



Baralaba South Project
Environmental Impact Statement

CHAPTER 1

Introduction

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1 Introduction

This environmental impact statement (EIS) has been prepared for the Baralaba South Project (the Project) to address the requirements of the *Environmental Protection Act 1994* (EP Act). The objective of this EIS is to identify and assess the environmental, social, economic and cumulative impacts of the proposed Project, while also identifying avoidance and mitigation measures to minimise adverse impacts.

This EIS is to be assessed under the bilateral assessment agreement (between the State of Queensland and the Commonwealth of Australia). The bilateral assessment agreement provides accreditation of the Queensland processes for assessment of proposed actions that would otherwise be assessed by the Commonwealth Government, for approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This EIS is structured to address the requirements of the Project Terms of Reference (TOR) and is comprised of a main text report, supported by a series of attachments and appendices. The main text report includes the following chapters:

Chapter	Title	Chapter	Title
1	Introduction	12	Noise and Vibration
2	Project Description	13	Transport
3	Rehabilitation	14	Waste Management
4	Surface Water	15	Cultural Heritage
5	Groundwater	16	Social and Economic
6	Flooding and Regulated Dams	17	Hazards and Safety
7	Flora and Fauna	18	Proposed Environmental Management and Monitoring Commitments
8	Biosecurity		
9	Matters of National Environmental Significance	19	Proposed Environmental Authority Conditions
10	Land and Visual Amenity	20	References
11	Air Quality, Greenhouse Gas and Decarbonisation	21	Abbreviations, Acronyms and Glossary

Attachments to the main text report are provided as follows:

Attachment	Title
Attachment 1	Terms of Reference
Attachment 2	Terms of Reference Reconciliation Table
Attachment 3	Public Consultation Report
Attachment 4	Independent Expert Scientific Committee Guidelines Reconciliation Table
Attachment 5	Matters of National Environmental Significance Reconciliation Table
Attachment 6	Peer Review Letter - Surface Water Impact Assessment
Attachment 7	Peer Review Letter – Groundwater Modelling and Assessment
Attachment 8	Peer Review Letter – Flood Modelling Assessment

Appendices to the main text report provide several technical specialist reports and management plans. The following appendices are provided:

Appendix	Title	Appendix	Title
A	Surface Water Impact Assessment	O	Noise Assessment of Product Coal Road Haulage
B	Groundwater Modelling and Assessment	P	Traffic Assessment
C	Flood Impact Assessment	Q	Land-Based Effluent Disposal Assessment Report and MEDLI Modelling
D	Geomorphic Impact Assessment	R	Non-Indigenous Cultural Heritage Assessment
E	Geochemical Assessment	S	Social Impact Assessment
F	Terrestrial Ecology Assessment	T	Draft Community and Stakeholder Engagement Plan
G	Aquatic Ecology Assessment	U	Draft Community Health and Wellbeing Plan
H	Groundwater Dependent Ecosystems Assessment	V	Draft Housing and Accommodation Plan
I	Stygofauna Assessment	W	Draft Workforce Management Plan
J	Biodiversity Offsets Strategy	X	Draft Local Business and Industry Procurement Plan
K	Soils and Land Assessment	Y	Economic Impact Assessment
L	Air Quality and Greenhouse Gas Assessment	Z	Decarbonisation Plan
M	Draft Air Quality Management Plan	AA	Draft Progressive Rehabilitation Closure Plan
N	Noise and Vibration Assessment	AB	Geotechnical Assessment

1.1 Project proponent

The Proponent for the Project is Baralaba South Pty Ltd (ACN 603 037 065) (Baralaba South) and was formerly Mount Ramsay Coal Company Pty Ltd and Wonbindi TLO Holdings Pty Limited.

The registered address and postal address for Baralaba Coal Company is:

Level 20
10 Eagle Street
Brisbane, Qld 4000

The Proponent is a privately owned Australian metallurgical coal company; and a wholly owned subsidiary of Baralaba Coal Pty Ltd (Baralaba Coal Company). Baralaba Coal Pty Ltd is majority owned by the AMCI Group.

The initial application to prepare a voluntary EIS and the submission of the draft TOR for the Project was prepared by Wonbindi Coal, the registered holder of Exploration Permit for Coal (EPC) 1047 and Mineral Development Licence (MDL) 352. Baralaba South Project Pty Ltd is the Proponent for the Project with consent as prerequisite holder for Baralaba South Project Pty Ltd to lodge a Mining Lease Application (MLA) over the relevant portions of EPC 1047 and MDL 352.

The Project is the Baralaba South Project (BSP).

1.1.1. Environmental record

The Proponent has adhered to all environmental regulatory responsibilities in association with its activities and has not been subject to any environmental related legal proceedings, penalty infringement notices, or other environmental related compliance actions.

1.1.2. Environmental policy

The Proponent, has an 'Environmental Policy' and is committed to being an environmentally responsible coal company by avoiding, minimising or mitigating environmental impacts. The 'Environmental Policy' identifies commitments to:

- display visible leadership by considering environmental aspects throughout all phases of Project development;
- comply with all relevant legislation, regulations and approval conditions;
- plan, implement, monitor and review appropriate environmental management systems and processes;
- identify and control hazards and impacts resulting from Baralaba Coal Company's operations that may affect the natural environment;
- promote the efficient use of natural resources;
- consider and actively manage our impacts on the communities in which we operate throughout all phases of our projects; and
- engage with stakeholders and consider their views in Project planning and operations.

The Proponent's commitment to the environment extends to its employees, contractors and communities in which it operates.

1.1.3. Health and safety policy

The Proponent has a 'Health and Safety Policy' for its projects which is committed to creating a safe workplace, free from injury and harm.

The 'Health and Safety Policy' identifies commitments to:

- display leadership and commitment;
- comply with all relevant legislation, regulations, codes of practice and standards;
- provide a safe and healthy workplace and working conditions for all, including employees, contractors and visitors;
- monitor and review the risk management approach and safety performance of our major service providers;
- provide a safe and healthy workplace and working conditions for all, including employees, contractors and visitors;
- provide training and support to enable all employees to work safely;
- conduct investigations into all applicable incidents and ensure corrective actions are implemented;
- consult with employees and major service providers to ensure understanding of the Health and Safety Management System and enhance effectiveness of policies and procedures;
- regularly communicate and provide feedback to ensure high standards of health and safety, and a culture of continuous improvement.

1.1.4. Community policy

The Proponent has a 'Community Policy' applicable to all of its projects and which commits the Proponent to building and maintaining respectful relationships with all stakeholders in the communities in which they operate.

The 'Community Policy' identifies commitments to:

- behave with integrity;
- treat people with dignity and respect;
- provide accurate and timely information to the community and all stakeholders;
- actively listen and acknowledge other points of view in Project planning and operations;
- respect individual and cultural differences at all times; and
- support local employment and businesses.

All Baralaba Coal Company employees and contractors are responsible for applying this policy at all times.

1.2 Environmental impact assessment process

On 10 August 2011, Wonbindi Coal applied to the now Department of Environment and Science (DES) under sections 70 and 71 of the EP Act for approval to voluntarily prepare an EIS. Under section 72 of the EP Act, DES approved the application on 16 August 2011. An Initial Advice Statement was subsequently submitted to DES in September 2012 outlining the resource, operations and infrastructure of the proposed Project. In October 2012, Wonbindi Coal also applied to the now Department of Resources (DoR) for a mining lease (ML) over the Project area.

On 18 October 2012, the Commonwealth Department of Agriculture, Water and the Environment (DAWE) now Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) determined the proposed Project to be a controlled action under the EPBC Act, with the controlling provisions being sections 18 and 18A (listed threatened species and communities) and 20 and 20A (listed migratory species). At this time, DAWE also established that the Project assessment could proceed under the bilateral assessment agreement process. To support this, DAWE provided specific requirements which were included within the final

TOR established by DES. On 22 October 2013, DAWE also made a decision under item 23 of Schedule 1 of the *Environment Protection and Biodiversity Conservation Amendment Act 2013* (EPBC Act) that sections 24D and 24E of the EPBC Act, regarding impacts to water resources related to a large coal mining development, would also be controlling provisions for the Project.

After re-issue of the Terms of Reference in 2017, version one of the EIS was submitted to DES on 20 January 2020. On the 13 February 2020, DES provided the Proponent with a list of critical issues to be addressed before the EIS can proceed to public notification. Following completion of the sale process for Baralaba Coal Company Pty Ltd on 17 December 2021, DES agreed to extend the decision period for whether the EIS can proceed to public notification. It is expected that a decision will now be made by 5 February 2024. To enable the department's decision, this EIS was required to be submitted no later than 19 December 2023. During this timeframe, the EIS was amended to reflect a smaller mine plan, with reduced environmental and social impacts. Specifically, the mining rate was reduced to a maximum of 2.5 Mtpa ROM Coal, with substantially reduced impacts within the flood plain. Relevant technical studies were updated to address this change, and the critical issues identified in the 2020 adequacy review. The name of the Proponent was also changed from Mount Ramsay Coal Company Pty Ltd to Baralaba South Coal Company Pty Ltd, at the request of the local indigenous stakeholder, however the Proponent remains the same entity.

1.2.1. Terms of reference

The TOR for the Project were first issued on 2 April 2013. A revised TOR was finalised for the project on 19 July 2017 and applies to this EIS. In addition, the Proponent has addressed relevant changes in policy and legislation since issue of the Terms of Reference, particularly the inclusion of a Progressive Rehabilitation and Closure Plan and a Decarbonisation Plan as part of the EIS.

The TOR is provided in full in Attachment 1. A detailed reconciliation table indicating where each requirement of the TOR is addressed in the EIS is provided in Attachment 2.

1.2.2. EIS preparation

This EIS has been prepared to ensure that sufficient information is provided to DES, the Department of Agriculture, Fisheries and Forestry (DAFF) and DCCEEW) to identify and assess any potential adverse and beneficial environmental, economic and social impacts of the Project. This EIS also provides a detailed description of the actions undertaken by the Proponent to avoid, mitigate and minimise adverse impacts.

Baseline scientific and technical investigations have been undertaken across a range of impact areas, consistent with the requirements of the TOR. While the key outcome of the EIS process is to obtain an Environmental Authority (EA) for the Project, the information provided throughout these investigations will be utilised to support secondary approvals, such as water licences or offsets agreements.

A flow chart of the EIS process (and linkages to the parallel MLA process) is provided in Figure 1.1.

1.2.3. Public submissions

In accordance with section 52 of the EP Act, the Proponent will issue a public EIS notice for the Project, which will:

- provide a description of the Project and operational land;
- state where the submitted EIS may be inspected and where copies or extracts can be obtained;
- state that anyone may make a submission to the chief executive of DES regarding the EIS;
- clearly define the time period in which submissions may be made;
- state how to make a properly made submission;
- state the Project's title, location and the name of the Proponent; and

- state any protected matter for the Project.

