

SUBMITTER No.	364	ISSUE REFERENCE:	13001
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DEEDI (Fisheries Qld)	RELEVANT EIS SECTION	Volume 1 – Chapter 2 – 2.2.2 – Table 3

DETAILS OF THE ISSUE

This section does not identify all the relevant approvals that are required to be assessed against the *Fisheries Act 1994*.

Include development permit for the construction or raising of waterway barrier works outside of the mining lease area and for activities not mining related. Note: the approvals are required under the *Sustainable Planning Act 2009*, and applications are assessed against the *Fisheries Act 1994* and relevant codes and policies.

PROPONENT RESPONSE

The Development Permits required for waterway barrier works have been identified in the *Approvals Pathway* (see *Appendices – Volume 2* of this SEIS), which identifies the approvals that will be obtained prior to the commencement of any works onsite or as required under the relevant legislation.

Waterway Barrier Works approvals will be required where construction of waterway barriers is required outside of the mining lease area and for non-mining related activities.

SUBMITTER No.	364	ISSUE REFERENCE:	13002 / 17144
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DEEDI (Resource Planning, Geological Survey of Qld)	RELEVANT EIS SECTION	Volume 1, Project Overview (Chapter 2 – Project Approvals) Section 2.2.2 – State Legislation & Planning Policies

DETAILS OF THE ISSUE

This section lists the relevant legislation affecting the Project. The proposed rail alignment traverses a constructed pipeline, the North Queensland Gas Pipeline (PPL 89).

Provisions of the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act) deal with activities affecting pipelines. This Act has not been identified in the draft EIS as part of the list of relevant legislation.

Reference should be made to the P&G Act, particularly Sections 807 and 808, which provide, respectively, that a person must not construct or place a structure on pipeline land without the prior consent of all the pipelines licence holders, and that a person must not change the surface of pipeline land without the prior consent of all the pipelines licence holders.

PROPONENT RESPONSE

In accordance with the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act), Waratah Coal will obtain the necessary consents prior to undertaking any works over or near the subject pipeline.

Future studies regarding the portion of the rail alignment that traverses the North Queensland Gas Pipeline (PPL89) will take into account the provisions of the P&G Act. See Figure 1 (Sheets 1 to 5) on the following pages.

This page is intentionally left blank.

Figure 1. Rail Infrastructure Crossings (Sheet 1 of 5)

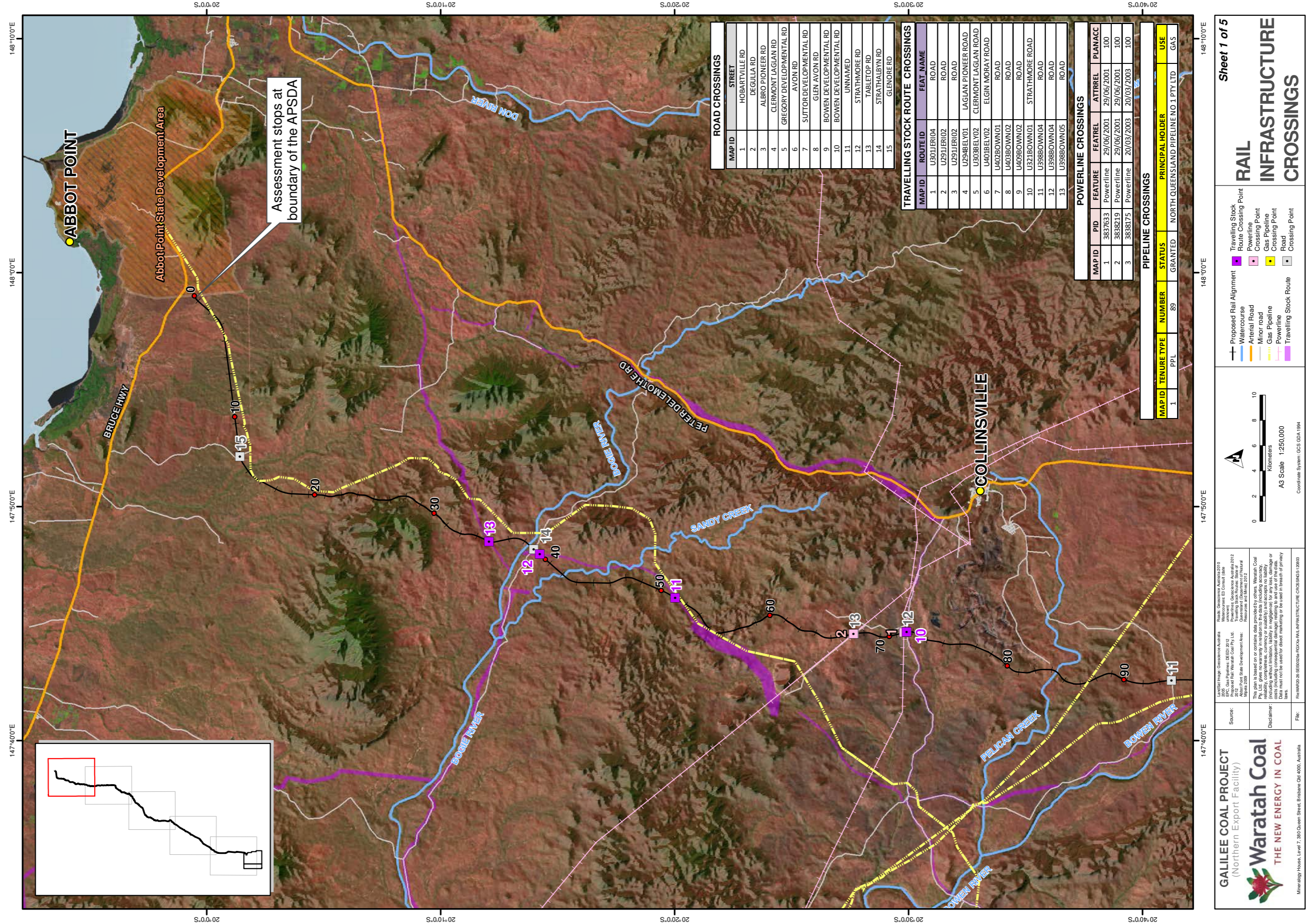


Figure 1. Rail Infrastructure Crossings (Sheet 2 of 5)

