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Appendix 1-D Development Approvals

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Table 1

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Commonwealth approvals			
<p>The Project has been declared a controlled action requiring an approval in relation to its likely impacts on the nominated matters of national environmental significance (NES):</p> <ul style="list-style-type: none"> ■ sections 12 and 15A (World Heritage properties); ■ sections 15B and 15C (National Heritage places); ■ sections 16 and 17B (Wetlands of International importance); ■ sections 18 and 18A (Listed threatened species and communities); ■ sections 20 and 20A (Listed migratory species); and ■ Sections 23 and 24A (Marine Environment). 	<p>Any aspect of the Project which is likely to impact on the nominated matters of NES. Further details on impacts to specific matters of NES are discussed in Appendix A-3</p>	<p><i>Environment Protection and Biodiversity Conservation Act 1999</i></p>	<p>Department of Sustainability, Environment, Water, Population and Communities</p>
State approvals			
Sustainable Planning Act 2009 (SPA) – Schedule 3 of the Sustainable Planning Regulation 2009 and local government Planning Scheme			
<p>Development Permit material change of use for environmentally relevant activity</p>	<ul style="list-style-type: none"> ■ ERA 8 – Chemical Storage ■ ERA 14 – Electricity Generation ■ ERA 16 – Extractive and screening activities ■ ERA 17 – Abrasive Blasting ■ ERA 38 – Surface Coating ■ ERA 43 – Concrete Batching ■ ERA 47 – Timber Milling and woodchipping ■ ERA 50 – Bulk Material Handling ■ ERA 63 – Sewerage Treatment ■ ERA 64 – Water Treatment. 	<p><i>Sustainable Planning Act 2009</i> <i>Environmental Protection Act 1994</i> <i>Environmental Protection Regulation 2008</i></p>	<p>Banana Shire Council and Western Downs Regional Council, Department of Environment and Resource Management</p>

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Development permit for operational works for clearing vegetation clearing	A development permit for operation works is required for the clearing of vegetation to which the <i>Vegetation Management Act 1999</i> applies	<i>Sustainable Planning Act 2009</i> <i>Vegetation Management Act 1999</i> <i>Vegetation Management Regulation 2000</i>	Banana Shire Council and Western Downs Regional Council, Department of Environment and Resource Management
Development Permit for development on a Queensland Heritage Place or a local Heritage place	Development on a Queensland Heritage Place or a Local Heritage Place requires a development permit. Queensland Heritage Place means a registered place under the <i>Queensland Heritage Act 1992 (QHA)</i> . Local heritage place means a local heritage place under the QHA	<i>Sustainable Planning Act 2009</i> <i>Queensland Heritage Act 1992</i>	Department of Environment and Resource Management
Development permit operational works for taking, or interfering with water	A development permit is required for the taking or interfering with water.	<i>Sustainable Planning Act 2009</i> <i>Water Act 2000</i>	Department of Environment and Resource Management
Development permit for operational works for quarrying in a watercourse or lake	A development permit is required for all aspects development for the removal of quarry material from a water course or lake if an allocation notice is required under the <i>Water Act 2000</i>	<i>Sustainable Planning Act 2009</i> <i>Water Act 2000</i>	Department of Environment and Resource Management
Development permit operational works Construction or raising of waterway barrier works	A development permit is required when raising or constructing a barrier across a waterway.	<i>Sustainable Planning Act 2009</i> <i>Fisheries Act 1994</i>	Department of Environment and Resource Management
Development permit operational works for referable dam.	A development permit is required when constructing a referable dam.	<i>Sustainable Planning Act 2009</i>	Department of Environment and Resource Management
Development permit for operational work that is high impact earthworks in a Great Barrier Reef wetland protection area	“Great Barrier Reef Wetland Protection Area” means an area shown as a Great Barrier Reef wetland protection area on the ‘Map of referable wetlands’ “High impact earthworks” means operational work that involves changing the form of land, or placing a structure on land, in a way that diverts water to or from a wetland. A number of works are however excluded, including work that is necessary to maintain infrastructure including any core airport infrastructure, buildings, dams, fences, roads, vehicular tracks watering facilities and constructed drains.	<i>Sustainable Planning Act 2009</i>	Department of Environment and Resource Management

