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3. PROJECT APPROVALS

3.1. INTRODUCTION

The South Galilee Coal Project (SGCP) Environmental Impact Statement (EIS) has been carried out under the Queensland State Development and Public Works Organisation Act 1971 (SDPWO Act), administered by the Department of State Development, Infrastructure and Planning (DSDIP).

The SGCP will require a number of approvals and licences for the various components of the Project. The assessment of the SGCP must also consider a number of relevant regulations and policy documents. The following Commonwealth, State and local legislation has been considered as part of this EIS and is discussed in further detail in **Section 3.2.**

Commonwealth –

- Aboriginal and Torres Strait Islander Heritage Protection Act 1984
- Energy Efficiency Opportunities Act 2006
- Environment Protection and Biodiversity Conservation Act 1999
- National Greenhouse and Energy Reporting Act 2007
- Native Title Act 1993.

State –

- Aboriginal Cultural Heritage Act 2003
- Coal Mining Safety and Health Act 1999
- Coal Mining Safety and Health Regulation 2001
- Coastal Protection and Management Act 1991
- Dangerous Goods Safety Management Act 2001
- Environmental Protection Act 1994
- Environmental Protection Regulation 2008
- Environmental Protection (Air) Policy 2008
- Environmental Protection (Noise) Policy 2008
- Environmental Protection (Waste Management) Regulation 2000
- Environmental Protection (Water) Policy 2009
- Explosives Act 1999
- Explosives Regulation 2008
- Fisheries Act 1994

- Forestry Act 1959
- Land Act 1994
- Land Protection (Pest and Stock Route Management) Act 2002
- Land Regulation 2009
- Mineral Resources Act 1989
- Mineral Resources Regulation 2003
- Mining and Quarrying Safety and Health Act 2009
- Nature Conservation Act 1992
- Nature Conservation (Wildlife) Regulation 1994
- Petroleum and Gas (Production and Safety) Act 2004
- Queensland Heritage Act 1992
- Queensland Heritage Regulation 2003
- State Development and Public Works Organisation Act 1971
- State Development and Public Works Organisation Regulation 2010
- State Transport Act 1938
- Sustainable Planning Act 2009
- Sustainable Planning Regulation 2009
- Torres Strait Islander Cultural Heritage Act 2003
- Transport Infrastructure Act 1994
- Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008
- Transport Infrastructure (Rail) Regulation 2006
- Transport Infrastructure (State Controlled Roads) Regulation 2006
- Transport Operations (Road Use Management) Act 1995
- Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008
- Transport Operation (Road Use Management – Fatigue Management) Regulation 2008
- Transport Operations (Road Use Management – Mass, Dimensions and Loading) Regulation 2005
- Transport Operations (Road Use Management – Road Rules) Regulation 2009

- Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010
- Transport Planning and Coordination Act 1994
- Transportation Planning and Coordination Regulation 2005
- Transport (Rail Safety) Act 2010
- Transport (Rail Safety) Regulation 2010
- Vegetation Management Act 1999
- Vegetation Management Regulation 2000
- Waste Reduction and Recycling Act 2011
- Waste Reduction and Recycling Regulation 2011
- Water Act 2000
- Water Regulation 2002
- Wild Rivers Act 2005
- Workplace Health and Safety Act 2011.

Local –

- Jericho Shire Planning Scheme 2006.

3.2. RELEVANT LEGISLATION AND APPROVALS

A summary of the applicable legislation, its purpose and its relevance to the SGCP is provided in the following subsections.

3.2.1. Commonwealth Legislation

3.2.1.1. Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The purposes of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) are the preservation and protection from injury or desecration of areas in Australia and in Australian waters, being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition.

The ATSIHP Act enables the Australian Government to respond to requests to protect traditionally important areas and objects that are under threat, if it appears that State or Territory laws have not provided effective protection.

The Proponent will follow relevant State Government processes to preserve and protect identified Aboriginal cultural heritage values within the SGCP area.

3.2.1.2. Energy Efficiency Opportunities Act 2006

The *Energy Efficiency Opportunities Act 2006* (EEO Act) aims to improve the identification and evaluation of energy efficiency opportunities by large energy using businesses and, as a result, to encourage implementation of cost effective energy efficiency opportunities.

In order to achieve its aim, the EEO Act requires energy consuming businesses to:

- undertake an assessment of their energy efficiency opportunities to a minimum standard in order to improve the way in which opportunities are identified and evaluated
- report publicly on the outcomes of that assessment in order to demonstrate to the community that those businesses are effectively managing their energy.

The EEO Act outlines the broad requirements for large energy using businesses, and allows for the Regulations to provide detailed requirements for assessment, reporting, verification and other elements of the programs.

The SGCP will operate in compliance with the requirements of the EEO Act.

3.2.1.3. Environment Protection and Biodiversity Conservation Act 1999

Under the assessment and approval provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), actions that have, will have or are likely to have a significant impact on one or more of the eight Matters of National Environmental Significance (MNES), are considered to be ‘controlled actions’ and require approval under the EPBC Act.

On 16 June 2010, following referral to the Commonwealth Department of Environment, Water, Heritage and the Arts (DEWHA), (now the Department of Sustainability, Environment, Water, Populations and Communities [SEWPaC]) in accordance with the EPBC Act, the SGCP was determined to be a ‘controlled action’ pursuant to Section 75. The relevant controlling provisions are:

- EPBC Act, Sections 18 and 18A (listed threatened species and ecological communities)
- EPBC Act, Sections 20 and 20A (listed migratory species).

As a ‘controlled action’, the SGCP requires approval from the Commonwealth Minister for SEWPaC under Part 9 of the EPBC Act.

The accreditation of the SDPWO Act EIS process for the purposes of the EPBC Act assessment requirements is further discussed in **Section 3.2.6**. Potential impacts on MNES and proposed mitigation measures are detailed in **Section 20—Matters of National Environmental Significance**.

The EPBC Act also establishes the National Heritage List and Commonwealth Heritage Lists, which include natural, Indigenous and historic places that are of outstanding heritage value to the nation. Indigenous and non-Indigenous cultural heritage are described in detail in **Section 15—Indigenous Cultural Heritage** and **Section 16—Non-Indigenous Cultural Heritage**.

3.2.1.4. National Greenhouse and Energy Reporting Act 2007

The National Greenhouse and Energy Reporting Act 2007 (NGER Act) introduces a single national reporting framework for the reporting and dissemination of information about the greenhouse gas emissions, energy consumption and energy production of corporations.

The NGER Act:

- underpins the possible future introduction of an emissions trading scheme in Australia
- informs government policy formulation and the Australian public
- helps meet Australia's international reporting obligations
- assists Commonwealth, State and Territory government programs and activities to avoid the duplication of similar reporting requirements in the States and Territories.

Once operational, the SGCP will be assessed against the NGER Act thresholds, and if triggered (whether as an individual facility, as part of another facility or as part of the entire controlling corporation group), will comply with all requirements of the NGER Act.

3.2.1.5. Native Title Act 1993

The Native Title Act 1993 (NT Act) aims to provide for the recognition and protection of native title and contains the relevant processes for native title claims.

The main objectives of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title that provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.

A search of the National Native Title Tribunal database identified one registered claim, brought by the Wangan & Jagalingou People (QUD85/04). A Cultural Heritage Management Plan (CHMP) has been negotiated between the Proponent and the Wangan & Jagalingou People. The process of negotiating a Native Title agreement over Mining Lease Application (MLA) 70453 commenced with a submission to enter into a 'Right to Negotiate' (RTN) process under Section 29 of the NT Act. Negotiations are currently being undertaken.

As the current negotiations for the NT Act purposes are confined under the RTN process to the MLA 70453 area, it may be necessary for one of the following separate procedural native title steps to be undertaken:

- an Indigenous land use agreement
- use of Section 24KA for public infrastructure or
- use of Section 24MD (acts that pass the freehold test).

3.2.2. State Legislation

3.2.2.1. Aboriginal Cultural Heritage Act 2003

The main purpose of the Aboriginal Cultural Heritage Act 2003 (ACH Act) is to provide effective recognition, protection and conservation of Aboriginal cultural heritage.

