



**NEW HOPE**  
GROUP

## Appendix C Project Regulatory Approvals Plan



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GROUP**

# PROJECT REGULATORY APPROVALS PLAN

*New Acland Coal Mine  
Stage 3 Project*

**JANUARY 2014**



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# 1. Introduction

## 1.1. Project overview

NAC currently operates the New Acland Coal Mine as a 4.8 million tonne (product coal) per annum (**Mtpa**) open cut coal mine on Mining Lease ML 50216 and Mining Lease 50170 under the approval of Environmental Authority EPML00335713.

The Stage 3 Project has undergone modifications since the approvals process first commenced in April 2007. At that time, a referral was made to the Australian Government Minister for Sustainability, Environment, Water, Population and Communities (the **Federal Environment Minister**) under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), for a project which, amongst other things, sought an expansion of the existing coal mine to 10 Mtpa.

By decision dated 24 May 2007, the Project was declared to be a controlled action, to be assessed by Environmental Impact Statement undertaken through the bilateral assessment process.

The Wetalla Water Pipeline was one component of the Stage 3 Expansion Project. NAC decided to expedite this component of the project utilising section 32 (1) b of the State Development and Public Works Organisation Act 1971 (**SDPWO Act**), which allowed NAC to prepare a separate EIS that addresses the terms of reference for particular stages of a project. A separate EIS was prepared for the Wetalla Water Pipeline and this component of the Stage 3 Expansion Project was approved by the Coordinator-General on 19 December 2008. This component of the project was also referred to the Commonwealth under the EPBC Act, referral 2008/4045, and was deemed a not controlled action.

In November 2009, NAC submitted an EIS for the Project. The EIS for the Project was released for public consultation between 14 November 2009 and 3 February 2010. However, before, the EIS was assessed by the Coordinator-General, NAC sought to revise the Project.

The revised Project was for a reduction in the active area of the Mining Lease Application areas from 5,069 hectares to 3,163 ha, reduced throughput from 10 Mtpa to 7.5 Mtpa, establishment of a buffer zone around Acland Township and removal of the diversion of Lagoon Creek. The Revised Project would encompass mining in three pits, namely Manning Vale West, Manning Vale East and Willeroo mining pits.

New Terms of Reference (**ToR**) were released on 22 March 2013 for the revised Project.

The Federal Environment Minister accepted the project variations on 9 November 2012.

## 1.2. Overview of legislative regime

The following is a summary of the pieces of State and Federal legislation most relevant to the revised Project. The Chapters of the EIS more specifically addresses relevant legislation. The Terms of Reference require separate consideration to be given to approvals which are required for "*each project component*" and "*separate consideration for approvals required for works located on and off-site the MLA*".

### 1.2.1. Queensland Government EIS process

The **SDPWO Act** provides a mechanism for project proposals to be assessed through a public environmental impact statement (**EIS**) process. The **SDPWO Act** gives the Coordinator-General the power to declare a project, which meets criteria set down in the **SDPWO Act**, to be a "coordinated project" for which an EIS is required. The Coordinator-General

coordinates a whole-of-government environmental impact assessment process, as set-out under Part 4 of the SDPWO Act.

On 14 November 2012, the Coordinator-General confirmed that, as a result of project modifications, it required the EIS process to restart at the draft ToR stage. New ToR were released on 22 March 2013. The EIS currently being prepared by NAC is required to address the matters set out in the ToR.

At the completion of the public notification and assessment process for the revised Project, the Coordinator-General will prepare a report (**CG's Report**) that evaluates the EIS and other relevant material. The CG's Report may state conditions for, or make recommendations with respect to, subsequent approvals required for the revised Project to proceed including for the Environmental Authority and Mining Lease.

A submission made in relation to the EIS is taken to be a submission for a later impact-assessable development applications under the *Sustainable Planning Act 2009 (SPA)*.

### 1.2.2. Australian Government EIS process

Under the EPBC Act a project will require approval by the Federal Environment Minister, if the project has been determined to be a controlled action which will have, or is likely to have, a significant impact on a matter of national environmental significance. Matters of national environmental significance are:

- a) World Heritage properties;
- b) National Heritage properties;
- c) wetlands of international importance (RAMSAR wetlands);
- d) listed threatened species and communities;
- e) listed migratory species;
- f) Commonwealth land;
- g) the Great Barrier Reef Marine Park;
- h) nuclear actions;
- i) the Commonwealth marine environment;
- j) actions involving coal seam gas development or large coal mining development that has, will have, or is likely to have a significant impact on a water resource.

The Federal Environment Minister declared that the Project was a controlled action on 24 May 2007. The Federal Environment Minister accepted the project variations on 9 November 2012 as an amendment of the controlled action. The matters protected under the controlled action decision are Listed Threatened Species and Communities. The Federal Environment Minister has notified that he will decide within 60 days (from the commencement of the amending Act on 22 June 2013) to decide whether the revised Project requires approval as an action that has or will have or is likely to have a significant impact on a water resource.

The revised Project is being assessed under the Bilateral Agreement between the State and the Commonwealth. Under the bilateral agreement, the Australian Government has



accredited the SDPWO Act EIS process to meet the environmental assessment requirements under the EPBC Act.

