

CHAPTER

03

INLAND
RAIL 

Legislation and Project Approvals Process

INLAND RAIL—BORDER TO GOWRIE ENVIRONMENTAL IMPACT STATEMENT

ARTC

The Australian Government is delivering
Inland Rail through the Australian
Rail Track Corporation (ARTC), in
partnership with the private sector.

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3. Legislation and Project Approvals Process

3.1 Introduction

Development of infrastructure in Australia has the potential to trigger the need for approvals from the Australian Government, the State government and local government entities. Various approval pathways are available, and the appropriate pathway may depend on the anticipated significance of impacts, the type of development the land will be constructed on, and the proponent.

Sections 6.8, 7.1, 7.2 and 9.5 to 9.10 of the Terms of Reference (ToR) requires the Inland Rail—Border to Gowrie Project (the Project) Environmental Impact Statement (EIS) to describe and list all legislation, policies and plans relevant to the Project, and identify approvals, licences, permits and other authorisations required for the construction and operation of the Project. This chapter summarises the key legislation and statutory instruments, including supporting plans and policies that are relevant to the Project, and the approvals necessary for the construction and operation of the Project. Section 3.7 tabulates the potential post-EIS approvals that may be required for the Project, and identifies the triggers for each approval, the relevant administering authority and relevant exemptions.

3.2 Terms of Reference

This chapter addresses the ToR relating to Project approvals, as summarised in Table 3.1.

TABLE 3.1 TERMS OF REFERENCE COMPLIANCE TABLE

Terms of Reference Requirement		Addressed in chapter
6.8	Assess the extent to which the construction and operation of the project meets all statutory and regulatory requirements of the State and that the intended outcomes are consistent with current state policies and guidelines. If there is conflict, provide comment on the planning merit that supports the project.	Approvals are consolidated in Chapter 3: Project Approvals
7.1	The proponent must identify in the EIS the scope of government approvals sought through the EIS process.	Chapter 3: Project Approvals
7.2	The assessment and supporting information should be sufficient for the Coordinator-General and administering authority to decide whether an approval sought through the EIS process should be granted. Where applicable, sufficient information should be included to enable approval conditions to be developed in relation to later approvals under relevant State and Commonwealth legislation, including but not limited to the <i>Planning Act 2016</i> (PA), the <i>Water Act 2000</i> (Water Act), <i>Nature Conservation Act 1992</i> (NC Act), <i>Vegetation Management Act 1999</i> (VMA), <i>Fisheries Act 1994</i> (Fisheries Act), <i>Land Act 1994</i> , <i>Forestry Act 1959</i> , <i>Stock Route Management Act 2002</i> , <i>Biosecurity Act 2014</i> (Biosecurity Act), <i>Queensland Heritage Act 1992</i> , <i>Transport Infrastructure Act 1994</i> , <i>Mineral Resources Act 1989</i> , EP Act, <i>Regional Planning Interests Act 2014</i> , <i>Environmental Offsets Act 2014</i> (EO Act) and EPBC Act.	Chapter 3: Project Approvals The assessment and supporting information are considered sufficient for the Coordinator-General and administering authority to decide whether approvals sought through the EIS process should be granted.
9.3	Provide an outline of the environmental impact assessment process, including the role of the EIS in the Coordinator-General's decision-making process. The information in this section is required to ensure readers are informed of the process to be followed and are aware of any opportunities for input and participation.	Section 3.3.1.4 and Figure 3.2 Chapter 1: Introduction, Section 1.6
9.4	Inform the reader how and when properly made public submissions on the EIS will be addressed and taken into account in the decision-making process.	Section 3.3.1.4 and Figure 3.1 Chapter 1: Introduction, Section 1.7

Terms of Reference Requirement		Addressed in chapter
9.5	Describe the approvals required to enable the project to be constructed and operated. Explain how the environmental impact assessment process (and the EIS itself) informs the issue of the leases/licences/permits required by the proponent before construction can commence. Provide a flow chart indicating the key approvals and opportunities for public comment.	Chapter 3: Project Approvals Figure 3.2 provides a flowchart indicating key approvals and opportunities for public comment. Chapter 7: Land Use and Tenure, Section 7.6.1 describes land tenure arrangements for construction and operation of the project.
9.6	Inform the reader of how the SDPW0 Act, EP Act and the PA interact, with reference to the project. Describe how the EIS process informs approvals required for the project, and how a properly made submission on the EIS relates to application processes and later approvals under the PA and EP Act respectively.	Sections 3.3.1.1, 3.3.1.2, 3.3.1.3 and Figure 3.1.
9.7	Identify any statutory approvals, permits, licences and authorities (including requirement for owner's consent) that will be required for the project to use the land, including State forest.	Chapter 3: Project Approvals. Section 3.5.33.3 discusses resource entitlements under the <i>Water Act 2000</i> (Qld). Section 3.5.12.3 discusses the requirement for resource allocation authority for waterway barrier works approval. Section 3.5.13.3 discusses the state forest revocation process.
9.8	Describe the assessment process under the Bilateral Agreement between the Australian Government and the State of Queensland under Section 45 of the EPBC Act.	Sections 3.3.2.2 and 3.3.2.3. Chapter 1: Introduction, Section 1.6
9.9	The State Development Assessment Provisions (SDAP) prescribed in the Planning Regulation 2017 set out the matters of interest to the State for development assessment where the chief executive of the PA is the assessment manager or referral agency for development applications. If the proponent intends to satisfy the information requirements of future development assessment decisions under SDAP for any component of the project during this coordinated project EIS process, the material provided in accordance with Sections 10-11 of this TOR should be sufficient to permit those assessments to be completed for that project component.	Sections 3.5.19.1 and 3.5.19.2.
9.10	The EIS will provide, where relevant, the information required under Section 125 of the EP Act in support of the project's environmental authority application for Environmentally Relevant Activities (ERAs). Any ERAs to be conducted as part of the project should be listed separately with appropriate ERA number, activity name and required threshold (see EP Regulation, Schedule 2 for a detailed list of ERAs). The assessment and supporting information should be sufficient for the administering authority to decide whether an approval should be granted. Environmental values and detailed approval requirements are specified in the EP Act, the EP Regulation, environmental protection policies and relevant guidelines.	Figure 3.1, Sections 3.3.1.3, 3.3.1.4, 3.5.10.2 and Table 3.4.
10.9	Describe the planning schemes, regional plans, state policies and government priorities for the preferred alignment, including those that have been publicly notified. This description should include those instruments currently under development and likely to be implemented within planning and construction timeframes.	Sections 3.5.10.2 and 3.6.1. Chapter 7: Land Use and Tenure, Sections 7.3 and 7.8.
10.10	Describe the following information about the proposed project: (j) Any activity that is a prescribed ERA	Section 3.5.10.2 and Table 3.4

3.3 Key Project legislative requirements and approvals

A principal purpose of this EIS is to provide sufficient information to enable the Queensland Coordinator-General and Australian Government Minister for the Environment to evaluate and assess the Project under the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) respectively, and for recommendations to be made regarding approvals required by the Project under other legislation. The approvals that are being sought as part of the EIS process are listed in Table 3.2.

As part of this EIS process, ARTC are not requesting approval from relevant State agencies for any works that would be subject to secondary approvals such as environmentally relevant activities, waterway barrier works, etc. These approvals will be sought separately during detail design.

TABLE 3.2 KEY APPROVALS SOUGHT THROUGH THE ENVIRONMENTAL IMPACT STATEMENT

Legislation	Approval
<i>State Development and Public Works Organisation Act 1971</i> (Qld) (SDPWO Act)	Coordinator-General's EIS evaluation report
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act)	Approval for the undertaking of a controlled action for the purposes of the relevant controlling provision (listed threatened species and communities) under Section 18 and 18A of the EPBC Act

The Project will trigger the requirement to obtain a number of approvals, permits and authorities under Queensland state legislation. In the event that the Project is approved, ARTC will seek to obtain these approvals after completion of the EIS process, once detail design has been sufficiently progressed. Permits and approvals that are expected to be required and will be obtained post-EIS are outlined in section 3.7.

3.3.1 State Development and Public Works Organisation Act 1971

3.3.1.1 Overview

The SDPWO Act is administered by the Coordinator-General. Relevantly, the Coordinator-General may declare a project to be a 'coordinated project' for which an environmental impact statement is required. The SDPWO Act also includes mechanisms for the Coordinator-General to control and manage State Development Areas, control and undertake a program of works over any area subject to State jurisdiction, and compulsorily acquire land.

The SDPWO Act's interaction with the *Planning Act 2016* (Qld) (Planning Act) *Environmental Protection Act 1994* (Qld) (EP Act) is shown in Figure 3.1.

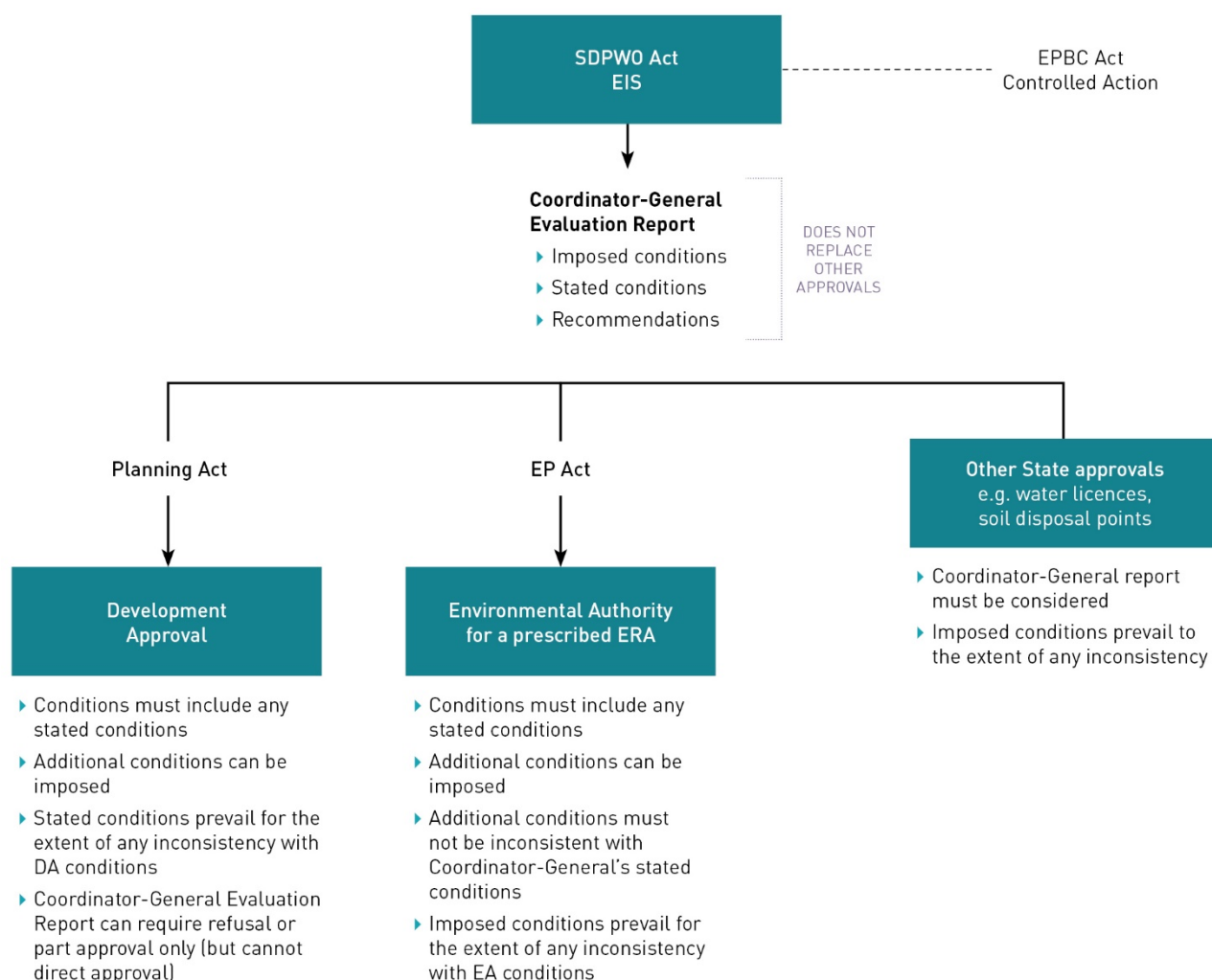


FIGURE 3.1 RELATIONSHIP BETWEEN THE SDPWO ACT AND THE PLANNING ACT AND EP ACT, INCLUDING OTHER STATE APPROVALS

3.3.1.2 Relationship with the Planning Act 2016 (Qld)

Where proposed development has been the subject of an EIS under the SDPWO Act, certain aspects of the development assessment process under the Planning Act are modified.

A development application that includes a material change of use (MCU) of premises or which requires impact assessment:

- Is not required to undergo public notification under the Planning Act
- There are no referral agencies under the Planning Act for the application, as the Coordinator-General's report for the EIS is taken to be a referral agency's response under the Planning Act
- A properly made submission about a draft EIS or any additional information required by the Coordinator-General that was publicly notified, is taken to be a properly made submission about the application under the Planning Act.

Further explanation of the SDPWO Act's interaction with the Planning Act is shown in Figure 3.1.

3.3.1.3 Relationship with the Environmental Protection Act 1994

The EP Act, together with the Planning Act, provides a licensing regime for Environmentally Relevant Activities (ERAs). Details on the requirements for ERAs are provided in section 3.5.10.

If the Project involves a proposed environmental authority (EA), the Coordinator-General's report for the EIS may state conditions for the EA.

3.3.1.4 Relevance to Project

On 16 March 2018, the Project was gazetted as a 'coordinated project for which an EIS is required' by the Coordinator-General under Section 26(1)(a) of the SDPWO Act. A final ToR for the Project EIS was released in November 2018 and is provided in Appendix A: Terms of Reference. This draft EIS has been prepared to address the requirements of the ToR. A compliance check between the requirements of the ToR and the contents of this draft EIS is provided in Appendix B: Terms of Reference Compliance Table.

The draft EIS is intended to provide the Coordinator-General with a framework to:

- ▶ Consider the environmental, social and economic aspects of the Project in the context of legislative and policy provisions and decide whether the Project can proceed
- ▶ Make recommendations regarding approvals required by the Project under other legislation
- ▶ Include, at the Coordinator-General's discretion, imposed or stated conditions for the Project, where appropriate
- ▶ Ensure appropriate environmental management and monitoring programs to avoid, minimise, mitigate or offset adverse impacts.

The SDPWO Act provides the mechanism for public notification of the draft EIS during which submissions can be made to the Coordinator-General to be considered during evaluation of the draft EIS.

The following steps in the coordinated Project process remain to be completed:

- ▶ The draft EIS is made available for public comment. Submissions may be made by any person to the Coordinator-General during the submission period.
- ▶ The Coordinator-General evaluates the draft EIS, all properly made submissions and any other material the Coordinator-General considers relevant to the Project. The Coordinator-General may request further information under Section 34B(2) of the SDPWO Act.
- ▶ A revised draft EIS is prepared in response to properly made submissions and further information requested by the Coordinator-General.
- ▶ The Coordinator-General will evaluate the revised draft EIS and may accept it as the final EIS.
- ▶ If accepted as final, the Coordinator-General prepares a report on the final EIS consistent with the requirements of the SDPWO Act.

These steps are shown as part of the process for environmental impact assessment and consultation under the SDPWO Act in Figure 3.2.