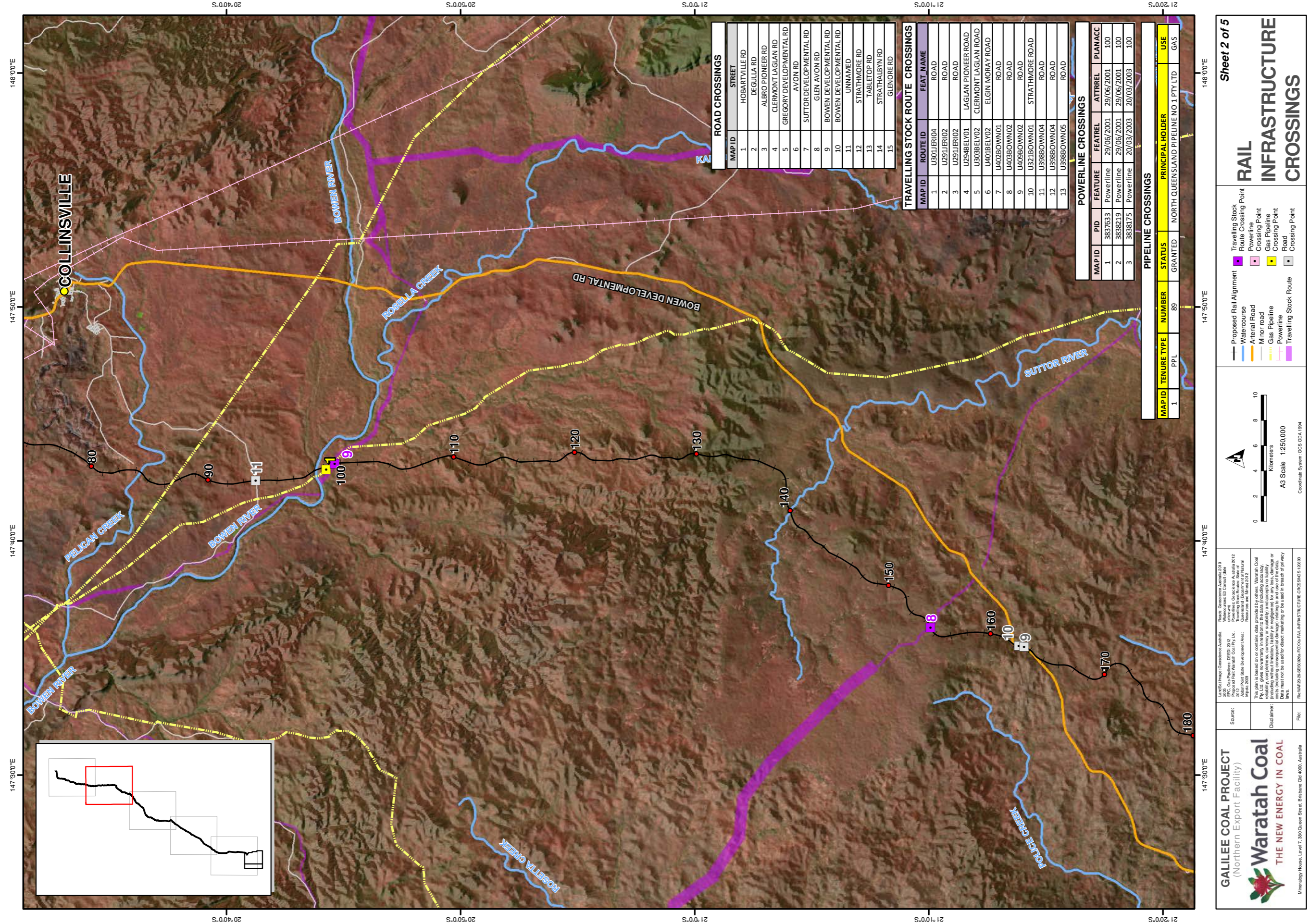


Figure 1. Rail Infrastructure Crossings (Sheet 3 of 5)

