1.0  INTRODUCTION

1.1  PROJECT PROPOSENT

The proponent for the Elimatta Project (the Project) is Taroom Coal Proprietary Limited (Taroom Coal) which is a wholly owned subsidiary of Northern Energy Corporation Limited (NEC).

The contact details for the Proponent are as follows:

<table>
<thead>
<tr>
<th>Proponent:</th>
<th>Taroom Coal Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponent Address:</td>
<td>3/22 Magnolia Dr</td>
</tr>
<tr>
<td></td>
<td>Brookwater QLD 4300</td>
</tr>
<tr>
<td>Postal Address:</td>
<td>PO Box 47</td>
</tr>
<tr>
<td></td>
<td>Ipswich QLD 4305</td>
</tr>
<tr>
<td>Phone:</td>
<td>(61 7) 34180500</td>
</tr>
<tr>
<td>Fax:</td>
<td>(61 7) 34180355</td>
</tr>
<tr>
<td>Web address:</td>
<td><a href="http://www.newhopegroup.com.au">www.newhopegroup.com.au</a></td>
</tr>
</tbody>
</table>

As of 21 October 2011, Arkdale Proprietary Limited (Arkdale), a wholly owned subsidiary of New Hope Corporation Limited (New Hope), acquired 100% stake in NEC. New Hope (ASX Code: NHC) is an Australian publicly listed company with a long history dating to the early 1950’s of coal mine development and operation in Queensland and overseas.
1.2 PROJECT DESCRIPTION

The Project is based on the development of a thermal coal resource of more than 259 million tonnes (Mt) in the Surat Basin coal province in Queensland, Australia. It is located approximately 45 kilometres (km) southwest of the township of Taroom in Southern Queensland and approximately 380km northwest of Brisbane (see Figure 1.1). The Project is located entirely within the Western Downs Regional Council local authority area.

The Project area consists of a proposed Rail and Services Corridor and three Mining Lease Applications (MLAs): MLA 50254, MLA 50270 and MLA 50271 (see Figure 1.2). MLA 50254 contains the proposed open-cut pit areas. MLA 50270 consists of the Coal Handling and Processing Plant (CHPP), rail load-out facility and other associated mine infrastructure including tailings storages and an accommodation village. Linking these two areas, MLA 50271 serves as a transport and services corridor for the transportation of Run-of-Mine (ROM) coal from the pit to the CHPP.

The proposed Rail and Services Corridor will accommodate 36 km of new rail, known as the Western Surat Link (WSL). The WSL will connect the Elimatta Project site to the proposed Surat Basin Rail (SBR) north of Wandoan, facilitating transport of product coal to port facilities at Gladstone. The proposed Rail and Services Corridor has been designed to service multiple users surrounding the Elimatta Project. The corridor will also accommodate power and water supply infrastructure to the mine and other potential users.

The proposed Project layout is shown in Figure 1.3. The Project area for the Environmental Impact Statement (EIS) under the Environmental Protection Act 1994 (EP Act) is approximately 4,460 hectares (ha) which includes the identified MLA areas and Rail and Services Corridor.

At the western end of the Rail and Services Corridor, two possible alignments are provided for connection to the Elimatta MLA areas. Only one of these options is intended for development. The final connection alignment will be dependent on agreements with other rail users. Both options have been considered in this EIS.
Figure 1.1  Project Location
Figure 1.2 Local Context of the Project
Figure 1.3  Proposed Project Layout
The Project is planned to mine up to 8.2 Million tonnes per annum (Mtpa) of ROM coal to produce on average 5 Mtpa of product coal for export. The open-cut mine plan is based on excavator and truck operations feeding a 1,100 – 1,200 tonne per hour (tph), two-stage coal processing plant. Topsoil stripped prior to mining will be segregated for later use in rehabilitation. Waste management will involve overburden disposal within both in- and out-of-pit spoil dumps located on site and contiguous with the pit excavation. Processing will involve crushing, screening and washing to separate coal from waste materials. In the initial years, waste rejects will be pumped to dedicated tailings storage facilities (TSFs). During later years, mine sequencing will allow for in-pit tailings disposal.

The current Project site access is from Perretts Road. Perretts Road runs parallel to Horse Creek in a north-south direction through the proposed Project area. Perretts Road will be relocated outside the mining area in order to accommodate the Project. It is proposed that part of the Perretts Road will be moved east of its current position and will remain as the primary access road. Other roads, including Ryals Road, Cattle Camp Road and Goldens Road will be upgraded and/or relocated to further accommodate access to the Project site.

The Project’s annual water usage will be between 3,030 and 3,570 megalitres per annum (Ml/a) with 2,500 Ml of this secured by a connection to the water distribution pipeline network owned by SunWater Limited (SunWater). Initially, the external water supply will be treated groundwater by-product resulting from dewatering operations associated with coal seam gas extraction. Once construction of the proposed Nathan Dam is completed, the external water supply will instead be sourced from Nathan Dam.

The Project’s energy usage will be approximately 75,000 megawatt hours (MWh) annually. An application has been lodged with Ergon Energy Limited (Ergon) for a connection to infrastructure in the Wandoan area to meet the Project’s demands. Taroom Coal has grid connection options to Ergon substations located at Wandoan and Wandoan South; with Wandoan South currently preferred, based on guidance advice from Ergon. The permanent power supply to the Project will be via a 66kV high voltage connection. It is likely that Ergon will own and operate the infrastructure to a connection point on the mine site. Connection to the Ergon grid via the proposed Rail and Services corridor is a possible supply route option and is likely to be available in line with the commencement of project operations.

Product coal will be railed from the Project site via the WSL to join the SBR line north-east of Wandoan. The WSL will form the rail component of the proposed 36 km long Rail and Services Corridor, transporting 5 Mtpa of product coal from the Elimatta Project. Product coal will then continue via rail to the Wiggins Island Coal Export Terminal (WICET) at Gladstone for export. The WSL will be initially developed by Taroom Coal but will have more haulage capacity than the Elimatta Project alone requires. The intention with the rail link is to provide capacity to nearby projects to utilise the infrastructure to connect to the SBR. The WSL will have a total shared capacity of 30 Mtpa.

The total construction period is anticipated to take approximately 22–24 months with operations employees on site after 13 months. Initially, the construction will involve earthworks in order to create a landscape suitable for infrastructure development. Following the preliminary clearing of the site, earthmoving equipment will remain in order to excavate areas for the open cut pit, spoil dumps and TSFs, as well as clearing the mine infrastructure area (MIA) and transport corridors. Following this initial construction phase, appropriate machinery will be utilised to construct remaining infrastructure including water infrastructure, CHPP, accommodation, roads, the rail corridor, and other associated requirements.
Based on a current assessment of the available resource, the expected production life of the Project is in excess of 32 years. Including construction through to decommissioning and shutdown, the whole of project life is near to 40 years. At decommissioning of the mine, the Project area will have been rehabilitated in accordance with the standards set in the environmental authority for the Project.

1.2.1 Environmental Studies

Environmental studies and assessments undertaken during the development of the Project, and incorporated into this EIS, include (but are not limited to):

- Economic Impact Assessment;
- Social Impact Assessment and Social Impact Management Plan;
- Community Consultation Report;
- Terrestrial Flora and Fauna Assessment;
- Noise and Vibration Impact Assessment;
- Surface Water Management Strategy;
- Waterway Morphology and Aquatic Ecology Assessment;
- Soil and Land Suitability Assessment;
- Horse Creek Diversion Report;
- Flood Assessment;
- Groundwater Assessment;
- Environmental Risk Assessment;
- Geochemical Assessment of Mine Waste Material;
- Tailings Storage and Management Study;
- Transport Impact Assessment;
- Road Impact Assessment
- Historical Cultural Heritage Assessment;
- Air Quality and Greenhouse Gas Assessment;
- Greenhouse Gas Management Plan;
- Contaminated Land – Preliminary Site Assessment;
- Stygofauna (Subterranean Fauna) Assessment; and
1.3 PROJECT OBJECTIVES AND SCOPE

1.3.1 Scope

The Project is located within the Surat Energy Resources Province (SERP) and the Surat Basin geological region. The SERP region stretches across southern Queensland, from Toowoomba to Roma. The province contains substantial, but currently largely undeveloped thermal coal and coal seam gas resources. The region has significant potential to be developed into a large-scale energy and industrial province. It is estimated there is approximately four billion tonnes of coal resource available for development throughout the region.