As part of the EIS process, the Federal Environment Minister will review the EIS to ensure that it adequately addresses the requirements of the EPBC Act. The Federal Environment Minister's assessment will follow preparation of the CG's Report. The Federal Environment Minister will ensure that input from other relevant Australian Government agencies is provided.

At the conclusion of the SDPWO Act EIS process, the Federal Environment Minister will receive a copy of the CG's Report and will take the CG's Report into account when making his decision under the EPBC Act.

### **1.2.3. Key approvals under Queensland legislation**

In addition to the EIS process, the revised Project will need to obtain a range of approvals under Queensland legislation before the revised Project can commence. The approvals which may be required for the revised Project are set out in Schedule 1 and include approvals under the following legislation:

- *Mineral Resources Act 1989;*
- *Environmental Protection Act 1994;*
- *Sustainable Planning Act 2009;*
- *Building Act 1975;*
- *Land Act 1994;*
- *Nature Conservation Act 1992;*
- *Vegetation Management Act 1999;*
- *Water Act 2000;*
- *Transport Operations (Road Use Management) Act 1995;*
- *Strategic Cropping Land Act 2011;* and
- *Queensland Heritage Act.*

#### *Mineral Resources Act 1989*

A Mining Lease (**ML**) under the *Mineral Resources Act 1989 (MRA)* is required to permit the conduct of specified mining and associated activities within the mining lease. A mining lease application (MLA 50232) has been made for the revised Project.

An application for an Infrastructure ML is proposed for the rail spur and balloon loop. An Infrastructure ML is commonly granted for the purpose of locating infrastructure to support mining operations on an adjacent or nearby mining lease, where no mining is actually proposed for the area of the Infrastructure ML. An Infrastructure ML would authorise the construction and operation of the Rail Loop Infrastructure because the Rail Loop Infrastructure is an activity that is associated with, arising from or promoting the activity of coal mining on MLA 50232 and the existing New Acland Mining Leases.

The mining lease and environmental authority amendment applications will be publicly notified after the Coordinator-General's Assessment Report has been issued. Any person who makes a properly made submission during that public notification about the mining lease application will be able to elect to become an objector for the mining lease application. Where an objection notice is given, the grant of the mining lease application would be referred to the Land Court. The Land Court would then decide whether to recommend the grant of the Mining Lease or refusal of the Mining Lease application.

#### *Environmental Protection Act 1994*

An Environmental Authority (**EA**) under the *Environmental Protection Act 1994* (**EP Act**) is required for undertaking a resource activity, which includes a mining activity authorised under a mining lease. A single EA is required for all resource activities that are carried out as a single integrated operation. An application to amend EA MIM800317705 (to include MLA 50232) has been made for the revised Project. An MLA will not be granted until after the EA amendment application is granted.

Any person who makes a properly made submission during public notification to the environmental authority amendment application will be able to elect to give an objection notice to the administering authority against a proposal by the administering authority to approve the application to amend the EA. The objection notice must be given to the administering authority within 20 business days after the administering authority notifies the submitter of its proposal to approve the amendment of the EA. If a submitter gives such an objection notice to the administering authority, the grant of the EA amendment application must be referred to the Land Court. After the Land Court makes its decision on the objection, the application is then referred to the Minister for Natural Resources and Mines and Minister for State Development Infrastructure and Planning for advice, before the administering authority is able to make a final decision on the EA Application.

#### *Sustainable Planning Act 2009*

The Sustainable Planning Act 2009 (**SPA**) provides the framework for Queensland's planning and development assessment system. Under the Act, development applications can be required to go through the information and referral and public notification stages of IDAS. However, any development applications that relate to a Coordinated Project under the SDPWO Act and which are for a material change of use or impact assessable, will not be required to go through these stages and there will be no referral agencies for the application. However any properly made submission for the EIS will be taken to be a submission in relation to the development approval under IDAS.

Development approvals under SPA will be required in respect of any infrastructure that is to be located outside of the mining leases.

Under SPA, submitters who make properly made submissions on impact assessable development applications may appeal to the Planning and Environment Court against a decision to grant a development approval or the conditions of the approval. If the development of the rail spur and balloon loop is to be authorised under SPA, rather than under an infrastructure mining lease, the application will be impact assessable.

The appeal period runs for 20 business days from the time the decision notice, or negotiated decision notice, for the development approval is given to the submitter.

#### *Building Act 1975*

The *Building Act 1975* regulates all building work in Queensland. It prescribes when building work constitutes assessable development under SPA and requires a development approval.



Under section 4A(3) of the MRA, building work carried out for development authorised under a mining tenement is self-assessable and therefore does not require a development approval under SPA. However, building work carried out on tenure must still comply with the relevant provisions of the Building Code of Australia and the Queensland Development Code.

#### *Land Act 1994*

Under the *Land Act 1994*, an application can be made to the Department of Transport and Main Roads for the temporary or permanent closure of a road. It is expected that temporary and permanent closures of roads will be required for the revised Project.

#### *Nature Conservation Act 1992*

Under the *Nature Conservation Act 1992*, permits and licences are required to authorise interference with native wildlife. This includes for clearing native plants, tampering with animal breeding places and catching and relocating wildlife. There are, however, certain exemptions. For example, a clearing permit will not be required where the clearing is of vegetation that is "least concern" and occurs in the course of an activity conducted under a mining lease or by the owner of freehold land. These matters will also be regulated under the environmental authority for the revised Project.