Under section 51 of the EP Act, this EIS notice must be:

- provided to each affected person for the Project and interested party and any other person decided by the chief executive prior the notice being published elsewhere;
- published in at least one newspaper circulating the local region; and
- made available online through a website.

Any party may elect to make a submission on the EIS prepared for the Project. A properly made submission is one that:

- is written;
- is signed by each person who made the submission;
- states the name and address of each signatory;
- is received on or before the last day of the submission period; and
- is made to the chief executive of DES.

Written submissions should be addressed to:

The Chief Executive
Attention: The EIS Coordinator–Baralaba South Project
Department of Environment and Science
GPO Box 2454
Brisbane Qld 4001

Alternatively, online submissions can be made to the EIS Coordinator: eis@des.qld.gov.au.

All submissions (including names and addresses) received during the public notice period will be provided to the Proponent, as required under sections 44 and 56 of the EP Act. The submissions will be considered by the Proponent, with a response to be provided to DES.

All matters identified by the public will be given careful consideration. Where relevant, further studies may be undertaken to resolve any underlying concerns. This may result in amendment(s) to the EIS documentation or changes to proposed plans, mitigation strategies, or proposed management actions. If required, a supplementary EIS will be submitted to DES. An Assessment Report will ultimately be prepared by DES on the finalised EIS, which will take into consideration all EIS documentation and all public submissions, prior to a final decision being made.

For further information about the EIS process for this proposal, the EIS Coordinator can be contacted on 13QGOV (137468) or by email at eis@des.qld.gov.au.

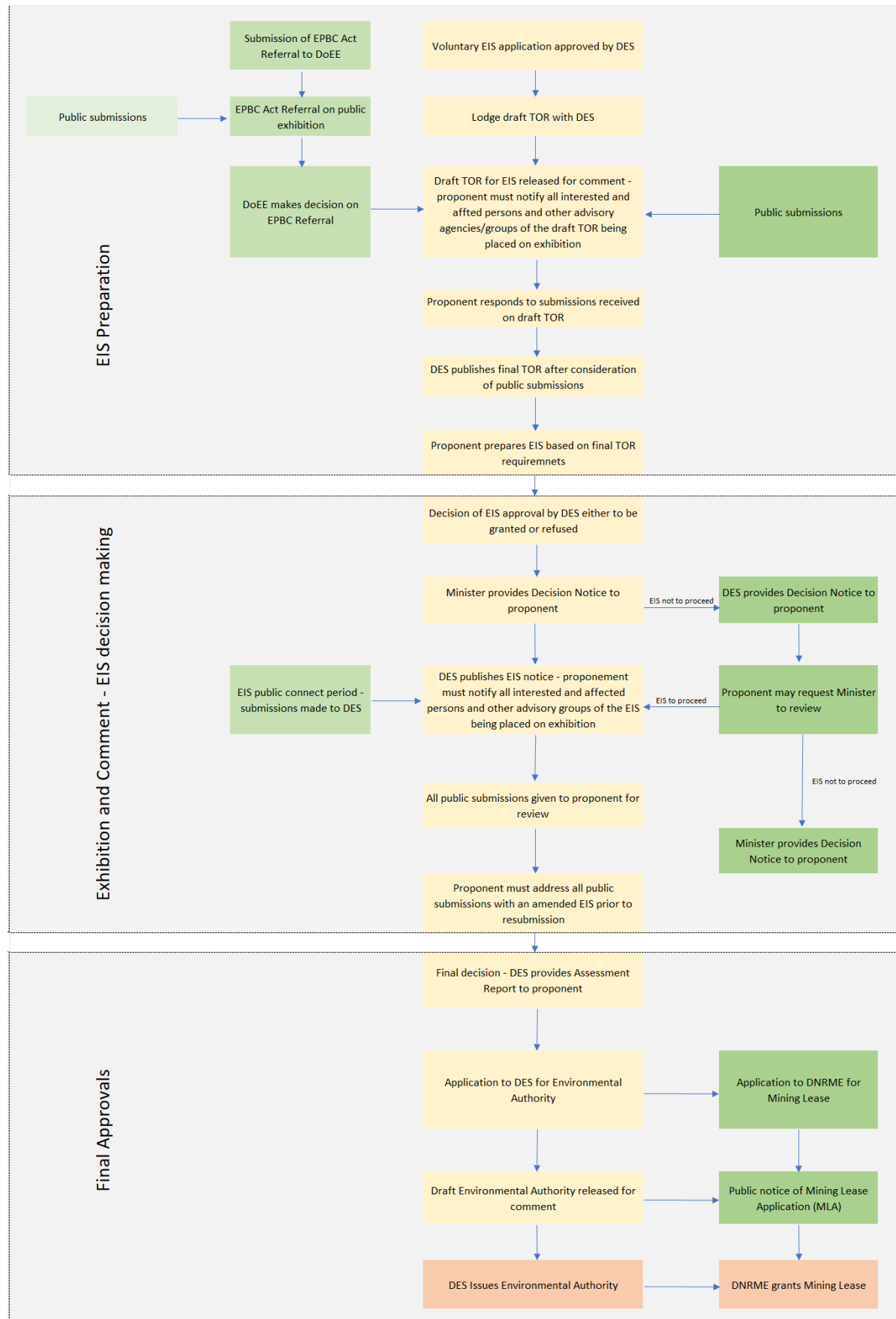


Figure 1.1 EIS process flow chart

1.3 Public consultation process

The public consultation process has been undertaken in accordance with the TOR and in consideration of the guideline, 'Preparing an environmental impact statement: Guideline for Proponent s' (Department of State Development, 2020).

Consultation with key Queensland State Government agencies, specifically in relation to the Project, has been conducted during preparation of the IAS, draft TOR, finalisation of the TOR and the EIS.

Engagement with relevant stakeholders has included:

- face-to-face discussions conducted at the Baralaba Coal town office;
- face-to-face or telephone interviews with landholders;
- face-to-face or telephone interviews with community stakeholders;
- online survey targeting nearby regional communities;
- meetings with Traditional Owners and Indigenous groups;
- email and telephone correspondence with the community and stakeholders;
- responses to community enquiries;
- publication of application materials on DES website.
- briefings to and consultation with local, State and Commonwealth governments;
- community drop-in information sessions;
- community workshops; in Baralaba, Moura and Biloela and
- Project newsletters, fact sheets and question-and-answer brochures, provided to the community and stakeholders via email or at meetings, and made available on the Baralaba Coal Company website.

Stakeholders consulted during the preparation of the EIS include:

- local government including the Banana Shire Council and Woorabinda Aboriginal Shire Council;
- state government including DES and Department of State Development, Infrastructure, Local Government and Planning (DSDILGP-OCG);
- the commonwealth DCCEEW;
- landholders situated within and adjoining the operational land, landholders proximal to the Project, landholders on which the proposed electricity transmission line and associated infrastructure is located and landholders proximal to the product haulage route;
- Gaangalu Nation People and Gangulu Endorsed Parties;
- Benleith Water Board;
- local community members;
- local community groups and organisations;
- local health services;
- local emergency services including Queensland Police Service, Queensland Fire and Emergency Services, Queensland Ambulance Services;
- education services;
- employment and training service providers;
- local accommodation and housing providers including real estate agents, emergency support services and short-term accommodation providers;

- local business and industry groups;
- utility and infrastructure service providers (e.g. Ergon Energy); and
- tenement holders and nearby mines.

Feedback from community and stakeholder consultation has been considered in the preparation of the EIS and has informed the development of management measures. Where possible the feedback has been incorporated into the design of the Project. Examples include:

- the proposed mine footprint now largely outside the 0.1% AEP Existing Flood Case flood extent;
- the proposed Moura-Baralaba Road realignment has been relocated in response to landholder feedback;
- the potential electricity transmission line alignments have been relocated in response to consultation with Ergon Energy;
- a dry tailings system has been incorporated in the processing plant to eliminate the requirement for tailings dams and concerns relating to tailings dams;
- the water management system has been designed to minimise water usage from off-site sources and concerns relating to the Project's water requirements;
- the Project has been designed to minimise disturbance to vegetation;
- the water management system has been designed to minimise the potential for impacts on the high ecological significance wetland;
- the mine footprint has been optimised to minimise adverse flooding impacts in the Dawson River and Banana Creek and adjoining floodplain areas;
- the biodiversity offset strategy has been designed to offset Project impacts to biodiversity;
- the mine plan has been designed to maximise the opportunity to backfill the open pit as it advances;
- the rehabilitation of mine landforms has been designed to achieve a post-mining agricultural land use; and
- the Project will target employment of the local workforce and to encourage workers to live locally.

A Public Consultation Report is provided in Attachment 3 of this EIS.

1.4 Project approvals

The approval of the Project is subject to several Commonwealth and Queensland government legislative requirements.

The primary approvals required for the Project include:

- a site-specific Environmental Authority (EA), as an outcome of the EIS, which identifies the applicable 'Environmentally Relevant Activities' (ERAs) that will be authorised to be conducted on-site under the EP Act;
- approval of the Project as a 'controlled action' under the EPBC Act; and
- the granting of the required ML(s) for the Project under the *Mineral Resources Act 1989* (MR Act).

The EA is issued by DES and is required before operations may commence, ensuring that the Proponent has taken measures to avoid, minimise and/or mitigate potential environmental impacts. The EA will regulate construction, operation and closure requirements, which must be adhered to throughout the conduct of the approved activities.

An ML is also required to authorise the Project. This approval is issued by DoR, under the MR Act and the Mineral Resources Regulation 2013 (Qld). The granting of an ML entitles the holder to machine-mine specified

minerals and carry out activities associated with, or promoting, mining activities. The MLA process is linked to the EA application process, as shown in Figure 1.1.

Beyond these key statutory approvals, there is also a broad network of legislation and regulation which govern the Project’s development and operation. Relevant legislation identified for the Project at the time of EIS preparation is provided in Table 1.1 and discussed in further detail in the following sections.

A summary of approvals required for the construction and operation of the Project is provided at the end of this chapter at Table 1.5.