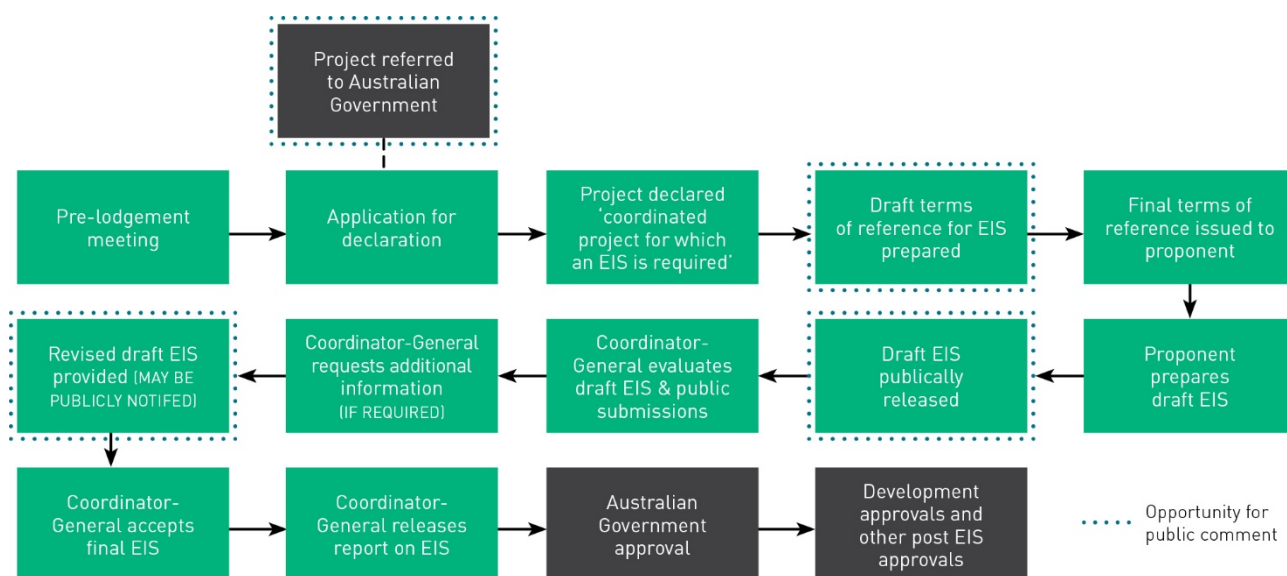


FIGURE 3.2 THE ENVIRONMENTAL IMPACT ASSESSMENT AND CONSULTATION PROCESS UNDER THE STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACT 1971 (QLD)

Under the SDPWO Act, the Coordinator-General's report may include:

- ▶ An evaluation of the environmental effects of the Project and any other related matters
- ▶ Imposed conditions for the undertaking of the Project
- ▶ Stated conditions that must be imposed on subsequent development approvals
- ▶ Recommendations for other approvals required by the Project.

The Coordinator-General's report for the Project applies to the assessment of development applications under the Planning Act and development approvals issued under that Act. The Coordinator-General's report for the EIS may state that:

- ▶ Any development approval given for the development must be subject to stated conditions
- ▶ Any development approval given must be only for a stated part of the development
- ▶ Any development approval given must be a preliminary approval only
- ▶ That the Coordinator-General has no conditions or requirements for the development
- ▶ That a development approval for the development must not be given.

ARTC will obtain all other development approvals, where applicable, from the relevant assessment manager (e.g. local government authorities and Queensland Government departments). Permits and approvals that are expected to be required and will be obtained following the Coordinator-General's report for the EIS, are outlined in Table 3.5.

There are a number of approvals that are likely to be required following the EIS evaluation report. Detailed information relating to these will be provided with the relevant applications at that time, as some of this information will only be available once detail design for particular elements has been completed and the construction methodology of the appointed Principal Contractor is finalised. Relevant approvals for which additional detailed information is likely to be required, include:

- ▶ EAs and MCU for ERAs under the *Environmental Protection Act 1994* (Qld) and Planning Act
- ▶ Operational work (e.g. waterway barrier work, interfering with water, modification of a levee, works within or adjacent to a state-controlled road) under Schedule 10 of the Planning Regulation 2017
- ▶ Permits under the *Nature Conservation Act 1992* (Qld) (NC Act) (e.g. clearing protected plants, wildlife movement, rehabilitation, species management plan)
- ▶ Road corridor permits under the *Transport Infrastructure Act 1994* (Qld) (TI Act) and local laws
- ▶ State forest revocation under the *Forestry Act 1959* (Qld).

3.3.2 Environment Protection and Biodiversity Conservation Act 1999

3.3.2.1 Overview

The EPBC Act provides that an action (i.e. a project, development, undertaking, activity or series of activities) that has, will have, or is likely to have a significant impact on a matter of national environmental significance (MNES), or other matters protected under the EPBC Act, such as the environment of Commonwealth land, requires approval from the Australian Government Minister for the Environment.

If a project is likely to impact on any MNES, a referral under the EPBC Act must be made to the Minister.

Subsequent to the receipt of a referral, the Minister will determine whether or not the proposed action is a 'controlled action'. If the action is considered a 'controlled action', then an environmental assessment must be submitted to the Minister for approval.

3.3.2.2 Relationship with the State Development and Public Works Organisation Act 1971

The State of Queensland and the Commonwealth of Australia have entered into a bilateral agreement for environmental assessment under section 45 of the EPBC Act. The agreement provides for the accreditation of the Queensland environmental assessment processes, including the EIS process under the SDPWO Act, to ensure an integrated and coordinated approach for actions requiring approval from both the Australian Government Minister for the Environment and the State of Queensland. The agreement enables the Commonwealth to rely on the SDPWO Act EIS process in assessing actions under the EPBC Act.

3.3.2.3 Relevance to the Project

On 9 April 2018, the then Australian Government Minister for the Environment determined the Inland Rail—Border to Gowrie Project to be a 'controlled action' requiring assessment and approval under the EPBC Act before it can proceed and determined the controlling provision to be listed threatened species and communities (sections 18 and 18A) (reference number EPBC 2018/8165). Assessment of the Project against the requirements of the EPBC Act will occur in accordance with the bilateral agreement with the State of Queensland. To enable this assessment, the draft EIS must address the controlling provisions for the Project and describe the particular aspects of the environment and the Project that are subject to the controlled action decision for EPBC 2018/8165.

At the conclusion of the SDPWO Act EIS process, the Australian Government Minister for the Environment will receive a copy of the Coordinator-General's Evaluation Report and will take the Coordinator-General's Evaluation Report into account when making a decision under the EPBC Act. The Commonwealth Minister for the Environment will decide on whether to approve the Project with or without conditions.

This draft EIS includes an assessment of the Project's impacts on MNES (refer Appendix L: Matters of National Environmental Significance Technical Report).

3.4 Other Commonwealth legislation

This section describes other Commonwealth legislation that is relevant to the Project.

3.4.1 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

3.4.1.1 Overview

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (ATSIHP Act) enables the Commonwealth Government to intervene and, where necessary, preserve and protect areas and objects of particular significance to Indigenous persons or group of persons from being desecrated or injured. The ATSIHP Act allows the Australian Minister for the Environment, on the application of an Indigenous person or group of persons, to make a declaration to protect an area, object or class of objects from threat of injury or desecration. The ATSIHP Act was intended as a last resort in cases when State or Territory laws do not provide effective provision for the protection of significant Indigenous areas and objects. The Commonwealth would ordinarily only seek to exercise its power after the relevant Indigenous party has exhausted all opportunities to preserve and protect the area or object through the relevant state or territory legislation.

The ATSIHP Act does not apply to all Indigenous heritage, but only to areas and objects that are of particular significance to Indigenous people in accordance with Indigenous tradition, and to Indigenous remains.

3.4.1.2 Relevance to the Project

There are currently no areas or objects within the Project footprint that are protected by the ATSIHP Act.

3.4.1.3 Project compliance

Cultural Heritage Management Plans (CHMPs) for the Project were developed between ARTC and the relevant Aboriginal Parties in 2018 (CLH017009) and approved under the *Aboriginal Cultural Heritage Act 2003* (Qld). Areas and objects of particular significance to an Indigenous person or group of persons will be managed through adherence to the CHMPs.

Chapter 17: Cultural Heritage provides further discussion on Indigenous cultural heritage values within the Project footprint.

3.4.2 National Environment Protection Measures (Implementation) Act 1998

3.4.2.1 Overview

The *National Environment Protection Measures (Implementation) Act 1998* (Cth) (NEPM Act) and complementary state and territory legislation allow the National Environment Protection Council to make National Environment Protection Measures (NEPMs). NEPMs are a special set of national objectives designed to assist in protecting or managing particular aspects of the environment.

3.4.2.2 Relevance to the Project

The NEPMs that are related to the Project are:

- ▶ National Environment Protection (Used Packaging Materials) Measure
- ▶ National Environment Protection (National Pollutant Inventory) Measure
- ▶ National Environment Protection (Ambient Air Quality) Measure
- ▶ National Environment Protection (Assessment of Site Contamination) Measure.

The National Environment Protection (Movement of Controlled Waste between States and Territories) Measure is not considered to be relevant as there is not expected to be any movement of controlled wastes between Queensland and NSW during the construction or operation of the Project.

3.4.2.3 Project compliance

The assessments contained within this draft EIS have, where relevant, been undertaken in line with achieving the NEPM objectives and desired environmental outcomes, which aim to:

- ▶ Reduce environmental degradation arising from the disposal of used packaging and conserve virgin materials through the encouragement of re-use and recycling of used packaging materials
- ▶ Provide ambient air quality that allows for the adequate protection of human health and wellbeing
- ▶ Collect a broad base of information on emissions and transfers of substances on the National Pollutant Inventory reporting list
- ▶ Provide adequate protection of human health and the environment, where site contamination has occurred, through the development of an efficient and effective national approach to the assessment of site contamination.

3.4.3 National Greenhouse and Energy Reporting Act 2007

3.4.3.1 Overview

The *National Greenhouse and Energy Reporting Act 2007* (Cth) (NGER Act) was established as a single national framework for reporting and disseminating company information about greenhouse gas (GHG) emissions, energy production and energy consumption. The regulations under the NGER Act and the National Greenhouse and Energy Reporting (Measurement) Determination 2008 establish the legislative framework for a National Greenhouse and Energy Reporting scheme.

Under the NGER Act, corporations that meet certain thresholds (Part 2, Division 1, Section 13) must report to the Clean Energy Regulator their emissions, energy production and energy consumption each financial year. There are two types of thresholds that determine which companies have an obligation under the NGER Act:

- ▶ Facility thresholds
- ▶ Corporate group thresholds.

The current facility threshold is:

- ▶ 25 kilotonne (kt) or more of GHG carbon dioxide equivalent (CO_{2-e}) (scope 1 and scope 2 emissions)
- ▶ Production of 100 terajoules (TJ) or more of energy
- ▶ Consumption of 100 TJ or more of energy.

The current corporate group thresholds are:

- ▶ 50 kt or more of GHG (CO_{2-e}) (scope 1 and scope 2 emissions)
- ▶ Production of 200 TJ or more of energy
- ▶ Consumption of 200 TJ or more of energy.

The potential emission sources to be reported for the Project include:

- ▶ Combustion of fuels for energy
- ▶ Industrial processes (such as producing cement and steel)
- ▶ Waste management.

3.4.3.2 Relevance to the Project

Under the requirements of the NGER Act, ARTC will need to incorporate the emissions, energy production and energy consumption from activities associated with the Project into its annual reporting if it triggers the corporate group threshold. ARTC reported greenhouse gas (GHG) and energy data to the Clean Energy Regulator for the last reporting period, 2018–2019 on 24 October 2019.

3.4.3.3 Project compliance

Annual GHG and energy data for the Project, along with the remainder of the Inland Rail Program, will be captured for construction and operational phases. This data will be used to inform ARTC's annual reporting obligations under the NGER Act if it triggers the corporate group threshold.

3.4.4 Native Title Act 1993

3.4.4.1 Overview

The *Native Title Act 1993* (Cth) (NT Act) establishes a framework for the recognition and protection of native title, including by conferring on Indigenous people who hold (or claim to hold) native title rights and interests in respect of any land or waters, the right to be consulted on and, in some cases, to participate in decisions about activities proposed to be undertaken on the land (or in the waters). The NT Act provides for the validation of past Commonwealth acts that may have been invalid because of native title and enables each of the states and territories to make similar provision for their past acts in their own laws. The NT Act also establishes the process involved in having native title recognised and the roles and responsibilities of the different bodies involved in this process.

The NT Act:

- ▶ Provides procedures for Indigenous peoples to be able to have their native title rights and interests recognised and protected, through the making and determination of native title claims
- ▶ Sets out the circumstances in which proposed actions will validly affect native title, and provides for the management of the impact that such proposed actions may have on native title, through the 'future acts' system and associated agreements and procedural rights
- ▶ Confirms that the effect of certain governmental acts (including granting particular freehold estates and leasehold tenures, and the construction or establishment of public works activities or infrastructure) will be to extinguish native title over the affected areas (either wholly, or to the extent of any inconsistency with the governmental acts in question).

The NT Act adopts the common law definition of 'native title' and establishes the National Native Title Tribunal, which has a number of functions in relation to the regulation of native title in Australia, including in relation to native title applications, inquiries and determinations.

While the NT Act confirms that native title has been extinguished over validly granted freehold land, native title interests and rights may still exist over a number of tenures including reserves, state forest and national parks; land that is, or has been, subject to pastoral leases or other types of non-exclusive leases; waters that are not privately owned; and Unallocated State Land. The NT Act contains statutory processes to allow parties to use land and waters where native title may continue to exist, which can require negotiation of agreements), and for state and territory governments to grant valid interests over that land to both native title and non-native title parties.

3.4.4.2 Relevance to the Project

The NT Act prescribes statutory processes to enable state and territory governments to grant freehold and other interests in land subject to native title to private entities, provided that the grants in question are covered by a provision within Part 2, Division 3 of the NT Act. Compliance with this provision, depending on the interest being granted, may require native title to be first addressed either by agreement with the relevant native title parties, or by compulsory process.

A search of the National Native Title Tribunal Register administered by the National Native Title Tribunal was undertaken on 2 August 2019 and one native title determination for the Bigambul People Part A (QUD101/2009) was identified. The determination is current within the Project footprint at Kurumbul (between Ch 33.2 km (NS2B) to 34.6 km (NS2B) and Ch 5.4 km to Ch 5.8 km) and Whetstone (between Ch 37.6 km to Ch 43.4 km). Non-exclusive native title was recognised in a consent determination in 2016. No other determinations are recorded in the National Native Title Tribunal Register for the Project footprint. Searches of the National Native Title Tribunal's Register of Native Title Claims and Schedule of Native Title Applications have revealed that there are no active native title claims over the Project footprint.

Tenure within the Project footprint is predominantly freehold where, on the assumption that the freehold grants were either past acts, validated when the *Native Title (Queensland) Act 1993* (Qld) commenced, or future acts validly done in accordance with the NT Act, native title rights have been extinguished.

Where the Project footprint uses existing rail corridors that were established by or on behalf of the Crown or a statutory authority of the Crown on or before 23 December 1996, native title rights have been extinguished through the establishment of these public works.

Elsewhere, the Project footprint traverses 10 properties where native title may continue to exist. This includes eight under Reserve tenure and two under State land tenure. Additional areas where native title may continue to exist include boundary watercourses. Granting any statutory approvals, or of land tenure, for the Project in relation to these properties will be 'future acts'. As such, they will be valid if they are covered by a provision within Part 2, Division 3 of the NT Act and invalid, if not.

Section 24JA of the NT Act may be relevant to the land parcels within the Project footprint with Reserve tenure. Under Section 24JA, if an act such as the grant of a statutory approval or of land tenure is to occur in relation to land subject to native title that was dedicated as a Reserve on or before 23 December 1996, the act will be valid from a native title perspective provided it fits within the purpose of the reserve, or would have no greater impact on native title than acts that fit within the purpose of the reserve.

If an act for the Project that is to be done on a Reserve will be valid under Section 24JA of the NT Act, the act itself will extinguish native title if it consists of the construction or establishment of a public work, which includes a road, railway or bridge that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities. In other cases, the 'non-extinguishment principle' will apply to the act.

Before any such public works are done, the entity proposing to do the works would need to notify all affected representative bodies, registered native title bodies corporate and registered native title claimants of the proposed works and give them an opportunity to comment.

The relevant parties to be notified for the Project are Queensland South Native Title Services (the relevant representative body) and the registered native title body corporate for the Bigambul People Part A determination. As noted, there are no registered native title claimants for the impact assessment area.

For those areas where Section 24JA does not apply, Section 24KA would apply to future acts that permit or require, or that consist of, the construction, operation, use, maintenance or repair of a railway that is to be operated, or is operated, for the general public. Where Section 24KA applies, native title rights and interests will be suppressed (not extinguished) for the life of the future act and the affected native title parties will be entitled to receive the procedural rights they would receive if they instead held freehold title.

For Section 24KA to apply, native title holders must not be prevented from having reasonable access to the area of the railway other than during construction or for safety reasons. Section 24KA also does not apply to future acts that are the compulsory acquisition of native title.

Where Section 24KA does not apply, Section 24MD provides that a future act will be valid if the 'freehold test' in Subdivision M of Part 2 Division 3 of the NT Act applies to the act. Relevantly, the freehold test will apply to a future act that does not comprise the making, amendment or repeal of legislation if the act would be able to be done, in relation to the land concerned, if the native title holders concerned instead held freehold title to that land. The affected native title parties would have the same procedural rights as they would have in relation to the proposed future act if they held freehold title, instead of native title, although non-compliance with procedural rights would not invalidate the grant of the relevant approval. Future acts valid under Section 24MD will only suppress, not extinguish, native title unless they comprise the compulsory acquisition of native title in a way that is consistent with Section 24MD(2) of the NT Act.