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Development permit for making a material change of use of premises where all or part of the land forming part of the premises is on the environmental management register (EMR) or contaminated land register (CLR).	A development permit is required where an MCU is undertaken on land which is on the EMR or CLR.	<i>Sustainable Planning Act 2009</i> <i>Environmental Protection Act 1994</i>	Department of Environment and Resource Management
Development permit for making a material change of use of premises, other than premises in an urban development area, if all or part of the land forming part of the premises is used for, or if there is no existing use was last used for, a notifiable activity	"Notifiable activities" are activities identified as likely to cause land contamination, and relevantly include petroleum product or oil storage within certain thresholds. Notifiable activities are listed in Schedule 3 of the EP Act.	<i>Sustainable Planning Act 2009</i> <i>Environmental Protection Act 1994</i>	Department of Environment and Resource Management
Development permit for building works	A development permit is required for any building works that are made assessable by a local council's planning scheme or by Schedule 3 of the SPR. Does not apply to building work which is made self assessable under Schedule 3, Part 2 of the SPR. Under Schedule 3 Part 2 of the SPR building work carried out by or on behalf of the State, a public sector entity or a local government is self-assessable (see Schedule 3, Part 1, Table 1, Item 1).	<i>Sustainable Planning Act 2009</i> Relevant planning schemes for Banana Shire Council and Western Downs Regional Council <i>Standard Building Regulations, Building code of Australia</i>	Banana Shire Council and Western Downs Regional Council
Development permits for reconfiguration of a lot	A development permit for reconfiguration of a lot may be required if made assessable under a council's planning scheme or schedule 3 of the SPR	<i>Sustainable Planning Act 2009</i> Relevant planning schemes for Banana Shire Council and Western Downs Regional Council	Banana Shire Council and Western Downs Regional Council
Various development permits as required under either the relevant planning schemes for Banana Shire Council and Western Downs Regional Council	Where development is made assessable against these planning schemes a development permit will be required for that development, unless an exemption is obtained by way of a community infrastructure designation under the SP Regulation or a regulation under the SDPWO Act.	Relevant planning schemes for Banana Shire Council and Western Downs Regional Council	Banana Shire Council and Western Downs Regional Council
Requirements for properly made applications under the SPA			
Resource Entitlement	Where a proposed development involves a State resource prescribed under Schedule 14 of the SPR, the development application must be accompanied by the type of evidence of resource entitlement, as required by Schedule 14 of the SPR, in order to be properly made.	<i>Sustainable Planning Act 2009</i> (sections 261 and 264 of the SPA).	The relevant Department administering the State resource

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Resource Entitlement — for the taking or interfering with water	A Resource Entitlement (water) must be obtained for any development application for 'taking or interfering' with water under the <i>Water Act 2000</i> .	<i>Sustainable Planning Act 2009</i>	Department of Environment and Resource Management
Resource Entitlement — Quarry Resource Entitlement	Evidence of the entitlement to the resource (quarry material) must be obtained prior to the removal of material from the bed or banks of a watercourse or impoundment.	<i>Sustainable Planning Act 2009</i>	Department of Environment and Resource Management
Environmental Protection Act 1994			
Certificate of registration to operate any ERAs	A certificate of registration is required to lawfully operate any ERA.	<i>Environmental Protection Act 1994</i> (section 427)	Department of Environment and Resource Management
Disposal permit for removing and treating or disposing of contaminated soil from land for which particulars are recorded in the CLR or EMR	A permit is required to remove and treat or dispose of any contaminated soil from land for which particulars are recorded in the EMR or CLR	<i>Environmental Protection Act 1994</i> (section 424)	Department of Environment and Resource Management
Water Act 2000 and Water Supply (Safety and Reliability) Act 2009			
Permit — taking or interfering with water	If water is extracted from a watercourse during construction then a water permit will be required	<i>Water Act 2000</i> (section 237)	Department of Environment and Resource Management
Allocation notice for quarry material	An allocation notice for quarry material is required when taking quarry material.	<i>Water Act 2000</i> (section 280)	Department of Environment and Resource Management
Riverine Protection Permit	A riverine protection permit will be required for any proposed works that will destroy vegetation, place fill or excavate fill in a watercourse	<i>Water Act 2000</i> (section 266)	Department of Environment and Resource Management
Interim Resource Operations Licence	An Interim Resource Operations Licence is required for the operation of the dam and pipeline infrastructure.	<i>Water Act 2000</i>	Department of Environment and Resource Management
Resource Operations Licence	A Resource Operations Licence is required for the operation of the dam and pipeline infrastructure.	<i>Water Act 2000</i>	Department of Environment and Resource Management.
Certification for Dam Safety	A failure impact assessment is required for a referable dam and needs to be certified.	<i>Water Supply (Safety and Reliability) Act 2009</i>	Department of Environment and Resource Management
Forestry Act 1959			
Forestry Act permit	A permit will be required when taking quarry material which is owned by the State from land outside a watercourse	<i>Forestry Act 1959</i>	Department of Environment and Resource Management
Forestry Act permit	A permit is required to interfere with or "get" any quarry material or forestry material in a State Forest, Timber reserve, or other Crown Land holding.	<i>Forestry Act 1959</i>	Department of Environment and Resource Management

