# PROJECT CHINA STONE

## Regulatory Framework 2

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# 2 REGULATORY FRAMEWORK

## 2.1 INTRODUCTION

This section describes the regulatory framework relevant to Project China Stone (the project). It discusses the key approvals required for the project (Section 2.2) as well as secondary approvals (Section 2.3) and other relevant legislation, state and regional planning policies and local plans (Section 2.4).

Approvals for off-lease infrastructure including a rail connection, raw water supply and mine access road will be sought separately and are beyond the scope of this Environmental Impact Statement (EIS). This is necessary due to the involvement of third parties in the evaluation and development of these off-lease components and the ongoing assessment of options.

## 2.2 KEY PROJECT APPROVALS

This section describes the key approvals required prior to the commencement of the project. It discusses the process for assessing the EIS and obtaining the key approvals (Section 2.2.1), and includes a summary of the legislation under which each approval is required (Sections 2.2.2 to 2.2.5). The key approvals are summarised in Table 2-1 and are required to be obtained prior to construction of the project.

**Table 2-1 Key Project Approvals**

| APPROVAL | LEGISLATION | ADMINISTERING AUTHORITY | EIS SECTION REFERENCE |
|---|---|---|---|
| *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Assessment | Commonwealth EPBC Act | Federal Department of the Environment (DotE) | Section 2.2.2 |
| Mining Lease (ML) | Queensland *Mineral Resources Act 1989* (MR Act) | Queensland Department of Natural Resources and Mines (DNRM) | Section 2.2.4 |
| Environmental Authority (EA) | Queensland *Environmental Protection Act 1994* (EP Act) | Queensland Department of Environment and Heritage Protection (EHP) | Section 2.2.5 |

### 2.2.1 Process for Obtaining Key Approvals

This EIS has been prepared for the project using the environmental impact assessment process under the Queensland *State Development and Public Works Organisation Act 1971* (SDPWO Act). The assessment process will culminate in an evaluation report being issued by the Coordinator-General (CG) who administers the SDPWO Act. The key approvals for the project will then be obtained. The key steps involved in obtaining approval for the project (including the EIS preparation and approval process) are described in the following section and illustrated in Figure 2-1.

Community and government consultation has been ongoing throughout the EIS process. The interactions between community consultation and the EIS process are shown in Figure 2-1 and are described in Section 3 – Consultation.

## Step 1 – Preliminary Planning

Background investigations, including mine planning and the assessment of alternatives, were undertaken. Preliminary investigations in the following key environmental areas were also undertaken in order to guide the project design:

- Surface water and mine water management;
- Groundwater;
- Mine waste geochemistry; and
- Flora and fauna field surveys.

## Step 2 – Declaration as a Coordinated Project under the SDPWO Act

The CG declared the project a 'coordinated project' under the SDPWO Act on 31 October 2012. This declaration requires an EIS to be prepared in accordance with the SDPWO Act. The project was referred to as the China Stone Coal Project in the gazettal.

## Step 3 – Terms of Reference and Initial Advice Statement

The draft Terms of Reference (TOR) for the EIS were prepared in accordance with the SDPWO Act and placed on public exhibition, together with an Initial Advice Statement, between 3 November 2012 and 3 December 2012. Notices were published in The Australian, The Courier Mail, The Central Queensland News and The Mackay Daily Mercury on 3 November 2012. The TOR for the EIS was issued by the CG on 9 January 2013. This EIS has been prepared to satisfy the TOR for the project. The TOR was revised on 4 December 2014 to include the DotE's requirements for the assessment of Matters of National Environmental Significance (MNES) under the accredited assessment process.

## Step 4 – Application for EA and ML

The proponent lodged an EA and ML application with the DNRM on 30 January 2014. The EA and ML application was supported by a Preliminary Environmental Assessment Report. The EHP notified the proponent on 18 March 2014 that the EA and ML application requires additional information, which will be satisfied by this EIS.

## Step 5 – Determination of Significance under the EPBC Act

The proponent referred the project to the DotE and on 30 October 2014 it was determined to be a Controlled Action, therefore requiring an approval under the EPBC Act. The controlling provisions are EPBC Act listed threatened flora and fauna species and vegetation communities, listed migratory species and a water resource in relation to a large coal mining development. The DotE have determined that the project will be assessed using an accredited assessment under the SDPWO Act. Potential impacts on the controlling provisions are discussed in Section 11 – Matters of National Environmental Significance.

