

Appendix B

Development Approvals



Northern Energy Corporation Limited



DEVELOPMENT APPROVALS

Table 1 outlines the permits, licences, approvals and agreements likely to be required for the development of the Project, based on an analysis of the Project components known at the time of the EIS preparation.

Table 1 Likely Approvals Required for development of the Elimatta Project

Task Name (Approval)	Why it Applies/Works Description	Applicable Act	Administering Authority/Parties	Approval Timing
Mining Approvals				
Mining Lease	An ML is required to permit the undertaking of specified mining activities within the defined lease location.	<i>Mineral Resources Act 1989</i> , s245	Department of Natural Resources and Mines (DNRM).	No set statutory timeframe.
Land Approvals				
Landowner Compensation Agreement	Before an ML may be granted, compensation with all owners of land underlying the lease must be determined. Compensation to landowners can be determined by means of an agreement with the landowner or by a determination of the Land Court.	<i>Mineral Resources Act 1989</i> , s279 and s281	DNRM; Land Court; Landowners.	There is no set statutory timeframe. Note that an ML will not be granted until compensation is determined and filed with the mining registrar.



Task Name (Approval)	Why it Applies/Works Description	Applicable Act	Administering Authority/Parties	Approval Timing
Resources tenement overlap agreements	Holder of an EPM, EPC or MDL that overlaps a granted ATP may only carry out an authorised activity if the ATP holder agrees in writing or the activity does not adversely affect the carrying out of an activity under the ATP. Holder of an EPM, EPC or MDL must give notice to the holder of another MR Act tenement holder before applying for a ML. Consent is not needed where mining of the same minerals is not proposed.	<i>Mineral Resources Act 1989</i>	DNRM. A coordination agreement may be required in relation to Coal Seam Gas. Ministerial Approval will be needed for this coordination agreement. PL holders consent will be needed before undertaking activities. ATP holders consent or confirmation that activities under the ATP will not be adversely affected is also needed before undertaking activities. The consent from the holder of another MRA tenement is not required before an application for an ML is made where the two holders will not be mining for the same minerals. Notice of an application for an ML must be given.	Consents must be obtained from or notice must be given to holders of petroleum tenements before activities commence. Consent from the holders of mineral tenements (where it is the same mineral) must be obtained before an application for a ML is made. Notice of an application for a ML must be given to other MRA tenement holders before the application for the ML is made.
Stock Route Closures and Relocations	Permit is required that have the potential to adversely impact the stock route network by restricting or removing access rights for travelling stock.	<i>Land Protection (Pest and Stock Route Management) Act 2002</i>	DNRM.	There is no statutory timeframe for this approval.
Environmental Approvals				
Environmental Impact Statement	An EIS may be required as a prerequisite to the grant of an EA.	<i>Environmental Protection Act 1994, s162 and 163</i>	Department of Environment and Heritage Protection (EHP).	The EIS process can take up to 3 years to complete.



Task Name (Approval)	Why it Applies/Works Description	Applicable Act	Administering Authority/Parties	Approval Timing
Level 1 Environmental Authority (Mining Activities) and related documents, including: Environmental Management Plan, Plan of Operations, Financial Assurance	All new mining activities must apply for an environmental authority.	<i>Environmental Protection Act 1994, s154</i>	EHP.	There is no set statutory timeframe for this Approval.
Clearing Native Vegetation (Development Permit)	Removal of Native Vegetation	<i>Sustainable Planning Act 2009 Vegetation Management Act 1999 Nature Conservation Act 1992</i>	Department of State Development, Infrastructure and Planning (DSDIP); DNRM; EHP.	Permit must be obtained before activities commence.
Water Approvals				
Development Permit (Water Licence) to take or interfere with water, including from a watercourse or overland flow or groundwater	Permits are required to advance sustainable management and efficient use of water.	<i>Water Act 2000, s206</i>	DNRM.	The Minister must not make a decision on the application for a water licence until at least 30 days after a notice of the proposal has been made available for public comment.
Riverine Protection Permit (Permit)	Where off-lease infrastructure may require the need to:- - destroy vegetation in a watercourse; - excavate in a watercourse; - place fill in a watercourse	<i>Water Act 2000, s266</i>	DNRM.	There is no set statutory timeframe for this approval.
Watercourse Diversion (Licence)	Diversion of watercourse flows for construction	<i>Water Act 2000</i>	DNRM.	There is no set statutory timeframe for this approval.