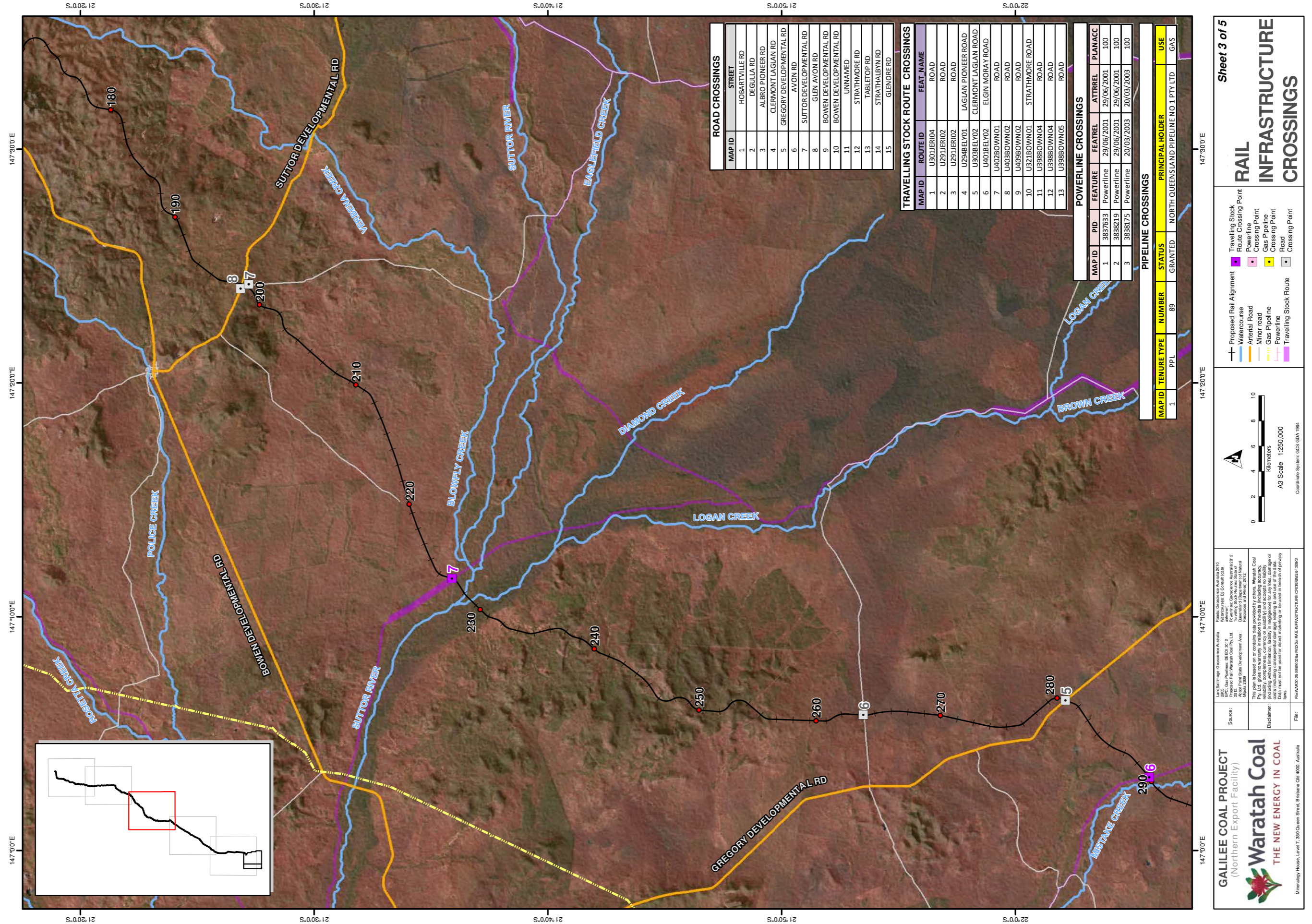


Figure 1. Rail Infrastructure Crossings (Sheet 4 of 5)