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Land Act 1994			
Permit to Occupy	A permit to occupy will be required when locating infrastructure in unallocated State land, reserves and roads	<i>Land Act 1994</i>	Department of Environment and Resource Management
Aboriginal Cultural Heritage Act 2003			
Disturbing Aboriginal Cultural Heritage	An approved Cultural Heritage Management Plan is required when an EIS is required.	<i>Aboriginal Cultural Heritage Act 2003 (section 87)</i>	Department of Environment and Resource Management
Transport Infrastructure Act 1994			
Approval for ancillary works and encroachments (AWE) in a State-controlled road	The chief executive may, by gazette notice, decide that specified ancillary works and encroachments must not be constructed, maintained, operated or conducted on State-controlled roads, or on State-controlled roads in a specified district, without the written approval of the chief executive. Such activities include clearing vegetation, or excavating in a state controlled road reserve. A road corridor permit is required for such activities.	<i>Transport Infrastructure Act 1994 (section 50)</i>	Department of Transport and Main Roads
Approval — work within a State-controlled road	Approval is required before carrying out works on a State-controlled road or interfering with a State-controlled road or its operation	<i>Transport Infrastructure Act 1994 (section 33)</i>	Department of Transport and Main Roads

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Approval from Chief Executive of TMR for location of public utility in a state controlled road corridor	<p>Approval from the chief executive is required where a public utility plant is proposed to be built within a State-controlled road reserve. The chief executive may impose requirements in respect of the following:</p> <ul style="list-style-type: none"> (a) the location of the plant on the road, including the alignment and depth of the plant on the road; (b) traffic control while the plant is being constructed, augmented, altered or maintained; (c) the dates, times and location of access to the road; (d) construction works likely to adversely affect the road; (e) relocation of the plant, including who must pay the costs of the relocation; (f) reinstatement of the road after the plant has been constructed, augmented, altered or maintained; (g) public risk insurance to be held by the owner of the plant in relation to the construction, augmentation, alteration or maintenance of the plant; (h) the indemnification of the department from risks associated with the construction, augmentation, alteration or maintenance of the plant and the presence of the plant on the road 	<p><i>Transport Infrastructure Act 1994 (Chapter 6, Division 3)</i> <i>Transport Infrastructure (State-Controlled Road) Regulation 2006 (section</i></p>	Department of Transport and Main Roads
Approval — development on or adjacent to a railway	<ul style="list-style-type: none"> (1) A person must not interfere with a railway unless: <ul style="list-style-type: none"> (a) the person has the railway manager's written approval, or (b) the interference is permitted or authorised under section 253 or a railway provision 	<p><i>Transport Infrastructure Act 1995 (section 255)</i></p>	Queensland Rail