3.4.4.3 Project compliance

Future acts related to early works for the Project will be valid under Sections 24JA, 24KA or 24MD of the NT Act. However, where it is determined that native title has not been extinguished within the permanent footprint, ARTC will, to allow the Project to proceed, ultimately be seeking the extinguishment of native title rights and interests in question prior to construction. This may involve either the voluntary surrender of native title by the appropriate native title parties under a registered Indigenous land-use agreement (ILUA), which will be valid under Section 24EB of the NT Act, or the compulsory acquisition of native title under a relevant State law, which will be valid under Section 24MD of the NT Act, to enable the grant of the necessary interests in Crown lands required to construct the Project.

Details on native title claims are further discussed in Chapter 7: Land Use and Tenure.

3.4.5 Water Act 2007

3.4.5.1 Overview

The *Water Act 2007* (Cth) (Water Act) provides the legislative framework for ensuring that the Murray–Darling Basin, Australia’s largest water resource, is managed in accordance with Australia’s national interests. The Water Act recognises that Australian states manage water resources within their jurisdictions that occur within the Murray–Darling Basin. The Water Act:

- ▶ Establishes the Murray–Darling Basin Authority with the functions and powers, including enforcement powers, needed to ensure that Basin water resources are managed in an integrated and sustainable way
- ▶ Requires the Murray–Darling Basin Authority to prepare the Basin Plan—a strategic plan for the integrated and sustainable management of water resources in the Murray–Darling Basin
- ▶ Establishes a Commonwealth Environmental Water Holder to manage the Commonwealth’s environmental water to protect and restore the environmental assets of the Murray–Darling Basin, and outside the Basin where the Commonwealth owns water
- ▶ Provides the Australian Competition and Consumer Commission with a key role in developing and enforcing water charge and water market rules along the lines agreed in the National Water Initiative
- ▶ Gives the Bureau of Meteorology (BoM) water information functions that are in addition to its existing functions under the *Meteorology Act 1955* (Cth)
- ▶ Gives the Productivity Commission a role in reporting on the effectiveness of the implementation of the Murray–Darling Basin Plan and water resource plans, and the progress towards achieving the objectives and outcomes of the National Water Initiative.

3.4.5.2 Relevance to the Project

The Project spans three catchments:

- ▶ Between the NSW/Queensland border and Gowrie, the Project is located within the Macintyre River catchment
- ▶ Between Yelarbon to Millwood, the Project is located in the Macintyre Brook catchment of the Border Rivers drainage basin
- ▶ North of Millwood, the Project is located within the Condamine River catchment of the Balonne–Condamine drainage basin.

Both the Border Rivers and Balonne–Condamine drainage basins are situated within the Murray–Darling Basin.

3.4.5.3 Project compliance

Compliance with the Water Act—Basin Plan 2012 will be achieved by complying with the *Water Plan (Condamine and Balonne) 2019* (Qld) and *Water Plan (Border Rivers and Moonie) 2019* (Qld). In accordance with State legislation, and where necessary, construction water rights will be obtained from water markets subject to the water management protocol rules under the relevant water plans or water permits and statutory application process under the Water Act. Other State legislation.

3.5 Other State Legislation

This section describes state legislation that is relevant to the Project.

3.5.1 Aboriginal Cultural Heritage Act 2003

3.5.1.1 Overview

The *Aboriginal Cultural Heritage Act 2003* (Qld) (ACH Act) is intended to provide effective recognition, protection and conservation of Aboriginal cultural heritage. Aboriginal cultural heritage is defined as objects and areas in Queensland that are of particular significance to Aboriginal people because of Aboriginal tradition or history, or archaeologically or historically significant evidence of Aboriginal occupation of an area of Queensland.

The ACH Act protects Aboriginal cultural heritage primarily by prescribing a ‘*cultural heritage duty of care*’ that requires all persons to take all reasonable and practicable measures to avoid harming cultural heritage. Failure to comply with the cultural heritage duty of care is an offence. Additional offences prescribed by the ACH Act include unlawfully harming, excavating, relocating, taking away and possessing Indigenous cultural heritage.

Relevantly, a person who carries out an activity will be taken to have complied with the cultural heritage duty of care and will not commit any of the other offences prescribed by the ACH Act if the person is acting under an approved CHMP that applies to the cultural heritage. An approved CHMP is mandatory for projects that require an EIS.

3.5.1.2 Relevance to the Project

A cultural heritage duty of care assessment was completed for the Project in June 2019 to capture Indigenous cultural heritage values, or areas of potential value. The assessment considered the Project footprint and a 2-km wide corridor around the rail alignment. Areas of Indigenous cultural heritage sensitivity were identified based on desktop review of the following sources:

- ▶ World Heritage List, National Heritage List, Commonwealth Heritage List and Register of the National Estate
- ▶ Aboriginal and Torres Strait Islander Cultural Heritage Database and Register, maintained by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP)
- ▶ Geologic data or raw material sources commonly used in Indigenous artefact manufacture
- ▶ Elevation and contour information to identify landscape features such as waterways and vantage points
- ▶ Historic topographic maps.

A search of the DATSIP Aboriginal and Torres Strait Islander Cultural Heritage Database and Register was undertaken on the 3 April 2019 [Search ID 51584]. The search indicated 18 reported Indigenous cultural heritage sites within 1 km of the Project footprint.

Within the Project footprint, there are discrete locations where mapped areas of Indigenous heritage sensitivity are concentrated. The first of these locations is at the northern end of the Project near Gowrie and Westbrook. The second concentrated area of Indigenous cultural heritage sensitivity is located further south over approximately 12 km of the Project between Ch 121 km and Ch 134 km near Millmerran.

Construction of the Project will consist of multiple activities, some of which will create additional surface disturbance. These activities will warrant further cultural heritage assessment before commencing, in accordance with requirements of the CHMPs.

3.5.1.3 Project compliance

CHMPs for the Project were developed between ARTC and the relevant Aboriginal Parties in 2018 (CLH017009) and approved under the ACH Act. Compliance with the CHMPs will ensure compliance with the cultural heritage duty of care and ensure avoidance of offences prescribed by the ACH Act. The scope of the CHMPs covers new and existing rail corridor required for the Project, described in this draft EIS. It does not apply to QR activities in the existing rail corridor.

Chapter 17: Cultural Heritage provides a further discussion on Indigenous cultural heritage values in proximity to the Project.

3.5.2 Acquisition of Land Act 1967

3.5.2.1 Overview

The *Acquisition of Land Act 1967* (Qld) (AL Act) enables constructing authorities to acquire land for public purposes. The AL Act provides power to take land (or an easement) for certain purpose (including railway purposes) and also the process to be followed to take the land. Most constructing authorities have their own legislation, which gives power to take land for specific purposes; however, the process is always the process in the AL Act.

3.5.2.2 Relevance to the Project

The acquisition of land and interests in land will be required for the construction and operation of the Project. The permanent footprint will directly impact approximately 440 properties. The temporary footprint will directly impact approximately 542 properties. The permanent and temporary footprints are based on the reference design and the preliminary construction methodology and subject to change during detail design. Additional land may also be acquired where necessary or by agreement with affected owners.

The tenure of properties within the permanent and temporary footprints is summarised in Table 3.3.

TABLE 3.3 TENURE WITHIN THE PROJECT FOOTPRINT

Type of tenure	Permanent footprint			Temporary footprint		
	No. of land parcels	Area (ha)	% of permanent footprint	No. of land parcels	Area (ha)	% of temporary footprint
Freehold	368	1,878.02	70.8	453	399.36	72.6
Lands lease (other than state forest)	61 ¹	201.40	7.6	66	10.14	1.8
Lands lease (state forest)	2	112.18	4.2	2	13.18	2.4
Reserve	7	20.89	0.8	9	4.69	0.9
State land	2	4.71	0.2	12	0.16	0.0
Road type parcel	-	433.30	16.3	-	121.71	22.1
Watercourse	-	3.06	0.1	-	0.94	0.2
Total	440	2,653.56	100.0	542	550.19	100.0

Table notes:

1. 58 properties (13.2 per cent) are subleases held by QR under the *Land Act 1994* (Qld) (Land Act)

3.5.2.3 Project compliance

The Project has been designed to:

- ▶ Use the existing rail corridor of the South Western Line and Millmerran Branch Line, where possible, minimising the extent of 'new' properties to be acquired
- ▶ Align with roads and property boundaries, where possible, to reduce the severance of land parcels
- ▶ Reduce or mitigate potential impacts on property access, services or operational arrangements.

The majority of land will be acquired by a Queensland Government department or entity that has compulsory acquisition powers. Temporary and permanent access to State land tenures such as State forest, unallocated State land, reserves and roads will be undertaken in accordance with the Land Act.

Chapter 7: Land Use and Tenure provides a further discussion regarding land requirements for the Project.

3.5.3 Biosecurity Act 2014

3.5.3.1 Overview

The *Biosecurity Act 2014* (Qld) (Biosecurity Act) safeguards the Queensland economy, agricultural and tourism industries, environment and way of life, from:

- ▶ Pests (e.g. wild dogs, rabbits and weeds)
- ▶ Diseases (e.g. foot-and-mouth disease)
- ▶ Contaminants (e.g. lead on grazing land).

The Act achieves these safeguards by providing comprehensive biosecurity measures to ensure a consistent, modern, risk-based approach to biosecurity in Queensland.

Under Section 23 of the Biosecurity Act, all people have a 'general biosecurity obligation'. This means that everyone is responsible for managing biosecurity risks that:

- ▶ Are under their control
- ▶ They know about or should reasonably be expected to know about.

Under the general biosecurity obligation, individuals and organisations whose activities pose a biosecurity risk must:

- ▶ Take all reasonable and practical steps to prevent or minimise each biosecurity risk
- ▶ Minimise the likelihood of causing a 'biosecurity event' and limit the consequences if such an event is caused
- ▶ Prevent or minimise the adverse effects the risk could have and not do anything that might make any adverse effects worse.

The Biosecurity Act classifies biosecurity risk as either prohibited matter or restricted matter. Under the Biosecurity Act, the Chief Executive of the Department of Agriculture and Fisheries (DAF) can also declare a place to be restricted (restricted place) if they suspect that place poses a biosecurity risk.

Prohibited matter is not found in Queensland and if prohibited matter is found or if it is believed that this matter exists, it must be reported immediately to Biosecurity Queensland. Restricted matter is found in Queensland and action should be taken to limit its impact by reducing, controlling or containing it.

3.5.3.2 Relevance to the Project

Project activities, including the transport and movement of people, vehicles and machinery during construction, or the transport and movement of goods in operation, have the potential to increase biosecurity risks relating to the spread of weeds and pests. Severance of pest control fencing, such as the wild dog check fence and the Darling Downs–Moreton Rabbit Board rabbit fence that are intersected by the Project, may also result in the spread of pest species.

The rail alignment runs parallel to the existing wild dog check fence, which is maintained by Goondiwindi Regional Council (GRC), from Ch 26.8 km to 43.5 km. The rail alignment then intersects the wild dog check fence at four locations: Ch 50.1 km, Ch 51.2 km, Ch 54.9 km and Ch 56.0 km.

The Project intersects the Darling Downs–Moreton Rabbit Board rabbit fence when traversing through Clontarf, at approximate chainage Ch 120.2 km.

It is anticipated that restricted matter, as defined in Schedule 2 of the Biosecurity Act, will be encountered within the Project footprint that will require management in accordance with the relevant categories of restricted matter.

3.5.3.3 Project compliance

Biosecurity risks within the Project footprint will be managed in accordance with the relevant requirements of the Biosecurity Act. A Biosecurity Management Sub-plan will be developed as a component of the Construction Environmental Management Plan (CEMP) (refer Chapter 22: Outline Environmental Management Plan). This sub-plan will include provisions relating to the management of biosecurity risks associated with weeds and feral animals. The CEMP will include measures for weed surveillance and treatment during construction and rehabilitation activities, reducing the potential impacts from biosecurity risks to adjoining land and agricultural properties.

Consultation has commenced with GRC and the Darling Downs–Moreton Rabbit Board about the severance and realignment of the wild dog check fence and the rabbit fence, respectively. This consultation will continue through the detail design process to ensure it includes fencing replacement solutions that are acceptable to each of the asset managers.

Chapter 7: Land Use and Tenure and Chapter 10: Flora and Fauna provide greater detail about biosecurity matters for the Project.

3.5.4 Building Act 1975

3.5.4.1 Overview

The *Building Act 1975* (Qld) (Building Act) regulates building work in Queensland. The Building Act specifies the type of work that constitutes assessable development under the Planning Regulation 2017. Building work under the Building Act is assessable development unless it is:

- ▶ Declared under Section 21 of the Building Act to be accepted development
- ▶ Carried out by or for the State or a public sector entity, to the extent the building work complies with the relevant provisions for the building work.

3.5.4.2 Relevance to the Project

Development approvals for building works under the Planning Act are expected to be required for components for the Project, including the three non-resident workforce accommodation facilities, site compounds and offices.

3.5.4.3 Project compliance

Development permits for building work will be obtained for buildings and structures such as site offices and non-resident workforce accommodation to support construction of the Project. Development applications will be made as required during the detail design phase.

3.5.5 Disaster Management Act 2003

3.5.5.1 Overview

The main objectives of the *Disaster Management Act 2003* (Qld) are:

- ▶ To help communities:
 - ▶ Mitigate the potential adverse effects of an event
 - ▶ Prepare for managing the effects of an event
 - ▶ Effectively respond to, and recover from, a disaster or an emergency situation.
- ▶ To provide for effective disaster management for Queensland.

A disaster is defined in Section 13 of the *Disaster Management Act 2003* (Qld) as being a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.

Under Section 16 of the *Disaster Management Act 2003* (Qld), an event is defined as any of the following:

- a) a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening;
- b) an explosion or fire, a chemical, fuel or oil spill, or a gas leak;
- c) an infestation, plague or epidemic;
- d) a failure of, or disruption to, an essential service or infrastructure;
- e) an attack against the State;
- f) another event similar to an event mentioned in paragraphs (a) to (e).

An event may be natural or caused by human acts or omissions.

Under the Act, serious disruption means:

- ▶ Loss of human life, illness or injury to humans
- ▶ Widespread or severe property loss or damage
- ▶ Widespread or severe damage to the environment.

3.5.5.2 Relevance to the Project

Chapter 19: Hazard and Risk identifies relevant hazards and risks in the existing environment (in the absence of the Project) and also a number of potential hazards that exist with the development of the Project.

3.5.5.3 Project compliance

Disaster response and management procedures, established in accordance with the *Disaster Management Act 2003* (Qld), will be implemented if a disaster that affects the Project, or its surrounds, were to occur during construction or operation.

3.5.6 Economic Development Act 2012

3.5.6.1 Overview

The *Economic Development Act 2012* (Qld) provides for a streamlined planning and development framework for particular parts of Queensland, declared as priority development areas, to facilitate economic development, and development for community purposes.

The Minister for Economic Development Queensland (EDQ) may declare a Priority Development Area (PDA) under the *Economic Development Act 2012* (Qld). PDAs are parcels of land within Queensland identified for development to deliver significant benefits to the community.

3.5.6.2 Relevance to the Project

The Project footprint does not intersect any PDAs and the *Economic Development Act 2012* (Qld) is therefore not relevant to the Project.

3.5.6.3 Project compliance

Not applicable—refer section 3.5.6.2.

3.5.7 Electricity Act 1994

3.5.7.1 Overview

The *Electricity Act 1994* (Qld) (Electricity Act) is the main legislation governing Queensland's electricity industry and provides a framework for the generation, transmission and distribution of electricity in Queensland. Under the Electricity Act, the Department of Natural Resources, Mines and Energy (DNRME) issues generation authorities, transmission authorities and distribution authorities.

Development that is for reconfiguration of a lot, for a MCU, or operational works that are assessable under a local planning instrument within electricity easements or within 100 m of a substation site that requires referral to the distribution entity or transmission entity as an advice agency.

Regardless of whether development is assessable development under a local categorising instrument or the Planning Regulation 2017, works must comply with the rights and restrictions stated for an easement that is registered to a property's title. This may involve prior notification to the relevant electricity entity to seek approval for works.

Network service providers manage user connections to the electricity distribution network.

3.5.7.2 Relevance to the Project

Various aspects of the Project may require connection into the existing distribution network, subject to confirmation through detail design.

The Project also interfaces with easements in favour of electricity distribution and transmission entities. Subject to detail design and siting investigations, this may also include ancillary uses and activities located outside of the Project footprint (e.g. non-resident workforce accommodation, etc).

3.5.7.3 Project compliance

The Project will comply with requirements of the Electricity Act through consultation and approval of connection plans with the appropriate distribution network service providers.

Pending detail design and siting investigations, notifications and development applications, if necessary, will be referred to the appropriate electricity entity for advice agency assessment where works and/or infrastructure are proposed within, or in proximity to, electricity easements and assets.

Electricity infrastructure upgrades and relocations will be subject to separate assessments, with all necessary approvals obtained prior to works.