The Elimatta deposit was first explored by Brigalow Mines Pty Ltd during the 1970s. The southern Project area (MLA 50254) has been held by Taroom Coal under Exploration Permit for Coal (EPC) 650 since 2006. The northern Project area (MLA 50270) has been held by Taroom Coal under EPC 1171 since 2007.

1.3.1.1 Other Developments in the Region

The Surat Basin is the target area for several proposed resource development operations currently under application or recently approved and awaiting construction, as well as several existing projects (Figure 1.4).
Figure 1.4 Surat Basin Resource Operations and Developments (DNRM 2013)
1.3.1.2 Interrelated Developments

Regional developments of direct significance to the Elimatta Project include the SBR project, which will connect Wandoan to Banana via a 214 km railway. This proposal will link the Surat Basin with the Port of Gladstone and the Wiggins Island Coal Export Terminal and is seen as a key regional development; boosting regional economic development, enhancing the State’s coal rail network and unlocking coal reserves in the Surat Basin for world export. The SBR project is being funded by an Australian based Joint Venture comprising ATEC (Dawson Valley Railway) Pty Ltd, Xstrata Coal Surat Basin Rail Pty Ltd and QR Surat Basin Rail Pty Ltd. The project has been given government approval and is pending development based on final investment decisions.

The SBR project is being funded by an Australian based Joint Venture comprising ATEC (Dawson Valley Railway) Pty Ltd, Xstrata Coal Surat Basin Rail Pty Ltd and QR Surat Basin Rail Pty Ltd. The project has been given government approval and is pending development based on final investment decisions.

The Project is also reliant on Powerlink and Ergon’s project to provide reliable electricity supply to the Surat Basin North West Area. This development will establish two major 275 kilovolt (kV) links between Columboola to Wandoon South (Construction of the transmission line began in late April 2012 and is expected to be completed in mid 2014) and Columboola East to Western Downs (Construction on the transmission line began in December 2012 and is expected to be commissioned by mid 2014), as well as associated infrastructure. This supply should meet the expected increase in electricity demand in the north-west area of the Surat Basin due to potential coal seam gas and coal mining developments, together with the establishment of support infrastructure and services.

Taroom Coal proposes to utilise water supply from the proposed Nathan Dam and Pipelines Project and Woleebee Creek-Glebe Weir Pipeline Project under development by SunWater. The Nathan Dam and Pipelines Project is a major initiative aimed at providing long-term, reliable water supplies to mining, power, urban and existing agricultural customers in the Surat Coal Basin and the Dawson-Callide sub-region of Central Queensland. The Woleebee Creek to Glebe Weir Pipeline project will deliver the Dawson region of Central Queensland an additional water supply solution based on beneficial use of treated groundwater from CSG operations.

1.3.2 Objectives

The project aims to establish an open cut coal mine in the area south west of Taroom in the Surat Basin in Queensland, Australia. This project aims to develop a profitable energy resource for global export coal markets.

Coal is one of Australia’s top exports; contributing a significant amount to the nation’s economic growth. The International Energy Agency (IEA) predicts that world coal demand will increase at an average annual rate of 1.9% between 2007 and 2030 (Geosciences Australia & ABARE 2010). In lesser developed countries, this demand is likely to increase by 2.8%.

Australia is one of the world’s largest producers of seaborne coal; with coal distributed to over 30 countries. With the fourth largest reserves of coal in the world, Australia is well positioned to capitalise on an increased international demand for coal. The Elimatta Project hopes to develop some of Queensland’s high quality, black coal resources to supply this growing international demand.

The approximate approval timeframes for the Project are presented in Table 1.1. This timeline is based on statutory timeframes where they apply or estimates where no timeframe is applicable. The Mining Leases (MLs) with the Environmental Authority for the Project are estimated to be granted by July 2016. The objective is first railing of product coal in late 2019 to access capacity on the SBR and the WICET Expansion in Gladstone.

It is estimated that the Project establishment costs will be in excess of $600 million plus securities to
support service contracts for transport, power and water of more than another $600 million (as bank 
guarantees and/or balance sheet liabilities.

<table>
<thead>
<tr>
<th>Project Approval Milestone</th>
<th>Duration</th>
<th>Expected Delivery Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for an EA</td>
<td></td>
<td>May 2009</td>
</tr>
<tr>
<td>Submission of Draft TOR</td>
<td></td>
<td>30 September 2009</td>
</tr>
<tr>
<td>Public Comment Period on Draft TOR</td>
<td></td>
<td>Monday 23 November 2009 – Tuesday 19 January 2010</td>
</tr>
<tr>
<td>EPBC Referral</td>
<td></td>
<td>Referred on 28th March 2008 Decision reached 1st May 2008</td>
</tr>
<tr>
<td>Final TOR</td>
<td></td>
<td>Received 23rd April 2010</td>
</tr>
<tr>
<td>Finalise Baseline Studies</td>
<td></td>
<td>Complete</td>
</tr>
<tr>
<td>Submission of EIS to the EHP</td>
<td></td>
<td>16 April 2012</td>
</tr>
<tr>
<td>EHP requests additional information in order to properly assess the Project against the requirements of the Terms of Reference</td>
<td></td>
<td>May 2012</td>
</tr>
<tr>
<td>Taroom Coal seeks extension for:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• the period for deciding under section 49(1) of the EP Act on whether the Elimatta Project EIS may proceed; and,</td>
<td></td>
<td>14 May 2012</td>
</tr>
<tr>
<td>• the period to submit the Elimatta Project EIS under section 47(1) of the EP Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension Granted</td>
<td></td>
<td>15 May 2012</td>
</tr>
<tr>
<td>EIS Submission Deadline (under s47(1)(b) of the EP Act)</td>
<td></td>
<td>4 December 2012</td>
</tr>
<tr>
<td>EHP decides if EIS addresses the TOR and decides submission period. EHP gives proponent Notice of Decision. Proponent publishes EIS Notice and gives copies to affected and interested persons.</td>
<td>30 business days</td>
<td>January 2013</td>
</tr>
<tr>
<td>EIS Notice &amp; Public Comment Period. EHP provides comments to the proponent.</td>
<td>60 business days</td>
<td>April 2013</td>
</tr>
<tr>
<td>Proponent Responds to Comments and Submission of Amended EIS (Supplementary EIS)</td>
<td>20 business days (or longer if approved by DEHP)</td>
<td>April 2014</td>
</tr>
<tr>
<td>EHP decides whether or not EIS can proceed</td>
<td>30 business days</td>
<td>May 2014</td>
</tr>
<tr>
<td>EHP Assessment Report on EIS &amp; EM Plan</td>
<td>30 business days</td>
<td>June 2014</td>
</tr>
<tr>
<td>Draft EA issued</td>
<td>TBD</td>
<td>January 2015</td>
</tr>
<tr>
<td>Project Approval Milestone</td>
<td>Duration</td>
<td>Expected Delivery Date</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>----------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Certificate of Public Notice. EA and ML Objection Period</td>
<td>TBD</td>
<td>Q1 2015</td>
</tr>
<tr>
<td>Land and Environment Court recommendation on grant</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Ministerial approval of grant</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Mining Leases granted with Environmental Authority</td>
<td>TBD</td>
<td>TBD (mid 2016)</td>
</tr>
</tbody>
</table>

The consequence of not proceeding with the project would be that a significant coal resource would remain undeveloped and economic proceeds through taxation and royalties would not be realised for the State of Queensland. If the Project remained as a future development option, proceeds and benefits could well be deferred, as opposed to simply not proceeding with an otherwise feasible development which would result in benefits foregone.

The Do-Nothing case for the Project would see the valuable coal resource contained within the mining tenements effectively sterilised for the Commonwealth, the State of Queensland and the local communities.
1.4 THE ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS

The EP Act provides the framework for the EIS process and related processes for mining activities.

The EIS process applies in the following circumstances (s37 EP Act):

1. An EIS requirement has been determined as part of the assessment level decision in relation to an application for an Environmental Authority (EA) (Mining Activities); or

2. The voluntary preparation of an EIS for the Project has been approved by the Department of Environment and Heritage Protection (EHP).

Taroom Coal made its lease application for MLA 50254 in 2009. At the same time, it submitted an application for an EA for the Elimatta Project. The EA application was made for an EA (mining activities) for a Non-code Compliant Level 1 mining project. As expected, the EHP assessed the Project to constitute a Non-code Compliant Level 1 mining project requiring an EIS. The EIS decision was made following assessment of the Project’s likely impacts against the Queensland Government’s EIS Trigger Criteria.