The ACH Act establishes a duty of care for activities that may harm Aboriginal cultural heritage. The duty of care may be complied with through the development of and compliance with an approved CHMP.

As described in **Section 3.2.1.5**, a formal CHMP has been developed and signed by the Proponent and the Nominated Body, the Wangan & Jagalingou People. Formal notification of CHMP approval by the Department of Environment and Heritage Protection (DEHP), formerly the Department of Environment and Resource Management (DERM), was received by the Proponent on 5 August 2011. Matters in relation to Aboriginal cultural heritage are discussed in detail in **Section 15—Indigenous Cultural Heritage**.

3.2.2.2. Coal Mining Safety and Health Act 1999

The intent of the Coal Mining Safety and Health Act 1999 (CMSH Act) is to protect the safety and health of persons at coal mines and persons who may be affected by coal mining operations. The CMSH Act also requires that the risk of injury or illness to any person resulting from coal mining operations be at an acceptable level.

This is achieved by imposing safety and health obligations on persons who operate, design, construct, or work as contractors at coal mines. The CMSH Act sets regulations and recognises standards for the coal mining industry to require and promote risk management and control through the development of safety and health management systems to manage risks effectively.

3.2.2.3. Coal Mining Safety and Health Regulation 2001

The Coal Mining Safety and Health Regulation 2001 provides a regulatory framework to ensure that the management of safety and health at Queensland coal mines incorporates the following elements:

- risk identification and assessment
- hazard analysis
- hazard management and control
- reporting and recording relevant safety and health information and data.

Section 19—Hazard and Risk addresses the ongoing safety and health commitments and obligations that will be implemented for the SGCP.

3.2.2.4. Coastal Protection and Management Act 1995

The objectives of the *Coastal Protection and Management Act 1995* are to:

- provide for the protection, conservation, rehabilitation and management of the coastal zone, including its resources and biological diversity
- have regard to the goal, core objectives and guiding principles of the National Strategy for Ecologically Sustainable Development (ESD) in the use of the coastal zone
- ensure decisions about land use and development safeguard life and property from the threat of coastal hazards
- encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.

The assessment of activities within tidal areas at the Abbot Point Coal Terminal (APCT) has been undertaken by North Queensland Bulk Ports in their EIS.

3.2.2.5. Dangerous Goods Safety Management Act 2001

The objective of the *Dangerous Goods Safety Management Act 2001* (Dangerous Goods Act) is to protect the safety of persons, and prevent harm to property and the environment, from hazardous materials. The Dangerous Goods Act applies to the storage and handling of hazardous materials, the management of major hazard facilities and emergencies involving hazardous materials.

The Dangerous Goods Act does not apply to activities pertaining to mining on a mining tenure.

3.2.2.6. Environmental Protection Act 1994

The object of the *Environmental Protection Act 1994* (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 is administered generally by DEHP with some devolution to local government.

Section 319 of the EP Act establishes a 'general environmental duty', by stipulating that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. This EIS assesses potential impacts of the Project and proposes measures to mitigate and/or manage environmental harm.

The EP Act regulates 'Environmentally Relevant Activities' (ERAs) including mining activities (discussed further in **Section 3.2.2.7**). Mining projects are prescribed under Section 151 of the EP Act as either a Level 1 or a Level 2 mining project, depending on the risk of environmental harm.

New mining projects are required to be authorised under an Environmental Authority (EA) under the EP Act.

As stipulated in Section 201 of the *EP Act*, an Environmental Management Plan (EM Plan) must be submitted to the Administering Authority as part of the application for an EA. The purpose of the EM Plan is to propose environmental protection commitments to help the Administering Authority prepare the draft EA. An EM Plan is provided in **Section 21—Environmental Management Plan**.

A discussion of the principles of ESD and ‘best practice environmental management’ under the *EP Act* is provided in **Section 2—Project Rationale and Alternatives**.

3.2.2.7. Environmental Protection Regulation 2008

One of the main functions of the *Environmental Protection Regulation 2008* (*EP Reg*) is to list all the ERAs (or ‘Chapter 4 Activities’), their aggregate environmental score and to calculate the annual fee. Other functions of the *EP Reg* are:

- outlining matters relating to regulatory requirements that the administering authority must consider when making environmental management decisions
- supporting the EIS process outlined in Section 37(1)(e) of the *EP Act*
- outlining matters relating to environmental management and environmental offences
- providing the statutory basis for implementing the National Environment Protection Measures for the National Pollutant Inventory.

The ERAs proposed to be carried out on-site are detailed in **Table 3-1**. A detailed Project description is provided in **Section 4—Project Description** and assessment of the impacts of Project activities on environmental values is provided in **Section 7—Land to Section 20—Matters of National Environmental Significance**.

Table 3-1 Environmentally Relevant Activities

ERA Number	ERA	Description
6	Asphalt manufacturing	In a year, asphalt manufacturing consists of – a) less than 1,000 tonnes (t) of asphalt b) 1,000 t or more of asphalt.
8	Chemical storage	Chemical storage consists of storing – a) 50 t or more of chemical of dangerous goods class 1 or class 2, division 2.3 in containers of at least 10 m ³ or b) 50 t or more of chemicals in dangerous good class 6, division 6.1 in containers capable of holding at least 900 kilograms (kg) of the chemicals or c) 10 cubic metres (m ³) or more of chemicals of class C1 or C2 combustible liquids under Australian Standard 1940: <i>The storage and handling of flammable and combustible liquids</i> or dangerous goods class 3 or d) the following quantities of other chemicals in containers of at least 10 m ³ – i. 200 t or more, if they are solids or gases ii. 200 m ³ or more, if they are liquids.

Table 3-1 Environmentally Relevant Activities (cont)

ERA Number	ERA	Description
14	Electricity generation	<p>Electricity generation consists of generating electricity by using fuel at a rated capacity of 10 megawatts (MW) electrical or more.</p> <ul style="list-style-type: none"> a) generating electricity by using a fuel, other than gas, at a rated capacity of 10 MW electrical to 150 MW electrical and b) generating electricity by using a fuel, other than gas, at a rated capacity of more than 150 MW electrical.
15	Fuel burning	<p>Fuel burning consists of using equipment that is capable of burning at least 500 kg of fuel in an hour.</p>
16	Extractive and screening activities	<p>Extractive and screening activities consists of any of the following-</p> <ul style="list-style-type: none"> a) dredging a total of 1,000 t or more of material from the bed of a natural occurring surface waters, in a year b) extraction, other than by dredging, material from a wild river area c) extracting, other than by dredging, a total of 5,000 t or more of material in a year from an area other than a wild river area d) screening 50 t or more of material in a year, in a wild river area e) screening 5,000 t or more of material in a year, other than in a wild river area.
17	Abrasive blasting	<p>Abrasive blasting consists of cleaning equipment or structures on a commercial basis using a stream of abrasives in either a wet or dry pressure stream.</p> <p>The relevant Activity includes -</p> <ul style="list-style-type: none"> a) spraying a coating on equipment or a structure that has been subject to abrasive blasting and b) carrying out the activity at any site.
18	Boilermaking or engineering	<p>Boilermaking or engineering consists of boilermaking, assembling, building or manufacturing a total of 200 t or more of metal product in a year.</p>
21	Motor vehicle workshop	<p>Motor vehicle workshop consists of operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving any of the following relating to motor vehicles</p> <ul style="list-style-type: none"> a) maintaining mechanical components, engine cooling radiators or body panels b) spray-painting body panels c) detailing or washing.

