

Appendix D

Standard Criteria



Northern Energy Corporation Limited



THE STANDARD CRITERIA

The Elimatta Project has been assessed to confirm its compatibility with the Standard Criteria outlined in the *Environmental Protection Act 1994* and the principle of Ecological Sustainable Development (ESD), as listed in the *National Strategy for Ecologically Sustainable Development 1992* (NSESD).

The Standard Criteria is provided in Schedule 4 of the *Environmental Protection Act 1994* (EP Act), as follows:

- (a) the principles of ecologically sustainable development as set out in the *National Strategy for Ecologically Sustainable Development 1992* (NSESD);
- (b) any applicable environmental protection policy;
- (c) any applicable Commonwealth, State or local government plans, standards, agreements or requirements;
- (d) any applicable environmental impact study, assessment or report;
- (e) the character, resilience and values of the receiving environment;
- (f) all submissions made by the applicant and submitters;
- (g) the best practice environmental management for activities under any relevant instrument, or proposed instrument, as follows—
 - (i) an environmental authority;
 - (ii) a transitional environmental management program;
 - (iii) an environmental protection order;
 - (iv) a disposal permit; and
 - (v) a development approval.
- (h) the financial implications of the requirements under an instrument, or proposed instrument, mentioned in paragraph (g);
 - a. as they would relate to the type of activity or industry carried out, or proposed to be carried out, under the instrument;
- (i) the public interest;
- (j) any applicable site management plan;
- (k) any relevant integrated environmental management system or proposed integrated environmental management system; and
- (l) any other matter prescribed under a regulation.

National Strategy for Ecologically Sustainable Development 1992

The Core Objectives of the NSESD are as follows:

- To enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;
- To provide for equity within and between generations; and
- To protect biological diversity and maintain essential ecological processes and life-support systems.

The Guiding Principles of the NSESD are as follows:

- Decision making processes should effectively integrate both long and short-term economic, environmental, social and equity considerations;
- Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- The global dimension of environmental impacts of actions and policies should be recognised and considered;
- The need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised;
- The need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised;
- Cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms; and
- Decisions and actions should provide for broad community involvement on issues which affect them.

Mining Sector

The NSESD also outlines broad challenges and provides a framework to meet the challenges for each major economic sector. The challenge for the mining sector (Part 2, Chapter 5) is: 'To further develop the mining industry in a way which manages the renewable and non-renewable resources on which it depends in an efficient manner which is also consistent with the principles of Ecologically Sustainable Development (ESD)'.

The NSESD outlines the following three objectives (Objectives 5.1, 5.2 and 5.3) to meet the challenge:

- 1) Objective 5.1 - to ensure mine sites are rehabilitated to sound environmental and safety standards, and to a level at least consistent with the condition of surrounding land;



- 2) Objective 5.2 - to provide appropriate community returns for using mineral resources and achieve better environmental protection and management in the mining sector; and
- 3) Objective 5.3 - to improve community consultation and information, improve performance in occupational health and safety and achieve social equity objectives.

Summary

The Objectives and Guiding Principles of the NSESD and the Standard Criteria from the EP Act can be summarised into six relevant categories:

- Intra-generational equity;
- Inter-generational equity;
- Precautionary Principle;
- Biodiversity Conservation;
- Integration of Economic and Environmental Interests; and
- A Holistic approach to resource management.

Project Inclusion of the Six Categories of ESD

1. Intra-generational equity

Intra-generational equity ensures that all current generation land users still have rights and interests in relation to the Project site. The Project will incorporate the principle of intra-generational equity through ongoing community consultation and associated agreements / compensation with current land users.

A Community Consultation Program was started early during the conceptual development of the Elimatta Project, and remains as an ongoing process. The community consultation program adopted the following consultation methods as required by the *Environmental Protection Act 1994* (EP Act) and suggested in *Guideline (Mining) – Issue Identification and Community Consultation* (DERM 2011):

- Advertising the draft Terms of Reference (TOR) in local and state media for the duration of the draft TOR comment period;
- Facilitating a public comment period for the draft TOR;
- Inviting comments and providing responses from the proponent;
- Mailing information direct to residents;
- Organising meetings and surveys with interested and affected persons;
- Presentations to gatherings of stakeholders and other interested groups;



- Landholder Agreements;
- Submission and advertising of the draft EIS;
- Facilitating a public comment period for the draft EIS; and
- Managing responses to comments on the draft EIS and incorporation of these comments into the final EIS, if required.

Further information on the consultation process is contained in the Consultation Report (Appendix E).

In terms of Indigenous Cultural Heritage, currently there is an indigenous Land Use Agreement which exists between the Iman #2 People and Queensland Gas Company.

Taroom Coal intends to engage the Iman #2 People to conduct cultural heritage surveys to clear all areas required for the mining activities of the Elimatta Project. The surveys will be conducted in accordance with the Cultural Heritage Management Plan ahead of any disturbance in the Project area.

The aim of these surveys is to ensure that current indigenous users of the site are able to continue their cultural practise. In addition, where possible, the current indigenous users of the site should be involved in the decision making process with regard to indigenous cultural heritage values of the Project site. Furthermore, these surveys aim to ensure that the current indigenous users of the site are duly compensated for any losses that may occur.

In regards to non-indigenous cultural heritage, an independent Non-indigenous Cultural Heritage Assessment was undertaken, by Converge Heritage and Community, to evaluate the non-indigenous cultural heritage values both within the Project site (Appendix AM) and associated with the Rail and Services Corridor (Appendix AN). The aim of these assessments is to ensure that current cultural heritage values of the area are retained as much as possible and compensation is rewarded for any losses that may occur.