At the time of the application, when the project was compared against the EHP’s (formerly DERM’s) EIS Trigger Criteria, set out in Guideline 4 – Deciding the Level of Impact Assessment for the Mining Industry, it was deemed to have met the following trigger:

- **Involve the mining of more than 2Mt of mineral or run of mine ore per annum.**

Based on the above criteria, the Elimatta Project triggered the requirements for an EIS. An EIS is the standard environmental approval pathway for mining projects of the size and nature of Elimatta. Subsequent MLAs for 50270 and 50271 have been submitted, each accompanied by an application for amendment of an EA. Consequently, this EIS process now encompasses three MLAs and the Rail and Services Corridor.

1.4.1 Methodology of the Environmental Impact Statement

The EIS process that applies to the Elimatta Project is described in DERM’s (now EHP’s) *The environmental impact statement (EIS) process for level 1 mining projects* (DERM 2011). A flowchart of the EIS process that has been undertaken so far and the process following submission of this Draft EIS is shown in Figure 1.5.

The EIS process commences when the proponent submits a Draft Terms of Reference (TOR) to EHP. The Draft TOR is advertised and made available, for at least 30 business days, to the public for review and comment. Submissions received during the comment period are considered by the proponent and relevant amendments made to the Draft TOR. A Final TOR is then issued by EHP, which forms the scope of the EIS. The EIS must be submitted to EHP within two years of receiving the Final TOR, unless a longer timeframe is agreed upon between EHP and the proponent. Baseline studies and investigations are undertaken in preparing the EIS document and associated reports.

An Environmental Management Plan (EM Plan) forms part of the EIS submission. The purpose of this document is to identify the environmental values of the Project site, develop control strategies to mitigate impacts on the identified values and propose appropriate EA conditions for the Project.

Following submission of the Draft EIS, EHP determines whether or not the EIS is acceptable and can
proceed. This decision is based upon whether the EIS addresses the Final TOR and is in the appropriate form. The Minister has an ability to decide not to proceed with the process if the EIS is deemed not to have addressed the TOR. If allowed to proceed, the EIS is advertised and made available to the public for at least 30 business days for review and comment. Submissions received during this period are provided to the proponent, who amends the EIS where relevant. Once the amendments have been made, the proponent submits a supplementary EIS to EHP. The EHP then prepares and provides to the proponent an assessment report on the submitted EIS.

Following the provision of the EIS assessment report, a draft EA is issued by EHP for the Project (refer to Table 1.1 for EA approvals timeline). The draft EA is advertised and made available to the public for a period of time, during which anyone can lodge an objection to the draft EA. If there are no objections to the draft EA it is made final.
Proponent submits draft TOR to the EHP

EHP gives TOR Notice to Proponent

EHP publishes TOR Notice
Proponent gives a copy of the TOR Notice to Interested and Affected persons

TOR Public Comment Period

Comments may be received by EHP

EHP gives Proponent copies of all comments

Proponent to respond to comments and amend draft TOR

EHP prepares final TOR, gives a copy of the TOR to the Proponent and publishes TOR

Proponent submits EIS to EHP

EHP decides whether EIS proceeds

EIS not to proceed

EIS to proceed

EHP gives Decision Notice to Proponent

Proponent may request Minister to review

Minister gives Decision Notice to Proponent

Submissions may be made to EHP

Proponent gives a copy of EIS Notice to Interested and Affected persons and publishes EIS Notice in a local newspaper
Proponent gives declaration of compliance to EHP

EIS Public Comment Period

Proponent submits EIS to EHP

EHP gives EIS Notice to Interested and Affected persons

EHP gives Proponent a copy of all submissions

Proponent must Respond to Submissions and amend EIS

EHP gives EIS Assessment Report to Proponent

Figure 1.5  EIS Process
1.4.2 **Objectives of the Environmental Impact Statement**

The primary objective of an EIS is to assess and address the identified beneficial and adverse impacts of a proposed Project on its natural, social and economic environment. In addition to this primary objective, it is the aim of the EIS to satisfy the information requirements of general public, Affected and Interested parties and Advisory Bodies.

Broader objectives of the EIS also include:

- The EIS aims to be the key environmental document providing advice to decision makers considering approvals for the Project;
- This EIS process is designed to be flexible to allow for unseen or newly relevant information that warrants inclusion in the EIS document;
- The main text of the EIS will address all relevant matters concerning environmental values, impacts on those values and proposed mitigation measures;
- The EIS will describe options and alternatives to aspects of the Project, including their likely relative environmental management outcomes;
- The EIS will assess the significance of potential impacts of the Project, taking into account both the intensity of that impact and the context in which it may occur;
- The EIS process will provide management measures that can be carried over into conditions in the draft EM Plan. These conditions will attach to any approval(s), environmental authorities and permits for the Project; and,
- The EIS document will be written in plain English and will avoid jargon as much as possible.

1.4.3 **Structure of the Environmental Impact Statement**

The EIS document consists of the following sections:

1. Project Introduction – this section is a brief outline of the EIS Process, the Project, the relevant legislation and guidelines.

2. Project Needs and Alternatives – this section outlines alternatives to the Project itself and alternatives within the Project. The alternatives are discussed in relation to the framework of decision making including various factors like financial viability, practicality, materials, Ecologically Sustainable Development and Environmental Best Practice.

3. Description of the Project – this section outlines all facets of Project construction and operation. This is a detailed discussion.

4. Environmental Values and Management of Impacts – this section provides all the environmental, social and economic baseline data along with mitigation and control strategies for any identified impacts.

5. Environmental Management Plan – this section is part of the EIS document but is also a standalone management tool. This section proposes acceptable standards and control
strategies and provides information to the EHP for drafting of the EA.

Within the EIS document, each impact identified is discussed and assessed in the following manner:

- The impact is discussed in terms of its nature and significance. Where appropriate, relevance to statutory requirements is also discussed;
- Appropriate targets or criteria are proposed as benchmarks for each impact;
- Proposed control methods or strategies for maintaining impacts within the proposed benchmarks are described;
- Where applicable, the control methods or strategies are related to statutory requirements; and
- Methods for validating performance and for mitigating potential impacts are described, typically in the form of monitoring and auditing regimes.

1.4.4 Submissions

After being notified by EHP that the EIS may proceed, Taroom Coal must publish the EIS Notice and give a copy of the EIS Notice to each Affected and Interested party. The EIS Notice will state, among other things, where the Draft EIS may be inspected, how copies of the Draft EIS may be obtained, how to make a submission and the length of the submission period. The EHP sets the length of the submission period, which must be at least 30 business days. The approximate timing for when public submissions can be made on the Draft EIS is given in Table 1.1.

Anyone may make a submission to EHP on the Draft EIS within the submission period. The submission does not need to be prepared by an expert and may relate to one or more aspects of the EIS. The only requirements of a submission to be accepted by EHP are that it must be received within the submission period and must be a “properly made submission”. A submission is considered to be properly made if it complies with the following criteria:

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

Submissions should be addressed to:

The Chief Executive
Attention: The EIS Coordinator – Elimatta Project
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane QLD 4001
For further information regarding the EIS process for this Proposal, contact the EIS Coordinator on 1300 130 372.
1.5 PUBLIC CONSULTATION PROCESS

During preparation of this EIS a community consultation process was undertaken to allow the community the opportunity to:

- Become fully informed of the Project status and the likely impacts of any development prior to approval;
- Express any concerns regarding current or planned Project activities and their environmental impacts; and
- Discuss, review and contribute to the formulation of the strategies proposed for the Project for mitigation of any potential adverse impacts that may arise.

A key component of the EIS preparation process has been the involvement of various Advisory Bodies and other stakeholders. Advisory Body and stakeholder consultation included one-on-one meetings with key stakeholders and affected persons and addressing meetings of interested groups. This process has included: Traditional Owners, those parties identified as *Affected Persons* under Section 38 of the EP Act, the Department of Communities, Child Safety and Disability Services and other relevant government bodies.

Consultation with Traditional Owners over the Project site has occurred in order to put in place a Cultural Heritage Management Plan (CHMP) with the Iman #2 People. CHMPs are State approved agreements between the sponsor of the plan (Taroom Coal) and the Aboriginal parties (Iman #2 People). The CHMP clearly defines how the Project will be managed to avoid or minimise harm to Aboriginal cultural heritage. At the time of submission, Taroom Coal had a CHMP approved by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). As a result, all requirements under the *Aboriginal Cultural Heritage Act 2003* and the *Native Title Act 1994* have been met to facilitate the grant of the mining leases for the Elimatta Project.