3.5.8 Electrical Safety Act 2002

3.5.8.1 Overview

The *Electrical Safety Act 2002* (Qld) is the legislative framework for electrical safety in Queensland.

The purpose of the *Electrical Safety Act 2002* (Qld) is to prevent people from being injured or killed and property from being destroyed or damaged by electricity.

3.5.8.2 Relevance to the Project

Electricity supply will be required for points, signalling and other infrastructure for the Project, as identified in Chapter 5: Project Description. It is anticipated that the supply of these services will be delivered by relevant providers under the terms of their respective approvals and/or assessment exemptions.

Chapter 19: Hazard and Risk identifies that construction activities around existing services introduce a risk of service strikes of underground utilities (including underground powerlines) during excavation or collision of plant and equipment with aboveground services (e.g. aerial transmission and distribution lines). Activities during operation of the Project also have the potential to impact existing utilities and services, such as track vibrations or derailments, causing damage. Interactions with existing services could pose a risk to public safety and the natural environment. Damage to, or contact with, electrical services during could result in:

- ▶ Serious injury or death due to contact with high-voltage live electrical sources
- ▶ Power outage to individuals or communities, resulting in potential disruption in provision of critical community services (e.g. health care and emergency services) and safety controls (e.g. electrical signalling).

3.5.8.3 Project compliance

Subsurface and overhead utility investigations have been completed to inform the reference design. Investigations confirmed the presence, location and orientation of utilities within the Project footprint as per the requirements of the *Electrical Safety Act 2002* (Qld).

The Project's vertical alignment has been established to avoid direct impact to Powerlink's overhead transmission line asset, such as the 330-kV overhead lines at Whetstone (Ch 39.5 km) and Millmerran (Ch 120.9 km) and the 110-kV overhead line at Westbrook (Ch 193.9 km).

Overhead transmission lines and buried telecommunication cables will be identified before construction to ensure that construction and operation do not interfere with or damage the utilities as per the requirements of the *Electrical Safety Act 2002* (Qld), subordinate legislation, and the *Safe Work Australia Model Code of Practice—Managing Electrical Risk in the Workplace* (Safe Work Australia, 2018b).

The Project will also comply with the clearance distance as specified in the *ARTC Engineering Standard Requirements for—Electric Aerials Crossing ARTC Infrastructure* (ARTC, 2005), to ensure sufficient clearance and prevent contact with live electricity. This Engineering Standard requires that all structures supporting a span of electric aerials over ARTC railway track or sidings be located so that in the event of failure, no part will fall within 1.8 m outside rail of any railway track.

3.5.9 Environmental Offsets Act 2014

3.5.9.1 Overview

The main purpose of the *Environmental Offsets Act 2014* (Qld) (EO Act) is to counterbalance the significant residual impacts of particular activities on prescribed environmental matters through the use of environmental offsets.

The EO Act establishes a framework for environmental offsets in Queensland, which includes:

- ▶ EO Act
- ▶ *Environmental Offsets Regulation 2014* (EO Regulation)
- ▶ *Queensland Environmental Offsets Policy*.

An environmental offset may be required as a condition of certain approvals, following consideration of avoidance and mitigation measures, if the prescribed activity is likely to result in a significant residual adverse impact on prescribed environmental matters.

The EO Act defines a prescribed environmental matter as any of the following:

- ▶ A matter of national environmental significance (MNES)
- ▶ A matter of State environmental significance (MSES)
- ▶ A matter of local environmental significance (MLES).

Once the administering authority has decided that a prescribed activity is required to provide an offset, the offset is required to be delivered in accordance with the EO Act, EO Regulation and the *Queensland Environmental Offsets Policy*.

To avoid duplication of offset conditions between jurisdictions, State and local governments can only impose an offset condition in relation to a prescribed activity, if the same, or substantially the same, impact and the same, or substantially the same, matter has not been subject to assessment under the EPBC Act.

The EO Act does not affect or limit the functions of the Coordinator-General under the SDPWO Act to impose offset conditions irrespective of the EO Act.

Environmental offsets for significant residual impacts to a prescribed matter may be delivered through a proponent-driven offset (e.g. land-based offset), a financial offset calculated in accordance with the Financial Settlement Offset Calculation Methodology, or a combination of proponent driven and financial offsets.

3.5.9.2 Relevance to the Project

It is anticipated that the Project will result in significant residual adverse impacts on prescribed environmental matters requiring environmental offsets. Offsets will need to be provided in accordance with requirements of the EPBC Act, Coordinator-General's evaluation report and, for some approvals, the EO Act.

3.5.9.3 Project compliance

An initial assessment has been undertaken in accordance with the Department of Environment and Heritage Protection's *Significant Residual Impact Guideline* (DEHP, 2014) and the Department of the Environment, Water, Heritage and the Arts' *Significant Impact Guidelines 1.1—Matters of National Environmental Significance* (Department of the Environment, 2013b) to determine if the Project will have a significant residual impact on prescribed environmental matters. Outcomes of this assessment are documented in Chapter 10: Flora and Fauna and in Appendix N: Draft Offset Strategy.

ARTC proposes to provide its offset obligation post-EIS, following the detail design. Offsets will be provided in stages to align with the schedule of disturbance. A *Draft Environmental Offset Delivery Strategy—Queensland* has been prepared for the Project (refer Appendix N: Draft Offset Strategy). The *Draft Environmental Offset Delivery Strategy—Queensland* will be revised and finalised to reflect significant residual impacts calculated at the conclusion of the detail design phase. The finalised Environmental Offset Delivery Strategy will provide for the staged delivery of offsets, where appropriate, ahead of relevant clearing works being undertaken. The Environmental Offset Delivery Strategy—Queensland will be finalised in consultation with relevant Australian Government and State Government regulatory agencies.

3.5.10 Environmental Protection Act 1994

3.5.10.1 Overview

The EP Act is Queensland's overarching environmental legislative framework for the protection and management of environmental values. 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*'. The EP Act regulates activities that will, or may have the potential to, cause environmental harm, and prescribes several mechanisms to ensure the objectives of the EP Act are met.

The EP Act also lists obligations and duties to prevent environmental harm, nuisance and contamination. The two primary duties that apply to everyone in Queensland are:

- ▶ General environmental duty—which means a person must not carry out any activity that causes, or is likely to cause, environmental harm unless all reasonable and practicable measures to prevent or minimise the harm have been taken (Section 319(1) of the EP Act). Environmental harm is defined in Section 14 of the EP Act as:
'any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance'.
- ▶ Duty to notify of environmental harm—which means that a person must inform the administering authority and landowner or occupier when an incident has occurred that may have caused or threatens serious or material environmental harm that is not authorised.

The EP Act also provides the power to administering authorities to order actions to be taken to improve environmental performance, conduct audits and environmental evaluations of activities, approve environmental management programs and impose penalties or prosecute persons for non-compliance with the requirements of the EP Act.

The EP Act, together with the Planning Act, provides a licensing regime for Environmentally Relevant Activities (ERAs). ERAs are prescribed under Schedule 2 of the *Environmental Protection Regulation 2019* (Qld) (EP Regulation) and include activities where the Governor in Council is satisfied that:

- ▶ A contaminant will or may be released into the environment where the activity is carried out
- ▶ The release of the contaminant will or may cause environmental harm.

Approval in the form of an EA is required to lawfully undertake a prescribed ERA. Where a prescribed ERA is listed as a Concurrence ERA in Schedule 2, a development permit for an MCU under the Planning Act is also required where a change of land use occurs.

The EP Act also requires that any person carrying out an ERA must be a Registered Suitable Operator, which is a person or corporation who has been registered by the Department of Environment and Science (DES) as being suitable to undertake an ERA. Once a person or corporation becomes registered, the registration remains in effect unless it is suspended or cancelled.

The following Environmental Protection Policy (EPP) subordinate legislation supports the operation of the EP Act:

- ▶ *Environmental Protection (Air) Policy 2019 (EPP Air)*
- ▶ *Environmental Protection (Noise) Policy 2019 (EPP Noise)*
- ▶ *Environmental Protection (Water and Wetland Biodiversity) Policy 2019 (EPP Water and Wetland Biodiversity)*.

The DES has also developed a suite of guidelines to assist proponents by specifying the information that must be included within an application for an EA. The guidelines include information required in relation to impacts to land, water and air.

In addition to provisions under the EP Act relating to the assessment and management of contaminated land, the EP Act also contains provisions for the lawful disposal of contaminated soil. Under Section 739 of the EP Act, the removal and disposal of contaminated soil from land that is recorded on the Contaminated Land Register (CLR) or Environmental Management Register (EMR) to an offsite location must obtain a disposal permit to lawfully undertake the works. Disposal permits enable appropriate and legal disposal and tracking of contaminated soil or materials.

3.5.10.2 Relevance to the Project

Under the EP Act, assessment and approval is required if the Project involves:

- ▶ Prescribed ERAs
- ▶ Movement of soil from land on the CLR or EMR to another parcel of land.

Further, when considering the proposed works described in Chapter 5: Project Description, and as part of making any environmental management decision under the EP Act, the administering authority is required to have regard to the matters set out under the EP Regulation, which includes consideration of the relevant EPPs.

There are a number of approvals under the EP Act that are likely to be required following the EIS evaluation report. Detailed information relating to these approvals will be provided with the relevant applications, as some of this information will only be available once detail design for particular elements has been completed, and the construction methodology is finalised.

The ERAs prescribed under Schedule 2 of the EP Regulation that may be required as part of the Project's construction phase are listed in Table 3.4. The need for ERAs, including those listed in Table 3.4, will be confirmed during the detail design phase once the construction approach is confirmed.

TABLE 3.4 ENVIRONMENTALLY RELEVANT ACTIVITIES THAT MAY BE REQUIRED DURING CONSTRUCTION OF THE PROJECT

Environmentally Relevant Activity	Description of relevant threshold	Potential triggering Project activity
Chemical storage (ERA 8)	<p>Storing:</p> <ul style="list-style-type: none"> a) 50 t or more of chemicals of dangerous goods class 1 or class 2, division 2.3 in containers of at least 10 m³ b) 50 t or more of chemicals of dangerous goods class 6, division 6.1 in containers capable of holding at least 900 kg of the chemicals c) More than 500 m³ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 d) Other chemicals—200 t or more of solids or gases or 200 m³ of liquids in containers of at least 10 m³ 	<p>Storage of dangerous goods and hazardous substances for construction purposes.</p> <p>Non-resident workforce accommodation may also have a hazardous materials storage requirement to enable self-sufficient operation.</p> <p>Refer section 5.4.10 of Chapter 5: Project Description.</p>
Fuel burning (ERA 15)	Consists of using fuel-burning equipment that can burn at least 500 kg of fuel in an hour	<p>The operation of diesel generators for the provision of site-based power.</p> <p>Non-resident workforce accommodation may also require diesel generators for the provision of power to enable self-sufficient operation.</p> <p>Refer section 5.3.9 of Chapter 5: Project Description.</p>
Extractive and screening activities (ERA 16)	<ul style="list-style-type: none"> b) Extractive, other than by dredging, a total of 5,000 t or more of material, in a year, from an area c) Screening 5,000 t or more of material, in a year <p>The relevant activity does not include—</p> <ul style="list-style-type: none"> c) extracting material from a place for constructing a road or railway at the place 	<p>The operation of new borrow pits as a material source for use during construction.</p> <p>Refer section 5.4.14 of Chapter 5: Project Description.</p>

Environmentally Relevant Activity	Description of relevant threshold	Potential triggering Project activity
Cement manufacturing (ERA 41)	Consists of, in a year: a) Manufacturing 200 t or more of cements b) Calcining 200 t or more of cement	The operation of a precast concrete facility and concrete batch plant to supplement the supply of concrete from established plants during construction of the Project. Two locations have been allowed for in the Project footprint, although only one plant is expected to be necessary to supplement the supply of concrete from established plants. Refer section 5.4.8 of Chapter 5: Project Description.
Sewage treatment (ERA 63)	Consists of: c) Operating 1 or more sewage treatment works at a site that have a total daily peak design capacity of at least 21 EP, or b) Operating a sewage pumping station with a total design capacity of more than 40 KL in an hour, if the operation of the pumping station is not an essential part of the operation of sewage treatment works to which paragraph (a) applies	Non-resident workforce accommodation may undertake onsite sewage treatment to enable self-sufficient operation. To the extent the sewage treatment plants do not meet eligibility criteria and standard conditions under the EP Act, then appropriate conditions will be sought.

3.5.10.3 Project compliance

The type and location of ERAs required to support construction of the Project is yet to be confirmed. This EIS includes, to the extent relevant at this stage of design, specific details of the construction-phase ERAs that are relevant to the Project and the environmental values sought to be achieved by the Project. More detailed information will be provided before construction and at the time of an application for an EA. The level of detail that has been provided addresses the ToR and is appropriate to the stage of design development.

Relevant statutory approvals including EAs, development permits for an MCU for a concurrence ERA, and Suitable Operator Registration will be obtained by the appointed Principal Contractor before starting the works. Applications for EAs will consider relevant guidelines including, but not limited to, *Guideline: Environmental authorities—Approval processes for environmental authorities* (DES ESR/2015/1743 Version 5 2019 or later) and the guidelines regarding application requirements for activities with impacts to land, water and air.

Where soil from a landholding listed on the EMR or CLR cannot be treated or managed onsite and requires removal offsite, a disposal permit will be obtained by the approved contractor to authorise movement of the soil to a licenced waste disposal or treatment facility.

3.5.11 Explosives Act 1999

3.5.11.1 Overview

The *Explosives Act 1999* (Qld) (Explosives Act) provides a framework to ensure the safe use, storage, handling and disposal of explosive material so as not to endanger persons, property or the environment. The Explosives Act is enforced by the Explosives Inspectorate.

Under the Explosives Act, blasting can only be conducted by a person holding a shotfirer's licence. Notification obligations for the use of explosives in blasting other than at a mine or explosives factory are set out in Sections 154(1) and 155 of the Explosives Regulation 2017 (Qld). Under the Regulation, a Blasting Notification Form must be lodged with DNRME's Explosives Inspectorate a minimum of seven days before the blasting. A Blasting Notification must include information in accordance with Section 154(2) of the Explosives Act. This information is assessed for compliance by an Inspector with *AS 2187.2-2006—Explosives—Storage and Use of Explosives* (Standards Australia, 2006).

3.5.11.2 Relevance to the Project

Blasting explosives, including blast caps, detonators and boosters, and security-sensitive ammonium nitrate are expected to be required during construction to achieve the requisite cutting depth in locations where hard rock is expected to be encountered. Based on reference design geotechnical information, it is anticipated that blasting may be required for the cuttings between:

- ▶ Ch 164.4 km and Ch 165.8 km
- ▶ Ch 174.4 km and Ch 175.5 km
- ▶ Ch 177.0 km and Ch 179.3 km
- ▶ Ch 188.8 km and Ch 190.4 km.

Explosives are likely to be transported, stored, handled and used during the construction phase of the Project.

3.5.11.3 Project compliance

Explosives will be transported, stored and used in a manner that is compliant with the following:

- ▶ Explosives Act
- ▶ Explosives Regulation 2017, Part 8 for the storage of explosives and AS 2187.1-1998 *Explosives—Storage, transport and use, Part 1: Storage and land transport* (Standards Australia, 1998a)
- ▶ Explosives Regulation 2017, Part 9 for the transport of explosives, the Australian Explosives Code and the Australian Dangerous Goods Code
- ▶ Explosives Regulation 2017, Part 10 for the use of explosives and AS 2187.2-2006, *Explosives—Storage, transport and use, Part 2: Use of explosives* (Standards Australia, 2006).

3.5.12 Fisheries Act 1994

3.5.12.1 Overview

The *Fisheries Act 1994* (Qld) (Fisheries Act) provides for the use, conservation and enhancement of fisheries resources and fish habitats in Queensland. DAF is responsible for development assessment under the Fisheries Act in combination with the Planning Act, along with the conservation and management of fish habitats in Queensland.

A development under the Fisheries Act can be either an accepted development or assessable development for, relevantly, works involving the construction or raising of waterway barrier works.

An accepted development must comply with all of the requirements within the relevant accepted development requirements. If the development does not comply, it is assessable development and a development application must be lodged with the Chief Executive, Department of State Development, Tourism and Innovation (DSDTI).

3.5.12.2 Relevance to the Project

The definition of a waterway under the Fisheries Act includes a river, creek, stream, watercourse, drainage feature or inlet of the sea.

This definition includes freshwater and tidal waters, both permanent and ephemeral waterways, and includes drainage features. It also includes channels along which fish are expected to move if they connect isolated water bodies to defined waterways during times of flow; however, it does not include isolated waterbodies where no connectivity is available.