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Transport Operations (Road Use Management) Act 1995			
<ul style="list-style-type: none"> • Excess Dimension Permit • Excess Mass Permit • Approved Heavy Haulage Operator (AHHO) • Authority to Operate (ATO) or • Letter of No Objection 	<p>(1) Excess mass:</p> <p>(a) For special purpose vehicles not exceeding a total mass of 40 tonnes and for load carrying vehicle combinations not exceeding 59.5 tonnes an operator is required to register as an Approved Heavy Haulage Operator by submitting an Approved Heavy Haulage Operator application form to DTMR.</p> <p>(b) Each special purpose vehicle or prime mover operating in the excess mass scheme will be required to obtain an Authority to Operate which will contain vehicle description and approved operating masses. The Authority to Operate application form is submitted to DTMR.</p> <p>(c) An excess mass permit is required from DTMR for special purpose vehicles exceeding 40 tonnes and vehicles carrying an indivisible item to 49.5 tonnes (where the vehicle exceeds guideline limits).</p> <p>(2) Excess dimensions:</p> <p>(a) Vehicles must comply with the requirements in performance guidelines form number 4, 6, 7 and 14.</p> <p>(b) An excess dimension permit is required for travel over 5.5m wide and/or 4.8m high. These permits are issued by the Queensland Police Service.</p> <p>(c) Travel in excess of 4.6m width requires a Letter of No Objection issued by a Main Roads permit management office.</p>	<p><i>Transport Operations (Road Use Management – Mass, Dimensions and Loading) Regulation 2005 (section 48)</i></p>	<p>Department of Transport and Main Roads</p> <p>Queensland Police Services (for excess dimension movements)</p>
Various legislation governing Public Utility Providers			
Approval — Public Utilities Plan	Coordination of utility relocations - approval from other public utility providers is required to either interfere with or relocate their public utilities.	<i>Electricity Act 1994, Commonwealth Telecom Act 1997, Gas Supply Act 2004, Water Supply(Safety and Reliability Act 2009</i>	Various public utilities providers: Telstra, Ergon etc

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Nature Conservation Act 1994			
Wildlife Clearing Permit — clearing protected plants	<p>It is an offence to take any protected plants, unless the taking is authorised under the NCA.</p> <p>Taking protected plants authorised where a clearing permit is obtained.</p> <p>Note — see also the Protected Plants Conservation Plan, sections 29 and 30, which establish exemptions from the requirement to obtain a clearing permit.</p>	<p><i>Nature conservation (Wildlife Management) Regulation 2006, Division 3, Subdivision 1, 276</i></p> <p><i>Nature Conservation (Protected Plants) Conservation Plan 2000 (section 29)</i></p>	Department of Environment and Resource Management
Rehabilitation permit and/or a damage mitigation permit under the Nature Conservation (Wildlife) Regulation 2006 will be required to the extent the activities include taking a protected animal,	<p>It is an offence to “take” a protected animal where the taking is not authorised under the NCA. A taking may be “authorised” should it be in accordance with a conservation plan prepared under the NCA, under an exemption established in a regulation under the NCA, or pursuant to a “Wildlife authority”.</p> <p>A “Wildlife Authority” includes a damage mitigation permit and a rehabilitation permit, which are generally held by licensed wildlife spotter catchers.</p>	Nature Conservation (Wildlife) Regulation 2006 (Chapter 3 Part 3, Part 4 and Part 5)	Department of Environment and Resource Management
A species management plan or damage mitigation permit is required to lawfully tamper with an animal breeding place.	<p>It is an offence under section 332(1) of the <i>Nature Conservation (Wildlife Management) Regulation 2006</i> to tamper with an animal breeding that that is being used by a protected animal to incubate or rear the animal's offspring, without a reasonable excuse.</p> <p>The offence does not arise where:</p> <ul style="list-style-type: none"> • the removal or tampering is part of an approved species management program for animals of the same species; or • the person holds a damage mitigation permit for the animal and the permit authorises the removal or tampering. 	<i>Nature Conservation (Wildlife Management) Regulation 2006 (section 332)</i>	Department of Environment and Resource Management