A list of affected and interested persons, as well as a statement of how Taroom Coal proposed to consult with those persons was provided to EHP on 29 October, 2009 with the Draft TOR in compliance with Section 41 of the EP Act.

The final methodology used for consultation throughout the preparation of this EIS, including details of all stakeholders consulted, is presented in Appendix E. Appendix E also includes a consultation database, which presents a comprehensive list of groups or individuals consulted, method of consultation, the issues raised, Taroom Coal’s response to the issues and follow-up action to address the issues.

In addition to the social impact assessment (Appendix H) and consultation process (Appendix E), the economic impacts of the Project were assessed during the preparation of this EIS. Information pertaining to this aspect of the Project is further detailed in Section 4 and Appendix I.
1.6 PROJECT APPROVALS

For tenure and approval purposes, the Elimatta Project involves three mining lease applications, a Rail and Services Corridor development process, an application for an environmental authority and then construction and operation of the Project and associated infrastructure. Due to the complexity and size of the Project, there is a broad network of legislation and regulations which govern its development and operations.

Information within Section 1.6 is supported by Appendix B. Appendix B provides an approvals matrix specifically detailing the necessary approvals associated with the development and operation of the Project.

1.6.1 Land Tenure

Mining tenure over the Elimatta MLA Areas will be acquired through the provisions of the Mineral Resources Act 1989.

Tenure over, or acquisition of, the land required to develop the Rail and Services Corridor is available via a number of options. The applicable process will depend upon which piece of legislation is used as the basis for the acquisition and when the acquisition process commences and on the type of entity that participates in the process and becomes the “owner” of the corridor and/or the infrastructure within it.

Viable options for the acquisition include:

a) compulsorily acquire the land pursuant to the State Development and Public Works Organisation Act 1971 (SDPWO Act), including by the approval of the corridor as a “private infrastructure facility”;

b) acquire the land under the Transport Infrastructure Act 1994 (TI Act); and,

c) obtain registered easements over the land.

Other options available are listed below; however these may prove impractical or difficult to implement:

a) private acquisition of the land; and,

b) mining tenure under the Mineral Resources Act 1989 (Qld) (MR Act).

1.6.2 Relevant Legislation and Policy Requirements

Relevant legislation identified for the Project at the time of preparing the EIS is shown in Table 1.2. The key legislation and subordinate legislation is discussed in the following sections.
### Table 1.2 Relevant Legislation and Subordinate Legislation

<table>
<thead>
<tr>
<th>Commonwealth Legislation and Associated Subordinate Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment Protection and Biodiversity Conservation Act 1999</td>
</tr>
<tr>
<td>Environment Protection and Biodiversity Conservation Regulation 2000</td>
</tr>
<tr>
<td>National Greenhouse and Energy Reporting Act 2007</td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</td>
</tr>
<tr>
<td>Native Title Act 1993</td>
</tr>
<tr>
<td>Energy Efficiency Opportunities Act 2006</td>
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<tr>
<td>Clean Energy Act 2011</td>
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<table>
<thead>
<tr>
<th>Queensland Legislation and Associated Subordinate Legislation</th>
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<tbody>
<tr>
<td>Environment (including flora, fauna and water)</td>
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<tr>
<td>Environmental Protection Act 1994</td>
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<tr>
<td>Environmental Protection Regulation 2008</td>
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<tr>
<td>Environmental Protection (Air) Policy 2008</td>
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<tr>
<td>Environmental Protection (Noise) Policy 2008</td>
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<td>Environmental Protection (Water) Policy 2009</td>
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<tr>
<td>Environmental Protection (Waste Management) Regulation 2000</td>
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<tr>
<td>Water Act 2000</td>
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<tr>
<td>Water Regulation 2002</td>
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<tr>
<td>Water Resource (Fitzroy Basin) Plan 2011</td>
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<tr>
<td>Water Resource (Great Artesian Basin) Plan 2006</td>
</tr>
<tr>
<td>Nature Conservation Act 1992</td>
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<tr>
<td>Nature Conservation (Wildlife) Regulation 2006</td>
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<tr>
<td>Nature Conservation (Protected Plants) Conservation Plant 2000</td>
</tr>
<tr>
<td>Vegetation Management Act 1999</td>
</tr>
<tr>
<td>Vegetation Management Regulation 2012</td>
</tr>
<tr>
<td>Land Protection (Pest and Stock Route Management) Act 2002</td>
</tr>
<tr>
<td>Land Protection (Pest and Stock Route Management) Regulation 2003</td>
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<tr>
<td>Fisheries Act 1994</td>
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<tr>
<td>Environmental Protection and Other Legislation Amendment Act 2000</td>
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<tr>
<td>Strategic Cropping Land Act 2011</td>
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<tr>
<td>Queensland Biodiversity Offset Policy 2011</td>
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<tr>
<td>Soil Conservation Act 1986</td>
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<tr>
<td>Resources</td>
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<tr>
<td>Petroleum Act 1923</td>
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<tr>
<td>Petroleum and Gas (Production and Safety) Act 2004</td>
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<tr>
<td>Petroleum and Gas (Production and Safety) Regulation 2004</td>
</tr>
<tr>
<td>Mineral Resources Act 1989</td>
</tr>
<tr>
<td>Mineral Resources Regulation 2013</td>
</tr>
<tr>
<td>Greenhouse Gas Storage Act 2009</td>
</tr>
<tr>
<td>Forestry Act 1959</td>
</tr>
</tbody>
</table>
1.6.2.1 **Environment Protection and Biodiversity Conservation Act 1999**

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) identifies and provides protection for Matters of National Environmental Significance. It streamlines national environmental assessment and approval processes, protects Australian biodiversity and integrates management of important natural and cultural places.

Under the EPBC Act an action will require approval from the Commonwealth Environment Minister if the action has, will have, or is likely to have a significant impact on a Matter of National Environmental

| Cultural Heritage | Queensland Heritage Act 1992  
|                  | Aboriginal Cultural Heritage Act 2003  
|                  | Aboriginal Land Act 1991  
| Development and Operations | Sustainable Planning Act 2009  
|                  | Sustainable Planning Regulation 2009  
|                  | Building Act 1975  
|                  | Building Regulation 2006  
|                  | Building Code of Australia 2008  
|                  | Liquor Act 1992  
|                  | Food Act 2006  
|                  | Food Regulations 2006  
|                  | Water Supply (Safety and Reliability) Act 2008  
|                  | Electricity Act 1994  
|                  | Plumbing and Drainage Act 2002  
| Land, Roads and Rail | Transport Infrastructure Act 1994  
|                  | Local Government Act 2009  
|                  | State Development and Public Works Organisation Act 1971  
|                  | Land Act 1994  
| Health, Safety and Employees | Coal Mining Safety and Health Act 1999  
|                  | Queensland Work Health and Safety Act 2011  
|                  | Workplace Health and Safety Act 1995  
|                  | Building and Construction Industry Payments Act 2004  
|                  | Subcontractors’ Charges Act 1974  
| Dangerous Goods | Explosives Act 1999  
|                  | Explosives Regulation 2003  
|                  | Transport Operations (Road Use Management) Act 1995  
|                  | Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008  
|                  | Australian Dangerous Goods Code  

![Northern Energy Corporation Limited](image)
Significance, where a Matter of National Environmental Significance is:

- World Heritage properties;
- National Heritage Places;
- RAMSAR wetlands of international importance;
- Listed Threatened species and communities;
- Migratory species protected under international agreements;
- Nuclear Actions;
- The Great Barrier Reef Marine Park;
- The Commonwealth marine environment; or
- A water resource, in relation to coal seam gas development and large coal mining development.

Permits are required under the EPBC Act for:

- Certain activities in Commonwealth reserves;
- Activities that affect listed or threatened species and communities;
- The import and export of wildlife; and
- Activities involving protected species in the Territories of Christmas Island, Cocos (Keeling) Islands and Coral Sea Islands.

1.6.2.2 Native Title Act 1993

The Native Title Act 1993 recognises native title rights and provides the government with ways in which to validate or legitimise past acts such as granting of leases. This legislation provides for the determination of native title claims, the treatment of future acts which may impact on native title rights and the requirement for consultation and/or notification to relevant native title claimants, where future acts are involved.

The proponent recognises that the Iman People No. 2 (National Native Title Tribunal No. QC97/55; Federal Court No. QUD 6162/98) are registered as the native title claimants over the Project area.