The ArcGIS data layer, 'Queensland Waterways for Waterway Barrier Works', has been developed by the Queensland Government (DAF) to help define the limits of waterways for the purpose of managing impacts to fish passage from waterway barriers.

Activities associated with the Project, such as the construction of the rail line and access roads, whether temporary or permanent, such as culverts, bed level crossings or bridges, will require works across waterways. In particular, the Project traverses mapped waterways requiring waterway barrier works and, therefore, will trigger the requirement to obtain a development permit for operational works, that is constructing or raising waterway barrier works, unless the works are accepted development under the Fisheries Act.

The rail alignment crosses a total of 88 waterways for waterway barrier works. These waterways are classified as follows:

- ▶ Low risk of impact (Category 1): 43 waterways mapped as 'low'
- ▶ Moderate risk of impact (Category 2): 28 waterways mapped as 'moderate'
- ▶ High risk of impact (Category 3): 7 waterways mapped as 'high'
- ▶ Major risk of impact (Category 4): 10 waterways mapped as 'major'.

The Project will not affect other matters regulated by the Fisheries Act such as marine plants, aquaculture or fish habitat areas.

3.5.12.3 Project compliance

Project design criteria for cross-drainage structures that interface with mapped waterways have been developed to meet the accepted development requirements for Category 1, 2 and 3 waterways. The design of each cross-drainage structure intersecting a mapped waterway will be verified at the detail design stage to confirm compliance with the accepted development criteria.

Engagement with the DAF will be required to confirm that the proposed works constitute a waterway barrier. This is particularly relevant to bridges with in-stream components such as piers and scour protection.

Where structures do not meet the accepted development requirements, including bridges that constitute waterway barrier works, development permits for operational work that is constructing or raising waterway barrier works (Planning Regulation 2017, schedule 10, part 6, division 4, section 12) will need to be obtained. Development applications seeking approval for waterway barrier works on State land will require owner's consent from the State government (for DAF this is known as a resource allocation authority).

Chapter 10: Flora and Fauna and Chapter 12: Surface Water and Hydrology provide further detail regarding aquatic environments and waterways affected by the Project.

3.5.13 Forestry Act 1959

3.5.13.1 Overview

The purpose of the *Forestry Act 1959* (Qld) (Forestry Act) is to provide for forest reservations, the management, silvicultural treatment and protection of State forests, and the sale and disposal of forest products and quarry material, the property of the Crown on State forests, timber reserves and on other lands and for other purposes.

The Forestry Act manages and protects State forests and State-owned forest resources. Under Section 45, the Crown has ownership of all forest products. Sections 53 and 54 prohibit interference with forest products on State land other than under a permit granted under the Forestry Act or another Act.

Furthermore, the Forestry Act seeks to regulate the sale and disposal of the State's native forest products and quarry materials within these areas and on other Crown land. Under the Forestry Act, quarry material includes any stone, gravel, sand, rock, clay and earth that are not defined as a mineral under the *Mineral Resources Act 1989* (Qld). Quarry material within the non-tidal reaches of streams (called watercourses), freshwater natural lakes and the associated outer banks is regulated via the Water Act.

Section 25 of the Forestry Act gives power to the Governor in Council, by way of regulation, to set apart and declare particular land as a State forest. This includes any Crown land, or land that is part of an existing timber reserve, or a forest reserve that is declared under the NC Act.

3.5.13.2 Relevance to the Project

The Project traverses through two declared State forest areas, the Whetstone State Forest and the Bringalily State Forest. The Project footprint extends into Whetstone State Forest when using the existing South Western Line rail corridor at Whetstone between Ch 37.6 km and Ch 43.4 km. The Project footprint extends into Bringalily State Forest where greenfield rail corridor is required between Inglewood and Canning Creek at Ch 64 km and Ch 65.8 km, and Ch 74 km and Ch 91.6 km.

Arrangements will need to be in place to interfere with any forest products that remain in property of the Crown.

3.5.13.3 Project compliance

The application process seeking revocation of relevant parts of these State forests, via amendment regulation, has been initiated by ARTC. Applications seeking revocation of part of each State forest were submitted to DES on 4 December 2019. Following submission of these applications, the further stages are likely to consist of the following:

- | | |
|--|--|
| i) DES interagency consultation | iv) Minister requests Governor-in-Council approval |
| ii) Ministerial in-principle approval | v) Parliamentary consideration |
| iii) ARTC to address revocation requirements, including native title, cultural heritage, third-party consent, survey plan and compensation | vi) Governor-in-Council Assent |
| | vii) Register of title. |

Tenure arrangements, including compensation and offset requirements, for the revocation of State forest land will continue to be progressed during and following the completion of the EIS process and in continued consultation with DAF, DES and DNRME.

To facilitate technical investigations before the revocation process, ARTC will obtain, separate to this draft EIS and where necessary, approvals for:

- ▶ Minor disturbance works under Section 56 of the Forestry Act
- ▶ Occupation permits under section 35 of the Forestry Act
- ▶ Licences for the removal of quarry material under Part 6 of the Forestry Act.

The information required to support applications for the above approvals will become available through the detail design phase.

Permits will be obtained by the proponent where required, or otherwise in accordance with the Forestry Act.

3.5.14 Land Act 1994

3.5.14.1 Overview

The Land Act prescribes the framework for the allocation of non-freehold land tenure and its subsequent management. The Land Act regulates the management of State land in Queensland for the benefit of the people by having regard to seven key principles, including sustainability, evaluation, development, community purpose, protection, consultation and administration. The Land Act is administered by the DNRME and applies to all land throughout the State.

Chapter 3, Part 2 of the Land Act provides for, relevantly, the dedication and opening of roads, the closing of roads (including temporary and permanent road closure applications) and the issuing of road licences for temporarily closed roads. DNRME requires tenure to be issued under the Land Act for the occupation and use of a reserve, road, lands lease or unallocated state land.

3.5.14.2 Relevance to the Project

State land and local roads are generally managed under the Land Act.

Where the permanent footprint traverses local roads and other State land, the land will be secured in accordance with the Land Act.

The Project will also require access to non-freehold land for construction. In some instances, appropriate tenure or interest in State land will be required for the Project under the Land Act.

3.5.14.3 Project compliance

Where the Project requires tenure or interest in State land, ARTC and/or the constructing authority will engage with the relevant State Land Asset Management Unit (SLAM) within DNRME and, where applicable, the relevant asset owner to discuss options and to begin proceedings under the Land Act. In addition, ARTC will also liaise with adjoining property owners and the relevant road-rail manager (local government, DTMR or QR) in the instance that temporary or permanent works, such as road closures, are required.

Section 3.5.2.3 provides further details on the Project's compliance with the Land Act requirements.

3.5.15 Mineral Resources Act 1989

3.5.15.1 Overview

The *Mineral Resources Act 1989* (Qld) provides the framework for exploration, development and mining tenure. Under the *Mineral Resources Act 1989* (Qld), the following mining tenements can be granted:

- ▶ Prospecting permits—a prospecting permit can be sought for any mineral other than coal, and entitles the holder to prospect, hand-mine and peg a mining lease or claim
- ▶ Exploration permits—exploration permits allow for more advanced methods to determine the quantity and quality of materials present. Permitted activities under exploration permits include prospecting, conducting geophysical surveys, drilling, and sampling and testing of materials.
- ▶ Mineral development licences—mineral development licences are issued to allow the holder to evaluate the development potential of the defined resource. Mineral development licences can be granted if an exploration permit is held where there is a significant mineral occurrence of possible economic potential.
- ▶ Mining claims—a mining claim can be issued for any mineral other than coal. A mining claim allows the holder to conduct small-scale mining operations such as prospecting and hand-mining.
- ▶ Mining leases—a mining lease allows the holder to conduct larger scale mining operations. Mining leases can be issued for any specified material with permitted activities within the lease area, including machine mining or other activities associated with mining or promoting the activity of mining.

3.5.15.2 Relevance to the Project

The permanent Project footprint traverses three exploration permits for coal and two mineral development licences for coal. The Project may reduce the area of land available for resource production within these tenements.

3.5.15.3 Project compliance

The permanent footprint has been intentionally located to avoid land within the current mining lease (ML 50151) associated with the Commodore Mine. The temporary footprint encompasses 0.003 ha of the current mining lease area.

The current and future landforms and operations of the Commodore Mine will continue to be considered during the detail design phase, through consultation with the holder of the mining lease, to ensure that potential for impacts on, or by, the Project are avoided.

Although not required under the *Mineral Resources Act 1989* (Qld), consultation with relevant holders of tenements under the *Mineral Resources Act 1989* will be undertaken during detail design.

3.5.16 Native Title Act (Queensland) 1993

3.5.16.1 Overview

Consistent with the NT Act, the *Native Title (Queensland) Act 1993* (Qld) (Native Title (Queensland) Act) is the law of Queensland that provides for validation of certain historic acts done in Queensland that were invalidated because of the existence of native title, and that confirms that particular acts previously done in Queensland have resulted in the extinguishment of native title. The Native Title (Queensland) Act has been developed to ensure that Queensland law is consistent with standards set by the Commonwealth NT Act for future dealing affecting native title.

3.5.16.2 Relevance to the Project

Tenure within the Project footprint is predominately freehold where, pursuant to the (Native Title (Queensland) Act and on the assumption that the freehold grants were either past acts validated when the Native Title (Queensland) Act commenced or future acts validly done in accordance with the NT Act, native title rights have been extinguished.

Also pursuant to the Native Title (Queensland) Act, where the Project footprint uses existing rail corridors that were established by or on behalf of the Crown or a statutory authority of the Crown on or before 23 December 1996, native title rights have been extinguished through the establishment of public works.

Elsewhere, the Project footprint traverses eight parcels identified as reserve tenure and two parcels identified as State land tenure in respect of which native title is unlikely to be extinguished.

3.5.16.3 Project compliance

Assessment of the Project footprint will be required to ascertain where native title has not, consistent with the Native Title (Queensland) Act, been extinguished. This assessment is required in order to identify the areas where the Project would affect native title, and therefore be or involve future acts. Any such future acts will only validly affect native title if they are covered by and, where applicable, done in accordance with a provision of Part 2, Division 3 of the NT Act.

The potential impact of the Project on native title rights and interests in relation to these parcels will be addressed in the way described in section 3.5.16.

3.5.17 Nature Conservation Act 1992

3.5.17.1 Overview

The NC Act is the principal piece of legislation governing nature conservation in Queensland. The objective of the NC Act is the conservation of nature while allowing for the involvement of landowners and Indigenous people in the management of protected areas in which they have an interest under Indigenous tradition or Island custom. A framework is created under the NC Act for the dedication, declaration and management of protected areas, protection of wildlife and its habitat.

The NC Act also includes mechanisms for the protection of protected areas.

In Queensland, threatened species are listed under the NC Act in the following categories:

- ▶ Extinct
- ▶ Extinct in the wild
- ▶ Critically endangered
- ▶ Endangered
- ▶ Vulnerable
- ▶ Near threatened, where a species is at risk of becoming threatened in the near future
- ▶ Special least concern
- ▶ Least concern.

The *Nature Conservation (Animals) Regulation 2020* (the Animals Regulation), lists the flora and fauna recognised as extinct in the wild, endangered, vulnerable and near threatened. The Animals Regulation further addresses the significance and declared management intent for each class.

Under the NC Act, permits and licences are required to authorise interference with certain native wildlife. This includes for clearing native plants, tampering with animal breeding places and catching and relocating wildlife.

Authorisations are required under the NC Act for any proposed clearing that impacts Endangered, Vulnerable or Near-Threatened (EVNT) species (clearing permit), any proposed clearing within a mapped 'flora survey trigger area' for which no impact to EVNT species will occur (exempt clearing notification) as well as the tampering of an animal breeding place (low-risk or high-risk species management program), interfering with a cultural or natural resource in a protected area or erecting a structure in a protected area.

Further, a person must not take, use, keep or interfere with a protected animal unless the person is an authorised person. Further, a person, other than an authorised person, must not take, use, keep or interfere with native wildlife (other than protected wildlife) in an area that is identified under a regulation or a conservation plan as, or including, a critical habitat or an area of major interest. Permits and licences are required to authorise interference with certain native wildlife.

3.5.17.2 Relevance to the Project

Clearing of vegetation and works associated with the Project may impact on EVNT flora and fauna species, as listed under the NC Act.

The following permits and management plans may be required for the Project:

- ▶ Wildlife Movement Permits (Sections 88 and 97 of the NC Act)—for wildlife protected under the NC Act, and those found in certain areas covered by conservation plans created and implemented under the NC Act
- ▶ Clearing Permit (Protected Plants) (Section 89 of the NC Act)—for the clearing of vegetation contained within high-risk areas identified on the DES flora survey trigger map
- ▶ Rehabilitation Permit (spotter catcher endorsement) (Part 14 of the Nature Conservation (Animals) Regulation 2020)
- ▶ Damage Mitigation Permit (removal and relocation) (Part 10 of the Nature Conservation (Animals) Regulation 2020)
- ▶ Species Management Program submitted to the DES for approval for tampering with some animal breeding places (Section 335 of the Nature Conservation (Animals) Regulation 2020).

3.5.17.3 Project compliance

To inform approval requirements under the NC Act, further ecological surveys in accordance with relevant guidelines (e.g. DES Flora Survey Guidelines—Protected Plants) will be undertaken during detail design. The surveys will aim to address changes to the Project design, methodology and footprint, along with further informing the design and construction, including specific measures to avoid, mitigate, minimise impacts on a particular species, along with ongoing monitoring activities.

A Biodiversity Management Sub-plan will be developed for the Project that will outline specific measures to tamper with animal breeding places. Alternatively, species management programs will be sought. Both approaches will require consultation with relevant State government agencies and where applicable, the Department of Agriculture, Water and Environment (DAWE).

Where a permit under the NC Act is required in support of proposed Project activities, the necessary permit will either be obtained by the Principal Contractor in advance of commencing the activity, or an appropriately licenced specialist, holding valid permits, will be engaged to undertake the tasks.

Chapter 10: Flora and Fauna describes the biodiversity and natural environmental values of the terrestrial and aquatic ecology likely to be impacted by the Project.

3.5.18 Petroleum and Gas (Production and Safety) Act 2004

3.5.18.1 Overview

The *Petroleum and Gas (Production and Safety) Act 2004* (Qld) regulates the carrying out of responsible petroleum activities and facilitates the development of a safe, efficient and viable petroleum and fuel gas industry. Petroleum and gas authorities are granted for:

- ▶ Exploration: authority to prospect (ATP), potential commercial area (PCA)
- ▶ Production: petroleum lease
- ▶ Infrastructure development: petroleum facility licence and petroleum pipeline licence
- ▶ Information gathering: petroleum survey licence, water monitoring authority and data acquisition authority.

The holder of the ATP may carry out the following activities within the area of the authority:

- ▶ Explore for petroleum
- ▶ Test for petroleum production
- ▶ Evaluate the feasibility of petroleum production
- ▶ Evaluate or test natural underground reservoirs for the storage of petroleum or a prescribed storage gas.

An ATP area can be declared a PCA under Section 90 of the *Petroleum and Gas (Production and Safety) Act 2004* (Qld). A PCA retains an ATP beyond its term to provide more time to commercialise the resource.

3.5.18.2 Relevance to the Project

There are two petroleum pipeline licences within the Project footprint. These licences are associated with the Santos' Moonie–Brisbane oil pipeline (PPL 1) at Southbrook and APA's Roma–Brisbane gas pipeline (PPL 2) at Kingsthorpe. There are no petroleum and gas exploration or production permits granted within the Project footprint.

3.5.18.3 Project compliance

While there are no specific compliance requirements under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld), further consultation with licence holders will be undertaken during detail design in accordance with the *Land Access Code* (DNRM, 2016d). Where the Project may impact on likely significant deposits within the area, appropriate mitigation will be developed in consultation with the licence holders.

3.5.19 Planning Act 2016

3.5.19.1 Overview

The Planning Act establishes the framework and overarching policy for land-use planning for the State. The purpose of the Planning Act is to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land-use planning and development assessment to facilitate the achievement of ecological sustainability. This is achieved through:

- ▶ The protection of ecological processes and natural systems at local, regional, State, and wider levels
- ▶ Economic development
- ▶ The maintenance of the cultural, economic, physical and social wellbeing of people and communities.

The Planning Act includes State and local planning instruments that set out policies for planning or development assessment. State planning instruments are State Planning Policies and Regional Plans. Local planning instruments are planning schemes, temporary local planning instruments or a planning scheme policy.

The Planning Act includes a development assessment system, by which assessment managers assess and make decisions on development applications. There are three categories of development: prohibited, assessable or accepted development.

Under the Planning Act, development is either prohibited, assessable or accepted development. The Planning Act also establishes a development assessment system (DA Rules), by which assessment managers assess and make decisions on development applications. The DA Rules set out a standardised assessment process to ensure State-wide consistency and transparency in development assessment.