Table 1.1: Relevant commonwealth and state government legislation and policies

Relevant area	Administering authority	Legislation relevant to the Project
Commonwealth legislation		
Environmental values	DCCEEW	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Emissions reporting	DCCEEW	<i>National Greenhouse and Energy Reporting Act 2007</i>
Cultural heritage	NNTT	<i>Native Title Act 1993</i>
Queensland legislation and associated subordinate legislation		
Environmental values	DAF	<i>Biosecurity Act 2014</i>
	DES	<i>Environmental Offsets Act 2014</i> Environmental Offsets Regulation 2014 Queensland Environmental Offsets Policy Significant Residual Impact Guidelines
	DES	<i>Environmental Protection Act 1994</i> Environmental Protection Regulation 2019 Environmental Protection (Air) Policy 2019 Environmental Protection (Noise) Policy 2019 Environmental Protection (Water and Wetland Biodiversity) Policy 2019
	DAF	<i>Fisheries Act 1994</i>
	DES	<i>Nature Conservation Act 1992</i> Nature Conservation (Protected Areas) Regulation 1994 Nature Conservation (Animals) Regulation 2020 Nature Conservation (Plants) Regulation 2020
	DoR	<i>Soil Conservation Act 1986</i> <i>Vegetation Management Act 1999</i>

Relevant area	Administering authority	Legislation relevant to the Project
Environmental values	DRDMW	<i>Water Act 2000</i> Water Plan (Fitzroy Basin) 2011 Fitzroy Basin Resource Operations Plan 2015 Fitzroy Basin Water Plan Area: Water Management Protocol June 2023
Cultural heritage	DES	<i>Queensland Heritage Act 1992</i>
	DSDSATSIP	<i>Aboriginal Cultural Heritage Act 2003</i>
Development and planning	DEPW	<i>Building Act 1975</i>
	DEPW	<i>Electricity Act 1994</i>
	DEPW	<i>Planning Act 2016</i>
	DEPW	<i>Plumbing and Drainage Act 2018</i>
	DSDILGP	<i>Regional Planning Interests Act 2014</i>
	Coordinator-General/DSDILGP	<i>State Development and Public Works Organisation Act 1971</i>
	DSDILGP	<i>Strong and Sustainable Resource Communities Act 2017</i>
	DTMR	<i>Transport Infrastructure Act 1994</i>
	DTMR	<i>Transport Operations (Road Use Management) Act 1995</i> Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018
	DES	<i>Waste Reduction and Recycling Act 2011</i>
Natural resources	Resources Safety and Health Queensland	<i>Explosives Act 1999</i> Explosives Regulation 2017
	DAF/DES	<i>Forestry Act 1959</i>
	DoR	<i>Mineral and Energy Resources (Common Provisions) Act 2014</i> <i>Mineral Resources Act 1989</i> Mineral Resources Regulation 2013
	Queensland Treasury	<i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> Mineral and Energy Resources (Financial Provisioning) Regulation 2019
Human health and wellbeing	Resources Safety and Health Queensland	<i>Coal Mining Safety and Health Act 1999</i> Coal Mining Safety and Health Regulation 2017
	Department of Education	<i>Electrical Safety Act 2002</i>
	QFES	<i>Fire and Emergency Service Act 1990</i>
	Department of Education	<i>Work Health and Safety Act 2011</i>

Relevant area	Administering authority	Legislation relevant to the Project
Land and government	DoR	<i>Land Act 1994</i> <i>Land Title Act 1994</i> <i>Stock Route Management Act 2002</i>
	DSDILGP/ Banana Shire Council	<i>Local Government Act 2009</i>
Native title	DoR	<i>Native Title (Queensland) Act 1993</i>
Human rights	Queensland Human Rights Commission	<i>Human Rights Act 2019</i>

Administering authority abbreviations	
DAF	Queensland Department of Agriculture and Fisheries
DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
DEPW	Queensland Department of Energy and Public Works
DES	Queensland Department of Environment and Science
DoR	Queensland Department of Resources
DRDMW	Queensland Department of Regional Development, Manufacturing and Water
DSDSATSIP	Queensland Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
DSDILGP	Queensland Department of State Development, Infrastructure, Local Government and Planning
DTMR	Queensland Department of Transport and Main Roads
NNTT	National Native Title Tribunal
QFES	Queensland Fire and Emergency Services

1.4.1. Commonwealth legislation

1.4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act identifies and provides for the protection of Matters of National Environmental Significance (MNES). The EPBC Act protects Australian biodiversity values and integrates management of important natural and cultural places.

Any action which may have a significant impact on a MNES must be referred to the Commonwealth Minister to decide whether or not the action is a 'controlled action' requiring approval under the EPBC Act.

MNES are:

- world heritage properties;
- national heritage places;
- wetlands of international importance (Ramsar wetlands);

- listed threatened species and communities;
- migratory species protected under international agreements;
- nuclear actions (including uranium mining);
- the Great Barrier Reef Marine Park;
- Commonwealth Marine Areas; and
- a water resource, in relation to coal seam gas development and large coal mining development.

The Project was referred to the commonwealth under the EPBC Act in 2012 (EPBC 2012/6547) and was subsequently declared a 'controlled action'. The relevant controlling provisions for the Project under this Act are:

- listed threatened species and communities (sections 18 and 18A);
- listed migratory species (sections 20 and 20A); and
- a water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).

The EIS for the Project will be jointly assessed under the EPBC Act and the EP Act using the EIS process under the EP Act in accordance with the assessment bilateral agreement between the Australian Government and the State of Queensland (per section 45 of the EPBC Act).

1.4.1.2 National Greenhouse and Energy Reporting Act 2007

The *National Greenhouse and Energy Reporting Act 2007* (NGER Act) introduced a single national framework for reporting and disseminating company information about greenhouse gas (GHG) emissions, energy consumption and energy production. The NGER Act also aims to ensure that the net covered GHG emissions from the operation of a designated large facility do not exceed the baseline applicable to the facility.

Table 1.2 describes the threshold values to determine the reporting requirements.

The Project will be required to consider the threshold for GHG emissions, energy production and consumption according to section 13(1) of the NGER Act. The Project will trigger the NGER Act reporting threshold, and the Proponent will report its greenhouse gas emissions and energy production and consumption for the Project.

Table 1.2: Threshold values

	Threshold values		
	GHG emissions	Energy production	Energy consumption
Controlling corporations	50 kt per year of CO ₂ -e ¹	200 TJ per year	200 TJ per year
Single facility	25 kt per year of CO ₂ -e	100 TJ per year	100 TJ per year

¹ CO₂-e Carbon dioxide equivalent

1.4.1.3 Native Title Act 1993

The *Native Title Act 1993* recognises the rights and interests of Aboriginal and Torres Strait Islander people over particular land and waters and provides for:

- determination of native title claims;
- treatment of future acts which may impact on native title rights;
- validation of past acts and 'intermediate period' acts which affected native title rights; and
- the requirement for consultation and/or notification to relevant native title claimants, where future acts are involved.

It is noted that the Gaangalu Nation People have a current Native Title claim (Tribunal Number: QC2012/009) over the Project area. However, native title has been extinguished over all land within the area of the ML application. As a result, native title is not required to be addressed in relation to the grant of the ML.

1.4.2. Queensland legislation: environmental values

1.4.2.1 Biosecurity Act 2014

The *Biosecurity Act 2014* (Qld) provides comprehensive biosecurity measures to safeguard Queensland's economy, agricultural and tourism industries, environment and way of life, from pests, diseases, and contaminants.

Under the Biosecurity Act a person who deals with a biosecurity matter has a general obligation to:

- take all reasonable and practical measures to prevent or minimise the biosecurity risk;
- prevent or minimise adverse effects on a biosecurity consideration of the person's dealing with the biosecurity matter or carrier or carrying out the activity;
- minimise the likelihood of causing a biosecurity event, or to limit the consequences of a biosecurity event caused, by dealing with the biosecurity matter or carrier or carrying out the activity;
- not do or omit to do something if the person knows or ought reasonably to know that doing or omitting to do the thing may exacerbate the adverse effects, or potential adverse effects, of the biosecurity matter, carrier or activity on a biosecurity consideration.

Relevantly, invasive plants and animals are classified as either 'Prohibited' or 'Restricted' matters. In this regard, a 'Prohibited' matter (outlined in Schedule 1 of the Biosecurity Act) is a biosecurity matter not found in Queensland but if entered, would have a significant adverse impact on our health, way of life, the economy or the environment. A 'Restricted' matter (outlined in Schedule 2 of the Biosecurity Act) is a biosecurity matter found in Queensland with a significant impact on human health, social amenity, the economy or the environment.

Four flora species listed as 'Weeds of National Significance' (WoNS) by the Australian Government and as 'declared species' under the Biosecurity Act have been recorded in the Project area. Five introduced pest fauna species listed under the Biosecurity Act have been recorded in the Project area. A more detailed description is provided in Chapter 8, Biosecurity. All biosecurity matters relevant to the Project will be managed appropriately and in compliance with the Biosecurity Act.

1.4.2.2 Environmental Offsets Act 2014

The Queensland environmental offsets framework consists of the *Environmental Offsets Act 2014* (EO Act), the Environmental Offsets Regulation 2014 (EO Regulation) and the 'Queensland Environmental Offsets Policy (Version 1.9)'. The 'Significant Residual Impact Guideline' is also relevant to making a determination on when an impact will be a significant residual impact for the purposes of the EO Act.

The main purpose of the EO Act is to counterbalance the significant residual impacts of particular activities on prescribed environmental matters through the use of environmental offsets. This purpose is mainly achieved by establishing a framework for environmental offsets and recognising the level of protection given to prescribed environmental matters under other legislation.

Section 18 of the EO Act provides that an environmental offset may be delivered in any of the following forms:

- a Proponent -driven offset (i.e. a land-based offset or a Direct Benefit Action Plan);
- a financial settlement offset; or
- a combination of both.

Prescribed environmental matters under section 10 of the EO Act include:

- Matters of National Environmental Significance (MNES);
- Matters of State Environmental Significance (MSES); and
- Matters of Local Environmental Significance (MLES).

These prescribed environmental matters are outlined in the EO Regulation.

In Queensland the environmental offsets framework will govern any offsets imposed as a condition of the EA for the Project.

Environmental Offsets Regulation 2014

Schedule 1 of the EO Regulation sets out the prescribed activities regulated under existing legislation and the prescribed environmental matters to which the EO Act applies and relevantly includes a resource activity carried out under an EA for a site-specific application that was made under the EP Act.

MNES are matters that are protected and regulated under the EPBC Act, which are listed in section 5 of the EO Regulation. MSES are matters protected and regulated under Queensland legislation and are listed in Schedule 2 of the EO Regulation. An MLES cannot replicate an MNES or MSES and is a matter that is prescribed under a local planning instrument as a prescribed environmental matter.