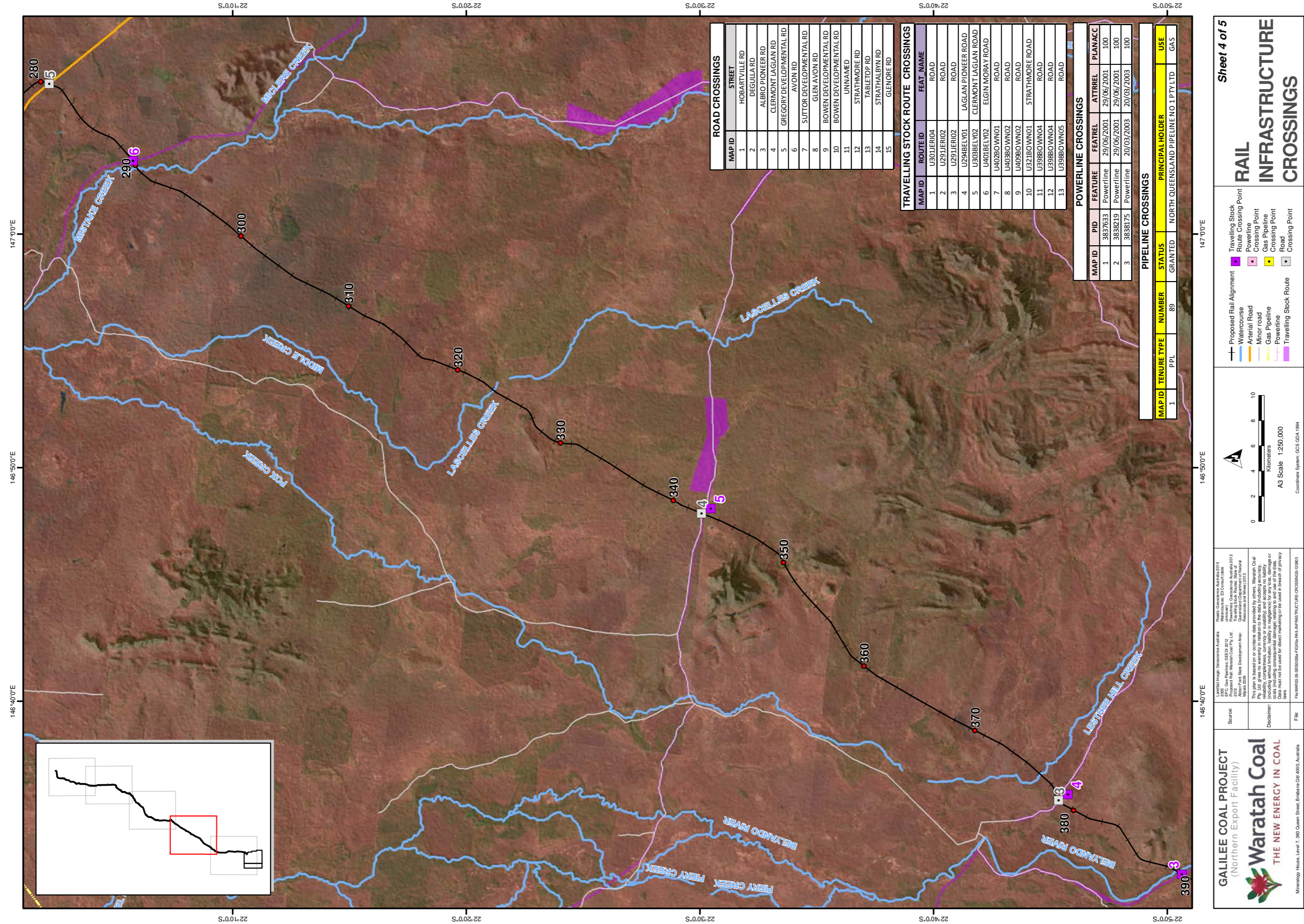
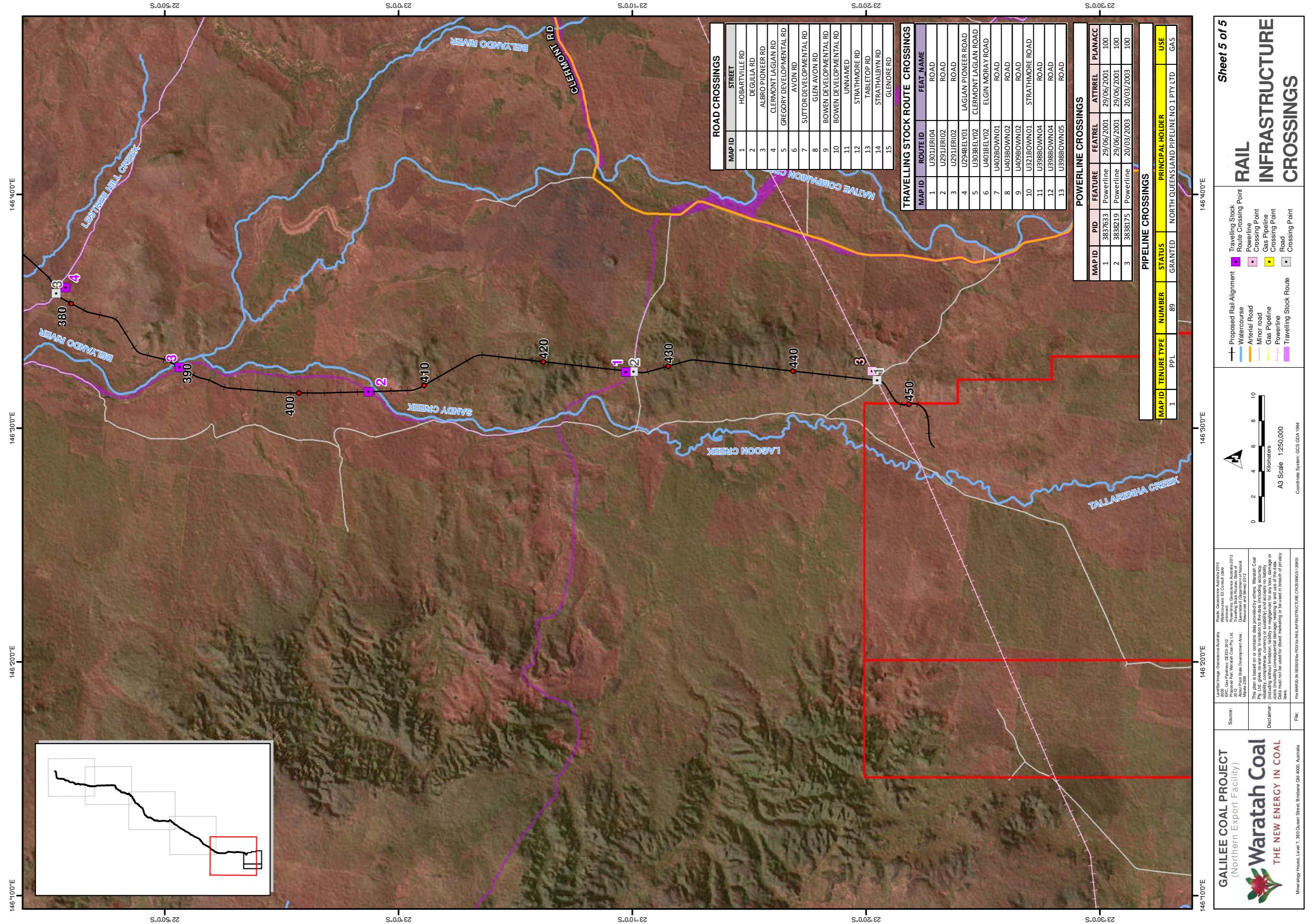


Figure 1. Rail Infrastructure Crossings (Sheet 5 of 5)



SUBMITTER No.	364	ISSUE REFERENCE:	13003 / 17145
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DEEDI (Resource Planning, Geological Survey of Qld)	RELEVANT EIS SECTION	Volume 3, Rail (Chapter 4 –Land & Tenure Use) 4.2.3.5 – Infrastructure, Services and Homesteads

DETAILS OF THE ISSUE

The North Queensland Gas Pipeline (PPL89) is listed as infrastructure that will be intersected by the proposed rail alignment.

The details of the gas pipeline should be included in the preceding Section 4.2.3.4 – Exploration Permits – (Petroleum) and Leases.

Submitter suggests that details of PPL89 should be included in Table 4, Section 4.2.3.4.

PROPONENT RESPONSE

In accordance with *Petroleum and Gas (Production and Safety) Act 2004*, Waratah Coal will ensure details of PPL89 will be included in the relevant table and section in the future. See also the preceding response Issue Reference 13002.

This page is intentionally left blank.

SUBMITTER No.	364	ISSUE REFERENCE:	13004
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DEEDI (APSDA Branch)	RELEVANT EIS SECTION	Executive Summary, 1.3.3 – Changes in Rail Alignment at the Port, p13; and Executive Summary, 1.6.3 – Port, p21; Volume 1 – Project Overview, Chapter 1 – Introduction, Section 1.11.3 EIS Process, p15

DETAILS OF THE ISSUE

“Any rail infrastructure proposed will be required to demonstrate consistency with the Development Scheme for the APSDA, with regards to its objectives and purpose of the land use precincts”. This statement needs to be expanded to identify the assessment process in the APSDA.