Development may be prescribed as assessable development by the State in Schedule 10 of the Planning Regulation 2017 or by a local government through a planning scheme. The relevant assessment managers and referral agencies are set out in Schedule 8 and 10 of the Planning Regulation 2017.

For development applications involving referral agency assessment, the State Assessment and Referral Agency (SARA) coordinates the referral process and issues decisions in response to its assessment of matters of State interest. Under Part 4, Division 4, Subdivision 1 of the SDWPO Act there are provisions that modify the usual process applying to the assessment and decisions about proposed development under the Planning Act, where proposed development has been the subject of an EIS. Specifically:

1. *To the extent the relevant application relates to a material change of use of premises, or requires impact assessment, under the Planning Act—*
 - a) *the application does not require public notification under the Planning Act, section 53; and*
 - b) *there are no referral agencies under the Planning Act for the application; and*
 - c) *a properly made submission about either of the following is taken to be a properly made submission about the application for the Planning Act, chapter 3—*
 - i) *A draft EIS or draft IAR for the project;*
 - ii) *Any additional information, required by the Coordinator-General for the project, that was publicly notified under section 34C(3); and*
 - d) *despite paragraph (b), until any development approval for the application has effect—*
 - i) *the Coordinator-General's report for the EIS or IAR for the project is taken to be a referral agency's response for the application for the Planning Act, chapter 3; and*
 - ii) *the Coordinator-General may exercise any power of an entity as a referral agency that, other than for paragraph (b), would have been a referral agency for the application*
2. *Subsection (1)(c) does not apply if the application involves only a material change of use requiring code assessment under the Planning Act.*

Schedule 6 of the Planning Regulation 2017 (Planning Regulation) identifies development that cannot be made assessable under a local government planning scheme. Relevantly, this includes:

Schedule 6, Part 5, Section 26—infrastructure activities:

1. *Development for ancillary works and encroachments for a road carried out by or for the State*
2. *Development for the construction of the following infrastructure, if the infrastructure is government supported transport infrastructure—*
 - d) *transport infrastructure*
3. *Development that:*
 - a) *is adjacent to—*
 - iv) *transport infrastructure; and*
 - b) *ancillary to the use, maintenance, repair or upgrading of the infrastructure.*

The following definition under Schedule 24 is relevant to the applicability of this exemption—

‘government supported transport infrastructure’ means infrastructure for transport that is for public use and funded, wholly or partly, by the State or Commonwealth, or provided by a person, other than under a development approval or infrastructure agreement, on conditions that are agreed to by the Government, and are intended to support the commercial viability of the infrastructure.’

This definition relies on the terms ‘transport infrastructure’ and ‘rail transport infrastructure’, which are defined under Schedule 6 of the *Transport Infrastructure Act 1994* (Qld) (TI Act). A discussion of these terms is provided in section 3.5.28.

Further, the definition also relies on the term ‘public use’. Public use is not defined in the Planning Act and therefore the phrase has its ordinary meaning.

Schedule 7 of the Planning Regulation identifies development that is accepted development for which approval is not required. Under Part 3 this includes, relevantly, operational work for constructing or raising a waterway barrier, where the requirements for the works are prescribed under the Fisheries Act, and the work complies with the requirements (i.e. the accepted development requirements for operational work that is constructing or raising of waterway barrier works. This means where temporary or permanent works within waterways identified in the ArcGIS data layer, ‘Queensland Waterways for Waterway Barrier Works’ comply with DAF accepted development requirements for waterway barrier works and approval under the Planning Act is not required. Further discussion regarding waterway barrier works approval requirements and exemptions is provided in Section 3.5.12.

Schedule 21 of the Planning Regulation also identifies vegetation-clearing work that is exempt clearing work, for which approval is not required. A discussion of this schedule is provided in section 3.5.31.

The Queensland State Development Assessment Provisions (SDAP) are the assessment benchmarks used by the state in development assessment, in accordance with the Planning Regulation 2017. The SDAP is a statutory instrument under the Planning Act and has effect throughout the State where the Chief Executive of the Planning Act is the assessment manager or referral agency for development applications that affect a State interest. Under the Planning Act, a State interest is defined as an interest that the Planning Minister considers affects an economic or environmental interest of the State, or part of the State, or affects the interest for/of ensuring that the purpose of the Planning Act is achieved.

The SDAP consists of State codes, which are supported by Development Assessment mapping. Applicants must address the relevant State codes of the SDAP as part of a development application.

3.5.19.2 Relevance to the Project

The coordinated project declaration under the SDPWO Act does not exempt ARTC from the need to obtain relevant development approvals or infrastructure designation under the Planning Act. The Project is, however, considered exempt from assessment under a local government planning scheme by Schedule 6, Part 5, Section 26 as, 'development for the construction of government-supported transport infrastructure' (refer section 3.6.1). The Project is 'government supported infrastructure', given:

- ▶ It is infrastructure for transport, being rail transport infrastructure as defined under Schedule 6 of the TI Act (refer section 3.5.28)
- ▶ It is infrastructure for transport that is for a public use. The Project falls within the ordinary meaning of a 'public use' as:
 - ▶ The Inland Rail Program provides a freight service that is available for use by the public
 - ▶ The payment of a fee for use of the service does not detract from the public nature of the service
 - ▶ The rail corridor will be on State-owned land, and subject to a statutory lease under Section 240 of the TI Act.
- ▶ It is funded partly by the Australian Government.

The Project will trigger the requirement to obtain development approval for various aspects of development assessable under the Planning Regulation following the completion of the EIS process depending on the type and location of activity and whether any exemptions apply.

Each of the relevant SDAP state codes will be addressed as part of the reporting to support the lodgement and assessment of the necessary post-EIS development applications.

3.5.19.3 Project compliance

Section 3.7 tabulates the potential post-EIS development approvals that may be required for the Project, and identifies the triggers for each approval, the relevant administering authority and relevant exemptions.

3.5.20 Plumbing and Drainage Act 2018

3.5.20.1 Overview

The *Plumbing and Drainage Act 2018* (Qld) (Plumbing and Drainage Act) provides the legislative framework for plumbing and drainage in Queensland and is overseen by the Department of Housing and Public Works (DHPW). The Plumbing and Drainage Act provides for the licensing of plumbers and drainers and the approval of particular plumbing and drainage works throughout Queensland. It aims to regulate the carrying out of plumbing and drainage work in a way that reduces risks to public health and safety, and the environment.

3.5.20.2 Relevance to the Project

Aspects of the Project that are expected to require approvals under the Plumbing and Drainage Act include non-resident workforce accommodation and site office facilities that require regulated plumbing and/or drainage.

3.5.20.3 Project compliance

Approvals for plumbing or drainage work for non-resident workforce accommodation and site office facilities will be obtained, where required.

3.5.21 Public Health Act 2005

3.5.21.1 Overview

The objective of the *Public Health Act 2005* (Qld) (Public Health Act) is to protect and promote the health of the Queensland public by, relevantly:

- ▶ Preventing, controlling and reducing risks to public health
- ▶ Providing for the identification of, and response to, notifiable conditions
- ▶ Imposing obligations on persons and particular health-care facilities involved in the provision of declared health services to minimise infection risks
- ▶ Inquiring into serious public health matters
- ▶ Responding to public health emergencies
- ▶ Providing for compliance with this Act to be monitored and enforced.

The Queensland Government's *Health considerations—Environmental Impact Statement: Guidelines for Proponents* (Department of Health, 2016) has been developed to ensure that EIS proponents identify relevant environmental hazards that have the potential to impact on human health and wellbeing and provide guidance to proponents on how to demonstrate that risks to human health have been minimised.

3.5.21.2 Relevance to project

The Project has the potential to generate impacts that may impact on human health and wellbeing. Measures to avoid, minimise and manage Project impacts will, therefore, be required. These requirements have been considered in developing the design for the Project and will continue to be relevant for advancing the detail design post-EIS.

3.5.21.3 Project compliance

The requirements listed in *Health Considerations—Environmental Impact Statement: Guidelines for Proponents* (Department of Health, 2016) have been considered and addressed by the Project, as follows:

- ▶ Air quality: an air quality assessment that assesses the Project against the EPP (Air). Additional details are provided in Chapter 11: Air Quality.
- ▶ Noise: an environmental noise assessment has been undertaken that assesses the Project against the EPP (Noise) and considers Department of Transport and Main Roads' (DTMR) *Interim Guideline Operational Railway Noise and Vibration—Government Supported Transport Infrastructure* (DTMR, 2019a). Additional details are provided in Chapter 14: Noise and Vibration.
- ▶ Water quality: water quality issues associated with the Project, and discussion on how these issues will be managed in accordance with the EPP (Water and Wetland Biodiversity), is covered in Chapter 12: Surface Water and Hydrology.
- ▶ Land management (i.e. contaminated land, waste management, biosecurity and vector and pest management): land management issues associated with the Project and discussion on how these issues will be managed is covered in Chapter 8: Land Resources and Chapter 10: Flora and Fauna.
- ▶ Community health and social aspects: community health and social issues associated with the Project and discussion on how these issues will be managed is covered in Chapter 15: Social.

Further, Chapter 22: Outline Environmental Management Plan provides the environmental management framework to ensure that reasonable environmental outcomes are achieved for construction and commissioning of the Project, which includes consideration of aspects with the potential to impact human health and wellbeing.

3.5.22 Queensland Heritage Act 1992

3.5.22.1 Overview

Cultural heritage in Queensland is protected by the *Queensland Heritage Act 1992* (Qld) (QH Act). The aim of the QH Act is to protect heritage areas that are assessed to be of State significance for the benefit of the community and future generations. The identified heritage areas are placed on the Queensland Heritage Register and administered by the Queensland Heritage Council (QHC), with advice from DES.

The Planning Act and the QH Act regulate development on State heritage places to protect their cultural heritage significance and ensure their values are conserved. Any works that have the potential to impact the heritage significance of a State heritage place requires either exemption or approval under the QH Act or the Planning Act.

The QH Act also creates a framework for the identification and management of places of local heritage significance. Under the Planning Regulation 2017, development on a local heritage place is assessable development, except where the development is stated in Schedule 6. Included in this schedule is development for infrastructure facilities (transport infrastructure).

The QH Act also protects archaeological artefacts and underwater cultural heritage artefacts, requiring notification of the discovery of any object that is an important source of information about an aspect of Queensland's history. It is an offence to knowingly destroy or otherwise interfere with such an object.

3.5.22.2 Relevance to the Project

A search of the Queensland Heritage Register indicated that there are no State heritage places within the cultural heritage study area, and so no approvals or exemptions will be required under the QH Act and the Planning Act.

It is possible that archaeological discoveries will be made during Project works. Any finds that have the potential to be of State significance must be reported to DES.

Chapter 17: Cultural Heritage provides a further discussion on non-Indigenous cultural heritage values in proximity to the Project.

3.5.22.3 Project compliance

A Construction Heritage Management Sub-plan will be developed as part of the CEMP. The Construction Heritage Management Sub-plan will detail mitigation and management measures to be implemented during construction in relation to cultural heritage.

Land uses and activities located outside of the identified Project footprint, such as borrow pits, will need to be assessed once locations are confirmed to check whether they are within or adjacent to sites listed on the Queensland Heritage Register.

3.5.23 Regional Planning Interests Act 2014

3.5.23.1 Overview

The *Regional Planning Interests Act 2014* (Qld) (RPI Act) regulates areas of regional interest (including strategic cropping areas) and requires that a resource activity or a regulated activity proposed to be located in an area of regional interest obtain a regional interests development approval (RIDA) following an assessment of the extent of the expected impact of the activity on the area. There are four areas of regional interest protected under the RPI Act being:

- ▶ Priority agricultural area
- ▶ Strategic cropping area
- ▶ Priority living area
- ▶ Strategic environmental area.

A RIDA may be required when a resource or regulated activity is proposed in an area of regional interest.

3.5.23.2 Relevance to the Project

The Project is not a resource activity nor a regulated activity under the RPI Act and therefore the Act does not apply.

3.5.23.3 Project compliance

Not applicable. Refer Section 3.5.23.2.

3.5.24 Rail Safety National Law (Queensland) Act 2017

3.5.24.1 Overview

The purpose of the *Rail Safety National Law (Queensland) Act 2017* (Qld) (Rail Safety National Law) is to provide for safe railway operations in Australia. One objective of the Act is to establish the Office of the National Rail Safety Regulator (ONRSR) as the regulator in Queensland. The Rail Safety National Law was created following an agreement of the Council of Australian Governments to deliver a consistent approach to rail safety policy and regulations and to remove the inconsistencies between the previous state and territory rail safety regimes.

The ONRSR has been established under the Rail Safety National Law to administer a national system of rail safety regulation. Sections 52, 53 and 54 of the Rail Safety National Law provide that rail transport operators and associated industry participants—contractors, manufacturers, designers and suppliers, referred to collectively as ‘duty holders’—have an obligation to ensure the safety of railway operations. Under Section 46 of the Rail Safety National Law, duty holders are required:

- ▶ To eliminate risks to safety so far as is reasonably practicable
- ▶ If it is not reasonably practicable to eliminate risks to safety, to minimise those risks so far as is reasonably practicable.

The *ONRSR Guideline: Meaning of duty to ensure safety so far as is reasonably practicable* (Office of the National Rail Safety Regulator, 2016b) state that the concept of ‘so far as is reasonably practicable’ is to achieve the best possible safety outcomes, to the extent that is ‘reasonably practicable’.

3.5.24.2 Relevance to the Project

The Rail Safety National Law governs the safe operation of the rail system in Queensland. The ongoing operation of the Project will need to comply with all areas of the Rail Safety National Law, covering rail industry work practices and protocols for safe working in rail corridors and associated accreditation, signalling and control, the ongoing management of structures and civil works, interfaces with public roads and highways and other activities impacting on rail safety.

3.5.24.3 Project compliance

To fulfil the requirements under the Rail Safety National Law, development of the reference design for the Project has included a ‘safety in design’ process that addresses the identification, development and implementation of hazard-reduction measures achievable through its part in the overall design process. The safety in design process identifies potential dangers across the Project lifecycle and provides a comprehensive framework to avoid or minimise risk and enhance safety, without unreasonably impacting on other design objectives.

3.5.25 Soil Conservation Act 1986

3.5.25.1 Overview

The *Soil Conservation Act 1986* (Qld) (Soil Conservation Act) is focused on the conservation of soil resources and facilitates the implementation of soil conservation measures by landowners for the mitigation of soil erosion. The Soil Conservation Act allows for two types of plans: property plans and project plans. Each plan consists of a map and specifications for the soil conservation structures and practices necessary to control erosion. It may cover the whole of a property or just part of it.

Approved property and project plans are binding on all present and future owners and the Crown. Both approved property plans and project plans can be modified to accommodate circumstances that differ from those applying at the time of approval. Plans may be amended or their approval may be revoked. This involves similar procedures to those used in the initial approval process.

3.5.25.2 Relevance to the Project

Multiple soil conservation plans, approved under the Soil Conservation Act, are included within the Project footprint. The locations of these plans and the properties they apply to are specified in Chapter 8: Land Resources.

3.5.25.3 Project compliance

The Project has assessed existing soil conservation plans (property and project) through a review of current plans in proximity to the Project, as provided by DNRME. An assessment of where potential impacts to these plans may occur as a result of the Project has been undertaken and is presented in Chapter 8: Land Resources. If a soil conservation plan is found to be current and materially affected by the Project, ARTC will consider options for amending or modifying that plan in accordance with the Soil Conservation Act. If the plan is required to be modified, it would be progressed in consultation with DNRME and the holder of the soil conservation plan.

3.5.26 Stock Route Management Act 2002

3.5.26.1 Overview

The main purposes of the *Stock Route Management Act 2002* (Qld) (Stock Route Management Act) is to provide for management of the stock route network in Queensland. Stock route area networks are primarily used by the pastoral industry and are used for:

- ▶ An alternative to transporting stock by rail or road
- ▶ Pasture for emergency agistment
- ▶ Long-term grazing.

Stock routes can be a road that is declared to be a stock route, or it may simply be any route that has historically been used for walking stock.

The *Queensland stock route network management strategy 2014–19* (Department of Natural Resources and Mines, 2016) provides a framework for managing stock route activities and allocating available resources.

The Stock Route Management Act provides that a person must not, without reasonable excuse, obstruct the movement of travelling stock on a stock route (Section 179), burn or remove pasture on a stock route (Section 180) and place things on a stock route network that may harm travelling stock (Section 181).

3.5.26.2 Relevance to the Project

The Project interfaces with the State stock route network in 12 locations.

These locations and the nature of the interface (e.g. crossing or parallel alignment), are discussed in Chapter 5: Project Description and Chapter 7: Land Use and Tenure.