Rehabilitation permits, wildlife movement permits, species management programs and, in some instances, clearing permits are expected to be required for the revised Project.

#### *Vegetation Management Act 1999*

The *Vegetation Management Act 1999* regulates the clearing of vegetation in Queensland. Under the Act, clearing of remnant vegetation requires development approval under SPA, unless one of the exemptions apply: for example, if the clearing is carried out in the course of a mining activity. Accordingly, any clearing of remnant vegetation conducted on tenure as part of the revised Project, will not require development approval. Approval will be required, however, for any clearing conducted off tenure. Clearing of vegetation on the mining lease would be regulated by the Environmental Authority.

#### *Water Act 2000*

The *Water Act 2000* provides for the management of water and watercourses and the construction, control and management of works that affect watercourses. It seeks to achieve this by, amongst other things, providing for the preparation and implementation of Water Resource Plans (**WRPs**) and Resource Operations Plans (**ROPs**) and regulating the granting of water licences and riverine protection permits (**RPPs**). Water licences are required to take water and to interfere with the flow of water on, under or adjoining land. This includes interfering with water in aquifers. RPPs are required to destroy vegetation, excavate or place fill in a watercourse, lake or spring, although exemptions apply in certain circumstances and relevantly where the clearing is undertaken in accordance with Guidelines<sup>1</sup>.

#### *Transport Operations (Road Use Management) Act 1995*

The *Transport Operations (Road Use Management) Act 1995* provides for the effective and efficient management of road use in Queensland. During the construction phase of the revised Project, the transport of over-mass or over-dimension loads may occur. This will need to be undertaken in accordance with the Act.

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<sup>1</sup> Guideline-Activities in a watercourse, lake or spring carried out by a landowner, Guideline-Activities in a watercourse, lake or spring associated with a resource activity or mining operations or where authorised by an environmental authority.

### *Strategic Cropping Land Act 2011*

The *Strategic Cropping Land Act 2011* seeks to protect Queensland's best cropping land, "strategic cropping land" (SCL), from development that leads to its permanent alienation or diminished productivity. The Act is supported by a number of trigger maps, held by the Department of Natural Resources and Mines, which map the location of potential SCL across the State. Additionally, the maps show the location of "SCL Protection Areas", which includes the Southern Protection Area, in which the revised Project is located. The highest level of protection is given to SCL located within Protection Areas.

Under the *Strategic Cropping Land Act 2011*, a resource project's impacts on SCL will be assessed as part of an environmental authority (EA) application. If the project is located on SCL, the EA will not be granted until the Department has assessed the impacts on SCL and decided what conditions will be imposed. A number of activities are exempt from the Act, including the construction or maintenance of roads, development relating to specified transport infrastructure, which includes rail transport infrastructure, and the construction or maintenance of certain electricity infrastructure.

The *Strategic Cropping Land Act 2011* includes a number of transitional provisions which apply to resource projects which had met certain milestones in the assessment and approval processes prior to commencement of the Act. This includes section 288, which has the effect of excluding MLA 50232 and its related environmental authority application from the permanent impact restriction under the *Strategic Cropping Land Act 2011*. A protection decision is expected to be required for MLA 50232.

### *Queensland Heritage Act 1992*

The *Queensland Heritage Act 1992* provides for the establishment of the Queensland Heritage Register, which records places of heritage significance in Queensland. Relevantly, the Acland No. 2 Colliery is included in the Heritage Register. This heritage place will not be disturbed by mining activities conducted in the course of the revised Project and therefore approvals under this Act will not be required for the revised Project works.

### Local Government

Some types of activities conducted off tenure, as part of the revised Project, may be assessed by the Toowoomba Regional Council under its Planning Scheme and other approvals may be required under local laws of the Toowoomba Regional Council. Relevant local laws include those that regulate interference with local government roads.

#### **1.2.4. Native title and cultural heritage**

##### a) Native Title

Native title refers to the rights of indigenous Australian people to their traditional land and waters as recognised at common law. The *Native Title Act 1993* (Cth) (NTA) relevantly confers onto Aborigines who hold native title rights and interests (or who have made a native title claim or otherwise may hold native title) in relation to land or waters, the right to be consulted on, or to participate in, decisions about proposed "future acts".

As a result of the enactment of the NTA, all project proponents need to consider if the future act provisions of the NTA apply to their projects. An "act", such as the grant of tenure or of a statutory licence, permit or authority, may qualify as a future act if it is done or proposed to be done in relation to land or waters where native title has not been extinguished. Therefore, a project proponent needs to ascertain at an early stage the extent to which native title may continue to exist over the land or waters the subject of its project.

Analyses undertaken for the route of the rail spur and the area of MLA 50232 indicate that native title has been extinguished over the whole of these areas. In the circumstances, the proposed grant of the mining lease and of any other statutory approvals or tenure for the revised Project will be valid from a native title perspective.