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Dangerous Good Safety Management Act			
Flammable and combustible liquids licence	Storage of flammable and combustible liquids on site during the construction stage.	<i>Dangerous Goods Safety Management Regulation 2001</i>	Banana Shire Council and Western Downs Regional Council
Notification of Large Dangerous Goods Location	Storage of flammable and combustible liquids on site during the construction stage.	<i>Dangerous Goods Safety Management Regulation 2001</i>	Banana Shire Council and Western Downs Regional Council
Approval – Destruction of trees on road	SunWater will be required to seek guidance from the relevant agency in relation to determining whether timbered areas within road reserves (within the Project area) are considered profitable, and where necessary obtain an approval for the removal of the trees. Please note an approval for such within a State-controlled road is already covered in this table under Item 18B.	<i>Forestry Act 1959 (section 70)</i>	Department of Economic
Local Law Permits			
License for alteration of local roads	A licence is required for an alteration to a local road	<i>Banana Shire Council Local Law No. 17— Former Chinchilla Shire Council Local Law No. 11 Former Dalby Town Council Local Law No. 21 Former Murilla Shire Council Local Law No. 21 Former Tara Shire Council Local Law No. 21 Former Taroom Shire Council Local Law No. 21</i>	Banana Shire Council and Western Downs Regional Council
Blasting Permit	A licence is required to carry out blasting.	<i>Former Murilla Shire Council Local Law No. 16 Former Tara Shire Council Local Law No. 16 Former Wambo Shire Council Local Law No. 16</i>	Banana Shire Council and Western Downs Regional Council

Approval type	Approval Triggers	Relevant legislation	Relevant agency
Extractive Industry Permit	A licence is required to carry out an extractive industry	<i>Former Murilla Shire Council Local Law No. 08</i> <i>Former Tara Shire Council Local Law No. 08</i> <i>Former Wambo Shire Council Local Law No. 08</i>	Banana Shire Council and Western Downs Regional Council

Table 2 identifies the possible permits and approvals required for the Nathan Dam and Pipeline construction camps. Some permits are dependent on the design and/or operational elements of the camps. It has been assumed that the construction camps are located within the former Banana Shire Council and Chinchilla Shire Council Local Government areas (as per the EIS).

Table 2 Possible permits required for the Nathan Dam construction camps

Permit No.	Permit/approval description	Trigger	Legislation	Assessing authority	Application input requirements	Approximate assessment timeframe
When located within the former Banana Shire Council local Government area						
1	Development Permit for Material Change of Use for "Worker's Accommodation"	Making a Material Change of Use of premises assessable against the Banana Shire Planning Scheme	<ul style="list-style-type: none"> ■ <i>Sustainable Planning Act 2009</i> ■ <i>Sustainable Planning Regulation 2009</i> ■ Banana Shire Planning Scheme 	Banana Shire Council	Owners consent / resource entitlement Design plans / drawings Details on the camp (size, how many units, facilities etc) DA Assessment Report IDAS forms	Impact assessable – 6 months
2	Development Permit for Operational Works for: <ul style="list-style-type: none"> ■ "Work – Car Parking and Access" ■ "Work – Water and Sewer" ■ "Work – Stormwater Drainage" ■ "Work – Electricity and Telecommunications" 	Carrying out Operational Works assessable against the Banana Shire Planning Scheme	<ul style="list-style-type: none"> ■ <i>Sustainable Planning Act 2009</i> ■ <i>Sustainable Planning Regulation 2009</i> ■ Banana Shire Planning Scheme 	Banana Shire Council	Design plans / drawings Details on the camp (size, how many units, facilities etc) DA Assessment Report IDAS forms	Can be included in the Material Change of Use development application