3.5.26.3 Project compliance

The reference design for the Project has recognised the importance of stock routes and has incorporated means of continued stock movement across or in parallel to the rail corridor, as appropriate. In some isolated instances, such as in Yelarbon and the southern extent of Millmerran–Inglewood Road, re-alignment of existing stock routes has been included in the reference design and the Project footprint to enable continued use of those routes.

Consultation with DNRME, GRC and Toowoomba Regional Council (TRC) and landowners has occurred to determine potential impacts on impacted stock routes. Consultation will be ongoing to confirm the appropriate interface or alignment solution through detail design.

3.5.27 Strong and Sustainable Resources Communities Act 2017

3.5.27.1 Overview

The *Strong and Sustainable Resources Communities Act 2017* (Qld) (SSRC Act) commenced on 30 March 2018.

The *Social Impact Assessment (SIA) Guideline* (updated in September 2018), was developed by the Coordinator-General in accordance with Section 9(4) of the SSRC Act. It details what must be included in an SIA and covers the identification and assessment of social impacts, as well as their management and monitoring.

The SIA guideline is a statutory instrument for all projects identified as large resource projects under the SSRC Act. It is also a non-statutory guideline for non-resource projects subject to an EIS process under either the SDPWO Act or the EP Act.

3.5.27.2 Relevance to the Project

The Project is not a large resource project; therefore, the SIA Guideline is to be used as a non-statutory guideline for the EIS. The Project is a linear infrastructure project for which 'potentially affected communities' include towns and rural areas in and near the Project footprint rather than 'nearby regional communities' within a 125 km radius, as defined by the SSRC Act.

3.5.27.3 Project compliance

A SIA has been prepared for the Project, which meets the requirements of the SIA Guideline, as referenced within the ToR. This is summarised in Chapter 15: Social and provided in full in Appendix U: Social Impact Assessment Report.

3.5.28 Transport Infrastructure Act 1994

3.5.28.1 Overview

The TI Act provides a framework for integrated planning and efficient management of transport infrastructure. The objectives of the TI Act are to allow the government to have a strategic overview of the provision and operation of all transport infrastructure.

As discussed in section 3.5.19, development that is for 'government supported transport infrastructure' cannot be made assessable under a local government planning scheme. The definition of 'government supported transport infrastructure' under the Planning Act relies on the following terms, which are defined under Schedule 6 of the TI Act:

- ▶ 'Transport infrastructure' includes air, busway, light rail, miscellaneous, public marine, rail or road transport infrastructure and transport infrastructure relating to ports, and other rail infrastructure and active transport infrastructure
- ▶ 'Rail transport infrastructure' means facilities necessary for operating a railway, including railway track and works built for the railway, for example: cuttings, drainage works, excavations, land fill, track support earthworks; and any of the following things that are associated with the railway's operation: bridges, communication systems, machinery and other equipment, marshalling yards, notice boards, notice markers and signs, overhead electrical power supply systems, over-track structures, platforms, power and communication cables, service roads, signalling facilities and equipment, stations, survey stations, pegs and marks, train operation control facilities, tunnels, and under-track structures.

Under the TI Act, various authorisations are required where infrastructure or works are proposed within transport corridors, including:

- ▶ Written approval of the Chief Executive under Section 33 to carry out works on a state-controlled road, or to interfere with a State-controlled road or its operation
- ▶ Road corridor permit under Section 50 to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road
- ▶ Written permission from the railway manager under Section 255 to interfere with a railway.

3.5.28.2 Relevance to the Project

The Project interfaces with seven State-controlled roads in nine locations and has connections to two existing railway lines—the South Western Line and Millmerran Branch Line. As described in section 3.3.1.2, referral for development is not required where the works relate to an MCU already assessed under the Section 37 of the SDPWO Act.

The Project may use up to seven existing quarries to source material for construction. In each instance, it will be necessary for the existing quarry to ensure extraction for the Project and associated vehicle movements on the State-controlled road network is within their existing approved conditions.

3.5.28.3 Project compliance

Approvals under the TI Act will be obtained for the Project as required.

Chapter 18: Traffic, Transport and Access provides further information regarding the Project interface with the State-controlled road network.

3.5.29 Transport Operations (Road Use Management) Act 1995

3.5.29.1 Overview

The *Transport Operations (Road Use Management) Act 1995* (Qld) (Transport Operations (Road Use Management) Act) provides for the effective and efficient management of road use in the State and vehicle use in a public place. The Transport Operations (Road Use Management) Act also provides for a scheme for managing the use of the State's roads. The scheme provides for:

- ▶ Identification of vehicles, drivers and other road users, and the establishment of performance standards
- ▶ Establishment of rules for on-road behaviour
- ▶ Monitoring of compliance with the Transport Operations (Road Use Management) Act, including by using alternative compliance schemes
- ▶ Management of non-performing vehicles, drivers and other road users
- ▶ Control of access to the road network, or parts of it, for vehicles, drivers and other road users
- ▶ Management of traffic to enhance safety and transport efficiency.

3.5.29.2 Relevance to the Project

The Project involves works within the road network that will be managed by traffic management plans.

3.5.29.3 Project compliance

Where works are required within the existing road network, traffic management plans will be prepared and implemented to control traffic and maintain the safety of traffic.

Chapter 18: Traffic, Transport and Access provides further information regarding the need for traffic management during construction.

3.5.30 Transport Planning and Coordination Act 1994

3.5.30.1 Overview

The *Transport Planning and Coordination Act 1994* (Qld) (Transport Planning and Coordination Act) is the primary law relating to transport in Queensland. The overall objective of the Transport Planning and Coordination Act is to improve the economic, trade and regional development performance of Queensland and the quality of life of Queenslanders.

Under the Transport Planning and Coordination Act, these objectives are achieved through:

- ▶ Development and delivery of a Transport Coordination Plan to provide a framework for strategic planning and management of transport resources in Queensland (currently the Transport Coordination Plan 2017–2027 (Transport Coordination Plan). The objectives of the Transport Coordination Plan focus on five key areas:
 - ▶ Customer experience and affordability
 - ▶ Community connectivity
 - ▶ Efficiency and productivity
 - ▶ Safety and security
 - ▶ Environment and sustainability.
- ▶ Enabling the chief executive to encourage increased integration between land use and transport
- ▶ Affording the chief executive powers including:
 - ▶ Authority to acquire, hold, dispose of or otherwise deal with land for the purposes of transport, for an incidental purpose, for the purpose of a transport associated development or for a combination of these purposes
 - ▶ Acquire land through resumption processes for the purpose of transport infrastructure, transport associated development or for an incidental purpose.

For the purposes of the State Planning Policy, a State transport corridor and a future State transport corridor is defined as an active transport corridor and a future transport corridor under a guideline made pursuant to the *Transport Planning and Coordination Act 1994* (Qld).

3.5.30.2 Relevance to the Project

The Project represents a significant element of transport infrastructure that will interact with Queensland's existing transport network. Specifically, existing rail, State-controlled roads and local government roads.

The following objectives of the Transport Coordination Plan are of relevance to the Project:

- ▶ Transport meets the needs of all Queenslanders, now and into the future
- ▶ Transport connects communities to employment and vital services
- ▶ Transport facilitates the efficient movement of people and freight to grow Queensland's economy
- ▶ Transport is safe and secure for customers and goods
- ▶ Transport contributes to a cleaner, healthier and more liveable environment and is resilient to Queensland's weather extremes.

3.5.30.3 Project compliance

The Project is consistent with the objectives of the Transport Coordination Plan as it will:

- ▶ Provide opportunities for economic benefit in regional communities
- ▶ Provide efficient and cost-competitive freight option when compared to road transportation
- ▶ Enable freight movements, currently reliant on road transportation, to be migrated to rail and in doing so improving the safety of the existing road network.

The benefits of Inland Rail, and the Project, are discussed in Chapter 2: Project Rationale.

3.5.31 Vegetation Management Act 1999

3.5.31.1 Overview

The *Vegetation Management Act 1999* (Qld) (VM Act) regulates and manages the process and impacts of native vegetation clearing. The objectives of the VM Act include conservation of remnant regional ecosystems (REs), prevention of the loss of biodiversity, maintenance of ecological processes, and conservation of vegetation in areas of high nature conservation value or lands vulnerable to land degradation.

Clearing of relevant remnant or regulated regrowth vegetation constitutes operational works under Schedule 10 of the Planning Regulation 2017 that will require development approval, unless an exemption applies. Under Schedule 21, Part 1, Item 14 of the Planning Regulation 2017, the following clearing work is 'exempt clearing work' for which a development permit is not required:

- ▶ (14) Clearing vegetation for the construction or maintenance of infrastructure stated in Schedule 5, if—
 - ▶ the clearing is on a designated premises
 - ▶ the infrastructure is government supported transport infrastructurewhere:
 - ▶ 'infrastructure' stated in Schedule 5 (of the Planning Regulation 2017) includes (under Part 1) 'transport infrastructure, including transport infrastructure stated in Schedule 2 of the Planning Act under the definition of 'development infrastructure'
 - ▶ 'transport infrastructure' as defined under Schedule 24 of the Planning Regulation 2017, includes:
 - other rail infrastructure
 - rail transport infrastructure.

both of which are defined under Schedule 6 of the TI Act

- ▶ 'Other rail infrastructure' under Schedule 6 of the TI Act means freight centres or depots, maintenance depots, office buildings or housing, rolling stock or other vehicles that operate on a railway, workshops and any railway track, works or other thing that is part of these

- ▶ 'Rail transport infrastructure' under Schedule 6 of the TI Act means facilities necessary for operating a railway, including:
 - ▶ *Railway track and works built for the railway, including for example: cuttings, drainage works, excavations, land fill, track support earthworks; and*
 - ▶ *Any of the following things that are associated with the railway's operation: bridges, communication systems, machinery and other equipment, marshalling yards, noticeboards, notice markers and signs, overhead electrical power supply systems, over-track structures, platforms, power and communication cables, service roads, signalling facilities and equipment, stations, survey stations, pegs and marks, train operation control facilities, tunnels, under-track structures; and*
 - ▶ *Vehicle parking and set down facilities for intending passengers for a railway that are controlled or owned by a railway manager or the chief executive; and*
 - ▶ *Pedestrian facilities, including footpath paving for the railway that are controlled or owned by a railway manager or the chief executive.*
- ▶ Development infrastructure (under Schedule 2 of the Planning Act) includes:
 - a) *land or works, or both land and works, for*
 - v) *transport infrastructure, including roads, vehicle lay-bys, traffic control devices, dedicated public transport corridors, public parking facilities predominantly serving a local area, cycleways, pathways and ferry terminals.*

Government-supported transport infrastructure under Schedule 24 of the Planning Regulation 2017 means infrastructure for transport that is for public use and is funded, wholly or partly, by the State or the Australian Government, or provided by a person, other than under a development approval or infrastructure agreement, on conditions that are agreed to by the government and are intended to support the commercial viability of the infrastructure.

3.5.31.2 Relevance to the Project

The VM Act is relevant to the flora and fauna assessment to the extent that it provides for classification of regional ecosystems as endangered, vulnerable, or least concern. Chapter 10: Flora and Fauna provides further detail regarding relevant vegetation categories and communities.

The disturbance footprint extends across a range of vegetation categories and communities mapped under the VM Act and therefore clearing of vegetation regulated under the VM Act will occur as a result of the Project. Clearing of vegetation for the construction of government supported transport infrastructure is exempt clearing work under Schedule 21 of the Planning Regulation and does not require a development approval.

3.5.31.3 Project compliance

The Project, including ancillary works as described in Chapter 5: Project Description, being government-supported transport infrastructure (refer section 3.5.19.1) is eligible for exemption for clearing works under Schedule 21 of the Planning Regulation 2017.

The exempt clearing work is dependent on the Project being 'government supported transport infrastructure' and the clearing being for that purpose. In the event that portions of clearing works for the Project do not fall within this exemption, the necessary approvals will be obtained where required.

Vegetation clearing, including offset requirements, will be managed through the Coordinator-General's imposed conditions.

3.5.32 Waste Reduction and Recycling Act 2011

3.5.32.1 Overview

The *Waste Reduction and Recycling Act 2011* (Qld) (WRR Act) promotes waste avoidance and reduction, and resource recovery and efficiency actions. The WRR Act provides a strategic framework for managing wastes through a waste and resource management hierarchy, as listed below in the preferred order to be considered:

- ▶ Avoid or reduce
- ▶ Reuse
- ▶ Recycle
- ▶ Recover energy
- ▶ Treat
- ▶ Dispose.

Under the WRR Act, the management of priority wastes are of strategic importance, due to the high disposal impacts, social impacts, potential resource savings and business opportunities associated in their recovery. This legislation also enables the Queensland Government to work with industry and the community in identifying the most appropriate management options for priority wastes. The management of waste activities associated with the Project will largely be underpinned by the WRR Act hierarchy.

The Waste Reduction and Recycling Regulation 2011 (Qld) sets out the mechanisms to achieve the objectives of the WRR Act. The Queensland Government has developed a waste management and resource recovery strategy to reduce the amount of waste being generated and to grow the resource recovery and recycling industry. This is underpinned by a waste levy, which started on 1 July 2019.

3.5.32.2 Relevance to the Project

The construction phase of the Project will generate the majority of the Project's waste. This waste can be broadly classified as:

- ▶ Construction and demolition waste (including spoil)
- ▶ General waste (municipal waste) from construction compounds
- ▶ Regulated waste (required to be managed in accordance with the EP Regulation)
- ▶ Recyclables which are waste streams that can be reconditioned and reprocessed for reuse.

Where waste is not reused or recycled onsite, waste generated through the Project will need to be disposed offsite at appropriately licenced facilities.

3.5.32.3 Project compliance

The management of waste activities associated with the Project will be underpinned by the WRR Act waste and resource management hierarchy, as listed above. Where avoidance is not possible, all waste will be reused or recycled in the first instance, where practical. Where waste is not reused or recycled onsite, waste generated through the Project will need to be disposed offsite at appropriately licenced facilities involving payment of applicable waste levies under the WRR Act.

The sustainability commitments embedded into the Inland Rail Environment and Sustainability Policy (refer Appendix E: Corporate Policies) include encouraging sustainability throughout the value chain for goods and services used to build and operate Inland Rail and the Project.

Further information regarding Project waste streams and waste management plans is provided in Chapter 20: Waste Management.

3.5.33 Water Act 2000

3.5.33.1 Overview

The Water Act provides a framework for:

- ▶ Sustainable management of Queensland's water resources and quarry material by establishing a system for the:
 - ▶ Planning, allocation and use of water
 - ▶ Allocation of quarry material and riverine protection.
- ▶ Sustainable and secure supply and demand management for the South East Queensland (SEQ) region and other designated regions
- ▶ The management of impacts on underground water caused by the exercise of underground water rights by the resource sector
- ▶ The effective operation of water authorities.

The Water Act is supported by the Water Regulation 2016 and various water plans for defined geographic regions.

Under the Water Act, water plans may set limitations on the taking or interfering of water in the plan area and prescribe the requirements for applications for granting water entitlements or other authorisations. The Water Act also holds provisions for water use plans to be prepared and implemented to regulate water use in a defined area where there is a risk of land and water degradation.

Under the Water Act, the taking or interfering with the flow of water on, under or adjoining land (including surface water, artesian water, and in some instances overland flow where regulated through a water plan), requires a Water Licence under the Water Act as evidence of entitlement to the resource and a development permit for operational work under the Planning Act where constructing or installing certain types of works.

The DNRME maintains 'Exemption requirements for construction authorities for the taking of water without a water entitlement (WSS/2013/666)'. These exemption requirements may only be used by a constructing authority defined under Schedule 2 of the AL Act and includes State government departments and local governments. At present, these guidelines do not directly apply to ARTC and a water entitlement would be required for the taking of water from a watercourse.

Riverine protection permits are required to excavate, or place fill in a watercourse, lake or spring. In certain circumstances, exemptions apply where the works are undertaken in accordance with the riverine protection permit exemption requirements (WSS/2013/726 Version 2.00) guidelines. ARTC is an approved entity for the purpose of the Riverine Protection Permit Exemption Requirements.

3.5.33.2 Relevance to the Project

The Project is expected to require the following activities of relevance under the Water Act:

- ▶ Taking or interfering with the flow of water
- ▶ Excavation or placing fill in a watercourse, lake or spring
- ▶ Subject to detail design, modification of an existing levee at Yelarbon may be required, resulting in the levee being a category 2, as defined in Schedule 10 of the Water Regulation 2016.

3.5.33.3 Project compliance

ARTC or the Principal Contractor will apply for a water entitlement, water licences and development permits for watercourse diversion for the Project to enable the take of water for use during construction where required. Further information on water sources is provided in Chapter 5: Project Description.

Where necessary, development permits and resource entitlements for operational work for taking or interfering with water will be obtained.