#### b) Cultural heritage

The *Aboriginal Cultural Heritage Act 2003* (ACH Act) came into force on 16 April 2004. Under the ACH Act, a "cultural heritage duty of care" is established for project proponents to take all reasonable and practicable measures to ensure that their development activities do not harm Aboriginal cultural heritage. A project proponent will be taken to have complied with their duty of care in relation to particular Aboriginal cultural heritage if acting under:

- (i) an approved CHMP that applies to the Aboriginal cultural heritage; or
- (ii) a native title agreement (e.g. a registered ILUA) or another agreement with an Aboriginal party (frequently a current or former registered native title claimant) for the area, unless Aboriginal cultural heritage is expressly excluded from being subject to the agreement.

In addition, unless an exemption applies, if preparation of an EIS is required under legislation other than the ACH Act as part of a necessary approval for a project, it will be mandatory for the project proponent to develop a CHMP for the project (and have it approved by the Chief Executive). This requirement will not apply to the extent that any such projects are the subject of either:

- (i) a native title agreement (e.g. a registered ILUA); or
- (ii) an "existing agreement", which is a cultural heritage agreement that was entered into before 16 April 2004 (and that is still in force) with an entity that became an Aboriginal party under the ACH Act after that date.

### **1.3. Regulatory authorities**

#### **1.3.1. Australian Government departments**

##### **Department of the Environment (DotE)**

DotE is an Australian Government department involved in developing and implementing national policy to protect and conserve Australia's national environment and heritage. DotE administers Australian Government environmental, cultural heritage and arts legislation, including the EPBC Act, and provides advice to the Federal Environment Minister for Department of the Environment (Environment Minister).

#### **1.3.2. Queensland government departments**

##### **Department of State Development, Infrastructure and Planning (DSDIP)**

The DSDIP is responsible for overseeing planning and infrastructure projects in Queensland. It provides advice and technical support to the CG.

The CG determines whether certain major projects should be declared 'coordinated projects' under the SDPWO Act. If so, the CG coordinates an EIS assessment process and evaluates the EIS for the project.

## Department of Environment and Heritage Protection (DEHP)

Key functions of DEHP include environmental planning, environmental policy, management of wildlife, environmental operations, sustainable industries, environmental and technical services, corporate affairs and corporate development.

DEHP administers a number of Acts and statutory requirements including the EP Act and the Environmental Protection Policies (EPP), associated with the EP Act. DEHP is also responsible for managing and allocating Queensland's land and water resources, and managing native vegetation.

Under the development approvals process, DEHP has the following functions:

- (i) provision of advice under the SDPWO Act for proposals that have been declared a coordinated project<sup>2</sup> or advice provided for environmental coordination by the CG<sup>3</sup>;
- (ii) provision of advice to the Environment Minister for assessment under the EPBC Act;
- (iii) assessing and issuing applications for environmental authorities for mining activities under the EP Act.

## Department of Natural Resources and Mines (DNRM)

DNRM is responsible for the administration, enforcement (including licensing), and management of Queensland's mineral and coal resources under the *Mineral Resources Act 1989* and the *Coal Mining Safety and Health Act 1999*, managing and promoting industries in the State, allocating land for development and infrastructure provision under the SDPWO Act. Other roles include managing fresh water resources, including water allocation and entitlements, which is in part managed through the *Water Act 2000*.

### 1.3.3. Local government

Some types of activities outside the mining lease may be assessed by the Toowoomba Regional Council under its Town Planning Scheme and other approvals may be required under local laws.

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<sup>2</sup> s26 SDPWO Act.

<sup>3</sup> s25 SDPWO Act.



## 2. Schedule 1 – Project Approvals Summary

The Schedule sets out a summary approvals which may be required for:

- the revised Project in its entirety (e.g. EPBC Act approval);
- on-tenure activities within MLA 50232, including mining, that part of the rail spur and balloon loop located on-tenure, upgrades to the existing administration and heavy vehicle maintenance area on ML 50170;
- construction of the Spur line and Train Loadout Facility (TLF) where the facility is to be developed under an Infrastructure Mining Lease (IML) and in the alternative where it is developed under SPA;
- off-tenure activities, including road closures, realignment of Jondaryan-Muldu Road and upgrade works for power supply.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
<b>APPROVALS THAT RELATE TO THE WHOLE OF THE REVISED PROJECT</b>					
1.	<b>EPBC Act Approval</b>	Whole of Project	EPBC Act	Environment Minister	Required if the project will have a significant impact on a Matter of National Environmental Significance. The Federal Environment Minister decided that the revised Project is a controlled action on 24 May 2007 and variation accepted on 9 November 2012. The revised Project is being assessed under the Bilateral Agreement between the State and the Commonwealth.
2.	<b>CG's Evaluation Report</b>	Whole of Project	SDPWO Act	Coordinator- General	Declaration by the Coordinator-General dated 18 May 2007. The revised Project is to be assessed by an EIS.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
3.	<b>Cultural Heritage Management Plan</b>	Whole of Project	ACH Act	Department of Aboriginal and Torres Strait Islander and Multicultural Affairs ( <b>DATSIMA</b> )	A CHMP or native title agreement (that does not exclude Aboriginal cultural heritage) with the appropriate Aboriginal parties for the area is required.
<b>MINING ACTIVITIES ON TENURE</b>					
4.	<b>Mining Lease</b>	Mining activities on- tenure <b>E</b> Other on- tenure activities	MR Act	DNRM	A mining lease is required to permit the conduct of specified mining and associated activities within the mining lease. MLA 50232 has been applied for.
5.	<b>Development Plan for the Mining Lease</b>	Mining activities-on tenure <b>E</b> Other on tenure activities	MR Act	DNRM	It will be a condition of the mining lease that there is an approved development plan for the mining lease. The development plan must be approved by the Minister.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
6.	<b>Amendment to existing Environmental Authority (MIM800317705)</b>	Mining activities on-tenure	EP Act	DEHP	<p>A single EA is required for all resource activities that are carried out as a single integrated operation. The application to amend EA MIM800317705 has been made.</p> <p>Resource activities for the revised Project will include the following additional activities that would otherwise be ERAs:</p> <ul style="list-style-type: none"> <li>• ERA 8 (Chemical storage);</li> <li>• ERA 15 (Fuel burning);</li> <li>• ERA 16 (Extractive and Screening activities);</li> <li>• ERA 50 (Bulk material handling);</li> <li>• ERA 60 (Waste disposal); and</li> <li>• ERA 63 (Sewage treatment).</li> </ul>
7.	<b>Plan of Operations</b>	Mining activities on-tenure	EP Act	DEHP	The holder of an EA must not carry out an activity unless a plan of operations has been given to DEHP for all relevant activities.
8.	<b>Development Approval for Building work</b>	Building work on-tenure	SPA Building Act MRA	Private Certifier	Building work for a mining activity on a mining tenure is self-assessable and does not require a development approval but must comply with the Building Code of Australia and the Queensland Development Code <sup>4</sup>
9.	<b>Notice to an electricity entity of works near electricity works</b>	Mining activities on-tenure	Electricity Act	Depending on where the works are located, the relevant electricity entity	<p>Written notice to an electricity entity will be required where it is proposed that work occur near an electricity entity's works if, in performing the work:</p> <p>(a) plant, if not properly controlled, is likely to come into contact with an overhead electric line; or</p> <p>(b) soil or other material supporting or covering the entity's works may be</p>

<sup>4</sup> Schedule 3, Part 1, Table 1, Item 1 SPR and Section 4A MRA

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
					disturbed. <sup>5</sup>
10.	<b>Species Management Program</b>	Mining activities on-tenure	NC Act	DEHP	A Species Management Program may be required if the revised Project involves tampering with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring. <sup>6</sup>
11.	<b>Rehabilitation Permit</b>	Mining activities on-tenure	NC Act	DEHP	A Rehabilitation Permit (Spotter Catcher) would be required for individuals who catch fauna during construction. <sup>7</sup> The rehabilitation permit would include conditions to ensure the appropriate handling of fauna.
12.	<b>Wildlife Movement Permit</b>	Mining activities on-tenure	NC Act	DEHP	A wildlife movement permit would be required to authorise the holder of that permit to move specified wildlife to and from the places stated in the permit.
13.	<b>Water Licence to take or interfere with water</b>	Mining activities on-tenure (dewatering)	Water Act	DNRM	A water licence would be required if the revised Project will interfere with the flow of water on, under or adjoining any of the land, the subject of the ML. <sup>8</sup> The granting of the licence must be consistent with the Great Artesian Basin Water Resource Plan (WRP) and Resource Operations Plan (ROP) and any relevant moratorium notices.
14.	<b>Road Closures</b>	On tenure roads to be closed	Land Act Transport Operations (Road Use Management) Act 1995	DNRM	If a road is to be temporarily or permanently closed, an application for permanent or temporary road closure will be required. <sup>9</sup> A number of road closures are proposed for the revised Project.

<sup>5</sup> s99 Electricity Act.

<sup>6</sup> s332(4)(a) Nature Conservation (Wildlife Management) Regulation 2006.

<sup>7</sup> ss12(d) Nature Conservation (Administration) Regulation 2006.

<sup>8</sup> s206 Water Act.

<sup>9</sup> s99(1) Land Act.



No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
15.	<b>Protection Decision</b>	Mining Activities on tenure	Strategic Cropping Land Act 2011	DNRM	A protection decision will be required before the EA can be issued for that part of tenure which is SCL or potential SCL, subject to exemptions. MLA 50232 and its related EA amendment application is excluded from the permanent impact restriction.
<b>RAIL SPUR AND BALLOON LOOP - ON TENURE (INFRASTRUCTURE MINING LEASE)</b>					
16.	<b>Mining Lease</b>	Rail Spur and balloon loop	MR Act	DNRM	The rail spur and balloon loop is proposed to be authorised by an Infrastructure Mining Lease. An Infrastructure Mining Lease is an ML that is granted for purposes other than mining, as are specified in the ML and that are associated with, arising from, or promoting the activity of mining.
17.	<b>Consent of overlapping tenure holders</b>	Rail Spur and balloon loop	MR Act	DNRM	Given that the application for the Infrastructure ML is to be made over the area of two EPCs that are held by other companies, the written consent of each EPC Holder will be required. <sup>10</sup>
18.	<b>Application for amendment of Environmental Authority (MIM800317705)</b>	Rail Spur line and balloon loop	EP Act	DEHP	Application to amend the existing EA ( <b>MIM800317705</b> ) will be required. A single EA is required for all resource activities that are carried out as a single integrated operation. Resource activities that will be the subject of the amendment application that would otherwise be ERAs may include: <ul style="list-style-type: none"> <li>• ERA 8 (Chemical storage);</li> <li>• ERA 16 (Extractive and Screening activities); and</li> <li>• ERA 50 (Bulk material handling).</li> </ul>
19.	<b>Plan of Operations</b>	Rail Spur line and balloon loop	EP Act	DEHP	The holder of an EA must not carry out an activity unless a plan of operations has been given to DEHP for all relevant activities.