## Step 6 – Preparation of the EIS

The EIS was prepared following the completion of baseline studies, environmental input into project planning, and consideration of potential impacts and mitigation measures. The EIS was prepared by a team of multi-disciplinary technical specialists. Studies were undertaken in the following areas:

- Consultation;
- Subsidence, including the development of a draft Subsidence Management Plan;
- Design of the Tailings Storage Facility and Power Station Waste Storage Facility;
- Geochemistry of mine wastes;
- Rehabilitation;
- Soil and land suitability;

- Terrestrial ecology, including a biodiversity offset strategy;
- Aquatic ecology and stygofauna;
- Groundwater;
- Surface water;
- Air quality;
- Noise and vibration;
- Visual amenity;
- Social impact assessment including economic assessment;
- Traffic and transportation;
- Non-Indigenous cultural heritage; and
- Hazard and risk.

The members of the EIS team and their experience are detailed in Section 28 – EIS Study Team. The EIS has been prepared in accordance with the requirements of the SDPWO Act and the project's TOR. It also considers issues and feedback from the consultation program undertaken as part of the EIS process.

## Step 7 – Lodgement and Public Exhibition of EIS

The preliminary draft EIS was submitted to the CG on 31 March 2015.

Following approval by the CG to proceed, the draft EIS will be placed on public exhibition. During this period government agencies and the public are invited to make submissions to the CG. The submission period may be at least 30 business days. Section 1 – Introduction (subsection 1.6.5) describes the procedure for making a submission on the EIS. The CG will consider any submissions as part of the assessment of the EIS.

## Step 8 – Proponent Response

The CG will issue a copy of all accepted submissions to the proponent following the end of the submission period. The proponent will summarise and respond to submissions and provide the CG with any amendments to the EIS.

## Step 9 – Assessment under the SDPWO Act

Once the CG has accepted the final EIS, the CG will prepare an EIS evaluation report, pursuant to section 35 of the SDPWO Act, which will include an evaluation of the environmental effects of the project and conditions and recommendations for the project. In conducting the evaluation of the EIS, the CG will consult with the relevant advisory agencies for the project. These will potentially include the Department of Transport and Main Roads, the Department of Agriculture and Fisheries, Queensland Health, Queensland Ambulance Service, Queensland Police Service, the Department of State Development, the Department of National Parks, Sport and Racing and the Department of Infrastructure, Local Government and Planning. The CG evaluation report is not an approval in itself; however it will include stated conditions that are required to be incorporated into the relevant approvals that must be subsequently obtained from other agencies in order for the project to proceed. The CG will assist to coordinate the project's assessment by those other agencies during the EIS assessment process under the SDPWO Act. The CG evaluation report may also include conditions that are imposed by the CG and are enforceable under the SDPWO Act.

This assessment will also consider the impacts of the project on the declared controlling provisions under the Commonwealth EPBC Act. The CG evaluation report may also include recommended conditions for the EPBC Act approval.

### Step 10 – Assessment under the EP Act

The EHP will finalise their assessment of the EIS and development of a draft EA following receipt of the CG's EIS evaluation report. The draft EA will include the CG's stated conditions for the EA.

### Step 11 – Draft EA and ML Advertised

The EHP will issue a draft EA for the project. The draft EA and ML application will be advertised for a minimum of 20 business days. During this period, the public may lodge objections to the draft EA and ML application.

### Step 12 – EA and ML Decision

Any unresolved objections to the ML application and/or draft EA will be referred to the Land Court for a recommendation. The Land Court will make an objections decision and provide it as a recommendation to the Minister for the MR Act and the Minister for State Development. The Minister for the EP Act consults with the Minster for the MR Act and the Minister for State Development, and then the Minister for the EP Act makes a decision on the EA. The EA will either be granted or the EA application refused.

### Step 13 – Approval under the EPBC Act

Following the issuance of the CG evaluation report, the Commonwealth Minister for the Environment will finalise the assessment of the project's impacts under the EPBC Act and then make a decision on the approval. Conditions will be imposed in the approval to protect MNES so that measures to avoid unacceptable impacts can be adopted.