Where works are proposed within a watercourse, these activities will be in accordance with the riverine protection permit exemption requirements. A riverine protection permit will be required in instances where the exemption requirements cannot be achieved.

Modification of the existing Yelarbon levee may be the preferred design solution to avoid worsening of hydrological conditions in the Yelarbon area. If this solution is confirmed as preferred through detail design, the design requirements for modifying the existing Yelarbon levee will be confirmed through further consultation with GRC. It is anticipated that the modified levee would be considered a Category 2 levee (Schedule 10 of the Water Regulation 2016), and a waterway barrier, requiring a development approval under the Planning Act.

3.5.34 Water Supply (Safety and Reliability) Act 2008

3.5.34.1 Overview

The *Water Supply (Safety and Reliability) Act 2008* (Qld) provides for the safety and reliability of water supply. The purpose of the Act is achieved by:

- ▶ Providing a regulatory framework for water and sewerage services in Queensland, including functions and powers of service providers
- ▶ Providing a regulatory framework for the provision of recycled water and drinking water quality, primarily for protecting public health
- ▶ Regulating referable dams
- ▶ Providing for flood mitigation responsibilities
- ▶ Protecting the interests of customers of service providers.

Under the *Water Supply (Safety and Reliability) Act 2008* (Qld), a service provider means a water service provider or a sewerage service provider.

3.5.34.2 Relevance to the Project

ARTC will not, in the course of undertaking the Project, be providing a water or sewerage service to others and is not a 'service provider' as defined under the *Water Supply (Safety and Reliability Act) 2008* (Qld). Further, the Project will not involve the provision of a recycled water scheme, or the construction of or interfering with a referable dam.

3.5.34.3 Project compliance

Not applicable. Refer section 3.5.34.2.

3.5.35 Work Health and Safety Act 2011

3.5.35.1 Overview

The *Work Health and Safety Act 2011* (Qld) (WHS Act) provides a framework and general duties for the protection, safety and welfare of workers in Queensland while they are at work. Under the WHS Act, designers must ensure, so far as is reasonably practicable, that structures are designed to be without risks to the health and safety of persons.

3.5.35.2 Relevance to the Project

There are two specific requirements for designers to provide information under the WHS Act.

1. Under Section 22(4) and 22(5) of the WHS Act, the designer must provide information to anyone who is issued with the design:
 - ▶ Indicating the purpose for which the structure is designed
 - ▶ The results of any testing and analysis undertaken
 - ▶ Any conditions necessary to ensure that the designer has designed the structure to be without risk to health and safety when it is used as a workplace during its lifecycle.

Current relevant information must also be provided to people who use, construct, maintain or demolish the structure on request.

2. Under Section 295 of the Work Health and Safety Regulation 2011, the designer of a structure or any part of a structure that is to be constructed is required to provide the person conducting a business or undertaking who commissioned the design, a written safety report outlining potential hazards relating to the design that may pose a hazard to people carrying out construction work.

3.5.35.3 Project compliance

The Project has incorporated risk identification and assessment practices throughout the design development phase to date and ARTC have a strong commitment to implementing and maintaining appropriate safety practices throughout operations. Project design documentation has been prepared to comply with the requirements of the WHS Act.

3.5.36 Workers' Accommodation Act 1952

3.5.36.1 Overview

The *Workers' Accommodation Act 1952* (Qld) (Workers' Accommodation Act) applies to areas outside of cities and towns and prescribes the minimum standards and criteria for the provision of accommodation by employers to workers performing construction work. It also sets out the obligations of workers with respect to the accommodation provided.

3.5.36.2 Relevance to the Project

Three non-resident workforce accommodation facilities are proposed to be provided during the construction phase of the Project and will need to meet the minimum standards and criteria of the Workers' Accommodation Act.

3.5.36.3 Project compliance

Detail design of non-resident workforce accommodation will ensure the minimum standards specified under the Workers' Accommodation Act are achieved.

Approvals for the establishment and operation of non-resident workforce accommodation will be sought separately to the EIS process.

3.6 Local government planning schemes and policy

The Queensland Government, through processes in the Planning Act, sets out state-wide and regional planning matters to be considered by every local government in Queensland. State and local plans (often referred to as planning schemes or planning instruments) direct development within the areas to they apply to and ensure planning processes in Queensland are protected and managed consistently.

3.6.1 Planning schemes

Local government planning schemes are the principal document guiding growth and development in each LGA. Planning schemes are prepared by local governments after community consultation and are approved by the Queensland Minister responsible for the Planning Act.

The Project footprint is located within the area of the following planning schemes:

- ▶ Goondiwindi Region Planning Scheme 2016
- ▶ Toowoomba Regional Planning Scheme 2012.

In accordance with Schedule 6, Part 5, Section 26(2) of the Planning Regulation 2017, development for the construction of transport infrastructure, where the infrastructure is government-supported transport infrastructure, cannot be made assessable development under the relevant local categorising instruments. As discussed in Section 3.5.19, Inland Rail is considered to be government-supported transport infrastructure. Accordingly, the provisions of these local government planning schemes cannot make development for the Project assessable development; however, certain development associated with the Project may remain assessable against the local planning scheme. Notwithstanding this, the relevant land-use zoning under each planning scheme has been taken into consideration when assessing impacts of the Project on future land uses in the area (refer Chapter 7: Land Use and Tenure).

Ancillary works (e.g. non-resident workforce accommodation, borrow pits, concrete batch plants) integral to the construction of the Project, being development for the construction of government supported infrastructure (Schedule 6, Part 5, Section 26 of the Planning Regulation), are exempt from assessment against local government planning schemes.

The sections below provide an overview of the relevant local government planning schemes associated with the Project.

3.6.1.1 Goondiwindi Region Planning Scheme 2018

The Goondiwindi Region Planning Scheme was adopted by GRC in March 2018 and is the primary planning document for land located within the Goondiwindi Regional LGA. The Goondiwindi Region Planning Scheme was prepared in accordance with the repealed *Sustainable Planning Act 2009* (Qld) (Sustainable Planning Act) and was amended for alignment with the Planning Act. The Goondiwindi Region Planning Scheme sets the intention for future development in the planning scheme area over the next 20 years.

3.6.1.2 Toowoomba Regional Planning Scheme 2012

The Toowoomba Regional Planning Scheme commenced in July 2012 and is the primary planning document for land located within the Toowoomba Regional LGA. The Toowoomba Regional Planning Scheme was prepared in accordance with the repealed Sustainable Planning Act and was amended for alignment with the Planning Act. The Toowoomba Regional Planning Scheme intends to provide a strategic vision for development in the LGA over the next 20 years.

3.6.2 Local laws

The *Local Government Act 2009* (Qld) empowers and provides responsibilities to local governments to make and enforce any local law that is necessary or convenient that reflects community needs and ensures the good rule and government of the LGA. These laws usually relate to the protection of amenity or other values important to communities, including local government-controlled roads, carrying out of works on a road or interfering with a road or its operation, control of local pests declared by councils, noise, light, waste management, vegetation, parks and fencing.

The Project is within the LGAs of GRC and TRC. The Project will adhere to and be carried out in accordance with relevant local laws where applicable.

3.7 Post-Environmental Impact Statement approvals

This draft EIS supports the evaluation of the Project under Part 4 of the SDPWO Act. It addresses the *Terms of reference for an environmental impact statement: Inland Rail—Border to Gowrie project* dated November 2018 (refer Appendix B: Terms of Reference Compliance Table). The Project is also a controlled action under the EPBC Act and requires approval from the Australian Government Minister for the Environment.

A summary of the potential post-EIS approvals is provided within Table 3.5. This list will be subject to review and change during the detail design process. For further detail regarding the relevance and compliance of each approval, permit, licence or authority, refer to section 3.2 to section 3.6.

TABLE 3.5 POTENTIAL POST-ENVIRONMENTAL IMPACT STATEMENT APPROVALS FOR THE PROJECT

Approval, permit, licence or authority	Trigger	Potential exemptions	Administering authority	Timing
Commonwealth				
Approval for Controlled Action	An action (i.e. a project, development, undertaking, activity or series of activities) that has, will have or is likely to have a significant impact on a matter of national environmental significance (MNES)	Nil	Department of Agriculture, Water and Environment	Prior to commencement of construction
State				
Development approval for building works Planning Act, Planning Regulation, Building Act, Building Regulation	Building work (e.g. for non-resident workforce accommodation, site offices etc.) is assessable development)	Accepted development under the Planning Regulation 2017 or the <i>Building Act 1975</i> (Qld)	Local government or private certifier	Prior to commencement of building works
Approval for connection of supply/load increase Electricity Act	Application for connection of electrical supply or increase in connected load	Nil	Energex or Powerlink	Prior to commencement of relevant works
Soil Disposal Permit EP Act	A disposal permit is required to remove, treat or dispose of contaminated soil from land listed in the CLR or the EMR	Nil	DES	Prior to removal or disposal of contaminated soil
EAs for ERAs EP Act	A person must not carry out an ERA (e.g. as outlined in Section 3.5.10.2) unless the person holds, or is acting under, an EA for the activity	Nil	DES	Prior to commencement of relevant works
Development approval for an MCU for a concurrence ERA EP Act and Planning Act	A development approval will be required for making an MCU for an ERA that is a concurrence ERA	A development approval is not required if an EA to carry out another concurrence ERA has been approved for the premises and the proposed concurrence ERA is to be carried out under the EA and has a lower aggregate environmental score than the other approved concurrence ERA	Chief executive, DSDTI (SARA)	Prior to commencement of relevant works

Approval, permit, licence or authority	Trigger	Potential exemptions	Administering authority	Timing
Licence to use explosives Explosives Act	An authority under the <i>Explosives Act 1999</i> is required to use, possess, store or transport explosives	Nil	DNRME	Prior to commencement of relevant works
Operational work development approval for waterway barrier works Planning Act; Planning Regulation and Fisheries Act	Operational work that is constructing or raising waterway barrier works is assessable development	Operational work for constructing or raising is accepted development if it complies with the document ' <i>Accepted development requirements for operational work that is constructing or raising waterway barrier works</i> ' (DAF, 2018e)	SARA	Prior to commencement of relevant construction works
Allocation of quarry material Forestry Act and Land Act	Licence or permit to interfere with forest products (if required). Licence or permit not required where quarry material not proposed to be removed from existing ownership	Nil	DAF	Prior to commencement of construction
Revocation of state forest Forestry Act	Forestry Act, Section 32AA—revocation of parts of the Whetstone State Forest and Bringalily State Forest	Nil	DES	Prior to gazettal of the rail corridor
Approval for minimal disturbance Forestry Act	Forestry Act, Section 56	Nil	DAF	Prior to partial revocation and commencement of construction.
Occupation Permit Forestry Act	Forestry Act, Section 35	Nil	DAF	Prior to partial revocation and commencement of construction.
Licences for the removal of quarry material Forestry Act	Forestry Act, Part 6	Nil	DAF	Prior to commencement of construction.
Tenure dealings Land Act and NT Act	Tenure is required to be issued under the Land Act for the occupation and use of a reserve, road, lands lease or unallocated State land.	Nil	DNRME	Prior to commencement of construction

Approval, permit, licence or authority	Trigger	Potential exemptions	Administering authority	Timing
Movement Permit NC Act Nature Conservation (Animals) Regulation 2020 (the Animals Regulation)	<p>A person must not take, use, keep or interfere with a protected animal unless the person is an authorised person or the taking is authorised under the NC Act.</p> <p>A person, other than an authorised person, must not take, use, keep or interfere with native wildlife (other than protected wildlife) in an area that is identified under a regulation or a conservation plan as, or including a critical habitat or an area of major interest.</p>	An animal authority will not be required where particular entities carry out particular activities in relation to particular animals, as specified in in Chapter 3, Part 2 of the Animals Regulation.	DES	Prior to taking, using, keeping or interfering with protected animals.
Protected Plant Clearing Permit NC Act Nature Conservation (Plants) Regulation 2020	Clearing of protected vegetation within a high-risk flora survey trigger area	Where the flora survey report does not detect any EVNT plants in the clearing impact area, or the impacts on EVNT plants can be avoided (i.e. clearing will not take place within 100 m of the EVNT plants), a clearing permit is not required but the taking of the plant must occur within three years after the flora survey report is completed.	DES	Prior to undertaking any clearing of protected plants
Rehabilitation Permit NC Act Animals Regulation	Part 14, the Animals Regulation	Nil	DES	Prior to any clearing
Species Management Programs (low-risk and high-risk) Damage Mitigation Permit NC Act Animals Regulation	A person must not, without a reasonable excuse remove or tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring	<p>Nil</p> <p>A person may only remove or otherwise tamper with a breeding place if the removal or tampering is part of an approved species management program for the animal the person holds a damage mitigation permit for the animal and the permit authorises the removal or tampering</p>	DES	Prior to undertaking any works in a breeding place

Approval, permit, licence or authority	Trigger	Potential exemptions	Administering authority	Timing
Development approval for development on a State heritage place Development approval for an MCU on or adjoining a state heritage place Planning Act and Planning Regulation	Development, as defined by the Planning Act, on a Queensland Heritage Place	A development approval is not required if a heritage exemption certificate is given under the QH Act	SARA	Prior to development on or adjoining a Queensland Heritage Place
Planning Regulation, schedule 10, Part 9, Division 3, Oil and gas infrastructure—referral agency's assessment, Table 1, 2 and 3	Reconfiguring a lot subject to a pipeline easement or MCU of premises subject to a pipeline Easement or Operational work on premises subject to a pipeline easement	Applies to works assessable under a local planning instrument	Pipeline licence holder	Prior to undertaking the development
Development permit for works within, adjacent or impacting State transport infrastructure TI Act and Planning Regulation	Development impacting on state transport infrastructure and thresholds—Planning Regulation, Schedule 10, Division 4, Subdivision 1, Table 1	Applies to works assessable under a local planning instrument. Referral not required where works relate to an MCU already assessed under the SDPWO Act, Section 37	DSDTI (assessment manager) DTMR (advice agency)	Prior to construction works
Road Corridor Permit—state-controlled road TI Act (Section 50) and Transport Infrastructure (state-controlled Roads) Regulation	A person must not construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road contrary to a notice under Section 50 of the TI Act.	Nil	DTMR	Prior to commencement of construction works on a State-controlled road
Traffic management Transport Operations (Road Use Management) Act	Traffic management plans must comply with requirements of Transport Operations (Road Use Management) Act and Manual of Uniform Traffic Control Devices Part 3	Nil	DTMR	Prior to construction works
Operational work development approval for clearing native vegetation on prescribed land Planning Act, Planning Regulation and VM Act	Clearing of native vegetation under the VM Act	Clearing vegetation for the construction of transport infrastructure which is government supported transport infrastructure is exempt clearing work under the Planning Regulation 2017	DSDTI (assessment manager) DNRME (advice agency)	Prior to clearing

Approval, permit, licence or authority	Trigger	Potential exemptions	Administering authority	Timing
Operational work development approval for the taking or interfering with water Planning Act, Planning Regulation and Water Act	Operational work that involves taking or interfering with water in a watercourse, lake or spring	A development approval will not be required if: <ul style="list-style-type: none"> ▶ The taking or interfering is allowed under the Water Act, Chapter 2, Part 3, Division 1 ▶ The interfering is allowed under a water licence under the Water Act and the work complies with the conditions of the licence 	SARA DSDTI (assessment manager) DNRME (advice agency)	Prior to commencement of construction
Water permit or water licence Water Act	A water permit is required to take water which has a reasonably foreseeable end date. A water licence is required to take or interfere with water from a watercourse, lake or spring	Nil	DNRME	Prior to taking or interfering with water from a watercourse, lake or spring
Riverine protection permit Water Act	A permit is required to destroy, excavate or place fill in a watercourse, lake or spring	A permit is not required where the works comply with DNRME's Riverine Protection Permit Exemption Requirements (WSS/2013/726). ARTC is an approved entity under the exemption requirements	DNRME	Prior to undertaking the activities in a watercourse, lake or spring.
Development permit for operational works for modification of a levee Water Act	Planning Regulation, Schedule 10, Part 19, Division 4, Subdivision 1, Section 32	Nil	DSDTI (assessment manager) DNRME (advice agency)	Prior to construction works for the modification
Local Laws				
Approval under a local law made pursuant to the Local Government Act	If it is determined that a local law applies, approval may be required as specified in a local law unless an exemption in the local law applies	Pursuant to the relevant local law	Relevant local government	Prior to commencement of works/activities regulated by the local law
Road corridor permit Park access permits Local Laws	<i>Goondiwindi Local Law No.4 (Local government controlled areas, facilities and roads) 2011 and Toowoomba Local Law No.4 (Local government controlled areas, facilities and roads) 2018</i> —any works within local roads or local road closures	Nil	Local council	Prior to construction works