<sup>10</sup> s248(1)&(2) MRA.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
20.	<b>Development Approval for Reconfiguring a Lot</b>	Rail Spur line and balloon loop	SPA	Chief executive of DSDIP <sup>11</sup>	Reconfiguration of lots associated with the construction of the rail spur line and balloon loop would require a development approval.
21.	<b>Development Approval for Building work</b>	Building work associated with Rail Spur line and balloon loop	SPA Building Act MRA	Private Certifier	Building work for a mining activity is self-assessable and does not require a Development approval but must comply with the Building Code of Australia and the Queensland Development Code <sup>12</sup>
22.	<b>Riverine Protection Permit</b>	Rail Spur line and balloon loop on tenure for works in Lagoon Creek	Water Act	DNRM	A riverine protection permit would be required to destroy vegetation or excavate or place fill within a watercourse, lake or spring, unless: <ul style="list-style-type: none"> <li>authorised by the EA; or</li> <li>the activity is carried out pursuant to <i>Guideline - Activities in a watercourse, lake or spring associated with a resource activity or mining operations.</i><sup>13</sup></li> </ul>
<b>RAIL SPUR AND BALLOON LOOP WHERE AUTHORISED UNDER SPA RATHER THAN AN IML</b>					
23.	<b>Development Approval for MCU under the planning scheme</b>	Rail Spur line and balloon loop off-tenure	SPA	Local Government	A DA would be required for an MCU if the construction of the rail spur line and balloon loop occurs off-tenure. It would be impact assessable under the Toowoomba Planning Scheme.

<sup>11</sup> The Chief Executive of the Department of State Development, Infrastructure and Planning is now the assessment manager for all DAs requiring State government assessment from 1 July 2013.

<sup>12</sup> Schedule 3, Part 1, Table 1, Item 1, SPR and Section 4A MRA.

<sup>13</sup> s266 Water Act and s49 Water Regulation.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
24.	<b>Development Approval for Reconfiguring a Lot</b>	Rail Spur line and balloon loop off tenure Opening / realigning roads	SPA	Local Government	A DA will be required for a reconfiguration of a lot/s associated with the spur line and balloon loop off-tenure. The DA will be impact or code assessable, depending on the size of the lot/s created.
25.	<b>Development Approval for Operational Work associated with reconfiguration or material change of use</b>	Rail Spur line and balloon loop off-tenure	SPA	Local Government	A DA for operational work associated with the reconfiguration or material change of use will be required and will be code assessable. Operational work includes any material excavation and/or filling work and road works to local government roads.
26.	<b>Riverine Protection Permit</b>	Rail Spur line and balloon loop off-tenure for works in Lagoon Creek	Water Act	DNRM	A riverine protection permit would be required to destroy vegetation or excavate or place fill within a watercourse, lake or spring, unless the activity is carried out pursuant to <i>Guideline - Activities in a watercourse, lake or spring carried out by a landowner</i> . <sup>14</sup>
27.	<b>Development Approval for a MCU for an Environmentally Relevant</b>	Rail Spur line and balloon loop off-tenure	SPA	Chief executive of DSDIP	Making a MCU for an ERA that is a concurrence ERA (under the EPR) will require a DA, unless an EA to carry out the ERA has been approved and the relevant ERA has a lower aggregate environmental score than the approved ERA. The following concurrence ERAs may be triggered depending on activity

<sup>14</sup> s266 Water Act and s49 Water Regulation.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
	<b>Activity identified in SPA as a Concurrence ERA</b>				<p>threshold:</p> <ul style="list-style-type: none"> <li>ERA 8 (Chemical storage);</li> <li>ERA 16 (Extractive and Screening activities); and</li> <li>ERA 50 (Bulk material handling).</li> </ul> <p>The DA will be code assessable.</p>
28.	<b>EA for ERAs</b>	Rail Spur line and balloon loop off-tenure	EP Act	DEHP	<p>An EA will be required for any ERAs that are undertaken as part of the construction of the rail spur line and/or road realignments.</p> <p>The following ERAs may be triggered depending on activity threshold:</p> <ul style="list-style-type: none"> <li>ERA 8 (Chemical storage);</li> <li>ERA 16 (Extractive and Screening activities); and</li> <li>ERA 50 (Bulk material handling).</li> </ul>
29.	<b>Development Approval for Building work</b>	Building work associated with Rail Spur line and balloon loop off-tenure	SPA Building Act	Local Government Private Certifier	<p>Development approval for building work will be required unless the building work is self-assessable or exempt development.<sup>15</sup></p> <p>Building work will need to comply with the applicable codes, including the Building Code of Australia and the Queensland Development Code.</p>

<sup>15</sup> Schedule 3, Part 1, Table 1, Item 1 SPR.