Queensland Environmental Offsets Policy

The 'Queensland Environmental Offsets Policy (Version 1.9)' provides a single, consistent, whole-of-government policy to enable administering agencies to assess offset proposals and satisfy offset conditions in accordance with the EO Act. The Offsets Policy requires that all environmental offsets must meet the following set of principles:

- offsets will not replace or undermine existing environmental standards or regulatory requirements, or be used to allow development in areas otherwise prohibited through legislation or policy;
- impacts must first be avoided, then mitigated, before considering the use of offsets for any remaining impact;
- offsets must achieve a conservation outcome that counterbalances the significant residual impact for which the offset was required;

- offsets must provide environmental values as similar as possible to those being lost;
- offset provision must minimise the time lag between the impact and delivery of the offset.
- offsets must provide additional protection to environmental values at risk, or additional management actions to improve environmental values; and
- where legal security is required, offsets must be legally secured for the duration of the impact on the prescribed environmental matter.

Significant Residual Impact Guideline

The 'Significant Residual Impact Guideline' is used to assist in the determination of whether or not a prescribed activity (under the EO Regulation) is likely to have a significant residual impact on an MSES, for approvals under the EP Act and *Nature Conservation Act 1992* (NC Act).

Section 8 of the EO Act provides that generally, a significant residual impact is an adverse impact, whether direct or indirect, of a prescribed activity on all or part of a prescribed environmental matter that:

- remains, or will or is likely to remain, (whether temporarily or permanent) despite on-site mitigation measures for the prescribed activity; and
- is, or will or is likely to be, significant.

The Proponent will comply with its obligations to identify and assess MNES, MSES MLES which could potentially be affected by the Project and, if required, will comply with the Queensland environmental offsets framework for the delivery of any environmental offsets. These matters are considered in detail within Chapter 7, Flora and Fauna and Chapter 9, Matters of National Environmental Significance.

1.4.2.3 Environmental Protection Act 1994

The objective of the EP Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends. This is commonly referred to as ecologically sustainable development (ESD). Section 4 of the EP Act states that this objective is to be achieved through an integrated management program that is consistent with ESD. The EP Act addresses the following areas that are relevant to the Project:

- notifiable activities, that are listed in Schedule 3 of the EP Act;
- environmental protection policies (EPPs) for water and wetland biodiversity, noise and air which are intended to enhance or protect Queensland's environment and list relevant environmental outcomes and performance criteria;
- ERAs defined within the EP Act and listed in Schedule 2 of the Environmental Protection Regulation 2019 (EP Regulation);
- EAs which are required to carry out an ERA including a resource activity, and which will include conditions that will regulate the Project activities; and
- duties of care associated with environmental harm.

The EP Act also prescribes the EIS process, which is managed by DES, which will decide the EA application for the Project. As previously identified, the EIS for the Project is prepared for assessment pursuant to the bilateral agreement between the Commonwealth and Queensland government. Following any grant of an EA, DES would subsequently monitor and regulate the Project's mining activities, in accordance with the EA conditions, throughout the life of the Project.

The Proponent has lodged an application for an EA for the Project mining lease. The EA would authorise ERAs (listed under the EP Regulation) relevant to the Project.

Environmental Protection Regulation 2019

The EP Regulation provides for specific matters relevant to the EIS process and matters relating to ERAs.

Any ancillary activities (section 19A of the EP Act) carried out on-site will be considered 'resource activities' for the purposes of the EA. They will be considered prescribed ERAs and will be assessed by DES and conditioned by the EA for the Project. Defined ERAs will also enable the calculation of applicable fees in response to the EA. The prescribed ERAs, resource activities and notifiable activities listed in Table 1.3 are applicable to the Project.

Environmental Protection Policies

EPPs provide the framework for assessment, administration and enforcement, to meet the objectives of the EP Act. EPPs are established for several key environmental values (air, noise and water). DES must consider the requirements of each EPP when deciding an application for an EA, amendment of a licence or approval of a draft environmental management plan.

The purpose of the EPPs is achieved by identifying environmental values to be enhanced or protected, stating indicators and objectives for enhancing or protecting the environmental values, and providing a framework for making consistent, equitable and informed decisions about the environment.

The Project is anticipated to impact the existing air, noise and water quality values within or surrounding the Project area, whether significant or insignificant.

Environmental Protection (Air) Policy 2019

Section 6 of the 'Environmental Protection (Air) Policy 2019' (EPP [Air]) states that the environmental values to be enhanced or protected under this policy are:

- the qualities of the air environment that are conducive to protecting the health and biodiversity of ecosystems;
- the qualities of the air environment that are conducive to human health and wellbeing;
- the qualities of the air environment that are conducive to protecting the aesthetics of the environment, including the appearance of buildings, structures and other property; and
- the qualities of the air environment that are conducive to protecting agricultural use of the environment.

The Project will generate GHG emissions and other air pollutants with the potential to impact on the air quality in the vicinity of the Project. Potential impacts and the proposed management process are discussed in Chapter 11, Air Quality.

Table 1.3: ERAs and notifiable activities applicable to the Project

ERA	ERA description
Schedule 2 of the EP Regulation	
8 (1) (c) Chemical Storage	Chemical storage (the relevant activity) consists of storing more than 500 m ³ of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3.
31 (2) 2(b) Mineral Processing	Processing, in a year, the following quantities of mineral products, other than coke (b) more than 100,000 t.
33 (1) Crushing, milling, grinding or screening	Crushing, milling, grinding or screening (the relevant activity) consists of crushing, grinding, milling or screening more than 5,000 t of material in a year.
60 (1) (b) (ii) Waste disposal	Operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b)— (h) more than 200,000 t.
63(1)(b) Sewage Treatment	Operating a sewage pumping station with a total design capacity of more than 40 KL in an hour, if the operation of the pumping station is not an essential part of the operation of sewage treatment works.
Schedule 3 of the EP Regulation	
ERA 13	Mining black coal
Notifiable activity	Notifiable activity description
Schedule 3 of the EP Act	
1 Abrasive Blasting	Carrying out abrasive blast cleaning (other than cleaning carried out in fully enclosed booths) or disposing of abrasive blasting material.
7 Chemical Storage	Storing more than 10 t of chemicals (other than compressed or liquefied gases) that are dangerous goods under the dangerous goods code.
15 Explosives production or storage	Operating an explosives factory under the Explosives Act 1999.
24 Mine Wastes	<ol style="list-style-type: none"> 1. Storing hazardous mine or exploration wastes, including, for example, tailing dams, overburden or waste rock dumps containing hazardous contaminants; or 2. Exploring for, or mining or processing, minerals in a way that exposes faces, or releases groundwater, containing hazardous contaminants.
29 Petroleum Product or Oil Storage	Storing petroleum products or oil: <ol style="list-style-type: none"> 3. In underground tanks with more than 200 Litre (L) capacity; or 4. In above ground tanks: <ol style="list-style-type: none"> a) for petroleum products or oil in class 3 in packaging groups 1 and 2 of the dangerous goods code – more than 2,500 L capacity; or b) for petroleum products or oil in class 3 in packaging groups 3 of the dangerous goods code – more than 5,000 L capacity; or c) for petroleum products that are combustible liquids in class C1 or C2 in Australian Standard AS 1940, 'The storage and handling of flammable and combustible liquids' published by Standards Australia – more than 25,000 L capacity.
37 Waste Storage, treatment of disposal	Storing, treating, reprocessing or disposing of waste prescribed under a regulation to be regulated waste for this item (other than at the place it is generated), including operating a nightsoil disposal site or sewage treatment plant where the site or plant has a design capacity that is more than the equivalent of 50,000 persons having sludge drying beds or on-site disposal facilities.

Environmental Protection (Noise) Policy 2019

Section 6 of the 'Environmental Protection (Noise) Policy 2019' (EPP [Noise]) states that the environmental values to be enhanced or protected under this policy are:

- the qualities of the acoustic environment that are conducive to protecting the health and biodiversity of ecosystems; and
- the qualities of the acoustic environment that are conducive to human health and wellbeing, including by ensuring a suitable acoustic environment to do any of the following:
 - sleep;
 - study or learn;
 - be involved in recreation, including relaxation and conversation; and
- the qualities of the acoustic environment that are conducive to protecting the amenity of the community.

The Project will generate noise and contribute to the acoustic values in the surrounding area. Potential impacts from the Project and management of those impacts are described in Chapter 12, Noise and Vibration.

Environmental Protection (Water and Wetland Biodiversity) Policy 2019

Section 6 of the 'Environmental Protection (Water and Wetland Biodiversity) Policy 2019' (EPP [Water and Wetland Biodiversity]) states environmental values for waters to be enhanced or protected relevantly are:

- for high ecological value waters—the biological integrity of an aquatic ecosystem that is effectively unmodified or highly valued; or
- for slightly disturbed waters—the biological integrity of an aquatic ecosystem that has effectively unmodified biological indicators, but slightly modified physical, chemical or other indicators; or
- for moderately disturbed waters—the biological integrity of an aquatic ecosystem that is adversely affected by human activity to a relatively small but measurable degree; or
- for highly disturbed waters—the biological integrity of an aquatic ecosystem that is measurably degraded and of lower ecological value than waters mentioned in paragraphs a) to c); or
- for waters that may be used to produce, or from which may be taken, aquatic foods for human consumption —the suitability of the water for—
 - producing aquatic foods that are safe and suitable for human consumption;
 - Having aquatic foods that are safe and suitable for human consumption taken from the water; or
- for waters that may be used for aquaculture—the suitability of the water for aquacultural purposes; or
- for waters that may be used for agricultural purposes—the suitability of the water for agricultural purposes; or
- for waters that may be used for recreation or aesthetic purposes—the suitability of the water for:
 - primary recreational use;
 - secondary recreational use; or
 - visual recreational use;
- for waters that may be used for drinking water—the suitability of the water for supply as drinking water having regard to the level of treatment of the water; or

- for waters that may be used for industrial purposes—the suitability of the water for industrial use; or
- the cultural and spiritual values of the water.

The Project has the potential to impact on the surrounding wetlands and water quality. The Project's water values, as well as the potential impacts to these values, are described in Chapter 4, Surface Water, Chapter 5, Groundwater and Chapter 6 Flooding and Regulated Dams.

1.4.2.4 Fisheries Act 1994

The main purpose of the *Fisheries Act 1994* provides for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to;

- apply and balance the principles of ecological sustainable development (ESD) the management and protection of fish habitats;
- promote ESD; and
- In balancing the principles, each principle is to be given the relative emphasis appropriate in the circumstances, having regard to ensuring access to the fisheries resources is allocated in a way that maximises the potential economic, social and cultural benefits to the community.

Aquatic habitat condition of the waterways within the Project area is poor as they consist of discontinuous ephemeral drainage lines that had minimal in-stream habitat features and were highly disturbed by activities associated with the adjacent land-use. In many cases, there were no defined bed and banks and the location differed from the mapped waterway location.