Task Name (Approval)	Why it Applies/Works Description	Applicable Act	Administering Authority/Parties	Approval Timing
Construction of a Waterway Barrier (Permit)	For off-lease construction or raising any barrier across a waterway (freshwater or tidal) requires a development approval	<i>Sustainable Planning Act 2009</i> <i>Fisheries Act 1994.</i>	DSDIP; Department of Agriculture, Fisheries and Forestry (DAFF).	80 business days
Dam - not located on a watercourse, but capture overland flow	Construction of environmental dams	<i>Water Resource (Fitzroy Basin) Plan 2011, s110</i>	DNRM.	There is no set statutory timeframe for this approval.
Native Title Approvals/Cultural Heritage Approvals				
Preparation of: Written agreement with relevant Native Title claimants; or Duty of Care Statement; CHMP	When constructing the Project, all reasonable and practicable measures must be taken to ensure it does not harm ACH. In support of the above Duty of Care, the preparation of a CHMP will be required in consultation with the Traditional Owner claimants for the Project area. This is to be augmented by a Duty of Care Statement.	<i>Aboriginal Cultural Heritage Act 2003</i>	Department of Aboriginal and Torres Strait Islander and Multicultural Affairs – Cultural Heritage Coordination Unit; Iman People # 2 Native Title Claimants.	Part 7 ACHA timetable. Notices 30 days. Consultation 84 days. Mediation (up to 2 months) Land Court 4 months if no agreement on CHMP.
Infrastructure Approvals				
Authorisation to relocate or interfere with utilities	Required to protect the integrity of infrastructure and service delivery. Further implications for approvals need to be determined based on specific circumstances encountered.	Relevant legislation will be dependent on the nature of utilities encountered and affected by Project construction.	Infrastructure owners/operators.	To be affirmed.



Task Name (Approval)	Why it Applies/Works Description	Applicable Act	Administering Authority/Parties	Approval Timing
Acquisition of land required for Rail and Services Corridor	<p>A number of options are available to Taroom Coal to acquire the land required for the corridor:</p> <ul style="list-style-type: none"> • Compulsorily acquire the land pursuant to the <i>State Development and Public Works Organisation Act 1971</i> (SDPWO Act), including obtaining a declaration of “infrastructure facility of significance”; • Acquire the land under the <i>Transport Infrastructure Act 1994</i> (TI Act); or • Obtain registered easements over the land in accordance with the <i>Land Title Act 1994</i>. <p>Under the SDPWO Act, land may be compulsorily acquired by:</p> <ul style="list-style-type: none"> • Declaration of the corridor as a “significant infrastructure project” (s125); or • Declaration of the land required as a “state development area” (Part 6). <p>Where acquisition of land is achieved under the TI Act, the State remains owner of the land, but sub-leases the land to the non-accredited railway manager, if the manager agrees to meet the full costs of acquisition by the State and any other terms decided by the Chief Executive.</p>	<p><i>State Development and Public Works Organisation Act 1971</i> <i>Transport Infrastructure Act 1994</i> <i>Land Title Act 1994</i></p>	<p>DSDIP – Coordinator-General; DTMR; DNRM.</p>	<p>Proponent must negotiate with each registered landowner for at least four months to gain approval under SDPWO Act.</p>