### Step 14 – Pre-construction Approvals

Prior to the commencement of construction, the proponent will develop any necessary environmental management plans and will obtain any necessary pre-construction approvals including a Plan of Operations (PoO).

## 2.2.2 Commonwealth EPBC Act

The EPBC Act prescribes the Commonwealth's role in environmental assessment, biodiversity conservation and the management of protected MNES. The DotE is the administering authority for the EPBC Act.

The EPBC Act provides a mechanism for national environmental protection and biodiversity conservation. Biodiversity conservation is promoted by providing protection for MNES, including:

- Listed threatened species and communities and migratory species;
- Protected areas (e.g. world heritage properties, wetlands of international importance [Ramsar wetlands], conservation zones); and
- Commonwealth Indigenous heritage.

Actions that are likely to have a significant impact on a MNES are subject to a rigorous assessment and approvals process.

The project will utilise an accredited process to assess the project's impacts on MNES. The TOR for the project includes requirements for the assessment of potential impacts on MNES and this EIS has been prepared to address the TOR, including the MNES requirements. As such, the CG will also assess the project's impacts on MNES described in the EIS and may recommend conditions relevant to the EPBC Act approval. The DotE will finalise their assessment and issue the EPBC Act approval following receipt of the CG's EIS evaluation report.

## 2.2.3 Queensland State Development and Public Works Organisation Act

The SDPWO Act establishes the framework for environmental assessment of declared coordinated projects in Queensland. It aims to coordinate the relevant state and local development assessment jurisdictions for projects with complex approvals. The CG is the administering authority of the SDPWO Act.

The CG will evaluate the project's environmental impacts based on the information provided in the EIS, and from submissions received during the public exhibition of the EIS. The principal objectives of the CG's assessment are to:

- Evaluate the environmental effects of the project and any other related matters;
- Recommend whether a project should be approved;
- Impose conditions for the undertaking of the project that are enforceable under the SDPWO Act; and
- State conditions that are enforceable under other legislation where an approval is subsequently required from another agency. Stated conditions are required to be incorporated into the conditions of any relevant subsequent approval for the project.

### 2.2.4 Queensland Mineral Resources Act

The MR Act provides for the assessment, development and utilisation of mineral resources to the maximum extent practicable consistent with sound economics and land use management. Principal objectives of the MR Act are to:

- Minimise land use conflict with respect to prospecting, exploring and mining;
- Encourage environmental responsibility in mining;
- Provide an administrative framework to expedite and regulate the mining of minerals; and
- Encourage responsible land care management in mining.

The MR Act provides for the issuing of prospecting permits, mining claims, mineral development licences and MLs. The DNRM is the administering authority for the MR Act.

A mining lease will not be granted by the mining registrar until agreement and compensation is reached with owners of land the surface of which is the subject of the application.

### 2.2.5 Queensland Environmental Protection Act

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 ecological processes. The EP Act provides a framework for the regulation of Environmentally Relevant Activities (ERAs) including mining activities. A key feature of the EP Act is the imposition of a general environmental duty whereby individuals undertaking any activity must take all reasonable and practicable measures to prevent or minimise environmental harm. The EHP is the administering authority of the EP Act.

The EP Act achieves its objectives through the following mechanisms that are relevant to the project:

- It requires that mining projects be undertaken in accordance with an approved EA.
- It establishes a system of Financial Assurance (FA) to provide security for environmental compliance and rehabilitation costs.
- It requires that a PoO be in place prior to commencement of mining under a ML to provide the basis for calculating FA and to regulate environmental management on an ongoing basis.
- It establishes Environmental Protection Policies (EPPs) which include background environmental quality standards, emissions standards and monitoring procedures and requirements for key environmental parameters such as air, noise and water.
- It establishes a system of ERAs, which are activities with the potential to impact the environment and are required to be licensed or approved.

- It requires that various individual aspects of mining projects (such as dams) are compliant with the applicable guidelines, policies and codes.

## Environmental Authority

An EA is an approval issued by the EHP under the EP Act. The EA imposes environmental management conditions on mining activities undertaken on an ML. The EA conditions set the environmental performance requirements that the proponent must comply with. Failure to comply with the EA conditions is a breach of the EA and there are various compliance enforcement actions available to the EHP under the EP Act.