The Project will result in the removal of waterways and wetlands, however the impact to fish passage will be localized, and due to the poor-quality fish habitat and fish passage values of the waterways, there is unlikely to be a measurable impact to fisheries resources beyond the Project area.

Mapped waterways providing for fish passage (under the *Queensland Waterways for Waterway Barrier Works* spatial layer) which are a MSES as defined under the *Environmental Offsets Regulation 2014* (EO Regulation), only if the construction, installation or modification of waterway barrier works carried out under an authority will limit the passage of fish along the waterway (though it is noted that that approvals for waterway barrier works are not required within the Mining Lease).

The Project's potential impacts on fishery resources and habitats are described in Chapter 7, Flora and Fauna and Chapter 9, Matters of National Environmental Significance.

1.4.2.5 Nature Conservation Act 1992

The NC Act aims to conserve nature while allowing for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom. The NC Act aims to achieve nature conservation by an integrated and comprehensive conservation strategy for Queensland that involves:

- gathering of information and community education etc.;
- dedication, declaration and management of protected areas;
- protection of native wildlife and its habitat;
- ecologically sustainable use of protected wildlife and areas;
- recognition of interest of Aborigines and Torres Strait Islanders in nature and their cooperative involvement in its conservation; and
- cooperative involvement of landholders.

Part 4 and Part 5 of the NC Act address environmental matters regarding protected areas and wildlife and habitat conservation, which are relevant to the Project. These environmental matters are guided by legislation subordinate to the NC Act, including the:

- Nature Conservation (Protected Areas) Regulation 1994;
- Nature Conservation (Animals) Regulation 2020; and
- Nature Conservation (Plants) Regulation 2020.

Nature Conservation (Protected Areas) Regulation 1994

The NC Act declares protected areas for the conservation of natural and cultural heritage within national parks, conservation parks or resource reserves. Management principles are set out in the Nature Conservation (Protected Areas) Regulation 1994 for each class of protected area. Under the NC Act, it is an offence to take, use, keep, or interfere with a cultural or natural resource in a protected area, except in accordance with an interim or declared management intent, or under a permit.

Nature Conservation (Animals) Regulation 2020

The Nature Conservation (Animals) Regulation 2020 prescribes the following classes of protected wildlife¹:

- Extinct;
- Extinct in the wild;
- Critically Endangered;
- Endangered;
- Vulnerable;
- Near Threatened; and
- Least Concern.

The Nature Conservation (Animals) Regulation 2020 prescribes Least Concern wildlife as a Special Least Concern wildlife for the following species:

- Short-beaked Echidna (*Tachyglossus aculeatus*).
- Platypus (*Ornithorhynchus anatinus*).
- a Least Concern bird to which any of the following agreements apply: China-Australia Migratory Bird Agreement, Japan-Australia Migratory Bird Agreement, Republic of Korea-Australia Migratory Bird Agreement or the Convention on the Conservation of Migratory Species of Wild Animals.

The Project's potential impacts on fauna are described in Chapter 7, Flora and Fauna and Chapter 9, Matters of National Environmental Significance.

¹Under the NC Act the term wildlife refers to any native taxon or species of an animal, plant, protista, procaryote or virus.

Nature Conservation (Plants) Regulation 2020

The Nature Conservation (Plants) Regulation 2020 prescribes the following classes of protected wildlife¹:

- Extinct;
- Extinct in the wild;
- Critically Endangered;
- Endangered
- Vulnerable;
- Near Threatened; and
- Least Concern.

Under the NC Act a Regulation may prescribe a Least Concern plant as a Special Least Concern plant if the taking or use of the plant is at risk of not being ecologically sustainable.

Permits and licences may be required to authorise impacts to, or the handling of native flora. For example, clearing activities planned within areas known to contain threatened plant species (in the Project's case, *Xerothermella herbacea* and *Solanum elaeagnifolium*) or within an area mapped as 'high risk' in the Flora Survey Trigger Map will require a Protected Plants Survey as per the requirements of the Nature Conservation (Plants) Regulation 2020. Any Protected Plants Surveys will be conducted in accordance with the requirements of the Nature Conservation (Plants) Regulation 2020. The Project's potential impacts on native flora are described in Chapter 7, Flora and Fauna and Chapter 9, Matters of National Environmental Significance.

1.4.2.6 Soil Conservation Act 1986

The main objective of the *Soil Conservation Act 1986* is to facilitate the implementation of soil conservation measures by landholders and mitigate the degree of soil erosion. The *Soil Conservation Act 1986* allows for the approval of soil conservation property plans to ensure the coordination of runoff to control erosion.

The Project has the potential to impact on existing soils. These impacts will be managed by developing and implementing a Topsoil Management Plan, Erosion and Sediment Control Plan and Progressive Rehabilitation and Closure Plan. Chapter 10, Land and Visual Amenity details the extent of potential impacts on soils during the development and the rehabilitation stages of the Project. Appendix AA is a Draft Progressive Rehabilitation and Closure Plan.

1.4.2.7 Vegetation Management Act 1999

The *Vegetation Management Act 1999* (VM Act) is part of the framework for the management of native vegetation across Queensland.

The purpose of the VM Act is to regulate the clearing of vegetation in a way that:

- conserves remnant vegetation that is an Endangered, Of Concern, or Least Concern regional ecosystem (RE);
- conserves vegetation in declared areas;
- ensures that clearing does not cause land degradation;
- prevents the loss of biodiversity;
- maintains ecological processes;
- manages the environmental effects of the clearing to achieve the matters mentioned in the above bullet points;
- reduces greenhouse gas emissions; and
- allows for sustainable land use.

The means by which the purpose of the VM Act is achieved is addressed in section 3 of the Act. The Vegetation Management Regulation 2012 prescribes the status of each RE identified within Queensland and their categorisation as either Endangered, Of Concern, or Least Concern.

Clearing native vegetation within the area of an ML is exempt from requiring a clearing permit, however, any clearing of native vegetation outside of an ML may require a development approval under the *Planning Act 2016*. Although the VM Act does not apply to clearing vegetation within an ML, the scientific basis for biodiversity conservation under the VM Act is still valid and used to assess the conservation significance of the vegetation communities on the Project site. This includes the conservation status categories of each RE under the VM Act.

Each RE is also assigned a biodiversity status. This biodiversity status is utilised for a range of planning and management applications, Biodiversity Planning Assessments and to determine Environmentally Sensitive Areas.

Chapter 7, Flora and Fauna provides details of the REs identified within the area of the Project.

1.4.2.8 Water Act 2000

The *Water Act 2000* (Water Act) provides the framework for the sustainable management of Queensland's water resources and quarry material, through establishing systems for the planning, allocation and use of water; the allocation of quarry material and riverine protection. The Water Act also has the purpose of securing water supply and demand management for the south-east Queensland region and other designated regions and the management of impacts on underground water caused by the exercise of underground water rights by the resources sector.

Under the Water Act, a person must not take or interfere with water unless authorised under the Water Act, or another Act.

There are unnamed waterways of 1st, 2nd and 3rd stream order within the boundaries of the MLA. Each of these waterways is currently mapped as an 'unnamed tributary of the Dawson River' under the Water Act. Analysis of stream morphology and other characteristics indicate the unnamed waterways within the MLA do not meet the definition of a watercourse under the Water Act. Surrounding and impacted watercourses are discussed in Chapter 4, Surface Water.

For the Project, groundwater ingress to the mining pit is considered a take (or interference) of water (associated water). However, section 334ZP of the MR Act confers underground water rights to the holder of an MDL or ML to take or interfere with underground water where this occurs during the course of, or as a result of, carrying out an authorised activity for the licence or lease. In such circumstances, section 334ZP (5) of the MR Act also requires the holder to measure and report the volume of associated water taken, as well as imparting certain notification requirements.

Under the Water Act, a riverine protection permit may also be required to enable the placement of any fill, or for the undertaking of any excavation within a watercourse. This may be relevant in relation to potential vehicle crossings required for the Project.

The Project will also involve the construction of water storages, sediment dams and drains to support the efficient management of water resources. These considerations are discussed in detail in Chapter 4, Surface Water.

Section 1250U of the Water Act also provides that the holder of the mining tenure must enter into an agreement with the owner of a water bore, if that bore is affected (or likely to be affected) by the proposed mining activities. The potential for the Project to affect registered bores is discussed in detail in Chapter 5, Groundwater.

Water Plan (Fitzroy Basin) 2011

The purpose of the Water Plan (Fitzroy Basin) 2011 is to define the availability of water in the Fitzroy Basin area, while providing a framework for the sustainable management of this resource. The Water Plan (Fitzroy Basin) 2011 regulates the taking of water, establishes water allocations, and provides the framework for the reversal of historical degradation where practicable.

The Water Plan (Fitzroy Basin) 2011 also contributes to regulation of the taking of overland flow water and groundwater within the region. Under this Water Plan, the Proponent is required to take into consideration the groundwater and surface water available for extraction and use by the Project, as well as ensuring that any works/drainage features that capture overland flow, meet the requirements of the plan. This is discussed in more detail in Chapter 4, Surface Water and Chapter 5, Groundwater.

1.4.3. Queensland legislation: cultural heritage

1.4.3.1 Queensland Heritage Act 1992

The primary purpose of the *Queensland Heritage Act 1992* (Heritage Act) is to provide for the conservation of Queensland's cultural heritage places for the benefit of the community and future generations.

The aims of the Heritage Act are primarily achieved by:

- establishing the Queensland Heritage Council;
- keeping the Queensland Heritage Register;
- keeping local heritage registers;
- requiring that archaeological and underwater cultural heritage artefact discoveries be reported;
- regulating, in conjunction with other legislation, development affecting the cultural heritage significance of Queensland heritage places;
- providing for heritage agreements to encourage appropriate management of Queensland Heritage Places; and
- providing for appropriate enforcement powers to help protect Queensland's cultural heritage.

Part 9 of the Heritage Act requires the assessment and reporting of discoveries of all archaeological and underwater cultural heritage artefacts. Archaeological artefacts include any relic or remains that relate to past human behaviour that is evidence of an aspect of Queensland's history, whether it is located in, on or below the surface of land. Artefacts may be found above, on or below the land surface or in State waters, and are valuable because they provide evidence about Queensland's history, often complementing and supplementing written historical records.

The Heritage Act also requires local government authorities to establish and maintain a register of places of local cultural heritage significance and include policies for the protection of such places in their local planning schemes.

There are no Queensland Heritage Register places within the Project area. The Dawson Valley Colliery (former)/Baralaba Coal Mine listed on the Queensland Heritage Register (Place ID. 602723) is situated approximately 11 km north of the Project area.