Submitter suggests an amendment by replacing with the following text:

“All development within the Abbot Point State Development Area (APSDA) that constitutes a material change of use will require approval by the Coordinator-General under Section 84 of the *State Development and Public Works Organisation Act 1971*. The Development Scheme for the APSDA is a regulatory document for material change of use applications in the APSDA”.

PROPONENT RESPONSE

Given the recent Queensland Government directive to defer the approval process for the expansion of Abbot Point until the end of 2012, and the associated uncertainty over the T4-T9 and MCF proposals, the limit of the assessment for the project is now defined as the boundary of the APSDA.

However, all future development within the APSDA that constitutes a material change of use will be submitted to the Coordinator-General to gain the relevant approvals. This will be done in accordance with the SDPWO Act 1971, but will not be part of the scope of this SEIS.

SUBMITTER No.	418	ISSUE REFERENCE:	13005
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	Dept. of Local Government and Planning (DLGP)	RELEVANT EIS SECTION	Volume 2 – Mine

DETAILS OF THE ISSUE

Assessment of the Mine proposal against the desired regional outcomes of the statutory draft Mackay, Isaac and Whitsunday Regional Plan and the Central West Regional Plan. The EIS does not include a comprehensive assessment of the project against the draft Mackay, Isaac and Whitsunday Regional Plan and the Central West Regional Plan. These statutory regional plans are not intended to restrict or stop this form of development, but rather provide the direction and policies to ensure that where communities face growth pressures from the resource sector, they are able to both deal with the impacts and capture the benefits.

Suggested solution is to provide a comprehensive assessment of the Mine proposal against the desired regional outcomes of the draft Mackay, Isaac and Whitsunday Regional Plan and the Central West Regional Plan.

PROPONENT RESPONSE

The Proponent has completed a comprehensive assessment of the Project against the desired regional outcomes of the draft Mackay, Isaac and Whitsunday Regional Plan and the Central West Regional Plan – please refer to the *Regional Plan Assessment* in the *Appendices – Volume 2* of this SEIS.

SUBMITTER No.	418	ISSUE REFERENCE:	13006
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	Dept. of Local Government and Planning (DLGP)	RELEVANT EIS SECTION	Volume 3 – Rail 4.1.1.4 Regional Plans and 4.2.1

DETAILS OF THE ISSUE

Assessment of the Rail proposal against the desired regional outcomes of the statutory draft Mackay, Isaac and Whitsunday Regional Plan and the Central West Regional Plan. The EIS does not include a comprehensive assessment of the project against the draft Mackay, Isaac and Whitsunday Regional Plan and the Central West Regional Plan. These statutory regional plans are not intended to restrict or stop this form of development, but rather provide the direction and policies to ensure that where communities do face growth pressures from the resource sector, they are able to both deal with the impacts and capture the benefits.

Suggested solution is to provide a comprehensive assessment of the Rail proposal against the desired regional outcomes of the draft Mackay, Isaac and Whitsunday Regional Plan and the Central West Regional Plan.

PROPONENT RESPONSE

The Proponent has completed a comprehensive assessment of the Project against the desired regional outcomes of the draft Mackay, Isaac and Whitsunday Regional Plan and the Central West Regional Plan – please refer to the *Regional Plan Assessment* in the *Appendices – Volume 2* of this SEIS.

SUBMITTER No.	419	ISSUE REFERENCE:	13007
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Table 3 – Key Approvals (p25)

DETAILS OF THE ISSUE

The table references Development Permit (Water Licence) for the take or interference with water. The statement is incorrect.

The relevant particulars are:

LEGISLATION	RELEVANT AUTHORITY	ACTION / APPROVAL	TIMING
<i>Water Act 2000</i>	DERM	Water License to take or interfere	No set statutory timeframes
<i>Sustainable Planning Act 2009</i>	Assessment Manager	Operational Works that take or interfere with the flow of water	In accordance with Statutory timeframes under SPA

PROPONENT RESPONSE

In accordance with the *Approvals Pathway* (See *Appendices – Volume 2* of this SEIS), the Development Permits to take or interfere with water will be obtained prior to the commencement of works on site or as required under the relevant legislation.

As recommended by DERM, the relevant particulars are included in the *Approvals Pathway* contained in the *Appendices – Volume 2* of this SEIS.

SUBMITTER No.	419	ISSUE REFERENCE:	13008 / 13014
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Volume 1 Project Overview – Chapter 2, Project Approvals, section 2.2.2.16 <i>Water Act 2000</i> (p29)

DETAILS OF THE ISSUE

Discussion of authorised take. This section of the EIS states that ‘Under section 808 of the *Water Act 2000*, a person must not take, supply, or interfere with water unless authorised under the Act.’

While this is correct, there is no discussion of the requirement to apply to DERM for a licence to take groundwater for the purpose of dewatering the mine.

Chapter 2, Project Approvals, Section 2.2.2.16 *Water Act 2000* should be re-worded as follows:

‘Where groundwater is to be taken from sumps within the boundaries of the Highlands subartesian area, it will first be necessary to obtain a licence to dewater from DERM.’

PROPONENT RESPONSE

Waratah Coal will obtain the necessary licenses from DERM in accordance with the *Water Act 2000*. Please refer to the *Approvals Pathway* in the *Appendices – Volume 2* of this SEIS, which details the licenses that are required to be obtained, including details of the license to dewater that will be required when groundwater is to be taken from sumps within the boundaries of the highlands subartesian area.

SUBMITTER No.	419	ISSUE REFERENCE:	13009
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Chapter 2, Table 3. Summary of Likely Queensland Government Approvals required for the Project (p24)

DETAILS OF THE ISSUE

This table references Development Permit (Water Licence) for the take or interference with water. This statement is incorrect. For timing on water licence applications, please refer to information attached to the watercourse diversion guideline. The relevant particulars are:

APPROVAL/PERMIT	LEGISLATION	RELEVANT AUTHORITY	TIMING
Water License to take or interfere with water	<i>Water Act 2000</i>	DERM	2012
Development Permit for Operational Works for taking or interfering with water	<i>Sustainable Planning Act 2009</i>	DERM	2012

PROPONENT RESPONSE

In accordance with the *Approvals Pathway* (see *Appendices – Volume 2* of this SEIS), the Development Permits to take or interfere with water will be obtained prior to the commencement of works on site or as required under the relevant legislation.