1.6.2.3 National Greenhouse and Energy Reporting Act 2007

The National Greenhouse and Energy Reporting Act 2007 (NGER Act) establishes a national framework for Australian corporations to report greenhouse gas emissions, reductions, removals and offsets and energy consumption and production as of 1 July 2008.

Under the NGER Act, corporations are required to register and report if they emit greenhouse gases, produce energy or consume energy at or above the following annual thresholds:
• They control facilities that emit 25 kilotonnes (kt) or more of greenhouse gas, or produce / consume 100 terajoules (TJ) or more of energy; or

• Their corporate group emits 50 kt or more of greenhouse gas, or produce / consume 200 TJ or more of energy by 2010 / 2011.

This Act dictates the manner in which reporting needs to be undertaken.

1.6.2.4 Aboriginal and Torres Strait Island Heritage Protection Act 1984

The Aboriginal and Torres Strait Island Heritage Protection Act 1984 exists to provide for the protection of places, precincts and items of particular cultural significance to indigenous people in accordance with their traditions.

This Act allows traditional owners to make an application to the Commonwealth Department of Environment (DoE) to declare certain areas or objects as protected. The Proponent will need to abide by this ruling and ensure declared objects are protected or preserved.

Furthermore, under Section 20 of the Act, in the event that the Proponent discovers anything that they have ‘reasonable grounds to suspect to be Aboriginal remains’ they will need to report the ‘discovery to the Minister, giving particulars of the remains and their location’.

1.6.2.5 Environmental Protection Act 1994 and Environmental Protection and Other Legislation Amendments Act 2000

The EP Act was established to protect Queensland’s environment, while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.

The EP Act utilises a number of mechanisms to achieve its objectives. These include:

• Licensing or approving all Environmentally Relevant Activities (ERAs);

• Issuing Environmental Protection Policies (EPPs);

• Allowing for improvement through Environmental Management Programs; and

• Creating a General Environmental Duty.

Under the EP Act, the EHP has assumed responsibility for environmental impact assessment, administration of environmental authorities, as well as compliance, auditing and monitoring of environmental management of mining.

The amendments to the EP Act by the Environmental Protection and Other Legislation Amendment Act 2000 created a head of power for the EHP to facilitate government decision-making on environmental matters associated with mining activities.

The objective of the legislation is to give responsibility to the EHP for the assessment and decision-making on applications for environmental authorities (mining activities) and enforcement of the conditions of the authority.

Under the EP Act a proponent will be required to prepare an EIS if the EHP or the Minister decides an
EIS is appropriate for the mining project. The EP Act also provides for the proponent to prepare a voluntary EIS if it is considered the project may require an EIS. The proponent must apply to the EHP for approval to do so.

The EP Act also lists the ‘Standard Criteria’ referred to throughout the EIS and approvals process. These criteria, and the Project’s compatibility with the criteria, are discussed in Appendix D.

Section 36 of the EP Act established a duty for a person to take all reasonable and practicable measures for protecting the environment from harm when carrying out an activity that causes, or is likely to cause, environmental harm. The general environmental duty places a clear onus on operators of industrial sites to develop and implement measures for preventing environmental harm.

1.6.2.6 Environmental Protection Regulation 2008

The objective of the *Environmental Protection Regulation 2008* (EP Regulation) is to provide the basis for effective and efficient administration and enforcement of the object and provisions of the EP Act.

Under the EP Regulation, a mining activity requires an EA under the EP Act. The holder of a mining tenement cannot carry out any mining activities on site unless those activities are authorised by an EA for the related tenement. Therefore, the applicant for the mining tenement must also apply for an EA.

If the Project is approved, the EA will be issued with specific conditions relating to matters such as emissions control, maximum emissions levels, waste management, monitoring and reporting.

Table 1.3 describes the activities proposed to be conducted on the Project which would otherwise be ERAs as per Schedule 2 of the EP Regulation if the Project were not considered as a resource activity requiring an environmental authority. However, mining projects are covered separately under Schedule 2A of the EP Regulation and the Aggregate Environmental Score for the Project is shown in Table 1.4.

<table>
<thead>
<tr>
<th>Environmentally Relevant Activity</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemical Storage</td>
<td>Storing 200m³ or more of chemicals that are liquids, other than chemicals mentioned in items 1 to 3 under Schedule 2, section 8, subsection (1)(d)</td>
</tr>
<tr>
<td>Fuel burning</td>
<td>Fuel burning operation using equipment capable of burning at least 500kg/hr</td>
</tr>
<tr>
<td>Extractive and Screening Activities</td>
<td>Extracting more than 1,000,000 tpa of material; Screening more than 1,000,000 tpa of material</td>
</tr>
<tr>
<td>Crushing, milling, grinding or screening</td>
<td>More than 5,000 t of materials in a year</td>
</tr>
<tr>
<td>Mineral Processing</td>
<td>Processing, in a year, the following quantities of mineral products, other than coke - more than 100,000 t</td>
</tr>
<tr>
<td>Environmentally Relevant Activity</td>
<td>Threshold</td>
</tr>
<tr>
<td>-----------------------------------</td>
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</tr>
<tr>
<td>Bulk material handling</td>
<td>loading or unloading 100 t or more of minerals in a day or stockpiling 50000 t or more of minerals</td>
</tr>
<tr>
<td>Regulated Waste Storage</td>
<td>Receiving and storing regulated waste</td>
</tr>
<tr>
<td>Waste Disposal</td>
<td>Waste disposal facility (regulated and general waste) &lt;50,000 tpa</td>
</tr>
<tr>
<td>Sewage Treatment</td>
<td>Treatment Plant for &gt;100-1500 Equivalent Persons with effluent discharged from works to an infiltration trench or through an irrigation scheme</td>
</tr>
</tbody>
</table>

Table 1.4  Mining Projects and their Aggregate Environmental Score

<table>
<thead>
<tr>
<th>Activity</th>
<th>Aggregate Environmental Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Mining Black Coal</td>
<td>128</td>
</tr>
</tbody>
</table>

1.6.2.7  Environmental Protection (Air) Policy 2008

The Environmental Protection (Air) Policy 2008 (EPP (Air)) was developed to identify and protect environmental values of the atmosphere that are conducive to the health and well-being of humans and biological integrity. The administering authority must consider the requirements of the EPP (Air) when it decides an application for an environmental authority, amendment of a licence or approval of a draft environmental management plan. Schedule 1 of the EPP (Air) specifies air quality indicators and goals for Queensland.

1.6.2.8  Environmental Protection (Noise) Policy 2008

The Environmental Protection (Noise) Policy 2008 (EPP (Noise)) provides the framework for the administration and enforcement that aims to meet the objectives of the EP Act with respect to acoustic environmental values.

Section 10 of the EPP (Noise) states:

The environmental values to be enhanced or protected under this policy are the qualities of the acoustic environment that are conducive to:

(a) The wellbeing of the community or a part of the community, including its social and economic amenity; or

(b) The wellbeing of an individual, including the individual's opportunity to have sleep, relaxation and conversation without unreasonable interference from intrusive
environmental noise.

1.6.2.9 Environmental Protection (Water) Policy 2009

Environmental Protection (Water) Policy 2009 (EPP (Water)) provides the basis for the effective administration and enforcement of the EP Act.

Section 6 of the EPP (Water) states that the document's purpose is to provide a framework for:

(a) identifying environmental values and management goals for Queensland waters; and
(b) stating water quality guidelines and water quality objectives to enhance or protect the environmental values; and
(c) providing a framework for making consistent, equitable and informed decisions about Queensland waters; and
(d) monitoring and reporting on the condition of Queensland waters.

1.6.2.10 Environmental Protection (Waste Management) Regulation 2000

The Environmental Protection (Waste Management) Regulation 2000 (EPR (Waste Management)) aims to protect the environment through minimising the impact of waste on the environment and establishing an integrated framework for minimising and managing waste under the principles of ecologically sustainable development. Of relevance to the Project, Part 2A of the EPR (Waste Management) includes provisions regarding general waste management.

1.6.2.11 Queensland Biodiversity Offset Policy 2011

The policy establishes a framework for using environmental offsets in Queensland. The policy is a specific-issue offsets policy under the Queensland Government Environmental Offsets Policy and is administered by the EHP.

The purpose of this policy is to increase the long-term protection and viability of the state's biodiversity, by limiting residual impacts from development on areas possessing State significant biodiversity values. Environmental impacts from development must first be avoided and, if not avoidable, then minimised. Environmental offsets may be used to counterbalance any remaining loss of environmental values. The policy will ensure that offsets are used consistently and transparently across the State, as a last line of environmental preservation response.