Table 3-1 Environmentally Relevant Activities (cont)

ERA Number	ERA	Description
31	Mineral processing	<p>Mineral processing consists of processing, in a year, a total of 1,000 t or more of coke or mineral products.</p> <ul style="list-style-type: none"> a) in relation to coke – quenching, cutting, crushing, and grading the coke or b) in relation to other mineral products – washing, leaching, classifying, mixing and concentrating the mineral products.
33	Crushing, milling, grinding or screening	<p>Crushing, milling, grinding or screening consists of crushing, grinding, milling or screening more than 5,000 t of material in a year.</p> <p>The activity includes crushing waste, other than putrescible waste, to extract resources for reuse or recycling.</p>
43	Concrete batching	Concrete batching consists of producing 200 t or more of concrete or concrete products in a year, by mixing cement with sand, rock aggregate or similar materials.
56	Regulated waste storage	Regulated waste storage consists of operating a facility for receiving and storing regulated waste for more than 24 hours.
60	Waste disposal	<p>Waste disposal consists of only one of the following:</p> <ul style="list-style-type: none"> a) operating a facility for disposing of: <ul style="list-style-type: none"> i. only regulated waste or ii. regulated waste and any, or any combination, of the following - <ul style="list-style-type: none"> (A) general waste (B) limited regulated waste (C) if the facility is in a scheduled area – no more than 5 t of untreated clinical waste in a year.
63	Sewage treatment	<p>Sewage treatment consists of –</p> <ul style="list-style-type: none"> a) operating one or more sewage treatment works at a site that has a total daily peak design capacity of at least 21 Equivalent Persons (EP) or b) operating a sewage pumping station with a total design capacity of more than 40 kilolitres 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.
64	Water treatment	<p>Water treatment consists of carrying out any of the following activities in a way that allows waste, whether treated or untreated, to be released into the environment –</p> <ul style="list-style-type: none"> a) desalinating 0.5 megalitres (ML) or more of water in a day b) treating 10 ML or more of raw water in a day c) carrying out advanced treatment of 5 ML or more of water in a day.

3.2.2.8. Environmental Protection Policies

Environmental Protection Policies (EPPs) are subordinate legislation under the *EP Act* that identify environmental values to be protected and objectives to be achieved and maintained. The following policies provide information relating to particular areas of environmental protection.

3.2.2.8.1. Environmental Protection (Air) Policy 2008

The *Environmental Protection (Air) Policy 2008* seeks to achieve the objective of the *EP Act* in relation to Queensland's air environment. To achieve the objective, the policy:

- identifies environmental values to be enhanced or protected
- prescribes air quality indicators and air quality objectives for enhancing or protecting the environmental values
- provides a framework for making consistent, equitable and informed decisions about the air environment.

An air quality impact assessment has been undertaken and is presented in **Section 10—Air Quality**. This Section discusses the potential impacts of the SGCP on air quality in the context of this policy.

3.2.2.8.2. Environmental Protection (Noise) Policy 2008

The *Environmental Protection (Noise) Policy 2008* (*EPP (Noise)*) seeks to achieve the objective of the *EP Act* in relation to Queensland's acoustic environment. To achieve the objective, the policy:

- identifies environmental values to be enhanced or protected
- states acoustic quality objectives for enhancing or protecting the environmental values
- provides a framework for making consistent, equitable and informed decisions about the acoustic environment.

A noise impact assessment has been undertaken and is presented in **Section 12—Noise and Vibration**. This Section discusses the potential impacts of the SGCP on the surrounding noise environment in the context of the *EPP (Noise)*.

3.2.2.8.3. Environmental Protection (Waste Management) Regulation 2000

The *Environmental Protection (Waste Management) Regulation 2000* (*Waste Reg*) co-ordinates and clarifies waste management practices in Queensland and provides improved environmental safeguards.

Section 13—Waste discusses the existing and proposed waste management strategies for the SGCP in the context of the objectives of the *Waste Reg*.

3.2.2.8.4. Environmental Protection (Water) Policy 2009

The *Environmental Protection (Water) Policy 2009* seeks to achieve the object of the *EP Act* in relation to Queensland waters. The purpose is to be achieved by providing a framework for:

- identifying environmental values for Queensland waters
- deciding and stating water quality guidelines and objectives to enhance the environmental values
- making consistent and equitable decisions about Queensland waters that promote efficient use of resources and best practice environmental management
- involving the community through consultation and education, and promoting community responsibility.

Further discussion of the proposed surface water management system is provided in **Section 9—Water Resources**.

3.2.2.9. Explosives Act 1999

The *Explosives Act 1999* (*Explosives Act*) sets guidelines and penalties to ensure the safe handling of explosive materials, including those utilised for blasting at mine sites. Conditions set out in the *Explosives Act* include transport, storage and use of materials classified as explosive.

An explosives storage facility will be built for the SGCP. The SGCP will comply with all requirements of the *Explosives Act*.

3.2.2.10. Explosives Regulation 2003

The *Explosives Regulation 2003* provides specific limits and requirements for the safe handling, storage, transport and manufacture of explosives.

The Proponent will obtain a license, authority or permit to store and to use explosives. A compliant explosives magazine and compound area is a requirement under the Act.

3.2.2.11. Fisheries Act 1994

The primary objective of the *Fisheries Act 1994* is to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to apply, balance and promote the principles of ESD.

A permit may be required for any activities that involve constructing waterway barrier works or works in declared fish habitat areas.

3.2.2.12. Forestry Act 1959

The *Forestry Act 1959* provides for forest reservation, management, silvicultural treatment and protection of State Forests as well as the sale and disposal of forest products and quarry material.

The SGCP will require a license to extract quarry material under the *Forestry Act 1959*, where material is extracted outside of MLA 70453.

3.2.2.13. Land Act 1994

The *Land Act 1994* (*Land Act*) consolidates the law relating to the administration and management of non-freehold land and deeds of grant in trust and the creation of freehold land.

Land to which the *Land Act* applies must be managed for the benefit of the people of Queensland while having regard to the following principles:

- sustainable resource use and development to ensure existing needs are met and the State's resources are conserved for the benefit of future generations
- land evaluation based on the appraisal of land capability and the consideration and balancing of the different economic, environmental, cultural and social opportunities and values of the land
- allocating land for development in the context of the State's planning framework, and applying contemporary best practice in design and land management
- when land is made available, allocation to persons who will facilitate its most appropriate use that supports the economic, social and physical wellbeing of the people of Queensland
- if land is needed for community purposes, the retention of the land for the community in a way that protects and facilitates the community purpose
- protection of environmentally and culturally valuable and sensitive areas and features
- consultation with community groups, industry associations and authorities is an important part of the decision-making process
- consistent and impartial dealings
- efficient, open and accountable administration
- a market approach in land dealings, adjusted when appropriate for community benefits arising from the dealing.

The *Land Act* allows for the granting of different land tenures by the State Government. The DEHP is responsible for administering the *Land Act*.

3.2.2.14. *Land Protection (Pest and Stock Route Management) Act 2002*

The *Land Protection (Pest and Stock Route Management) Act 2002* provides a framework for improved management of weeds, pest animals and the stock route network. This is achieved by:

- establishing management principles for pests, land and stock routes
- restricting the introduction, keeping or selling and the spread of pests
- construction of infrastructure to prevent uncontrolled movement of pests and stock.

The control measures proposed to control pests on-site are described in **Section 8—Nature Conservation** and **Section 21—Environmental Management Plan**.

The SGCP rail spur component will cross one stock route which runs north of and parallel to the Central Line Railway.

3.2.2.15. *Land Regulation 2009*

The objective of the *Land Regulation 2009* is to provide the necessary mechanisms for the effective administration of the *Land Act*. The objectives of the *Land Regulation 2009* are to:

- set out general provisions to support primary regulation
- establish processes for making land available by ballot and provide clarity over financial matters including rental leases over State land, fees and interest rates.

3.2.2.16. *Mineral Resources Act 1989*

The principal objectives of the *Mineral Resources Act 1989* (MR Act) are to:

- encourage and facilitate prospecting and exploring for and mining of minerals
- enhance knowledge of the mineral resources of the State
- minimise land use conflict with respect to prospecting, exploring and mining
- encourage environmental responsibility in prospecting, exploring and mining
- ensure an appropriate financial return to the State from mining
- provide an administrative framework to expedite and regulate prospecting and exploring for and mining of minerals
- encourage responsible land care management in prospecting, exploring and mining.

The MR Act facilitates the above activities through the granting, conditioning and management of mining leases and other tenement types. The SGCP Joint Venture partners have made an application for MLA 70453.