There are 15 non-Indigenous cultural heritage sites identified within the Project area. Three are considered to have low local heritage significance (Dawson Valley Railway, Dovedale Homestead Complex and the survey tree), and one is considered to have moderate local heritage significance (telephone line). The remaining 11 sites do not meet the threshold for local heritage significance but contribute to the overall historical development of the Project area. No sites are considered to meet the threshold for state heritage listing. This is discussed in more detail in Chapter 15, Cultural Heritage.

1.4.3.2 Aboriginal Cultural Heritage Act 2003

The *Aboriginal Cultural Heritage Act 2003* (ACH Act) provides a system to recognise, protect, preserve and manage Aboriginal cultural heritage areas and objects.

Section 23 of the ACH Act prescribes duty of care provisions and requires that a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage (the cultural heritage duty of care).

There are a number of ways that a person can meet their duty of care under the ACH Act, including:

- at a minimum, acting in compliance with the cultural heritage duty of care guidelines published by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP);
- acting under an approved Cultural Heritage Management Plan (CHMP); or
- acting under a native title agreement or other agreement with an Aboriginal party that deals with cultural heritage (such as a voluntary cultural heritage management agreement).

The ACH Act requires a CHMP or other approved agreement to be prepared for any Project undertaking an EIS. For this Project, a Cultural Heritage Investigation and Management Agreement is in place with the Gangulu People (QC1997/036) (then the Aboriginal party for the Project area) and was approved as a CHMP under Part 7 of the ACH Act in 2012. The Proponent will ensure compliance with the cultural heritage duty of care by implementing and complying with the terms of the CHMP throughout the life of the Project.

1.4.4. Queensland legislation: development and planning

1.4.4.1 Building Act 1975

The purpose of the *Building Act 1975* is to regulate building development approvals, building works, building classification and building certificates. Construction of any associated building or other structure (e.g. mine infrastructure) must comply with the provisions of the *Building Act 1975*. Further to this, the Proponent must also comply with the relevant provisions of the 'Building Code of Australia' and/or the 'Queensland Development Code' when undertaking building works for the Project.

1.4.4.2 Electricity Act 1994

The *Electricity Act 1994* regulates the electricity industry and electricity use and sets a framework for all electricity industry participants that promotes efficient, economical and environmentally sound electricity supply and use. The Act also aims to establish a competitive electricity market in line with the national electricity industry reform process, ensuring that the interests of customers are protected, taking into consideration national competition policy requirements.

DEPW issues authorities (licences) for generation, transmission and distribution activities for Queensland's electricity industry under the *Electricity Act 1994*.

Under section 99 of the Act, the Proponent must give 14 days written notice of the proposed work if, in performing the work:

- plant, if not properly controlled, is likely to come into contact with an overhead electric line; or
- soil or other material supporting or covering the entity's works may be disturbed.

There are proposed new power connection(s) from the existing electricity infrastructure network to the Project site. Further details of electricity infrastructure requirements for the Project are outlined in Chapter 2, Project

Description. The Proponent will comply with the relevant provisions of the *Electricity Act 1994* during construction of the Project.

1.4.4.3 Planning Act 2016

The purpose of the *Planning Act 2016* is to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning, development assessment and related matters that facilitate the achievement of ecological sustainability. The system to facilitate the achievement of ESD includes:

- state planning policies;
- regional plans;
- planning schemes;
- temporary local planning instruments;
- planning scheme policies; and
- a development system, including the State Assessment and Referral Agency, for implementing planning policies and requirements about development.

Activities and development conducted under an ML are exempt from the requirement to obtain development permits under the *Planning Act 2016* and the Planning Regulation 2017. Project activities that are located outside of the ML area will be subject to the *Planning Act 2016*.

1.4.4.4 Plumbing and Drainage Act 2018

The *Plumbing and Drainage Act 2018* regulates the carrying out of plumbing or drainage work in a way that reduces risks to the public health and safety and the environment. This is achieved by:

- establishing a licensing scheme for all regulated plumbing and drainage work;
- requiring plumbing and drainage work to be carried out in compliance with the code requirements for the work; and
- establishing a framework for approving particular plumbing or drainage work and particular treatment plants.

A sewage treatment plant may be required for the Project and is a prescribed ERA under the EP Act (see section 1.4.2.3). Final inspection certificates or inspection certificates are also required for plumbing and drainage work including permanent toilet facilities, showers, and site office facilities. The Proponent will comply with the relevant provisions of the *Plumbing and Drainage Act 2018* for the construction and operation of the Project.

1.4.4.5 Regional Planning Interests Act 2014

The purpose of the *Regional Planning Interests Act 2014* (RPI Act) is to identify areas of Queensland that are of regional interest, because they contribute to, or are likely to contribute to, Queensland's economic, social and environmental prosperity. The RPI Act also aims to give effect to the policies about matters of State interest, as stated in regional plans and effectively manages the impact of resource activities and other regulated activities on areas of regional interest and manage the coexistence of resource activities with highly productive agricultural activities.

Areas of regional interest that the RPI Act protects include:

- high-quality agricultural areas from dislocation (Priority Agricultural Areas [PAAs]);
- existing settled areas of a city, town or other community including areas for future growth and buffer areas between resource activities (Priority Living Areas [PLAs]);

- land that is highly suitable for cropping (Strategic Cropping Areas [SCAs]); and
- regionally important environmental areas (Strategic Environmental Areas [SEAs]).

It is likely that a Regional Interests Development Approval will be required for the Project to proceed. The Project may impact areas of regional interest, including SCAs, as defined in the RPI Act. Chapter 10, Land and Visual Amenity details the extent of triggered areas of regional interest and subsequent impacts that may result from the Project.

1.4.4.6 Strong and Sustainable Resource Communities Act 2017

The purpose of the *Strong and Sustainable Resource Communities Act 2017* (SSRC Act) is to provide for matters that will benefit residents of communities in the vicinity of large resource projects during their operation. The Project meets the definition of a large resource project under the SSRC Act. There are three key requirements that must be met by the Proponent under the SSRC Act:

- 1) prepare a social impact assessment for the Project;
- 2) employ people from nearby regional communities (i.e. prohibition on 100% fly-in fly-out workforces); and
- 3) no discrimination against residents from nearby regional communities when hiring employees.

The Project will comply with the requirements of the SSRC Act. Further details of compliance with the requirements of the SSRC Act are contained in Chapter 16, Social and Economic.

1.4.4.7 Survey and Mapping Infrastructure 2003

It is an offence under the *Survey and Mapping Infrastructure Act 2003* to interfere with any permanent survey mark, of which the person knows or ought reasonably to know is a survey mark. In the case where a survey mark must be removed or disturbed, an application must be made to DoR under section 43 of the Act. If a survey mark is identified, DoR must be contacted to determine the type and significance of the survey mark. The *Survey and Mapping Infrastructure Act 2003* is relevant to the protection of non-Indigenous historical survey marks that may occur within the Project region.

The Proponent will comply with the requirements of the *Survey and Mapping Infrastructure Act 2003* for all phases of the Project.

1.4.4.8 Transport Infrastructure Act 1994

The purpose of the *Transport Infrastructure Act 1994* is consistent with the objectives of the *Transport Planning and Coordination Act 1994*, which is to provide a regime that allows for and encourages effective integrated planning and efficient management of a system of transport infrastructure. The existing transport infrastructure and product coal haulage route has been selected to ensure transport efficiency and minimise impacts on land uses and the community. All Project related transport will be managed to comply with the associated principles and requirements of the *Transport Infrastructure Act 1994*. Transport requirements for the Project are contained in Chapter 13, Transport.

1.4.4.9 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 the State, and provides a scheme for managing the use of the State's 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 *Transport Infrastructure Act 1994*;
- 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; and
- provide for the effective and efficient management of vehicle use in a public place.

Provisions that regulate oversize vehicles operating, which is likely to occur during the construction stage and potentially during operations, are relevant to the Project. In addition, the oversize vehicle standards and safety requirements required by the *Transport Operations (Road Use Management) Act 1995* will be adhered to during all phases of the Project.

The Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008 has been developed to prescribe the obligations of persons transporting dangerous goods by road, to reduce (where practical) the risks associated with the transportation of dangerous goods. The Regulation also gives effect to the standard requirements and procedures of the ‘Australian Dangerous Goods Code’, and promotes consistency between the associated standards, requirements and procedures. The vehicle standards and requirements for transporting dangerous goods contained in the Regulation will be complied with during all phases of the Project. Transport requirements for the Project are contained in Chapter 13, Transport.

1.4.4.10 Waste Reduction and Recycling Act 2011

The object of the *Waste Reduction and Recycling Act 2011* is to:

- promote waste avoidance and reduction, and resource recovery and efficiency actions;
- reduce the consumption of natural resources and minimise the disposal of waste by encouraging waste avoidance and the recovery, re-use and recycling of waste;
- minimise the overall impact of waste generation and disposal;
- ensure a shared responsibility between government, business and industry and the community in waste management and resource recovery; and
- support and implement national frameworks, objectives and priorities for waste management and resource recovery.

Project construction and operation will involve the generation and storage of wastes at each phase of the Project. The Proponent will comply with the requirements of the Act.

Waste management for the Project is contained in Chapter 14, Waste Management.

1.4.5. Queensland legislation: natural resources

1.4.5.1 Explosives Act 1999

In Queensland, explosives are controlled under the *Explosives Act 1999*. Licences and/or permits are required for the use, storage, transportation, manufacture, sale, importation and exportation of explosives under the *Explosives Act 1999*. The Explosives Regulation 2017 defines the substances to be declared authorised or prohibited explosives and sets out further details of the requirements for the manufacture, transport, handling and storage, of explosives under the *Explosives Act 1999*.

Under section 32 of the Explosives Regulation 2017, a licence to use explosives permits the use, possession, purchase of explosives in the manner stated in the licence and the storage and transportation of explosives as

required under parts 8 and 9 of the Explosives Regulation 2017. The Proponent intends to hold a licence to use and store explosives at all relevant times for the Project.

The Proponent will comply with the requirements of the *Explosives Act 1999*, including by obtaining any necessary authorities to possess, store and use explosives.

1.4.5.2 Forestry Act 1959

The *Forestry Act 1959* provides for forest reservations, the management, silvicultural treatment and protection of State forests, and the sale and disposal of forest products and quarry material, the property of the Crown on State forests, timber reserves and on other lands. All forest products and quarry materials on certain State land and some freehold land are considered the property of the Crown under the *Forestry Act 1959*.

The Project area and associated off-lease infrastructure are not subject to any areas of State forest, timber reserves or forest entitlement areas.