As recommended by DERM, the relevant particulars are included in the *Approvals Pathway* contained in the *Appendices – Volume 2* of this SEIS.

SUBMITTER No.	419	ISSUE REFERENCE:	13010
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Chapter 2 – Section 2.2.2.13 <i>Sustainable Planning Act 2009</i> (p28)

DETAILS OF THE ISSUE

This section lists approvals that may be required under the *Sustainable Planning Act 2009* (SPA). The EIS does not include operational works for taking or interfering with water. A development permit will be required for operational works for taking or interfering with water on the mining lease (e.g. a proposed watercourse diversion).

PROPONENT RESPONSE

Waratah Coal will obtain the necessary licenses from DERM in accordance with the *Water Act 2000* and the *Sustainable Planning Act 2009*. Please refer to the *Approvals Pathway* in the *Appendices – Volume 2* of this SEIS, which details the licenses that are required to be obtained.

SUBMITTER No.	419	ISSUE REFERENCE:	13011
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Chapter 2 – Section 2.2.2.16 <i>Water Act 2000</i> (p29)

DETAILS OF THE ISSUE

This section outlines that a riverine protection permit to divert water from watercourses will be sought prior to the commencement of construction activities. A riverine protection permit authorises the excavation, placement of fill or destruction of native vegetation within a watercourse and does not authorise the interference with the flow of water by diversion. The diversion of a watercourse is authorised via a water licence to interfere with the flow of water under the *Water Act 2000* and a development permit for operational works under the *Sustainable Planning Act 2009*.

PROPONENT RESPONSE

In accordance with the *Water Act 2000* and the *Sustainable Planning Act 2009*, the relevant approvals will be obtained prior to works commencing onsite or prior to the commencement of the works onsite or as required under the relevant legislation.

It is noted that the relevant documents for Watercourse Diversions are:

- ACARP Project “Project C8030 (Stage 1) – Maintenance of Geomorphic Processes in Bowen Basin River Diversions”
- ACARP Project “Project C9068 (Stage 2) – Monitoring Geomorphic Process in Bowen Basin River Diversions”
- ACARP Project “Project C9068 (Stage 3) – Design and Rehabilitation Criteria for Bowen Basin River Diversions”
- The DERM Regional Guideline entitled ‘Watercourse Diversions – Central Queensland Mining Industry’ dated 15/03/2011.

These documents were considered in the design of the watercourse diversions and will be further considered during construction and monitoring of the watercourse diversions.

Please refer to the *Approvals Pathway* in the *Appendices – Volume 2* of this SEIS, which details the licenses that are required to be obtained from DERM.

SUBMITTER No.	419	ISSUE REFERENCE:	13012
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Chapter 2 – Section 2.2.2.16 <i>Water Act 2000</i> (p29)

DETAILS OF THE ISSUE

The EIS terms of reference for this section states that it should identify and explain the legislation, controlling approvals and should identify all the approvals, permits and licences that will need to be obtained. This information has not been provided.

The *Water Resource (Burdekin Basin) Plan 2007* (WRP) regulates water resources in the Burdekin Basin. It may have implications for the project as it regulates the take of overland flow water and watercourse water.

PROPONENT RESPONSE

The WRP has been reviewed and a summary of the impacts on the project have been detailed below.

The purpose of the WRP is to:

- Define the availability of water in the plan area
- Provide a framework for sustainably managing water and the taking of water
- Identify priorities and mechanisms for dealing with future water requirements
- Provide a framework for establishing water allocations
- Provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems
- Regulate the taking of overland flow water.

As such, in accordance with the WRP, Waratah Coal will ensure that the Project achieves the objectives of the WRP as detailed below:

- Sustainable outcomes for management of water to an acceptable level in accordance with the WRP
- To introduce performance indicators and objectives and strategies for achieving those objectives for environmental flow, water allocation security
- Where unallocated water is identified that a ‘continue moratorium and interim arrangement’ is made
- Granting interim water allocation/s as required
- Obtain the relevant resource operation licenses and distribution operations licenses for water allocation, infrastructure operations and water supply arrangements
- Obtain water entitlements as required
- Ensure that water allocations / licenses are in place or obtained to take or interfere with un-supplemented water
- Compliance with this Act, the *Sustainable Planning Act 2009* and the *Environmental Protection Act 1994* with respect to the regulation of overland flow water. Where overland flow water is to be taken or interfered with, the relevant authorisations, water licenses under the resource operations plan and development permits will be obtained by the nominated assessing authority.

See the *Approvals Pathway* in the *Appendices – Volume 2* of this SEIS, which details the legislation, controlling approvals and identifies all the approvals, permits and licenses that will need to be obtained.

SUBMITTER No.	419	ISSUE REFERENCE:	19105 / 13013
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Volume 3 Rail, Environmentally Relevant Activities

DETAILS OF THE ISSUE

The EIS does not include sufficient detailed information on Environmentally Relevant Activities (ERAs) that are likely to be carried out along the proposed rail line.

It is likely that the following ERAs will be conducted, but not limited to: Chemical Storage, Extraction and Screening, Bulk Material Handling, Sewage Treatment, Concrete Batching, Motor Vehicle Workshop.

The EIS should provide the full range and number of ERAs (including the location of each ERA) that are subject to the EIS including, a list of applications under the *Sustainable Planning Act 2009* for a material change of use approval for development involving an ERA that will be subject to the CG Report.

If an ERA is being undertaken, sufficient detailed information must be provided about the activity, potential environmental impacts and strategies to mitigate and manage the environmental impacts at each and every construction camp site or other relevant site that is subject to the EIS.