3.2.2.17. Mineral Resources Regulation 2003

The Mineral Resources Regulation 2003 prescribes royalty payments, describes exploration permit requirements and outlines the various mining districts. The approval and operation of the SGCP will result in royalty payments to be made to the State.

3.2.2.18. Mining and Quarrying Safety and Health Act 2009

The objectives of the Mining and Quarrying Safety and Health Act 2009 are to protect the safety and health of persons at mines and persons who may be affected by operations and ensure that the risk of injury or illness to any person resulting from operations is kept at acceptable levels. These objectives are met by:

- imposing health and safety obligations on persons who operate mines
- the creation of health and safety management systems
- the establishment of regulations, guidelines and advisory committees that promote risk management for the mining industry requiring management structures to ensure the competent supervision of mine sites
- the SGCP will operate in accordance with the requirements of the Mining and Quarrying Safety and Health Act 2009.

3.2.2.19. Nature Conservation Act 1992

The Nature Conservation Act 1992 (NC Act) establishes a framework for the identification, management and protection of protected wildlife (native plants and native animals) and the regulation of activities that involve the taking of protected wildlife. The NC Act is administered by the DEHP.

The taking of protected wildlife, including the movement or relocation of protected wildlife, requires a permit issued under the Nature Conservation (Wildlife Management) Regulation 2006, unless the taking happens in the course of a lawful activity (e.g. pursuant to an EA for mining activities) that was not directed at the taking and the taking could not have been reasonably avoided.

Section 8—Nature Conservation discusses the potential impacts and mitigation measures for protected wildlife.

3.2.2.20. Nature Conservation (Wildlife) Regulation 1994

The purpose of the Nature Conservation (Wildlife) Regulation 1994 is to prohibit the taking or destruction, without authorisation, of listed plants and animals.

Section 8—Nature Conservation discusses the potential impacts and mitigation measures for wildlife classified under this regulation.

3.2.2.21. Petroleum and Gas (Production and Safety) Act 2004

In Queensland, a mining lease for coal does not bestow upon the holder of the lease general rights to produce coal seam gas (CSG) that may be within the mining lease area. There are restricted rights to extract ‘incidental’ CSG (CSG that is necessarily extracted as a result of mining) during mining, in association with safe coal mining practices or to minimise fugitive emissions. CSG production is now primarily regulated under the *Petroleum and Gas (Production and Safety) Act 2004*, and a petroleum lease under the Act is required in order to commercially produce CSG.

The Proponent does not propose to commercially extract CSG from the SGCP.

3.2.2.22. Queensland Heritage Act 1992

The *Queensland Heritage Act 1992* (*Heritage Act*) aims to protect Queensland's historical cultural heritage since the time of non-Indigenous settlement. The *Heritage Act* provides for the conservation and protection of places and items of historical and/or non-Indigenous cultural heritage, as well as for the maintenance of a Queensland Heritage Register that records places of significance.

There are no places on the register of non-Indigenous cultural heritage within the footprint of the SGCP. Five features of non-Indigenous heritage were identified during Project surveys and an assessment of potential impacts and proposed mitigation and management measures are provided in **Section 16—Non-Indigenous Cultural Heritage**.

3.2.2.23. Queensland Heritage Regulation 2003

The *Queensland Heritage Regulation 2003* supports the *Heritage Act* by setting out the details of protected areas, code for Integrated Development Assessment System (IDAS) and fees.

3.2.2.24. State Development and Public Works Organisation Act 1971

The *SDPWO Act* provides for State planning and development through a coordinated system of public works organisation and for environmental coordination.

The *SDPWO Act* provides for the appointment of a Coordinator-General with significant powers to manage major projects, coordinate Environmental Impact Assessments (EIA) and direct programs of works on a whole-of-government basis. The *SDPWO Act* provides the Coordinator-General with a Head of Power under Part 4 of the Act to undertake EIA.

On 11 March 2010, the Proponent lodged an Initial Advice Statement (IAS) for the SGCP and applied for significant project status from the Coordinator-General under the *SDPWO Act*. The Coordinator General assesses the IAS and may declare a project to be a *significant project* on the basis of the following criteria stipulated in Section 27 of the *SDPWO Act*:

- detailed information about the Project given by the Proponent in an IAS

- relevant planning schemes or policy frameworks, including those of a relevant local government or of the State or the Australian Government
- the Project's potential effect on relevant infrastructure
- the employment opportunities that will be provided by the Project
- the potential environmental effects of the Project
- the complexity of local, State and Australian Government requirements
- the level of investment necessary for the proponent to carry out the Project
- the strategic significance of the Project to the locality, region or the state.

On 26 May 2010, the Coordinator-General declared the SGCP to be a significant Project for which an EIS is required under Section 26 (1)(a) of the SDPWO Act.

3.2.2.25. State Development and Public Works Organisation Regulation 2010

The State Development and Public Works Organisation Regulation 2010 draws together a range of powers and functions used by State Government to facilitate the development of large projects. Part 13 of the Regulation sets out the environmental coordination provisions, including matters to be addressed by the EIS and public notification of the Coordinator-General's report.

3.2.2.26. State Transport Act 1938

The State Transport Act 1938 was created to provide for the better coordination and utilisation of transport facilities within the state. The State Transport Act 1938 establishes emergency powers, whereby the Governor in Council may declare a state of emergency.

3.2.2.27. Sustainable Planning Act 2009

The Sustainable Planning Act 2009 (SPA) is the main planning legislation in Queensland. New planning and development laws came into effect on 18 December 2009 resulting in the SPA replacing the *Integrated Planning Act 1997*. This new legislation seeks to achieve sustainable planning outcomes through:

- managing the process by which development takes place
- managing the effects of development on the environment
- continuing the coordination and integration of local, regional and state planning.

The MR Act provides an exemption from the provisions of the SPA for development that it authorises and therefore no activity authorised on MLA 70453 requires approval under the SPA.

The Sustainable Planning Regulation 2009 (SP Reg) also specifically exempts from the local government's planning scheme, development for an activity authorised under the MR Act. Mining activities, to which an EA (mining activities) under the EP Act applies, are also exempt from the MR Act.

While not being directly applicable to mining operations, the Proponent has voluntarily taken into account local planning documents implemented under the SPA including the State Planning Policies (refer to **Section 3.2.5.6** to **Section 3.2.5.12**).

If required, the Proponent will submit development applications to the relevant local government authority for activities outside MLA 70453 requiring their approval. Where relevant, the local SPA planning policies and recommendations have been noted and considered.

3.2.2.28. Sustainable Planning Regulation 2009

The SP Reg is used to categorise different types of development within the planning and assessment framework. Developments are either categorised as:

- exempt
- self-assessable
- assessable
- development requiring compliance assessment, or
- prohibited development.

Referral Agencies and other nominated government bodies, laid out in Schemes 6 and 7 of the SP Reg, are responsible for approving or disregarding development applications.

3.2.2.29. Torres Strait Islander Cultural Heritage Act 2003

The purpose of the *Torres Strait Islander Cultural Heritage Act 2003* is to provide effective recognition, protection and conservation of Torres Strait Islander cultural heritage. The purpose of the Act is to be achieved by:

- recognising Torres Strait Islander ownership of Torres Strait Islander human remains wherever held
- recognising Torres Strait Islander ownership of Torres Strait Islander cultural heritage of a secret or sacred nature held in State collections
- recognising Torres Strait Islander ownership of Torres Strait Islander cultural heritage that is lawfully taken away from an area by a Torres Strait Islander party for the area
- establishing a duty of care for activities that may harm Torres Strait Islander cultural heritage
- establishing powers of protection, investigation and enforcement

- establishing a database and a register for recording Torres Strait Islander cultural heritage
- ensuring Torres Strait Islanders are involved in processes for managing the recognition, protection and conservation of Torres Strait Islander cultural heritage
- establishing a process for the comprehensive study of Torres Strait Islander cultural heritage
- establishing processes for the timely and efficient management of activities to avoid or minimise harm to Torres Strait Islander cultural heritage.