Permit No.	Permit/approval description	Trigger	Legislation	Assessing authority	Application input requirements	Approximate assessment timeframe
	Services"					
When located within the former Chinchilla Shire Council local Government area						
3	Development Permit for Material Change of Use for "Accommodation Unit" – TO BE CONFIRMED	Making a Material Change of Use of premises assessable against the Chinchilla Shire Planning Scheme	<ul style="list-style-type: none"> ▪ Sustainable Planning Act 2009 ▪ Sustainable Planning Regulation 2009 ▪ Chinchilla Shire Planning Scheme 	Western Downs Regional Council	Design plans / drawings Details on the camp (size, how many units, facilities etc) DA Assessment Report IDAS forms	Unknown whether to be Code or Impact Assessable under the Planning Scheme as Use Definition not confirmed
Generally						
4	Resource Entitlement	Required when development subject to State land	<ul style="list-style-type: none"> ▪ Sustainable Planning Act 2009 	Relevant State Government Department	<ul style="list-style-type: none"> ▪ Draft of Development Application (Permit No. 1 and 3) 	No set approval timeframe – generally approximately 2 months
5	Development Permit for Material Change of Use for an Environmentally Relevant Activity (ERA)	Making a Material Change of Use of premises for: <ul style="list-style-type: none"> ▪ ERA 14 Electricity Generation ▪ ERA 15 Fuel Burning ▪ ERA 63 Sewage Treatment ▪ ERA 64 Water Treatment 	<ul style="list-style-type: none"> ▪ Sustainable Planning Act 2009 ▪ Sustainable Planning Regulation 2009 ▪ Environmental Protection Act 1994 ▪ Environmental Protection Regulation 2008 	Department of Environment and Resource Management (DERM)	<ul style="list-style-type: none"> ▪ Environmental/ecological assessment ▪ IDAS forms Details on each ERA e.g. threshold	Permit will be obtained through referral of the Material Change of Use application with Council (Permit No. 1 and 3) to DERM
6	ERA Registration Certificates	Required to become a registered operator of the ERA	<ul style="list-style-type: none"> ▪ Environmental Protection Act 1994 ▪ Environmental Protection Regulation 2008 	DERM	<ul style="list-style-type: none"> ▪ ERA 14, 15, 16, 63 and 64 approval from DERM 	30 business days
7	Development Permit for Operational Works for clearing native vegetation	Clearing native vegetation that is mapped as remnant vegetation on a regional ecosystem or remnant map	<ul style="list-style-type: none"> ▪ Sustainable Planning Act 2009 ▪ Sustainable Planning Regulation 2009 ▪ Vegetation 	DERM	<ul style="list-style-type: none"> ▪ Ecological Assessment ▪ Construction methodology and timeframes ▪ Property Vegetation Management Plan (includes information on: location and 	Permit will be obtained through referral of the Material Change of Use application with Council (Permit No. 1 and 3) to DERM

Permit No.	Permit/approval description	Trigger	Legislation	Assessing authority	Application input requirements	Approximate assessment timeframe
			<i>Management Act 1999</i>		extent of the area proposed to be cleared, the relevant purpose under s22A(2) of the VMA, the clearing and offsets)	
8	Development Permit for Material Change of Use for development on contaminated land	(a) If the construction camps are located on a lot on the environmental management register or contaminated land register land register; or (b) There is currently a notifiable activity (EP Act – Schedule 3) on the land and the activity is continuing.	<ul style="list-style-type: none"> ■ <i>Sustainable Planning Act 2009</i> ■ <i>Sustainable Planning Regulation 2009</i> ■ <i>Environmental Protection Act 1994</i> 	DERM	<ul style="list-style-type: none"> ■ Details of the location of the contaminated or potentially contaminated land 	Permit will be obtained through referral of the Material Change of Use application with Council (Permit No. 1 and 3) to DERM
9	Clearing Permit (Protected Plants)	Required for clearing least concern plants and above (all native vegetation)	<ul style="list-style-type: none"> ■ <i>Nature Conservation Act 1992 (NC Act)</i> 	DERM	<ul style="list-style-type: none"> ■ Details on construction method / construction timeframe ■ Details on rehabilitation methods ■ Ecological Assessment 	No set approval timeframe – generally approximately 4 months
10	Development Permit for Building Work	Applies to structures or building work (for which the purposes of the Building Act is of a fixed nature).	<ul style="list-style-type: none"> ■ <i>Building Act 1975</i> 	Private Certifier / Banana Shire Council / Western Downs Regional Council	<ul style="list-style-type: none"> ■ Site plans, elevations and sections containing sufficient information to assess compliance with relevant codes and standards. A soil report and structural engineers (RPEQ) footing and slab design report for substantial building work. 	1 to 2 months