During Project construction and operation, complaints registers will be maintained to document the concerns of the public in relation to air quality, noise, vibration, transport or other impacts arising from the Project. Complaints will be investigated and the appropriate mitigation strategies employed to ensure minimal impact on the public.

2. Inter-generational equity

Inter-generational equity ensures that future generations can enjoy the features and resources of the landscape that presently exist and to protect resources so as not to diminish the ability of future generations to meet their needs.

The Project incorporates aspects of inter-generational equity through rehabilitation of the Project site during the life of the Project and after decommissioning of the mine. A rehabilitation plan has been developed for the Project site (see Section 3.7 Rehabilitation of the EIS).

Post mining land use aims are to recreate the environment that existed prior to mining. This is achieved by conducting detailed baseline studies to ensure the environment is well understood prior to the commencement of the Project.



Due to the nature of the mining industry, not all aspects of the resources of the site will be available for future use; however the rehabilitation plan seeks to recreate the landscape to the best possible level during and post mining.

3. Precautionary Principle

The Precautionary Principle is inherent in this proposal due to the nature of an EIS. Thorough environmental studies and surveys have been undertaken to ensure that potential impacts to the environment posed by the Project (minor and large-scale) are considered over both the long and short term. Furthermore, the best practise methods are adopted to avoid, remedy or mitigate these identified potential impacts, this being the foundation of the precautionary principle.

The precautionary principle also encompasses the concept that if there is limited information available on a potential impact, caution should be exercised to limit the effects of the unknown. The Project incorporates this concept by conducting baseline studies to gather all necessary information prior to mining, then undertaking ongoing monitoring of environmental conditions during construction, operation and decommissioning to enable continual improvement of mining practices. This will aid in maintaining a level of caution and limiting adverse impacts of the Project on the existing landscape.

4. Biodiversity Conservation

Biodiversity Conservation is a principle of ESD policy considered in the Project proposal. Biodiversity aspects were established from the baseline flora and fauna surveys (terrestrial and aquatic) which were undertaken. These surveys aimed to establish an understanding of the local ecology within the Project site, to identify species and ecosystems of ecological significance and for the identification of exotic and invasive species. The results of these surveys highlight the biodiversity values of the area so biodiversity conservation efforts can be established (refer to Appendix W – Elimatta Project Waterway Morphology and Aquatic Ecology Assessment Report, Appendix X – Rail and Services Corridor Aquatic Ecology Assessment, Appendix AI – Elimatta Project Terrestrial Flora and Fauna Assessment and Appendix AJ – Elimatta Rail and Services Corridor Terrestrial Flora and Fauna Assessment).

The following legislation and guidelines were used to assess the biodiversity within the Project site and the wider region:

- *Vegetation Management Act 1999;*
- *Vegetation Management Regulation 2000;*
- *Nature Conservation Act 1992;*
- *Environment Protection and Biodiversity Conservation Act 1999;* and
- Queensland DEHP Biodiversity Status.

Although the *Vegetation Management Act 1999* (VM Act) does not apply to the clearing of vegetation on the Project site, 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 site. This includes the conservation status categories of Regional Ecosystems (RE) under the VM Act.



Four small areas of Category B – Endangered Regional Ecosystems have been identified in the south-western corner and one area in the north of the Southern Area of the Project site. Sections of Horse Creek, situated along the eastern boundary of the Project site, are also mapped as Category B – Endangered Regional Ecosystems. These areas of the Project area have been categorised as such as there is < 10 % of pre-clearing extent remaining and 10 – 30 % of pre-clearing extent remaining is remnant and in an area of < 10, 000ha.

Disturbance to the identified vegetation communities will be minimised where practicable, particularly within the identified Endangered Regional Ecosystem locations mentioned previously. Disturbed areas are to be revegetated progressively with species native to the local area during (where possible) and at the conclusion of mining. Progressive rehabilitation will ensure that the total area of disturbed land is minimised at any one time. This will encourage pre-existing ecosystems to reform and maintain biodiversity in the Project site after decommissioning. Monitoring of rehabilitation performance against pre-agreed standards will be undertaken to ensure the success of chosen rehabilitation strategies.

In addition to this, management strategies to assist in the removal of pest species identified under the *Land Protection (Pest and Stock Route Management) Act 2002* are included in this proposal and this will aid in conserving the biodiversity of the area.

5. Integrating Environmental, Economic and Social Interests

The concept of integrating environmental, economic and social interests in project management is one of the main objectives of the NSESD. As part of the EIS for the Project, the ecological and social values of the site are considered alongside the economic values.

The Elimatta Project hopes to develop some of Queensland's high quality, black coal resources to supply the growing international demand and to significantly contribute to the Queensland and Australian Economies. The Project and the mining industry as a whole contribute greatly toward the ongoing strength and stability of the Australian economy through the contribution of government royalties (State and Federal) for the right to mine in Australia. There is a flow-on effect from continued employment and expenditure on related goods and services, which underpins many smaller regional communities. This contributes to a strong national economy, which the government can choose to redistribute to meet societal needs in accordance with the guiding principles outlined in the NSESD.

6. Holism

By taking a holistic approach to project management, the Project will ensure the principles of ESD will become part of the Taroom culture. It is important to take sustainable development seriously by implementing sustainable practices and measures to add to the success of sustainable initiatives within the existing projects and within a company's day to day operations.