An assessment of Indigenous cultural heritage is provided in **Section 15—Indigenous Cultural Heritage**.

3.2.2.30. Transport Infrastructure Act 1994

The objective of the *Transport Infrastructure Act 1994* (*TI Act*) is to provide a regime that allows for and encourages effective integrated planning and efficient management of a system of transport infrastructure. It outlines the various regimes for all modes of transport including roads, air, rail, ports, public marine transport, busways and light rail. It is the primary legislation administered by the Department of Transport and Main Roads (DTMR) in that it sets out the powers the DTMR has for managing the State Controlled Road (SCR) network. A permit is required under the *TI Act* in the case of interference with a SCR.

An assessment of the potential to impact on transport infrastructure is discussed in **Section 14—Transport**. Additional traffic will be generated by the SGCP during the construction and operational phases.

Part 7 of the *TI Act* deals with the use of land for railway purposes. Section 240 of the *TI Act* provides that if the State acquires land for use by a railway manager as part of a rail transport corridor and the land becomes unallocated State land, the Minister administering the *Land Act* must lease the land in perpetuity for a rent of \$1 per year.

Following this, pursuant to Section 240(4) of the *TI Act*, the State will sublease the acquired land to the accredited railway manager if the manager agrees to meet the full costs of the acquisition:

- i. for a term not exceeding 100 years and
- ii. for a rent, if demanded, of \$1 per year and
- iii. on other terms decided by the chief executive, or
- iv. otherwise on terms agreed between the parties.

The *TI Act* states that the acquisition of the corridor land can occur in a number of ways, including by purchase of the land that is the subject of the corridor. It is likely that the State will require the Proponent to make all reasonable efforts to acquire the corridor land by agreement with affected landholders, then voluntarily selling/surrendering the land to the State. The Proponent will likely be liable for the cost of the acquisition, unless it successfully negotiates for a third party railway manager to meet these costs. However, the land over which the proposed infrastructure corridor is to be constructed can be acquired by resumption as described in **Section 3.2.2.40**.

3.2.2.31. *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008*

The main purposes of the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008* are to:

- prescribe the obligations of persons involved in the transport of dangerous goods by rail
- reduce as far as practicable the risks arising from the transport of dangerous goods by rail
- give effect to the standards, requirements and procedures of the Regulation as far as they apply to the transport of dangerous goods by rail
- promote consistency between the standards, requirements and procedures applying to the transport of dangerous goods by rail and those applying to other modes of transport.

The control measures proposed to transport dangerous goods by rail are described in **Section 19—Hazard and Risk**.

3.2.2.32. *Transport Infrastructure (Rail) Regulation 2006*

The *Transport Infrastructure (Rail) Regulation 2006* stipulates standards for the purchase of tickets and behaviour on trains, at stations and railway crossings or tracks.

3.2.2.33. *Transport Infrastructure (State Controlled Roads) Regulation 2006*

The *Transport Infrastructure (State Controlled Roads) Regulation 2006* provides for:

- prohibiting access to motorways
- prohibiting access to SCRs
- prohibiting animals on non-motorway SCRs
- restricting access to SCRs
- prohibiting certain types of traffic on motorways
- enforcing compliance with prohibitions
- regulating camping, public utility plants, ancillary works and encroachments in relation to SCRs.

Under the *TI Act* and the *Transport Infrastructure (State Controlled Roads) Regulation 2006*, applicants wishing to undertake an activity, works or erect a structure within the road corridor must first apply for a Road Corridor Permit (RCP). A RCP application form may be used to apply for works, structures and activities which approval is required under Section 50 of the *TI Act*. This approval includes the construction, maintenance, upgrading or conducting of those works, structures and activities characterised as ancillary works and encroachments under the Act.

3.2.2.34. *Transport Operations (Road Use Management) Act 1995*

The overall objectives of the *Transport Operations (Road Use Management) Act 1995* are to provide for the effective and efficient management of road use in Queensland and to provide a scheme for managing the use of these roads that will:

- promote the effective and efficient movement of people, goods and services
- contribute to the strategic management of road infrastructure in ways consistent with the *TI Act*
- improve road safety and the environmental impact of road use in ways that contribute to overall transport effectiveness and efficiency
- support a reasonable level of community access and mobility in support of government social justice objectives.

The potential impacts of the increase in traffic on the SCR network as a consequence of the SGCP are discussed in further detail in **Section 14—Transport**.

3.2.2.35. *Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008*

The main purposes of the *Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008* are to:

- prescribe the obligations of persons involved in the transport of dangerous goods by road
- reduce as far as practicable the risks arising from the transport of dangerous goods by road
- give effect to the standards, requirements and procedures of the ADG Code as far as they apply to the transport of dangerous goods by road
- promote consistency between the standards, requirements and procedures applying to the transport of dangerous goods by road and those applying to other modes of transport.

The control measures proposed to transport dangerous goods by road are described in **Section 19—Hazard and Risk**.

3.2.2.36. *Transport Operations (Road Use Management – Fatigue Management) Regulation 2008*

The main purpose of the *Transport Operation (Road Use Management – Fatigue Management) Regulation 2008* is to provide for the safe management of fatigue of regulated heavy vehicles while they are driving on a road.

The control measures proposed to address driver fatigue are described in **Section 19—Hazard and Risk**.

3.2.2.37. *Transport Operations (Road Use Management – Mass, Dimensions and Loading) Regulation 2005*

The object of the *Transport Operations (Road Use Management – Mass, Dimensions and Loading) Regulation 2005* is to provide road rules in Queensland that are substantially uniform with road rules elsewhere within Australia. The Regulation sets out mass requirements for heavy vehicles as well as penalties for non-compliance with requirements. The SGCP will adhere to all requirements regarding duty of operator, duty of driver and regulations pertaining to vehicle height, width and length.

3.2.2.38. *Transport Operations (Road Use Management – Road Rules) Regulation 2009*

The *Transport Operations (Road Use Management – Road Rules) Regulation 2009* (Queensland Road Rules) assigns responsibility for signage (traffic control devices) that may be placed on roads. The traffic control measures proposed for the additional traffic associated with the SGCP are discussed in further detail in **Section 14—Transport**.

3.2.2.39. *Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010*

The *Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010* operates in conjunction with the *TI Act* to provide important standards limiting noise and emissions from vehicles. Vehicle standards, safety and operation guidelines are managed under this Regulation.

The SGCP will comply with the standards set out in the *Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010*.

3.2.2.40. *Transport Planning and Coordination Act 1994*

The objectives of the *Transport Planning and Coordination Act 1994* (TPC Act) are to improve the economic, trade and regional development performance of Queensland, and the quality of life of people living in Queensland by achieving overall transport effectiveness and efficiency through strategic planning and management of transport resources.

In the event that the Proponent is unable to acquire the land subject to the rail corridor via agreement with affected landholders despite reasonable efforts, the land can be acquired by resumption by the Chief Executive pursuant to Section 25 of the *TPC Act*. Section 25(3) of the *TPC Act* specifically provides that the Chief Executive's power to acquire land includes for the purpose of the "facilitation of transport infrastructure", which includes rail infrastructure. The *TPC Act* provides the head of power for the acquisition however, the process that is adopted is that under the *Acquisition of Land Act*.

Section 27 of the *TPC Act* confirms the power of the Chief Executive to subsequently deal with the land (e.g. lease it to a third party, as contemplated in Section 240 of the *TI Act*).

Further discussion of the potential impacts on the traffic and transport network is provided in **Section 14—Transport**.

3.2.2.41. Transport Planning and Coordination Regulation 2005

The *Transport Planning and Coordination Regulation 2005* provides the codes for the IDAS as they pertain to the *TPC Act*.

3.2.2.42. Transport (Rail Safety) Act 2010

The objects of the *Transport (Rail Safety) Act 2010* are to:

- provide for improvement of the safe carrying out of railway operations
- provide for the management of risks associated with railway operations
- make special provision for the control of particular risks arising from railway operations
- promote public confidence in the safety of transport of passengers or freight by rail.

The SGCP will adhere with the *Transport (Rail Safety) Act 2010* and ensure that rail transport operators have the competency and capacity to carry out railway operations safely.