The information must be sufficient to allow DERM to assess the proposed ERA and recommend reasonable and relevant conditions of approval to the Coordinator-General.

PROPONENT RESPONSE

The EM Plan will include a review of all relevant mining activities including a list of anticipated ERAs for the site based on existing information. Completion of the specialist studies, particularly in relation to infrastructure arrangements will confirm the ERAs to be carried out. At this stage it is proposed to outsource a number of project elements that would trigger ERAs if Waratah Coal were to undertake the activity themselves (e.g. concrete batching, extraction and screening etc.). Presently, it is expected that the following ERAs will be relevant to the mine and rail:

- ERA 8 – Chemical Storage
- ERA 14 – Electricity Generation
- ERA 17 – Abrasive Blasting
- ERA 18 – Boiler Making or Engineering
- ERA 21 – Motor Vehicle Workshop Operation
- ERA 31 – Mineral Processing
- ERA 60 – Waste Disposal
- ERA 63 – Sewage Treatment

See also the list of *Potential Environmentally Relevant Activities* and their triggers contained in the *Appendices – Volume 2* of this SEIS.

SUBMITTER No.	419	ISSUE REFERENCE:	13015
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals / Sustainable Development
NAME	DERM	RELEVANT EIS SECTION	

DETAILS OF THE ISSUE

The EIS does not address the standard criteria (see the *Environmental Protection Act 1994* (EP Act)). They are required to be addressed as part of decision making under the EP Act.

The EIS should include a detailed explanation of how the standard criteria have been addressed.

PROPONENT RESPONSE

Schedule 3 of the EP Act lists the Standard Criteria as:

- a) the principles of ecologically sustainable development as set out in the ‘National Strategy for Ecologically Sustainable Development’

- b) an applicable environmental protection policy
- c) any applicable commonwealth, State or local government plans, standards, agreements or requirements
- d) any applicable environmental impact study, assessment or report
- e) the character, resilience and values of the receiving environment
- f) all submissions made by the applicant and submitters, and
- g) the best practice environmental management for activities under any relevant instruments, or proposed instrument, as follows –
 - i. an environmental authority
 - ii. a transitional environmental program
 - iii. an environmental protection order
 - iv. a disposal permit, and
 - v. a development approval.
- h) the financial implications of the requirements under an instrument, or proposed instrument, mentioned in paragraph (g) as they would relate to the type of activity or industry carried out, or proposed to be carried out, under the instrument
- i) the public interest
- j) any applicable site management plan
- k) any relevant integration environmental management system or proposed integrated environmental management system, and
- l) any other matter prescribed under a regulation.

The SEIS and supporting studies have been developed to address the following points and respond to the requirements of the standard criteria:

- Environmental Legislation - each of the above applicable legislative requirements are discussed within the SEIS for the various components, as are the relevant Commonwealth, State and Local Government plans, policies, standards and agreements.
- Receiving environment – supplementary information relating to the baseline, or receiving environment has been documented within the SEIS and associated Appendices and assessed in regards to the impacts the mine and rail will have on the associated environment – refer to the associated environmental studies for impacts for each component.
- Environmental Management Plan – draft Environmental Management Plans have been prepared that address the impacts identified for each of the environmental components as specified in the term of reference.
- Community/Stakeholder concerns – a Consultation Program has been developed as part of the SIMP to further inform the public about the Project, and to obtain feedback on community concerns and interests relevant to the Project. This is in addition to the feedback on the project that has already been considered in the preparation and presentation of the SEIS.

By addressing the above points in the SEIS and associated studies, the project is compatible with the standard criteria.

SUBMITTER No.	419	ISSUE REFERENCE:	13016
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Vol 1, Chapter 2, Section 2.2.2.3 <i>Coastal Protection and Management Act 1995</i> , p25 & 28

DETAILS OF THE ISSUE

Tidal works or works within a coastal management district will require approvals under the *Coastal Protection and Management Act 1995*.

The EIS should identify tidal works approvals required in accordance with the *Coastal Protection and Management Act 1995* related specifically to the subject proposal.

The EIS will need to identify if any works will be located within the Coastal Management District or relevant Erosion Prone Area. Should works be located within this area then the EIS must address how it will meet the requirement of the *Coastal Protection and Management Act 1995* in relation to the policies of the State Coastal Management Plan.

PROPONENT RESPONSE

Port components are no longer part of the project. The project does not trigger approvals to be sought in regards to the Coastal Management District or Erosion Prone Areas as the project extent ends at the boundary of the Abbot Point State Development Area.

SUBMITTER No.	251	ISSUE REFERENCE:	9017 / 13017
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals / Hazard & Risk
NAME	DCS (QFRS – Central Region)	RELEVANT EIS SECTION	EIS – Project Approvals

DETAILS OF THE ISSUE

EIS – Project Approvals

QFRS notes and accepts that any building work considered to be “self-assessable” under the *Building Act 1975* does not require a development application. However a development application for building work carried out of the Mining Lease will be required to be lodged with QFRS referral as stated under Schedule 7 of the Sustainable Planning Regulation.

Being the primary respondent to any incident at these sites, the equipment to be installed must be compatible with QFRS appliances and equipment and meet operational capabilities. As a referral agency, the QFRS requests to be engaged to provide advice on the design of any fire systems to be installed within the site.

PROPONENT RESPONSE

In accordance with the *Approvals Pathway* contained in *Appendices – Volume 2* of this SEIS, the relevant Development Approvals will be obtained for those building works that are located outside of the MLA.

Waratah Coal welcomes the opportunity of consulting with the QFRS during the design of fire systems in temporary and long-term work camps.

SUBMITTER No.	419	ISSUE REFERENCE:	2031
SUBMITTER TYPE	Government	TOR CATEGORY	Project Approvals / Nature Conservation (Aquatic Ecology)
NAME	DERM	RELEVANT EIS SECTION	Volume 1 – Chapter 6 – 6.2.7 & Volume 2 – Chapters 7 & 9

DETAILS OF THE ISSUE

This section sets out undertakings being made in relation to Aquatic Ecology as a part of the Mine project.