The policy applies to level 1 mining activities under the EP Act, of which the Elimatta Project has been assigned. The policy has been addressed during the development of the EIS.

1.6.2.12 Mineral Resources Act 1989


Specifically, two principal objectives of the MR Act 1989 are to:
• Promote responsible land care management; and
• Encourage environmental responsibility.

1.6.2.13 Electricity Act 1994

Under the Electricity Act 1994, the Regulator issues authorities (licences) for generation, transmission, distribution and retail activities in Queensland's electricity industry.

A generation authority allows connection of a generating plant to a transmission grid or supply network. It also allows selling electricity, either through the National Electricity Market or as otherwise specified.

This is not envisaged for the Elimatta Project and would not be considered unless the cost of grid connection infrastructure plus the costs to purchase energy through the market became excessive. The Department of Energy and Water Supply will be contacted to discuss relevant licensing requirements under the Electricity Act 1994 if the total generation capacity for the Project is anticipated to exceed 30 megawatts (MW) or a connect to the grid is proposed which may require authorisation.

1.6.2.14 Electricity Regulation 2006

Under section 130 of the Electricity Regulation 2006, operation of a generating plant with a capacity of 30 megawatts (MW) or less requires special approval for connection of that plant to a transmission grid or supply network with the intent to sell electricity generated by that plant.

1.6.2.15 Water Act 2000

The purpose of the Water Act 2000 is to provide for the sustainable management of water and other resources and the establishment and operation of water authorities, and for other purposes. The Project occurs in the vicinity of Horse Creek which is a watercourse that has been identified to be subject to the provisions of the Water Act 2000 (Qld).

1.6.2.16 Water Resource (Fitzroy Basin) Plan 2011

Section 38 of the Water Act 2000 provides for the Minister to prepare a water resource plan for any part of Queensland to advance the sustainable management of water. The Water Resource (Fitzroy Basin) Plan 1999 was first released as a Water Allocation Management Plan prior to the act in December 1999.

The objective of the current plan is to provide a framework for the allocation and sustainable management of surface water (including overland flow water) and groundwater (subartesian water) in the plan area to meet future water requirements, including the protection of natural ecosystems and security of supply to water users. The plan area includes the Comet, Nogoa, Mackenzie, Isaac, Connors, Dawson and Fitzroy rivers. The plan area also includes the Callide, Carnarvon, Highlands, Isaac Connors and Fitzroy groundwater management areas.

The provisions of the Fitzroy Basin Plan will apply to the Project where any water is taken from any groundwater or surface water body (including any overland flow).
1.6.2.17 Nature Conservation Act 1992 and Subordinate regulations

The most relevant portions of the Nature Conservation Act 1992 (NC Act) to the Project are the sections which pertain to Wildlife and Habitat Conservation. The classes of wildlife\(^1\) to which the NC Act 1992 applies includes protected wildlife, which is defined as:

- Extinct in the wild wildlife;
- Endangered wildlife;
- Vulnerable wildlife;
- Near threatened wildlife; and
- Least concern wildlife.

Species listed under the above classes are published in the associated Nature Conservation (Wildlife) Regulation 2006 (NCWR).

The NC Act 1992 defines ‘threatening processes’ as:

(a) Threatening the survival of any protected area, area of major interest, protected wildlife, community of native wildlife or native wildlife habitat; or

(b) Affecting the capacity of any protected area, area of major interest, protected wildlife, community of native wildlife or native wildlife habitat to sustain natural processes.

The tenements are not subject to any “protected areas” under Part 4 of the NC Act or “forest reserves” under Part 4A of the NC Act. However, the NC Act is relevant to the Project should any flora or fauna species of conservation significance, as detailed in the NCWR, be found on the Project.

The Nature Conservation (Wildlife Management) Regulation 2006 (NCWMR) prohibits the taking or destruction, without authorisation, of listed protected plants and animals. Section 332 of the NCWMR prohibits without a reasonable excuse, tampering with an animal's breeding place. Tampering with an animal's breeding place is only allowed under an approved Species Management Programme (SMP). Consequently, the clearing of vegetation that interferes with animal breeding places must be executed in conjunction with an approved SMP that is relevant to the species being affected. A letter of approval from EHP's Director, Wildlife allows for the implementation of a generic SMP for most least concern species (excluding special least concern animals and colonial breeder species). In addition to the generic SMP, separate SMP's must be compiled for Endangered, Vulnerable and Near Threatened (EVNT) animal species, colonial breeders and special least concern animals.

Under the Nature Conservation (Administration) Regulation 2006 a rehabilitation permit can be issued to a suitable person (spotter catcher) to relocate animals that would be under threat from development activities.

Sections of Part 2 Division 2-4 of the Nature Conservation (Wildlife) Regulation 2006 deals with EVNT species. In an event that an EVNT plant species is identified, for example through further survey work, ad hoc observations or a pre-clearing survey, a clearing permit application must be made for plants

\(^1\)Under the Nature Conservation Act 1992, Wildlife is defined to be any taxon of an animal, plant, protista, procaryote or virus.
that are listed as EVNT, unless exempt under section 41(1) or (2) of the Nature Conservation (Protected Plants) Conservation Plan 2000.

1.6.2.18 Vegetation Management Act 1999

The Vegetation Management Act 1999 (VM Act) was proclaimed as part of a planning framework for the management of native vegetation across Queensland. The Vegetation Management Regulation 2012 (VMR) prescribes the status of each of the Regional Ecosystems identified to occur within Queensland.

Although the VM Act does not apply to the clearing of vegetation on a mining tenement, the scientific basis for biodiversity conservation is still valid and can be used to assess the conservation significance of the vegetation communities on the Project.

1.6.2.19 Land Protection (Pest and Stock Route Management) Act 2002

The objectives of the Land Protection (Pest and Stock Route Management) Act 2002 (LP Act) are to consolidate, amend and provide laws for the management, control, prohibition, and regulation of the introduction, spread and keeping of certain plants and animals declared under the Act. The LP Act is relevant to the Project with regard to the control and management of declared pest plant (weed) and animal species.

Additionally, under the LP Act, the integrity of stock routes must also be maintained. Under the LP Act, the administration of the SRN is shared between local government and the Department of Natural Resources and Mines (DNRM). Local government is responsible for day-to-day management, while DNRM is responsible for providing the framework of legislation and policy for stock route management and support for local governments.

Reserves for travelling stock are managed as part of the SRN under the Land Protection (Pest and Stock Route Management) Act 2002, with most under the trusteeship of local government. A camping reserve is situated within the southern MLA area and two stock routes intersect the Rail and Service Corridor. As such, the development of the Elimatta Project will need to consider impacts to the SRN.

1.6.2.20 Petroleum and Gas (Production and Safety) Act 2004

The Petroleum and Gas (Production and Safety) Act 2004 (Petroleum Act) is an Act primarily about regulating the exploration and production of petroleum and transporting by pipeline, petroleum and fuel gas and ensuring the safe and efficient carrying out of those activities. While the Project does not involve the development of petroleum resources, its construction and operation has potential to impact upon pipeline developments and other petroleum exploration and production activities in the area. The implications of the Petroleum Act should be considered during the planning and development phases of the Project.

1.6.2.21 Aboriginal Cultural Heritage Act 2003

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

The Aboriginal and Cultural Heritage Act 2003 prescribes Duty of Care provisions as:

“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 *Aboriginal and Cultural Heritage Act 2003* requires a Cultural Heritage Management Plan or another approved agreement be prepared for any project undertaking an EIS.

### 1.6.2.22 Forestry Act 1959

Depending on the location and existing tenure of the site, various pieces of legislation may be triggered, such as the *Forestry Act 1959* (Forestry Act). The Forestry Act provides for the sale and disposal of forest products and quarry material. All forest products and quarry materials on State land and some freehold land are the property of the State under the Forestry Act. The Forestry Act is administered by the Department of Agriculture, Forestry and Fisheries (DAFF).

Development approval under the *Sustainable Planning Act 2009* will also be triggered for any quarry expansions or new quarries, depending on the location and nature of the proposed quarrying or extractive activity. Other approval requirements may be triggered, such as vegetation clearance permits under the VM Act or an Environmentally Relevant Activity (ERA) (extraction) under the EP Act. Under section 236 of the MR Act, a holder of a ML is entitled to use sand, rock and gravel for the purposes of constructing infrastructure on the specific ML. Accordingly, a sales permit for the use of quarry material within a specific ML area may not be required. A sales permit, however, may be required for the use and/or interference of forest products and/or quarry material taken offsite form a specific ML (i.e. removed from a ML, or removed from one ML and transported to, and used on, a contiguous ML or other lands).