No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
30.	<b>Development Approval for operational works to clear native vegetation</b>	Rail Spur line and balloon loop off- tenure	SPA	Chief executive of DSDIP	A DA would be required for clearing remnant vegetation (if any) for the construction of the rail spur line and balloon loop. <sup>16</sup> Clearing must be for one of the purposes listed in the VMA, which relevantly includes if the clearing is for a coordinated project under the SDPWOA. <sup>17</sup>
31.	<b>Permit to remove a Protected Plant</b>	Rail Spur line and balloon loop off- tenure	NC Act	DEHP	A clearing permit will be required for the taking of protected plants in the wild except for least concern plants where the clearing is by a landowner of freehold land. <sup>18</sup>
32.	<b>Development Approval for MCU on EMR or CLR</b>	Rail Spur line and balloon loop off- tenure	SPA	Chief executive of DSDIP	Required for any MCU if all or part of the premises is on the EMR or CLR, unless one of the exemptions listed in Schedule 3 Part 1 Table 2 Part 6 of the SPR applies.
33.	<b>Development Approval for operational work for taking or interfering with a watercourse</b>	Rail Spur line and balloon loop off- tenure E.g. for rail crossing of Lagoon Creek	SPA	Chief executive of DSDIP	A DA will be required for operational work that involves taking or interfering with water from a watercourse, lake or spring, or from a dam constructed on a watercourse or lake. <sup>19</sup> However, the works will be self-assessable if done in compliance with the Code for self-assessable development of operational works that interfere with water in a watercourse, lake or spring.

<sup>16</sup> Part 1, Schedule 24 SPR.

<sup>17</sup> s22A VMA.

<sup>18</sup> s89 NC Act.

<sup>19</sup> Schedule 3, Part 1, Table 4, Item 3(a) SPR.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
<b>ADDITIONAL APPROVALS REQUIRED FOR THE RAIL SPUR AND BALLOON LOOP (WHETHER ON OR OFF-TENURE)</b>					
34.	<b>Approval for works that interfere with a railway - rail connection to Western Rail Line</b>	Rail Spur line and balloon loop	TI Act	QR	Approvals for work interfering with a railway will be required. <sup>20</sup> This will be for works that interfere with the Western Rail Line.
35.	<b>Approval for level crossings over local government roads</b>	Rail Spur line and balloon loop	TI Act	QR Local government	Ministerial approval will be required to declare parts of roads that are intersected by the railway as common areas, so that the railway is constructed, maintained and operated on the common area in a way that is not inconsistent with the use of the road. <sup>21</sup>
36.	<b>Road Closures</b>	Rail Spur line and balloon loop Road closures	Land Act Transport Operations (Road Use Management) Act 1995	DEHP	Applications for permanent <sup>22</sup> and temporary <sup>23</sup> road closures will be required.

<sup>20</sup> s255 TI Act.

<sup>21</sup> s249 TI Act.

<sup>22</sup> s99(1) Land Act 1994.

<sup>23</sup> s99(2) Land Act 1994.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
37.	<b>Approvals under Local Laws - Interference with Roads</b>	Rail Spur line and balloon loop Road closures	Local Law No 1	Local Government	Local government approvals will be required to: <ul style="list-style-type: none"> <li>alter a local government road;<sup>24</sup> and</li> <li>carry out works on a road or interfere with the road or its operation.<sup>25</sup></li> </ul>
38.	<b>Species Management Program</b>	Rail Spur line and balloon loop	NC Act	DEHP	A Species Management Program would be required to tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring. <sup>26</sup>
39.	<b>Rehabilitation Permit</b>	Rail Spur line and balloon loop	NC Act	DEHP	A Rehabilitation Permit (Spotter Catcher) will be required for individuals who catch fauna during construction. <sup>27</sup> The rehabilitation permit would include conditions to ensure the appropriate handling of fauna.
40.	<b>Wildlife Movement Permit</b>	Rail Spur line and balloon loop	NC Act	DEHP	A wildlife movement permit would be required to authorise the holder of that permit to move specified wildlife to and from the places stated in the permit during construction.
<b>OTHER OFF-TENURE ACTIVITIES</b>					
<b>DECOMMISSIONING OF JONDARYAN RAIL LOAD-OUT FACILITY (JLOF)</b>					
41.	<b>Development Approval for building work</b>	JRLF	SPA	Private certifier	A DA will be required for the demolition of buildings for the JLOF. It will be code assessable.

<sup>24</sup> s7 & Schedule 3, Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011.

<sup>25</sup> Schedule 1, section 1, Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with Road or its Operation) 2011.

<sup>26</sup> s332(4)(a) Nature Conservation (Wildlife Management) Regulation 2006.

<sup>27</sup> ss12(d) Nature Conservation (Administration) Regulation 2006.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
42.	Development Approval for operational work	JRLF	SPA	Local government	A DA would be required for operational work associated with the demolition and decommissioning of the JLOF.
43.	Disposal permit for Contaminated Soil Removal	JRLF	EP Act	DEHP	A disposal permit will be required for the removal of contaminated soil from land on the EMR. <sup>28</sup>
44.	Site Management Plan and Site Validation	JRLF	EP Act	DEHP and Third Party Reviewer	A Site Management Plan and Site Validation Report may be required in order to carry out remediation of contamination. <sup>29</sup>
<b>REALIGNMENT OF JONDARYAN-MULDU ROAD AND OTHER LOCAL GOVERNMENT ROADS</b>					
45.	Development Approval for Reconfiguring a Lot	Road construction / realignment	SPA	Local Government	A DA will be required to reconfigure lots in order to realign the Jondaryan Muldu Road.