3.2.2.43. Transport (Rail Safety) Regulation 2010

The *Transport (Rail Safety) Regulation 2010* contains provisions relating to:

- rail safety duties
- requirements relating to the safety of railway operations
- accreditation
- embargo notices
- fees.

3.2.2.44. Vegetation Management Act 1999

The Vegetation Management Act 1999 (VM Act) aims to regulate vegetation clearing to:

- conserve remnant ‘endangered’, ‘of concern’ and ‘of least concern’ regional ecosystems and vegetation in declared areas
- ensure that clearing does not cause further land degradation
- prevent loss of biodiversity
- maintain ecological processes
- manage environmental effects of clearing to achieve the above
- reduce greenhouse gas emissions.

The VM Act is administered by the DEHP. Under the VM Act, native vegetation that is remnant vegetation, regional ecosystems, and high value regrowth vegetation is mapped as being ‘endangered’, ‘of concern’ or ‘of least concern’. The clearing of this mapped native vegetation is regulated by the VM Act in conjunction with the SPA as a type of development (specifically, ‘operational work’), generally requiring development approval from the DEHP, unless the proposed clearing falls within one of the exceptions listed in Schedule 24 of the SP Reg.

With regards to the SGCP, vegetation clearing for authorised activities on MLA 70453 does not require development approval under the SPA because:

- the MR Act provides that the SP Act does not apply to development authorised under the MR Act
- a ‘mining activity’ as defined under the EP Act falls within the exception in the SP Reg Schedule 24, Part 1, Item (6).

Activities associated with the SGCP located outside MLA 70453 (e.g. infrastructure corridor) would require approval under the VM Act.

Discussion of the management of vegetation issues associated with the SGCP is provided in **Section 8—Nature Conservation**.

3.2.2.45. Vegetation Management Regulation 2000

Schedules 1 to 5 of the Vegetation Management Regulation 2000 (Vegetation Management Reg) provide the ‘endangered’, ‘of concern’ and ‘not of concern’ regional ecosystems in each of Queensland’s 13 bioregions. The Vegetation Management Reg provides policies against which applications for clearing vegetation are assessed. **Section 8—Nature Conservation** identifies environmental values, potential impacts and mitigations measures for the SGCP.

3.2.2.46. Waste Reduction and Recycling Act and Regulation 2011

The Waste Reduction and Recycling Act 2011 (WRR Act) and Waste Reduction and Recycling Regulation 2011 (WRR Reg) co-ordinate and clarify waste management practices in Queensland and provide improved environmental safeguards.

The WRR Act provides a strategic framework for managing wastes in Queensland. It does this by:

- establishing a preferred waste management hierarchy and various principles as the basis for waste management
- providing the framework for minimising waste generation, maximising the usage of waste, efficient use of resources and maintaining ecologically sustainable principles
- identifying the environmental values to be enhanced and protected (i.e. life, health and well-being, diversity of ecological processes and ecosystems, land use)
- providing the framework for waste management programs.

Section 13—Waste discusses the existing and proposed waste management strategies for the SGCP in the context of the objectives of the WRR Act and WRR Reg.

3.2.2.47. Water Act 2000

The Water Act 2000 (Water Act) provides for the sustainable management of water and other resources and the establishment and operation of water authorities. The Water Act provides a structure to regulate the use of surface waters and groundwaters through Water Resource Plans. Under Section 808 of the Water Act, ‘a person must not take, supply or interfere with water under this Act unless authorised under the Act’. Authorisation under the Water Act for taking water from a watercourse or lake is in the form of a water entitlement or allocation. Taking or interfering with overland flow water is authorised under the Water Act, unless a moratorium notice, water resource plan or wild rivers declaration limits or alters the water that may be interfered with or taken.

The majority of raw water for the SGCP will be provided from an external water supply under relevant licences.

A water licence will be required for the taking of water from groundwater supply bores.

The Water Act requires a licence for works that interfere with the flow of water (e.g. diversion of Sapling Creek). As this creek is classified as a watercourse, a Riverine Protection Permit will be required. To the extent that the diversion is taking or interfering with overland flow water, it is authorised under the Water Act, unless a moratorium notice, water resource plan or wild rivers declaration limits or alters the water that may be interfered with or taken. Further discussion of the diversion of Sapling Creek is provided in **Section 9—Water Resources**.

3.2.2.48. Water Regulation 2002

The Water Regulation 2002 provides the relevant procedures and fees required to transfer a water allocation or license. The Regulation also provides an interim trading regime whereby the holders of interim water allocations or water licences may relocate their entitlements to other lands.

SGCP water management strategy is outlined in further detail in **Section 9—Water Resources**.

3.2.2.49. Wild Rivers Act 2005

The purpose of the *Wild Rivers Act 2005* (*Wild Rivers Act*) is to preserve the natural values of rivers that have not been significantly affected by development (i.e. rivers that have all, or almost all, of their natural values intact). The *Wild Rivers Act* does this by regulating new development within a declared wild river and its catchment area, and by regulating the taking of natural resources from the area. The *Wild Rivers Act* establishes a framework that includes the declaration of wild river areas that may include a:

- high preservation area
- preservation area
- floodplain management area
- subartesian management area.

Approximately 4 ha of land in the south-west of the MLA 70453 falls within a wild rivers preservation area. The wild rivers preservation area is not expected to be subject to direct disturbance associated with the SGCP.

3.2.2.50. Workplace Health and Safety Act 2011

The main objective of the *Workplace Health and Safety Act 2011* is to provide a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.

The *Workplace Health and Safety Act 2011* does not apply to a coal mine to which the CSMH Act applies.