1.4.5.3 Mineral and Energy Resources (Common Provisions) Act 2014

The *Mineral and Energy Resources (Common Provisions) Act 2014* (MERC Act) intends to be the first step in creating a simplified common framework that will apply to all resource authorities in order to optimise development and use of Queensland's mineral and energy resources and to manage overlapping coal and petroleum resource authorities for coal seam gas. The main purposes of the MERC Act is to consolidate particular provisions common to each of the resources Acts and provide for particular common processes that apply to the resource authorities. The MERC Act also sets out to manage overlapping coal and petroleum resource authorities for coal seam gas and to assist in achieving the purposes of each of the resources Acts. The purposes are achieved by providing for the following matters principally in this Act, rather than in each of the Resources Acts:

- dealings, caveats and associated agreements;
- land access;
- the new framework for overlapping coal and petroleum resource authorities for coal seam gas;
- the resources authority register; and
- other miscellaneous matters.

The Proponent will comply with the requirements of the MERC Act with regard to obtaining an ML for the Project.

1.4.5.4 Mineral and Energy Resources (Financial Provisioning) Act 2018

The purpose of the Mineral and Energy Resources (Financial Provisioning) Act 2018 (MERFP Act) is to:

- provide for holders of environmental authorities to pay a contribution to the scheme fund, or give a surety, for their authorities;
- provide a way to manage the risk to the State of incurring costs and expenses if the holder of an authority or small-scale mining tenure does not comply with the holder's obligations under the authority or tenure;
- provide a source of funds to the State for costs and expenses relating to preventing or minimising environmental harm, or rehabilitating or restoring the environment, or securing compliance with an authority or small-scale mining tenure; and
- provide a source of funds to the State for:
 - rehabilitation activities of land on which an abandoned mine exists;
 - remediation activities in relation to abandoned operating plant; and

- research that may contribute to the rehabilitation of land on which resource activities have been carried out.

The Proponent will meet all requirements of the MERFP Act, either by contributing to the scheme fund (which is expected) or providing a surety, depending on the allocated risk rating.

1.4.5.5 Mineral Resources Act 1989

The principal objectives of the 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; and
- ensure an appropriate financial return to the State from mining.

The MR Act sets royalty payments, rents, landholder compensation and notification requirements. The following authorities are obtainable under the MR Act (section 6D):

- Prospecting Permits;
- Mining Claims;
- Exploration Permits;
- MDLs; and
- MLs.

The Proponent currently holds MDL 352 and EA EPSX00475213 which authorises the following activities leading to the evaluation and economic development of an ore body under the MR Act:

- geological, geophysical and geochemical programs and other works as are reasonably necessary to evaluate the potential for development of any mineral occurrence of possible economic potential occurring in or on the area of the MDL;
- mining feasibility studies;
- metallurgical testing;
- environmental studies;
- marketing studies; and
- engineering and design studies.

Under the MR Act, an ML holder may conduct large scale mining operations, which allows for the mining of specified minerals and conduct other activities associated with mining, or promoting the activity of mining.

The holder of an MDL or an ML has a right under the MR Act to take or interfere with underground water if the taking or interfering occurs with or results from the holders authorised activities, providing that:

- the holder of the MDL or ML, in accordance with any requirements prescribed by regulation:
 - measures the volume of associated water taken, or if the taking is the result of evaporation, estimates the volume of water taken; and
 - reports the volume or estimated volume of associated water taken to the chief executive; and

- the holder of the MDL or ML advises the chief executive of the exercise of the holder's underground water rights immediately after the holder starts exercising the rights.

Mineral Resources Regulation 2013

The Mineral Resources Regulation 2013 supports the operation of the MR Act by:

- Prescribing:
 - conditions, restrictions, exemptions and prohibitions for tenures;
 - areas for particular land;
 - reporting requirements;
 - a small-scale mining code;
 - information and lodgement requirements;
 - prescribed hours of business; and
 - rent payable for mining tenements.
- Prescribing the rates and methods of calculating royalties, the way in which royalties are assessed and payable, and the basis for collection and enforcement of royalty liabilities.
- Prescribing the requirements for measuring the taking of associated water under section 334ZP(5)(b) of the MR Act.

An MLA process is currently in progress for the Project and the Proponent will comply with all relevant provisions of the MR Act for the ML application and the construction, operation and closure of the Project.

1.4.6. Queensland legislation: human health and wellbeing

1.4.6.1 Coal Mining Safety and Health Act 1999

The objective 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;
- to require that the risk of injury or illness to any person resulting from coal mining operations be at an acceptable level; and
- to provide a way of monitoring the effectiveness and administration of provisions relating to safety and health under this Act and other mining legislation.

These objectives are to be achieved through the 12 provisions provided in section 7 of the CMSH Act, key provisions of which include imposing safety and health obligations on persons who operate coal mines (or who may affect the safety or health of others at coal mines), and providing a safety and health management system(s) at all coal mines, to manage risk effectively.

The Coal Mining Safety and Health Regulation 2017 forms part of the framework established to prescribe the ways of achieving acceptable levels of risk. The Proponent will adopt effective safety management practices and comply with the requirements prescribed by the CMSH Act during all phases of the Project.

The Proponent will comply with the requirements of this Act and its subordinate legislation in the undertaking of the Project.

1.4.6.2 Electrical Safety Act 2002

The *Electrical Safety Act 2002* is directed at eliminating the human cost to individuals, families and the community, of death, injury and destruction that can be caused by electricity. Accordingly, the purpose of the *Electrical Safety Act 2002* is to establish a legislative framework for preventing persons from being killed or injured by electricity, and property from being destroyed or damaged by electricity. The Electrical Safety Regulation 2013 prescribes the requirements for licensing for electrical work, registration of suppliers and equipment, certification of equipment, and safety procedures to achieve the purposes of the *Electrical Safety Act 2002*.

The Project will involve the installation and utilisation of electricity. All requirements of the *Electrical Safety Act 2002* will be implemented by work personnel for the Project to avoid injuries and property damage.

1.4.6.3 Fire and Emergency Services Act 1990

The objects of the *Fire and Emergency Services Act 1990* are to:

- provide for the prevention of, and responses to, fires and other emergency incidents;
- provide for rescue services and operations; and
- establish a framework for the management of:
 - the Queensland Fire and Emergency Service;
 - the State Emergency Service;
 - emergency service units established for an emergency service area; and
 - the conduct of authorised rescue officers.

The Proponent will comply with all relevant provisions of the *Fire and Emergency Services Act 1990* for all phases of the Project to prepare for potential emergencies, with the aim of protecting the workforce should such situations arise.

1.4.6.4 Work Health and Safety Act 2011

The *Work Health and Safety Act 2011* (WHS Act) provides a framework to protect the health, safety and welfare of all workers at work. Schedule 1, Part 2, section 2(a) of the WHS Act provides that the WHS Act does not apply to coal mines regulated under the CSMH Act. Consequently, the provisions of the WHS Act applies to the construction and operational activities and other means of work outside of MLA 700057 but relevant to the Project and will be complied with.

1.4.6.5 Human Rights Act 2019

The *Human Rights Act 2019* makes it unlawful for public entities to take actions or make decisions that are not compatible with human rights or that fail to give human rights sufficient consideration.

The Act requires decision makers to identify which of the human rights may be limited by the decision and to then consider whether the decision will be compatible with those rights. For a decision to be lawful, any resulting limit on human rights must be reasonable and justifiable having regard to the purpose of the limitation, the nature of the human right and the nature of the limitation, the importance of the human right, the importance of the purpose of the limitation and whether any alternatives are available.

In designing the Project, the Proponent has considered human rights and designed the Project to be compatible with human rights any potential limitations to human rights are reasonable and justifiable having regards to the nature and purpose of the limitation.

Human rights considered in the delivery and operation of the Project are listed in Table 1.4.

Table 1.4: Human rights considerations

Human rights	Proponent considerations under the Human Rights Act 2019
Rights related to industrial relations and safety, including the right to life, freedom from forced work and freedom of expression.	The Proponent has designed the Project and developed employment policy statements to provide a place of employment that respects and upholds every person's rights, is an environment free from discrimination and is safe for its workers.
Rights related to impacts on the environment and climate change, including the right to life and right of every child to protection.	<p>The Proponent seeks to appropriately mitigated the environmental impacts of the Project. The Proponent has considered the impact of greenhouse gas emissions and has developed a Decarbonisation Plan to minimise greenhouse gas emissions to the greatest extent possible.</p> <p>Any limits to human rights relating to climate change are reasonable and justified having regard to the mitigation measures developed and the nature and purpose of the Project. The Project is for the extraction of metallurgical coal only, for use in the steel manufacturing process. There are no viable alternatives to metallurgical coal in this process and metallurgical coal remains an essential resource with demand increasing for renewable projects.</p>
Rights related to property and land use, including the right not to be arbitrarily deprived of property and right not to have a person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.	<p>The Proponent has sought to understand the scope of social impacts that might occur during construction and operation of the Project. The Proponent has conducted a social impact assessment to better understand the potential adverse effects the Project could have on local and nearby regional communities. The Proponent has considered these effects and prepared a number of Social Impact Management Plans (SIMPs) to minimise adverse impacts of the Project.</p> <p>The Proponent has designed the Project to minimise social impacts to the greatest extent possible. These designs are consistent with or even promote human rights relating to social impacts. This has included:</p> <ul style="list-style-type: none"> • public road improvements works to minimise the impact of haulage and reduce the distance required for haulage; • sponsoring community organisations including Baralaba State School, Moura Retirement Village and Baralaba Golf Club; • implementing trainee and recruitment programs to bring employment to the local community; and • re-designing the Project to remove mining areas from flood plains and minimise flood impacts– predicted flood levels for the township of Baralaba are not impacted by the Project. • The project is now being developed as the Baralaba North mine reduces production to provide for a continuation of mining in the community rather than a significant expansion.
Cultural rights, including the right of Aboriginal people not to be denied the right to enjoy, control and protect their cultural heritage, maintain their connection with the land and conserve the environment and productive capacity of their land.	<p>The construction and operation of the Project aims to ensure that the nature and scale of the Project does not compromise cultural rights including the cultural heritage significance of a heritage place or heritage area.</p> <p>The former registered native title claimants for the Project area (the Gangulu People [QUD6144/98]) have entered into a Cultural Heritage Investigation and Management Agreement for the Project. The Cultural Heritage Investigation and Management Agreement was approved as a CHMP pursuant to section 107 of the ACH Act by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (now the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts) on 16 October 2012.</p> <p>The CHMP applies to the entire Project area, including the realignment of the Moura-Baralaba Road. The CHMP was assigned to Baralaba Coal Company Pty Ltd in 2018. As a related body corporate to Baralaba Coal Company Pty Ltd, Baralaba Coal Company Pty Ltd has the benefit of the CHMP and may rely on its terms in carrying out the Project. Compliance with the terms of the CHMP will achieve compliance with the duty of care under the ACH Act for the construction and operation of the Project.</p>

1.4.7. Queensland legislation: land and government

1.4.7.1 Land Act 1994

The *Land Act 1994* (Land Act) provides a framework relating to the administration and management of non-freehold land and deeds of grant in trust and the creation of freehold land. In the administration of this Act, land to which the Land Act applies must be managed for the benefit of the people of Queensland by having regard to the seven principles listed in section 4 of the Act, being:

- 1) Sustainability—sustainable resource use and development to ensure existing needs are met and the State’s resources are conserved for the benefit of future generations.
- 2) Evaluation—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.
- 3) Development—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.
- 4) Community purpose—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.
- 5) Protection—protection of environmentally and culturally valuable and sensitive areas and features.
- 6) Consultation—consultation with community groups, industry associations and authorities are an important part of the decision-making process.
- 7) Administration—consistent and impartial dealings, efficient, open and accountable administration, and a market approach in land dealings, adjusted when appropriate for community benefits arising from the dealing.

