineral Resources Act 1989, (reprint No. 11).

Queensland Government (2009) Petroleum and Gas (Production and Safety Act) 2004, (Reprint No. 4C).

Queensland Government (2009) Queensland Heritage Act 1992, (Reprint No. 4B).

Queensland Government (2009) Transport Infrastructure Act 1994, (Reprint No. 12).

Queensland Government (2008) Vegetation Management Act 1999, (Reprint No. 3).

Queensland Government (2009) Water Act 2000, (Reprint No. 6E).

Taroom Shire Council 2005, Taroom Shire Council Stock Route Network Management Plan 2005 to 2009.

Taroom Shire Council (2001) Taroom Shire Local Law No. 21 (Roads).

Taroom Shire Council (2006) Planning Scheme for Taroom Shire, 2006.