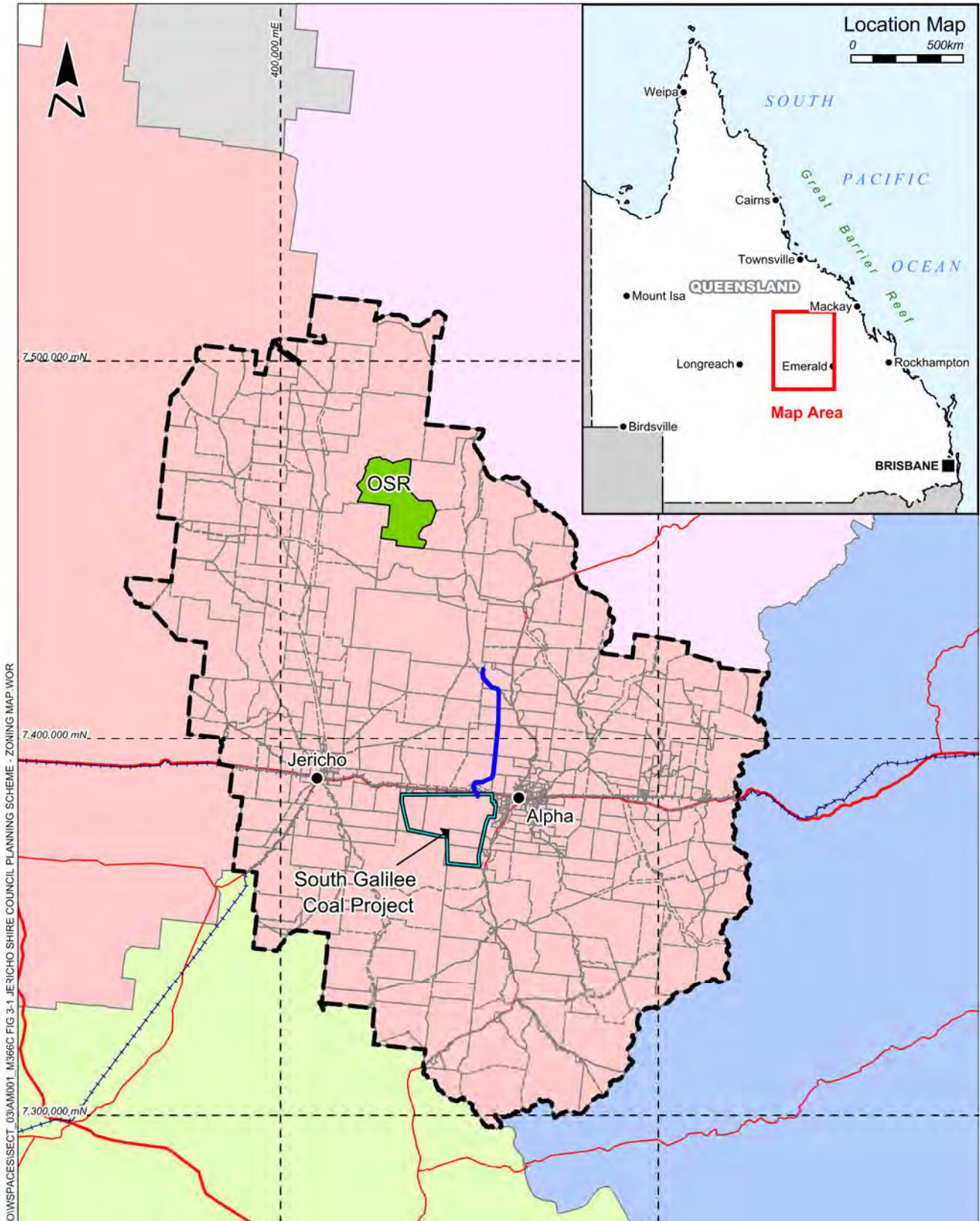
3.2.3. Local Government Legislation

3.2.3.1. Jericho Shire Planning Scheme 2006

The SGCP is located within the Barcaldine Regional Council Local Government Area (LGA). The Barcaldine Regional Council LGA is an amalgamation of the previous Aramac, Barcaldine and Jericho Shire Councils.

The SGCP is located within the 'rural zone', as provided by the *Jericho Shire Planning Scheme 2006* (refer to **Figure 3-1**). Within the rural zone, 'development' does not prejudice extractive or other mining resources.

Under the *MR Act* and *SPA*, mining activities are exempt from the assessable development provisions of a local government planning scheme. Notwithstanding the exemption afforded under the *MR Act*, the Proponent recognises the importance of planning schemes to local planning and, to the extent practicable, has endeavoured to plan the SGCP in a manner which satisfies the objectives of the local planning instruments.



3.2.4. Commonwealth Obligations

3.2.4.1. Convention for the Protection of World Cultural and Natural Heritage

The Convention for the Protection of World Cultural and Natural Heritage sets out the kinds of natural and cultural sites which can be considered for inscription on the World Heritage List, sets out the duties of State Parties in site identification and their role in protecting and preserving them.

Although there are no identified World Heritage sites located within the SGCP area, assessments of Indigenous and non-Indigenous cultural heritage are provided in **Section 15—Indigenous Cultural Heritage** and **Section 16—Non-Indigenous Cultural Heritage**. An assessment of nature conservation is provided in **Section 8—Nature Conservation**.

3.2.4.2. Convention on Biological Diversity

The Convention on Biological Diversity entered into force on 29 December 1993. Its three main objectives include:

- the conservation of biological diversity
- the sustainable use of the components of biological diversity
- the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources.

The Convention on Biological Diversity is dedicated to promoting sustainable development. Terrestrial and aquatic ecology is assessed in **Section 8—Nature Conservation, Appendix N—Terrestrial Ecology Technical Report** and **Appendix O—Aquatic Ecology Technical Report**.

3.2.4.3. Convention on the Conservation of Migratory Species of Wild Animals

The Convention on the Conservation of Migratory Species of Wild Animals (also known as the BONN Convention) aims to conserve terrestrial, aquatic and avian migratory species throughout their range. It is an intergovernmental treaty, concluded under the aegis of the United Nations Environment Programme, concerned with the conservation of wildlife and habitats on a global scale. Migratory species threatened with extinction are listed within Appendix I of the Convention. Parties to the convention strive towards strictly protecting these animals, conserving or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them (CMS, 2011). An assessment of migratory species is provided in **Section 8—Nature Conservation** and **Appendix N—Terrestrial Ecology Technical Report**.

3.2.4.4. Convention of Wetlands of International Importance

The Convention on Wetlands of International Importance (also known as the Ramsar Convention) is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

The mission of the Ramsar Convention is “the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world”.

The Ramsar Contracting Parties, or Member States, are committed to implementing the three pillars of the Convention, including:

- to designate suitable wetlands for the List of Wetlands of International Importance and ensure their effective management
- to work towards the wise use of wetlands through national land-use planning, appropriate policies and legislation, management actions, and public education to cooperate internationally concerning transboundary wetlands, shared wetland systems, shared species, and development projects that may affect wetlands.

The EPBC Act recognises wetlands of international importance designated by the Ramsar Convention as MNES. The SGCP is not located within or adjacent to a declared Ramsar wetland and is therefore not anticipated to impact on the values of any such wetland area.

3.2.4.5. China-Australia Migratory Bird Agreement

The China-Australia Migratory Bird Agreement (CAMBA) lists terrestrial, water and shorebird species which migrate between Australia and China. The CAMBA requires the parties to protect migratory birds by:

- limiting the circumstances under which migratory birds are taken or traded
- protecting and conserving important habitats
- exchanging information
- building cooperative relationships.

An assessment of migratory species is provided in **Section 8—Nature Conservation** and **Appendix N—Terrestrial Ecology Technical Report**.

3.2.4.6. Japan-Australia Migratory Bird Agreement

The Japan-Australia Migratory Bird Agreement (JAMBA) lists terrestrial, water and shorebird species which migrate between Australia and Japan. The JAMBA requires the parties to protect migratory birds by:

- limiting the circumstances under which migratory birds are taken or traded
- protecting and conserving important habitats
- exchanging information
- building cooperative relationships.

The JAMBA also includes provisions for cooperation on the conservation of threatened birds.

An assessment of migratory species is provided in **Section 8—Nature Conservation** and **Appendix N—Terrestrial Ecology Technical Report**.

3.2.4.7. Kyoto Protocol

The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialised countries and the European community for reducing greenhouse gas emissions. These targets amount to an average of 5 % against 1990 levels over the five year period between 2008 and 2012. Countries must meet their targets primarily through national measures. However, the Kyoto Protocol offers them an additional means of meeting their targets by way of three market-based mechanisms, including:

1. emissions trading
2. clean development mechanism
3. joint implementation.

An assessment of greenhouse gas emissions associated with the SGCP is provided in **Section 11—Greenhouse Gas Emissions**.

3.2.4.8. United Nations Framework Convention on Climate Change 1992

Australia is a party to the *United Nations Framework Convention on Climate Change* (UNFCCC) which came into force on 21 March 1994. The object and purpose of the UNFCCC is to “stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous (human-induced) interference with the climate system”. Under the UNFCCC, it is envisaged that “such a level should be achieved within a timeframe sufficient to allow ecosystems to adapt naturally to climate change, to ensure that production is not threatened and to enable economic development to proceed in a sustainable manner”.

An assessment of greenhouse gas emissions associated with the SGCP is provided in **Section 11—Greenhouse Gas Emissions**.

3.2.5. Relevant Plans

This Section identifies existing planning frameworks that apply to the SGCP, including relevant statutory and non-statutory plans, planning policies, guidelines, strategies and agreements.

3.2.5.1. Development Scheme Abbot Point State Development Area

The intent of this development scheme is to:

- establish a set of objectives and requirements for the orderly development of the Abbot Point State Development Area (SDA)

- provide guidance and a framework for the assessment, determination and management of development of the Abbot Point SDA
- establish a procedure for determination by the Coordinator-General of the suitability of uses in the Abbot Point SDA
- establish procedures for effective referral and public consultation so that other government and semi-government agencies, the Whitsunday Regional Council and the community are engaged, where appropriate, in the assessment of applications for development
- recognise that the Coordinator-General has primary carriage for the development, operation and management of land use in the Abbot Point SDA
- identify a range of land use precincts within the Abbot Point SDA and specify the intended purpose of each land use precinct
- assist in planning for infrastructure to support development and managing impacts of development on infrastructure
- assist in achieving ecological sustainability of activities within the Abbot Point SDA.