Under section 177 of the Land Act, the chief executive may issue a permit to occupy a reserve, road or unallocated State land. This permit entitles the holder to non-exclusive use of that land. Where electricity, water, or other infrastructure on unallocated State land, reserves or roads is required for the Project, a permit to occupy will be obtained by the Proponent.

Section 98 of the Land Act provides that an application can be made to DoR to permanently or temporarily close a road, if required. If an application to temporarily close a road is approved, a road licence will be issued to make structural improvements, that grants exclusive occupation of that road for a defined period. Where the Project will require the permanent or temporary closure of a road, the Proponent will apply to DoR to close a road.

1.4.7.2 Local Government Act 2009

The purpose of the *Local Government Act 2009* is to provide the way in which a local government is constituted and the nature and extent of its responsibilities and powers, and to create a system of local government in Queensland that is accountable, effective, efficient and sustainable. Section 8 of the *Local Government Act 2009* defines 'local government' as an elected body that is responsible for the good rule and local government of a part of Queensland, which is known as a Local Government Area (LGA).

Any actions taken under the *Local Government Act 2009* must align with local government principles, which are prescribed by section 4 of the Act as:

- transparent and effective processes, and decision-making in the public interest;
- sustainable development and management of assets and infrastructure, and delivery of effective services;
- democratic representation, social inclusion and meaningful community engagement;
- good governance of, and by, local government; and
- ethical and legal behaviour of councillors and local government employees.

The Project is located within the Banana Shire LGA, with the Banana Shire Council having been identified and engaged as a key stakeholder for the Project. This is discussed further in Chapter 16, Social and Economic.

The Moura-Baralaba Road bisects the MLA in its current location. A 4.5 km section of the Moura-Baralaba Road will require realignment to facilitate the mining activity. The alternate alignment will be subject to a separate permitting process under the Queensland *Planning Act 2016*, and the approval of Banana Shire Council.

1.4.7.3 Stock Route Management Act 2002

The *Stock Route Management Act 2002* provides for the ongoing management of the Queensland stock route network, which is achieved through:

- establishing principles of stock route network management;
- providing for stock route network management planning;
- establishing responsibilities for stock route network management;
- constructing and maintaining travelling stock facilities on the stock route network; and
- monitoring, surveying and controlling the movement of travelling stock.

There are a number of inactive stock routes identified within the Project area, primarily connecting south to Moura and west to Woorabinda.

An unnamed road reserve bisects the MLA in a north–south direction. Banana Shire Council is the road authority for the road. There is no constructed road within the road reserve. The reserve is also designated as a stock route (ID 970BANA), which has been classed by Banana Shire Council as minor and unused. Compensation under the MR Act must be agreed with Banana Shire Council in order for the MLA to be granted over this road reserve and stock route. Consents to closures and any requirement to maintain connectivity of the stock route will also be agreed by Banana Shire Council.

Further details on the stock routes are addressed in Chapter 2, Project Description.

Table 1.5: Summary of legislative considerations

Legislation	Administering authority	Approval to be sought following completion of the EIS process
Commonwealth legislation		
EPBC Act	DCCEEW	Approvals under section 133 of the EPBC Act for the Project components (EPBC 2012/6547).
NGER Act	DCCEEW	No approval required - the Proponent will register under section 12 of the NGER Act and report all greenhouse gas emissions and energy production and consumptions from its activities.
<i>Native Title Act 1993</i>	NNTT	No approval required – native title has been extinguished over all the land within MLA 700057.
State legislation and associated subordinate legislation		
<i>Biosecurity Act (Qld)</i>	DAF	No approval required - a Weed and Pest Management Plan will be developed and implemented for the Project that describes the measures to manage weeds and feral animals.
EO Act Environmental Offsets Regulation 2014 Queensland Environmental Offsets Policy Significant Residual Impact Guideline	DES	Approval of Notice of Election. Approval of an Offset Delivery Plan prior to Project commencement.
EP Act EP Regulation Environmental Protection (Air) Policy 2019 Environmental Protection (Noise) Policy 2019 Environmental Protection (Water and Wetland Biodiversity) Policy 2019	DES	The Proponent will need to obtain an EA for the Project.
<i>Fisheries Act 1994</i>	DAF	Works associated with the Project will be undertaken on the ML under the conditions of the EA and no approval is required. Any waterway barrier works required for off-lease components will be designed in accordance with requirements of DAF.

Legislation	Administering authority	Approval to be sought following completion of the EIS process
<p>NC Act</p> <p>Nature Conservation (Protected Areas) Regulation 1994</p> <p>Nature Conservation (Animals) Regulation 2020</p> <p>Nature Conservation (Plants) Regulation 2020</p>	DES	No approval required – a Species Management Program will be developed and implemented during construction and operation. Permits will be sought for the clearing of any protected plants.
<i>Soil Conversation Act 1986</i>	DoR	No approval required. Refer to approvals required in accordance with the RPI Act.
VM Act	DoR	No approval is required to clear native vegetation in the area of the ML. Clearing will be undertaken in accordance with the 'Permit to Disturb' process. A development approval may be required to clear native vegetation outside the area of the ML. Ergon would be responsible for obtaining any development approvals to clear any native vegetation for the ETL.
<p>Water Act</p> <p>Water Plan (Fitzroy Basin) 2011</p> <p>Fitzroy Basin Resource Operations Plan 2015</p> <p>Fitzroy Basin Water Management Protocol June 2023</p>	DRDMW	MLA 700057 and associated EA.
<p>Heritage Act</p> <p>Queensland Heritage Regulation 2015</p>	DES	No approvals required – an Incidental Finds Procedure will be implemented in the event that a potential site of non-Indigenous cultural heritage significance is identified within the Project area that has not previously been recorded.
ACH Act	DSDSATSIP	A Cultural Heritage Investigation and Management Agreement is in place with the Gangulu People (QC1997/036) (then the Aboriginal party for the Project area), which was approved as a CHMP under Part 7 of ACH Act in 2012.
<p><i>Building Act 1975</i></p> <p>Building Regulation 2021</p>	DEPW	Development approvals for buildings works may be required under the <i>Planning Act 2016</i> for components of the Project.
<i>Electricity Act 1994</i>	DEPW	No approval required by the Proponent. The Proponent will comply with the relevant provisions of the <i>Electricity Act 1994</i> during construction of the Project.

Legislation	Administering authority	Approval to be sought following completion of the EIS process
<i>Planning Act 2016</i> Planning Regulation 2017	Queensland Treasury, DHPW, Banana Shire Council	Development approvals for building work and development permit for operational works (taking or interfering with water) may be required.
<i>Plumbing and Drainage Act 2018</i> Plumbing and Drainage Regulation 2018	DEPW	The Proponent will need to obtain approvals for plumbing and drainage work for permanent toilet facilities, showers and site office facilities as required.
RPI Act Regional Planning Interest Regulation 2014	DSDILGP	A Regional Interest Development Approval or landholder agreement may be required prior to carrying out Project activities.
SSRC Act	DSDILGP	No approval required.
<i>Transport Infrastructure Act 1994</i>	DTMR	No approval required.
<i>Transport Operations (Road Use Management) Act 1995</i> Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018	DTMR	No approval required.
<i>Waste Reduction and Recycling Act 2011</i> Waste Reduction and Recycling Regulation 2011	DES	The Proponent will need to obtain an ‘End of Waste’ approval. Excavated waste and coal rejects will be disposed of within the approved ML.
<i>Explosives Act 1999</i> Explosives Regulation 2017	Resources Safety and Health Queensland	As the Project would involve the use of explosives, authority to possess (section 34), store (section 44), and use (section 53) explosives in accordance with the <i>Explosives Act 1999</i> will be required.
<i>Forestry Act 1959</i>	DAF	If any material required for the Project is owned by the Crown, approval will be required. A sales permit may also be required for the use and/or interference of quarry material which is vested with the Crown.
MERCP Act	DoR	No approval required.
MR Act Mineral Resources Regulation 2013	DoR	MLA 700057

Legislation	Administering authority	Approval to be sought following completion of the EIS process
MERFP Act Mineral and Energy Resources (Financial Provisioning) Regulation 2019	DES, Queensland Treasury	No approval required. The requirement for these decisions will be triggered following the grant of an EA. PRC Plan and Schedule.
CMSH Act Coal Mining Safety and Health Regulation 2017	Resources Safety and Health Queensland	No approvals required.
<i>Electrical Safety Act 2002</i> Electrical Safety Regulation 2013	Electrical Safety Office	No approval required by the Proponent. However, Ergon would be responsible for obtaining approval under the EA.
<i>Fire and Emergency Services Act 1990</i>	QFES	No approvals required.
<i>Work Health and Safety Act 2011</i> Work Health and Safety Regulation 2011	Office of Industrial Relations, WorkSafe	No approvals required.
<i>Human Rights Act 2019</i> Human Rights Regulation 2020	Queensland Human Rights Commission	No approval required – compatibility with human rights under this Act is assessed by public entities, in its administrative decision-making process. This would be carried out by DES, prior to the release of the Evaluation Report.
Land Act Land Regulation 2020	DoR	No approval required – any relevant consents from landowners will be sought separately from the EIS process.
<i>Local Government Act 2009</i> (Local Laws)	DSDILGP, Banana Shire Council	Separate approval will be required from the Banana Shire Council for the realignment of Moura-Baralaba Road to facilitate the mining activity.
<i>Stock Route Management Act 2002</i>	DoR	No approval required – however, compensation under the MR Act must be agreed with Banana Shire Council for MLA 700057 to be granted over unnamed road reserve that bisects the mining lease and stock route (ID 970BANA).
<i>Native Title (Queensland) Act 1993</i>	NNTT, DoR	No approval required – native title has been extinguished over all the land within the Project area.