<sup>28</sup> s424 EP Act.

<sup>29</sup> Chapter 7, Part 8 EP Act.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
46.	<b>Development approval for operational work associated with reconfiguration</b>	Off-tenure activities Road construction / realignment	SPA	Local Government	Development approval will be required for operational work associated with reconfiguring a lot. <sup>30</sup> This includes undertaking road works on a local government road. <sup>31</sup>
47.	<b>Approvals under Local Laws - Interference with Roads</b>	Off-tenure activities	<b>Local Law No 1</b>	Local Government	Local government approvals will be required to: <ul style="list-style-type: none"> <li>alter or improve a local government roads in the local government area<sup>32</sup>;</li> <li>carry out works on a road or interfere with the road or its operation.<sup>33</sup></li> </ul>
48.	<b>Notice to an electricity entity of works near electricity works</b>	Off-tenure activities Road construction / realignment	Electricity Act	Depending on where the works are located, the relevant electricity entity	Written notice to an electricity entity will be required where it is proposed to do work near an electricity entity's works if, in performing the work: <ul style="list-style-type: none"> <li>(a) plant, if not properly controlled, is likely to come into contact with an overhead electric line; or</li> <li>(b) soil or other material supporting or covering the entity's works may be disturbed.<sup>34</sup></li> </ul>

<sup>30</sup> Schedule 3, Part 1, Table 4, Item 2 SPR.

<sup>31</sup> s10 SPA.

<sup>32</sup> s7 & Schedule 3, Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011.

<sup>33</sup> Schedule 1, section 1, Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with Road or its Operation) 2011.

<sup>34</sup> s99 Electricity Act.



No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
<b>REALIGNMENT OF ELECTRICITY INFRASTRUCTURE</b>					
49.	<b>Notice to an electricity entity of works near electricity works</b>	Off-tenure activities Electricity infrastructure	Electricity Act	Depending on where the works are located, the relevant electricity entity	Written notice to an electricity entity will be required where it is proposed to do work near an electricity entity's works if, in performing the work: (a) plant, if not properly controlled, is likely to come into contact with an overhead electric line; or (b) soil or other material supporting or covering the entity's works may be disturbed. <sup>35</sup>
50.	<b>Approvals under Local Laws - Interference with Roads</b>	Off-tenure activities	Local Law No 1	Local Government	Local government approvals will be required to: <ul style="list-style-type: none"> <li>alter or improve a local government controlled road or a state controlled road in the local government area<sup>36</sup>,</li> <li>carry out works on a road or interfere with the road or its operation.<sup>37</sup></li> </ul>
<b>OTHER APPROVALS</b>					
51.	<b>Approval for road works or to interfere with a State controlled road</b>	Works to access State Controlled Road	TI Act	DTMR	Approval from the chief executive of DTMR will be required to carry out road works or to interfere with a State-controlled road. <sup>38</sup>

<sup>35</sup> s99 Electricity Act.

<sup>36</sup> s7 & Schedule 3, Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011.

<sup>37</sup> Schedule 1, section 1, Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with Road or its Operation) 2011.

<sup>38</sup> s255 TI Act.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
52.	<b>Road Corridor Permit for a State controlled road</b>	Works to access State Controlled Road	TI Act	DTMR	A Road Corridor Permit will be required to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road. <sup>39</sup> "Ancillary works and encroachments" includes removing tress and clearing.

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<sup>39</sup> s50 TI Act.

Defined term	Meaning
ACH Act	Aboriginal Cultural Heritage Act 2003 (Qld)
Building Act	Building Act 1975 (Qld)
CG	Coordinator-General
CHMP	Cultural Heritage Management Plan
DotE	Department of the Environment
EIS	Environmental Impact Statement
Electricity Act	Electricity Act 1994 (Qld)
EP Act	Environmental Protection Act 1994 (Qld)
EP Regulation	Environmental Protection Regulation 2008 (Qld)
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
EPBC approval	Approval of controlled action under Part 9 of EPBC Act
ERA	Environmentally relevant activity
Federal Environment Minister	The Minister responsible for administering the EPBC Act
ILUA	Indigenous land use agreement under the NTA
MCU	Material change of use
ML	Mining lease under the MRA
MNES	Matters of national environmental significance under the EPBC Act
MRA	Mineral Resources Act 1989 (Qld)
NCA	Nature Conservation Act 1992 (Qld)
NTA	Native Title Act 1993 (Cth)
NTA (Qld)	Native Title (Queensland) Act 1993 (Qld)
Queensland heritage place	Has the mean given to that term under the Queensland Heritage Act 1992 (Qld)
SDPWO Act	State Development and Public Works Organisation Act 1971 (Qld)
SPA	Sustainable Planning Act 2009 (Qld)
SPR	Sustainable Planning Regulation 2009 (Qld)
TI Act	Transport Infrastructure Act 1994 (Qld)
VMA	Vegetation Management Act 1999 (Qld)
Water Act	Water Act 2000 (Qld)
Water Supply Act	Water Supply (Safety and Reliability) Act 2008 (Qld)