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	Obtaining consecutive easements over the parcels of land will require direct approaches to each of the landowners, negotiating terms for the easement, drawing up and settling instruments of easement in respect of each parcel with the owner and registering the instrument in accordance with the provisions of the <i>Land Title Act 1994</i> .			
Approval to permanently or temporarily close a local government controlled road	A local government may close a road where it is necessary or desirable in the interests of public safety.	<i>Local Government Act 2009 – Part 3</i>	WDRC.	There is no set statutory timeframe for this Approval.
Connection enquiry and Application to connect to an Electricity network	Required to gain connection, or modify an existing connection, to the national electricity grid.	<i>National Electricity Code, Chapter 5</i>	Powerlink Queensland (Powerlink); Ergon Energy (Ergon).	A Network Service Provider must reply to a Connection Enquiry within 2 weeks of receipt. There is no set time by which the Network Service Provider must make an offer to connect.
Alteration or Improvement of Roads (Licence)	A person (other than the local government) must not make an alteration or improvement to a local government road unless authorised by a licence.	Local Law 21 (Roads)	WDRC.	There is no statutory timeframe for this approval.
Operational Works (Development Permit)	Fill and Excavation; if located off ML	Taroom Shire Planning Scheme <i>Sustainable Planning Act 2009</i>	WDRC.	40 business days.



Task Name (Approval)	Why it Applies/Works Description	Applicable Act	Administering Authority/Parties	Approval Timing
Permit to Occupy (Permit)	A permit to Occupy is required from the Chief Executive Officer where works or infrastructure is proposed to be located on unallocated state land; if located off the ML.	<i>Land Act 1994</i> , Chapter 4, Part 4	DNRM.	40-80 business days
Notification of works affecting electricity entity works	Where works would interfere with Ergon's (or other entity) works.	<i>Electricity Act 1994</i> , s99	Ergon.	There is no statutory timeframe for this approval.
Temporary and Permanent Road Closures to facilitate Local Road Relocations (Permit)	Temporary/Permanent road reserve closure; Where an area of closed road is to be included into the adjoining land, a survey plan will be required.	<i>Land Act 1994</i> Road Closure Manual <i>Native Title Act 1993</i> (Cth)	DNRM.	Permanent Closure - 12-18 months; Temp Closure - to be affirmed
Acquisition / Reconfiguration of a Lot (Development Permit) or Permit to Occupy (if tenure is to be temporary (Permit))	Creation of an easement / corridor; Required only where located off ML	<i>Sustainable Planning Act 2009</i> Taroom Shire Planning Scheme <i>Land Act 1994</i> , Chapter 4, Part 4	DSDIP; DNRM.	40-80 business days
Dangerous Goods Approvals				
Transport of hazardous substances	Goods are too dangerous to be transported if they are listed in Appendix 5 to the ADGC or are listed under the regulations as too dangerous to be transported. The ADGC can be viewed at: www.ntc.gov.au	<i>Australian Dangerous Goods Code (ADGC)</i> <i>Transport Operations (Road Use Management) Act 1995</i>	Department of Transport and Main Roads (DTMR).	All dangerous and hazardous goods should be identified and managed before work commences.



Task Name (Approval)	Why it Applies/Works Description	Applicable Act	Administering Authority/Parties	Approval Timing
Storage of hazardous substances	Legislation requires a safety and health management plan so that the risk to a person from operations is at an acceptable level. The operations must be carried out so that the level of risk from the operations is within acceptable limits and as low as reasonably achievable.	<i>Coal Mining Safety and Health Act 1999</i>	DNRM.	A safety and health management plan should be in place before dangerous goods are stored.
Storage and handling of flammable and combustible liquids (Permits)	The possession and use during construction and operation of flammable and combustible liquids to which AS1940 applies, if located off the ML.	<i>Work Health and Safety Act 2011</i> <i>Australian Standard 1940</i>	WDRC.	There is no statutory timeframe for this approval.
Licence to Use Explosives (Licence)	Applies to the Transport, Storage and Use of explosives	<i>Explosives Act 1999</i>	DNRM.	There is no statutory timeframe for this approval.