Suitable arrangements (i.e. compensation, alternative access, etc.) with DAFF and other affected parties must be negotiated and/or implemented where the project, including proposed infrastructure and/or any proposed offset areas, will possibly sterilise, restrict the utilisation and/or adversely impact on access to currently exploited or other commercial deposits of quarry material and/or forest products administered under the Forestry Act.

Where commercial quantities of State-owned forest products administered under the Forestry Act (i.e. log, pole, fencing timbers, etc.) will be interfered with (i.e. cleared, destroyed, etc.) assistance to DAFF in arranging a timber salvage operation prior to any proposed vegetation clearing is required. Where a timber salvage operation is not possible compensation may need to be paid to DAFF.

Searches have indicated that MLAs 50254, 50270 and 50271 and the WSL alignment are not subject to any areas of State forest, timber reserves or forest entitlement areas. The conditions and restrictions under the Forestry Act that attach to these types of areas will not apply to the Elimatta Project.

The Forestry Act also contains general restrictions on interfering with forest products and quarry material, regardless of whether this occurs within a State forest, timber reserve or forest entitlement area.

For future ML areas – Taroom Coal is not permitted to destroy a tree, or get other forest products or quarry material, unless authorised under a permit, lease, licence, agreement or contract granted under the Forestry Act or another Act, including the MR Act or EP Act.

- For sand, gravel and rock: a mining lease holder is authorised to use these materials under s 236 of the MR Act.
• For forest products or quarry material other than sand, gravel or rock: The MR Act does not deal with such products, and therefore NEC may interfere only if authorised under the terms of the mining lease or environmental authority. If not, then a separate permit or licence under the Forestry Act will be required.

For the WSL – Taroom Coal will require a permit or licence under the Forestry Act to interfere with forest products or quarry material.

1.6.2.23 Strategic Cropping Land Act 2011

The Strategic Cropping Land Act 2011 provides a framework for protecting Queensland’s best cropping land. Strategic Cropping Land (SCL) is a finite resource that is subject to competing land uses from agriculture, mining and urban development sectors. The Queensland government recognises that SCL must be conserved and managed for the long-term benefit of all Queenslanders.

SCL legislation applies to approximately 42 million ha of Queensland. Within this area, trigger mapping identifies 7.57 million ha as areas where SCL may exist and where developers will need to undertake on-ground assessments using the proposed criteria. The proposed Elimatta MLA area contains potential SCL as defined by the trigger mapping. As such, SCL legislation is relevant to the proposed development. At the time of EIS submission, Taroom Coal had made validation applications for land underlying its MLAs. As the Project is located within a Management Area, any land determined to be SCL or potential SCL will be subject to mitigation under the SCL Act, prior to development.

1.6.2.24 Land Act 1994

The Land Act 1994 (Land Act) provides a framework for the allocation of State land as leasehold, freehold or other tenure and their subsequent management. Where electricity, water, or other infrastructure is to be developed on unallocated State land or reserves, an application for a registered easement containing the departments Mandatory Standard Terms is required in order the support infrastructure and services on unallocated State land and reserves.

Additionally, the Land Act is relevant to the development of the Project through its designation of reserves. A ‘reserve for travelling stock’ is a reserve under the Land Act designated for travelling stock purposes. Reserves for travelling stock include:

• camping and water reserves;
• pasture reserves; and
• trucking reserves.

1.6.2.25 Transport Infrastructure Act 1994

The Transport Infrastructure Act 1994 (TI Act) was established to allow for and encourage effective integrated planning and efficient transport infrastructure management. The TI Act provides for the planning and management of road, rail, and air infrastructure (amongst others). Road diversions and the development of the Rail and Services Corridor will impact upon matters dealt with under the TI Act. The appropriate approvals will be sought during the development of the Project.
1.6.2.26  Explosives Act 1999

The Explosives Act 1999 assists the DNRM in its role in ensuring that the community is safe from the hazards of explosives.

Accordingly, under the Explosives Act 1999, various licences and/or permits are required for the use, storage, transportation, manufacture, and possession of explosives. With relevance to the construction and operation of the Project, a Licence to Use Explosives (section 53 of the Explosives Act 1999) will be required. Under section 29 of the Explosives Regulation 2003, a License to Use Explosives permits the use, possession, storage and transportation of explosives in the manner stated in the licence.

1.6.2.27  Queensland Heritage Act 1992

The Queensland Heritage Act 1992 (QH Act) exists for the protection of Queensland’s historical Cultural Heritage since the time of non-indigenous settlement. It provides for the maintenance of a Queensland Heritage Register that records places of significance. Criteria for such places of significance are listed in the Act. The main objectives of the Act are to:

- Provide for the establishment of Queensland heritage council;
- Provide maintenance of a register of places of significance;
- Regulate development of registered places;
- Provide heritage agreements to encourage conservation of regulated places;
- Regulate excavation of sites that contain or may contain objects of significance to Queensland’s Cultural Heritage; and
- Provide appropriate powers of protection enforcement.

In accordance with the requirements of section 89 of the QH Act, where ‘an archaeological artefact that is an important source of information about an aspect of Queensland’s history is uncovered, and then the Proponent will contact the EHP for direction.

1.6.2.28  Fisheries Act 1994

The main purpose of the Fisheries Act 1994 is to provide for the use, conservation and enhancement of the community fisheries resources and fish habitats as a way to apply and promote the principles of ecologically sustainable development. This means using, conserving and enhancing the community’s fisheries so that ecological processes on which life depends are maintained and the total quality of life, both now and in the future can be enhanced.

1.6.2.29  Sustainable Planning Act 2009

The purpose of the Sustainable Planning Act 2009 (SP Act) is to seek to achieve ecological sustainability by:

- (a) Managing the process by which development takes place, including ensuring the process is
accountable, effective and efficient and delivers sustainable outcomes;

(b) Managing the effects of development on the environment, including managing the use of premises; and

(c) Continuing the coordination and integration of planning at the local, regional and State levels.

Section 232(2) of the \textit{SP Act} legislates that the \textit{Sustainable Planning Regulation 2009} may define development that is not covered by the Act. Schedule 4 Table 5 Items 1 and 2 of the \textit{Sustainable Planning Regulation 2009} defines that activities authorised under the MR Act or mining activities subject to an EA under the EP Act are not declared to be a development under the SP Act.

Should any development be proposed on areas off the ML (such as the development of the Rail and Services Corridor), the above exemptions would not apply and the development may constitute an assessable development for which a development application is required. This is likely for the development of the Rail and Services Corridor which will require separate approvals as outlined in Section 1.6.1.

1.6.2.30 Building Act 1975

In the context of the development, the purpose of the \textit{Building Act 1975} (Building Act) is to regulate building development approvals, building works, building classification and building certificates.

Under section 319 of the MR Act, carrying out building work for development authorised under the MR Act, is regarded as ‘self-assessable’ for the purposes of the SP Act (i.e. a development application is not required), subject to compliance with section 21(1)(b) of the Building Act.

As such, any off lease developments (outside the scope of the MR Act) will adhere to the conditions of the \textit{Building Act 1975}.

1.6.3 Planning Processes and Standards

The SP Act establishes the framework for planning and development assessment in Queensland. Section 232(2) of the SP Act and Schedule 4 of the SP Regulation declares that activities authorised under the MR Act and all aspects of development for a mining activity to which an environmental authority (mining activities) applies under the EP Act need not be assessed against a planning scheme.

Regardless of the exemptions of the mining activities from the SP Act, an assessment of the Project has been undertaken against the State Planning Polices and the Taroom Shire Planning Scheme. An assessment of the Project against the provisions of these policies, plans and schemes is provided in the following sections to identify relevant land use planning issues. Furthermore, the key codes, standards and guidelines that are relevant to the monitoring and control of the Project’s operations onsite are identified in section 1.6.3.4.

1.6.3.1 State Planning Policies

Effective on the 2nd December 2013, the Queensland Government has established a new approach to state planning policies that simplifies and clarifies state interests. This new approach means that a single state planning policy has been developed to replace the multiple policies previously in existence. The State Planning Policy (SPP) defines the Queensland Government’s policies about
matters of state interest in land use planning and development. It is a statutory planning instrument prepared under the Sustainable Planning Act 2009.

Mining activities are regulated by the Mineral Resources Act 1989 and the Environmental Protection Act 1994, and major infrastructure projects may be partly regulated by the State Development and Public Works Organisation Act 1971 and partly by the planning Act.