Approval of SGCP infrastructure proposed to be located within the Abbot Point SDA will be required from the Coordinator-General of DSDIP, as it is not part of this assessment process.

3.2.5.2. Central West Regional Plan

The *Central West Regional Plan* is the over-arching planning document for the Central West region, with land use provisions that inform other planning instruments.

The Plan was developed under the *Integrated Planning Act 1997* and remains current under the SPA. Although the MR Act provides an exemption from the provisions of the SPA for development authorised on MLA 70453, the *Central West Regional Plan* has been considered, where relevant.

The Plan incorporates a range of land use policies and aligned strategies that address the region's environmental, social and economic priorities (Queensland Government, 2009). The SGCP is located within the area covered by the Plan. The Plan's policies are set out under the following principles:

- natural environment
- natural resources
- strong communities
- urban development
- economic development
- infrastructure.

A five year implementation strategy will be developed by the Regional Coordination Committee with the involvement of all three levels of government, non-government, the private sector and the community.

3.2.5.3. Water Resource (Burdakin Basin) Plan 2007

The purposes of the Water Resource (*Burdakin Basin*) Plan 2007 are to:

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

3.2.5.4. Barcaldine Regional Council Community Plan 2009

The Barcaldine Regional Council Community Plan 2009 was developed in consultation with the local community. The Plan provides a community profile, identifies the challenges and opportunities facing the region and identifies 'preferred futures' for each population centre within the Barcaldine Regional Council LGA.

The Plan provides a set of priorities to help mobilise a range of service providers and presents action plans to be implemented by Federal, State and Local Governments, the private sector, community organisations and individual residents. The Barcaldine Regional Council Community Plan 2009 has informed the Social Impact Assessment and draft Social Impact Management Plan undertaken for the SGCP (refer to **Section 17—Social, Appendix Q—Social Impact Assessment** and **Appendix R—Social Impact Management Plan**).

3.2.5.5. Barcaldine Regional Council Corporate Plan 2009-2014

The Barcaldine Regional Council Corporate Plan 2009-2014 describes the organisational structure of the Barcaldine Regional Council, as well as the Council's vision, mission and guiding principles. The Plan sets out six key goals for the region, including:

- governance: strengthening the organisation and fostering a cohesive community identity
- economic development: developing a sustainable economy that continues to provide opportunity
- infrastructure: building and maintaining sustainable infrastructure
- environment: protecting and enhancing the environment

- community: fostering the capacity, vitality and lifestyle of community
- planning: planning for the future.

An operational plan is prepared annually and sits under the Barcaldine Regional Council Corporate Plan 2009 – 2014.

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

State Planning Policy (SPP) 1/03 addresses development issues associated with minimising the adverse impacts of floods, bushfires and landslides and provides guidelines to mitigate their adverse effects (i.e. Guideline for SPP 1/03: *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide 1.0*). To decrease the risk of the natural disaster, the development should:

- minimise the potential damage from flooding to property
- ensure that public safety and the environment are not adversely affected by the detrimental impacts of floodwater on hazardous material stored in bulk
- ensure the essential services infrastructure (e.g. on-site electricity, gas, water supply, sewerage and telecommunications) maintain their function during a Defined Flood Event
- maintain the safety of people and property by including firebreaks that provide adequate setbacks between buildings/structures and hazardous vegetation, and access for firefighting/other emergency vehicles
- provide an adequate and accessible water supply for fire-fighting purposes
- provide adequate road access for fire-fighting/other emergency vehicles and safe evacuation.

Hazards and risks associated with the SGCP are discussed in detail in **Section 19—Hazard and Risk**.

An assessment of potential surface water impacts and proposed mitigation and management measures are provided in **Section 9—Water Resources**.

3.2.5.7. SPP 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities

SPP 1/02 sets out the State's interest concerning development in the vicinity of those airports and aviation facilities considered essential for the State's transport infrastructure or the national defence system. The Alpha Aerodrome is not subject to SPP 1/02.

3.2.5.8. SPP 1/07 Housing and Residential Development

The outcome sought by SPP 1/07 (supported by SPP 1/07 Guideline 1.0) is that local governments identify the housing needs of their community and analyse, and modify if necessary, their planning scheme to remove barriers to and provide opportunities for a range of housing options that respond to the housing needs of their community.

The SGCP is not located within a LGA to which this policy applies.

3.2.5.9. SPP 1/10 Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments (Temporary SPP)

SPP 1/10 seeks to ensure that development in or adjacent to wetlands of high ecological significance (HES) in Great Barrier Reef catchments is planned, designed, constructed and operated to minimise the loss or degradation of wetlands and their values, or enhances these values.

SPP 1/10 is supported by the *SPP Guideline: Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments*.

Development to which SPP 1/10 applies achieves the policy outcome if it is located outside HES wetlands and avoids adverse effects on HES wetlands. The SGCP would not adversely affect any HES wetland or encroach on a HES wetland trigger area.

3.2.5.10. SPP 1/92 Development and the Conservation of Agricultural Land

The purpose of SPP 1/92 is to provide local government with guidance on the conservation of good quality agricultural land (GQAL) and how this matter is to be assessed when carrying out assessments of development proposals. In brief, SPP 1/92 is primarily focused on:

- protecting GQAL
- prevention of alienation of GQAL by incompatible uses
- accepting loss of GQAL only if there is an overriding community need to the development and where the development has specific locational requirements.

A discussion of potential impacts on soils and land suitability classes is provided in **Section 7—Land**.

SPP 1/92 is supported by the following guidelines:

- Guideline 1 for SPP1/92 The Identification of Good Quality Agricultural Land 1.0
- Guideline 2 for SPP 1/92 Separating Agricultural and Residential Land Uses 1.0.

3.2.5.11. SPP 2/02 Planning and Managing Development Involving Acid Sulfate Soils

SPP 2/02 (and the supporting guideline *SPP2/02: Planning and Managing Development Involving Acid Sulfate Soils 2.0*) sets out the State's interests concerning development involving acid sulfate soils in low-lying coastal areas.

The SGCP is not located within an area to which SPP 2/02 applies.

3.2.5.12. SPP 2/07 Protection of Extractive Resources

The outcome of SPP 2/07 (supported by the *Protection of Extractive Resources* guideline) is to identify extractive resources of State or regional significance where extractive industry development is appropriate, and protect those resources from developments that might prevent or severely constrain current or future extraction when the need for the resource arises.

The SGCP is not located within a Key Resource Area to which SPP 2/07 applies.

3.2.6. Accredited Process for Controlled Actions under Australian Government Legislation

The bilateral agreement between the Commonwealth and the State of Queensland relating to environmental assessment came into effect on 11 August 2009. The agreement allows the Commonwealth to rely on Queensland's EIA processes in assessing actions under the *EPBC Act*. This accreditation has the purpose of avoiding duplication in assessment while still meeting the impact assessment requirements of the *EPBC Act*, including facilitating the provision of sufficient information to inform decision-making.

For the purposes of assessment by the Commonwealth Government under Part 8 of the *EPBC Act*, the SGCP will be subject to the bilateral agreement between the Commonwealth and Queensland Governments.

Due to the potential for the SGCP to impact on MNES, it was referred to the DEWHA as described in **Section 3.2.1.3**. The SGCP was determined by the DEWHA to be a 'controlled action' requiring approval from the Commonwealth Minister for SEWPaC under the *EPBC Act*.

The relevant controlling provisions include:

- Sections 18 and 18A (listed threatened species and ecological communities)
- Sections 20 and 20A (listed migratory species).

Potential impacts on MNES and proposed mitigation measures are detailed in **Section 20—Matters of National Environmental Significance**.

Following provision of the EIS assessment report by the State to the Commonwealth Minister for SEWPaC, the Minister must make the decision under Part 9 of the *EPBC Act* whether or not to approve the proposed development and, if approved, under what conditions.

Under the bilateral agreement, SEWPaC is consulted by the DSDIP in preparing assessment documentation. This includes consultation between the Commonwealth and the State on conditions of approval to avoid inconsistency.