The proponents undertake to “investigate requirements for fishway design on the proposed dam” in addition to works to create waterway diversions of the proposed Tallarenha Creek / Lagoon Creek diversion.

Approvals under the SPA are not required for mining associated activities within the mining lease, however DEEDI request that the Coordinator-General consider the recommended conditions to ensure minimisation of impacts to fisheries resources.

PROPONENT RESPONSE

Noted, however this issue is no longer required to be addressed as the proposed dam in question is no longer being considered as part of the project design plan.

SUBMITTER No.	419	ISSUE REFERENCE:	14008
SUBMITTER TYPE	Government	TOR CATEGORY	Nature Conservation / Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Section 6.3.1.4 – Ecological Communities/ Regional Ecosystems (p174)

DETAILS OF THE ISSUE

Clearing native vegetation for a mining activity carried out on a mining lease is exempt under the *Vegetation Management Act 1999* and the *Sustainable Planning Act 2009*.

Clearing remnant vegetation outside of mining leases will be subject to the provisions of the *Vegetation Management Act 1999*. Any clearing of remnant vegetation outside of mining leases that is assessable development under *Sustainable Planning Act 2009* is subject to an assessment against the relevant regional vegetation management code, available from http://www.derm.qld.gov.au/vegetation/regional_codes.html

In order to meet certain requirements of the relevant Code under the *Vegetation Management Act 1999*, the proponent may be required to provide vegetation offsets in accordance with DERM’s Policy for Vegetation Management Offsets, Version 2.4 (2009)¹.

The EIS should identify remnant vegetation outside of the mining lease that is assessable development under the *Vegetation Management Act 1999* and provide details of how any proposed clearing will meet the relevant regional vegetation management code.¹

^{1,2} DERM. 2009. *Policy for Vegetation Management Offsets, Version 2.4 (VEG/2006/2888)*, Queensland Department of Environment and Resource Management. http://www.derm.qld.gov.au/about/policy/documents/3450/veg_2006_2888.pdf

PROPONENT RESPONSE

As part of any operational works application that will result in the removal of assessable vegetation not exempt from the *Vegetation Management Act 1999*, Waratah Coal will prepare a Property Map of Assessable Vegetation (PMAV) or a Property Vegetation Management Plan (PVMP) which will contain a response to the applicable Regional Vegetation Management Codes. The Regional Vegetation Management Code relevant for the mine site area and parts of the rail corridor is the *Western Bioregions Regional Vegetation Management Code*.

For the remaining parts of the rail corridor, the *Brigalow Belt and New England Tablelands Bioregions Regional Vegetation Management Code* is the relevant code which Waratah Coal will need to respond to.

Offsets will be secured to counterbalance the permanent loss (take) of near threatened, rare, vulnerable and endangered plants outside of the mine lease area in accordance with the requirements of the *Queensland Biodiversity Offset Policy Version 1 (2011)*. See also the *Biodiversity Offset Proposal* contained in *Appendices – Volume 2* of this SEIS.

SUBMITTER NO.	419	ISSUE REFERENCE:	14009 / 5008 / 3006
SUBMITTER TYPE	Government	TOR CATEGORY	Nature Conservation / Project Approvals
NAME	DERM	RELEVANT EIS SECTION	Section 6.3.1 – Flora (p172-177) and Section 6.3.2 – Fauna (p178-186)

DETAILS OF THE ISSUE

The EIS does not fully address nature conservation requirements. Requirements apply where the *Nature Conservation Act 1992* provisions are relevant. Survey work must be conducted properly using suitable methods. Methods should be sent to DERM for approval and appropriate permits must be obtained before field work commences. In particular, endangered, vulnerable and near-threatened species must be considered and offset arrangements be finalised before any development work commences. Species that are found to occur which are listed as extinct in the wild, must not be tampered with.

The EIS should provide quantitative information on how the project will address the following requirements.

The proponent must comply with the provisions of the *Nature Conservation Act 1992* particularly in regard to the following:

1. Where there is a requirement for clearing of plants protected under the *Nature Conservation Act 1992*:
 - a. Clearing of protected plants must only occur in accordance with a clearing permit or an exemption under the *Nature Conservation Act 1992*
 - b. Offsets must be provided for the permanent loss (take) of near threatened, rare, vulnerable and endangered plants to achieve an equivalent or better overall outcome at a regional scale in accordance with the Queensland Government Environmental Offsets Policy 2008 and generally in accordance with the Queensland Government Policy for Biodiversity Offsets
2. Where the activities of the proponent may cause disturbance to animal breeding places the prior approval of DERM must be obtained
3. Where there is a need to take fauna, the prior approval of DERM must be obtained.

PROPONENT RESPONSE

Two *Mine Site Flora and Vegetation Reports* (contained in *Appendices – Volume 2* of this SEIS) present additional work within the mine lease area. This work has confirmed the existing knowledge with respect to the location of the near threatened plant species large-podded trefoil, *Desmodium macrocarpum* and has identified a number of additional sites where the large-podded trefoil occurs. Most of the sites occur within the Bimblebox Nature Refuge, with a single specimen located within Monklands station.

Waratah Coal will comply with all relevant provisions of the *Nature Conservation Act 1992*, and in particular, where there is a requirement for clearing of plants protected under the Act. Removal of any protected plants will only occur in accordance with a clearing permit or an exemption under the *Nature Conservation Act 1992*. Likewise and in regard to fauna, the Act identifies the requirements that Waratah Coal is responsible for in regard to any actions involving a need to take fauna and/or disturbance to breeding fauna. Waratah Coal will meet all such obligations are required.

Offsets will be secured to counterbalance the permanent loss (take) of near threatened, rare, vulnerable and endangered plants in accordance with the requirements of the Queensland Biodiversity Offset Policy Version 1.

This page is intentionally left blank.