As noted, the Elimatta Project is regulated by the MR Act and the EP Act. The development is required to, to the extent provided for under its regulatory legislation, give due regard and consideration to state and local planning instruments, including the SPP and regional plans.

In some instances, the EIS and associated appendices still make reference to former State Planning Policies which were in place at the time of publication or were specifically referenced in the TOR for the EIS. These are noted in Table 1.5.

<table>
<thead>
<tr>
<th>State Planning Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPP 1/03 Guideline: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide</td>
<td>This SPP aims to minimise the potential adverse impacts of flood, bushfire and landslide on people, property, economic activity and the environment.</td>
</tr>
<tr>
<td>SPP 1/92 Development and the conservation of Good Quality Agricultural Land</td>
<td>This SPP seeks to protect good quality agricultural land from subdivision into uneconomic units and to minimise the potential for land use conflicts between agricultural and non-agricultural land uses. This EIS addresses the potential impact of the Project on the protection of good quality agricultural land in Section 4.2.1.6 and Section 4.2.2.2.</td>
</tr>
</tbody>
</table>

1.6.3.2 Western Downs Regional Council

In 2008 the former shire councils of Murilla, Chinchilla, Tara, Dalby, Wambo and parts of Taroom were conglomerated to form the Western Downs Regional Council (formerly Dalby Regional Council). At present, the Western Downs Regional Council has a draft planning scheme available for public comment. Until such time that the scheme is approved, the region operates under the planning schemes of each of the former shire councils. The Project lies within the former Taroom Shire and the planning scheme for this shire is discussed in Section 1.6.3.3 below.

1.6.3.3 Taroom Shire

Planning Schemes

The Project area lies within the former Taroom Shire. The Taroom Shire Planning Scheme (the Planning Scheme) came into effect on the 30 June 2006.

Part 3 of the document defines the strategic direction of the Planning Scheme as three key areas:

- The Natural Environment – ecological systems, unique natural environments and places of cultural and heritage significance should be protected and enhanced by development;

- Economic Development – the economy of the region should be enhanced and diversified
through the sustainable use of natural resources (including land and mineral resources) and through a wide range of other economic activities that respect the hierarchy of the urban centres of Taroom and Wandoan and the small town of Guluguba; and

- Community and Services – development should be consistent with community expectations and needs, and contributes to community well-being through enhancement of core community elements (including built environment, services, facilities and infrastructure).

The Project area lies within the Rural Zone under the planning scheme. Rural zoning allows for extractive industries, when they are located and operated so as to ensure no detrimental impact on surrounding uses or on the environment, and when they cannot be reasonably located within the Industrial Zone (s4.1.3.3(5)(c) & (d)).

**Local Laws**

A local law is a law adopted by a local government that reflects community needs and ensures the good rule and government of the local government area. Local laws are created via the process set out in the *Local Government Act 1993*.

Prior to local government amalgamations on 15 March 2008, the Project area was formerly within the Taroom Shire local government area. In accordance with part 2, division 3 of the *Local Government Reform Implementation Regulation 2008*, until local laws are adopted that apply to the entire local government area (or until 31 December 2010, whichever comes first) the local laws in place for the former Taroom Shire local government areas continue to apply in that geographical area.

Only Taroom Shire Local Law No. 21 (Roads) is relevant to the Project, due to the impacts of construction and operational traffic on the local road network. This local law is primarily intended to confer on the Western Downs Regional Council certain powers incidental to its responsibilities for roads within its area.

The local law details that a licence is required for the following activities:

- alterations or improvements to a local government road; and

- use of local government roads for regulated purposes, being the discharge of stormwater or wastes or the deposit of goods or materials.

The local roads which will require alterations or improvements as a result of the Project include:

- Perretts Road - will be relocated to the east;

- Part of Ryals Road across Horse Creek to the Yuleba-Taroom Road and part of the Yuleba-Taroom Road in the vicinity of the Project infrastructure area will be upgraded;

- Cattle Camp Road will be upgraded to provide access to the Accommodation Village; and

- During the development of the WSL, suitable public road rail crossings and minor road realignments will be instated at:
  - Nathan Road;
  - Leichhardt Highway and Booral Road/No. 1 Lane;
o Grosmont Road;

o Kabunga Road; and,

o Perretts Road.

Furthermore, the Proponent recognises that in accordance with local laws, that should they negligently damage local government roads (or structures associated with local government roads) they will be liable to the Council for the damage caused.

1.6.3.4 Codes, Standards and Guidelines

Through this EIS, the Project will be governed by the following Codes, Standards and Guidelines which may be further discussed and referenced in the Sections of this EIS pertaining to the areas covered by each individual Code, Standard or Guideline:

- EHP (formerly DERM) Guideline – Mining – The EIS process for level 1 mining projects (2011);
- EHP (formerly DERM) Guideline – Mining – Issue identification and community consultation (2011);
- EHP (formerly DERM) Guideline – Mining – Rehabilitation requirements for mining projects (2011);
- Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland (Department of Environment 1998);
- EcoAccess Operational Policy – Licensing: Waste Water Discharge to Queensland Waters (2007);
- A Policy Framework to Encourage Progressive Rehabilitation of Large Mines (Environmental Protection Agency 2004 with 2008 amendment);
- EcoAccess Guideline – ERA 75 Waste Disposal: Landfill Siting, Design, Operation and Rehabilitation (2008);
- EcoAccess Guideline – Mining – 8: Preparing an Environmental Management Overview Strategy (EMOS) for Non-Standard Mining Projects (2003);
- EcoAccess Guideline – Noise: Noise and vibration from blasting (2006);
- EHP (formerly DERM) Guideline – Mining – Final and progressive rehabilitation reports and audit statements for level 1 mining lease projects (2011);
- EHP (formerly DERM) Guideline – Calculating financial assurance for mining activities (2011);
- Code of environmental compliance for environmental authorities for high hazard dams containing hazardous waste;
- Queensland Government Environmental Offsets Policy (Environmental Protection Agency...
• EHP (formerly DERM) Guideline – Resource Assessment: Establishing draft environmental values, management goals and water quality objectives (2010);

• Queensland Water Quality Guidelines (DERM 2009);

• Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland (Department of Minerals and Energy 1995);

• Guidelines for Assessment of Road Impacts of Development (Department of Main Roads 2006);

• Australian Standard 1940-2004: Storage and Handling of Flammable and Combustible Liquids;

• Australian Standard 3780-2008: The Storage and Handling of Corrosive Substances;


• Australian Standard ISO 31000-2009: Risk Management;

• Australian Standard 1269-2005: Occupational Noise Management;

• JORC Code: Australasian Code for Reporting of Mineral Resources and Ore Reserves (the JORC Code);

• Department of Primary Industries Planning Guideline: The Identification of Good Quality Agricultural Land (DHLGP 1993);

• Australia and New Zealand Environment and Conservation Council (2000) Guideline: National Water Quality Management Strategy and the Australian Water Quality Guidelines for Fresh and Marine Waters; and

• National Environmental Protection Measures (NEPM) for Ambient Air Quality.
1.7 ACCREDITED PROCESS FOR CONTROLLED ACTIONS UNDER COMMONWEALTH LEGISLATION

Development likely to have a significant impact on a Matter of National Environmental Significance requires referral to the Commonwealth to determine whether the proposed action is a controlled action under the EPBC Act.

The Project was referred to the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities on 28 March 2008 for consideration of the Project's likelihood to cause significant impact on Matters of National Environmental Significance protected under the EPBC Act (EPBC Referral Number: 2008/4130).

The referral to the Commonwealth was made due to the presence of Brigalow-dominant vegetation, an endangered ecological community listed under the EPBC Act, on the Project site. However, the remnant Brigalow holds little conservation value due to its relatively small extent across the site and degraded nature.

This process determined that the proposed Project is not considered a controlled action and, as such, does not require assessment and approval by the Minister for the Environment, Heritage and the Arts before it can proceed. The Minister declared that the Project was not a controlled action on 1 May 2008. Consequently, there is no need for this EIS process to be accredited under the Bilateral Agreement for the assessment of the Project under Part 8 of the EPBC Act.

Water as a matter of national environmental significance was subsequently introduced by the Environment Protection and Biodiversity Conservation Amendment Act 2013 (Amendment Act). Section 22(2)(b) of the Amendment Act states that the amendments do not apply to a large coal mining development if the Minister has already determined that the action is not a controlled action. Consequently, the Elimatta Project is not subject to the new water trigger amendments.