## Environmentally Relevant Activities

The *Environmental Protection Regulation 2008* (EP Regulation) defines ERAs as activities with the potential to impact negatively on the environment. An approval, usually in the form of an EA or a development application, is required to carry out ERAs. Under Schedule 2A of the EP Regulation, the project is classified as a resource activity under ERA 13 – Mining Black Coal.

Table 2-2 indicates the prescribed ERAs (under Schedule 2 of the EP Regulation) that are proposed to be undertaken as part of the project and will be approved under the EA for the project.

**Table 2-2 Environmentally Relevant Activities**

| ERA | THRESHOLD |
|---|---|
| ERA 8 – Chemical Storage | Threshold 4 storing 200 t or more of chemicals that are solids or gases, other than chemicals mentioned in items 1 to 3 of ERA 8 definition. |
| | Threshold 5 storing 200 $m^3$ or more of chemicals that are liquids, other than chemicals mentioned in items 1 to 3 of ERA 8 definition. |
| ERA 14 – Electricity Generation | Threshold 2 (b) generating electricity using a fuel, other than a gas, at a rated capacity of more than 150 MW electrical. |
| ERA 31 – Mineral Processing | Threshold 2 (b) processing more than 100,000 t in a year of mineral products, other than coke. |
| ERA 56 – Regulated Waste Storage | Operating a facility for receiving and storing regulated waste for more than 24 hours. |
| ERA 60 – Waste Disposal | Threshold 2 (b) operating a facility for disposing of, more than 2,000 t but not more than 5,000 t in year of general waste or a combination of general waste and regulated waste, where regulated wastes are no more than 10 % of the total amount of the waste. |
| ERA 61 – Waste Incineration and Thermal Treatment | Threshold 1 incinerating waste vegetation, clean paper or cardboard. |
| ERA 63 – Sewage Treatment | Threshold 1 (b) operating sewage treatment works, other than no-release works, with a total daily peak design capacity of more than 100 but not more than 1500 EP. |
| ERA 64 – Water Treatment | Threshold 2 (a) desalinating 0.5 ML to 5 ML of water in a day, allowing the release of wastes to waters other than seawater. |

## Other EP Act Requirements

In addition to providing one of the primary approvals for the project in the form of an EA, there are a number of other requirements of the EP Act that are relevant to the project. These are discussed in the following sections and include:

- FA;

- PoO; and
- EPPs.

### Financial Assurance

The EP Act allows the EHP to require an FA to provide security for environmental compliance and rehabilitation. An FA is required for all EAs for mining leases and some ERAs. Financial assurance is based on the likely rehabilitation costs of a project during the project year with highest environmental harm.

The proponent is required to calculate the FA for the project and lodge the FA with the EHP prior to project commencement. The FA will be recalculated annually based on the level of ground disturbance on the ML.

### Plan of Operations

The EP Act stipulates that mining activities cannot be undertaken unless the proponent has a current PoO. The purpose of a PoO is to:

- Describe all mining activities that will take place on the project site during the period of the plan;
- Propose an action program for complying with all of the EA conditions;
- Present a rehabilitation program for land significantly disturbed or proposed to be significantly disturbed during the period of the plan;
- Calculate the maximum FA for the mining project during the term of the plan; and
- Compliance statement describing the level of compliance with EA conditions.

The proponent will create a PoO and submit it to the EHP for approval prior to commencing construction.

### Environmental Protection Policies

EPPs were developed under the EP Act in conjunction with the EP Regulation to identify environmental values to be protected and to manage specific aspects of Queensland's environment. A key objective of each EPP is to protect Queensland's environment while allowing for development that improves total quality of life, both now and in the future, and maintains the ecological processes on which life depends. Approved EPPs that are relevant to the project are listed below, along with the EIS section reference where they are addressed:

- *Environmental Protection (Water) Policy 2009*: discussed in Section 13 – Surface Water;
- *Environmental Protection (Air) Policy 2008*: discussed in Section 15 – Air Quality; and
- *Environmental Protection (Noise) Policy 2008:* discussed in Section 16 – Noise and Vibration.

## 2.3 SECONDARY APPROVALS

The project requires other approvals related to the management of the site and the environment, in addition to the key approvals described in Section 2.2. These are listed in Table 2-3 along with the relevant section of the EIS that discusses these approvals.

**Table 2-3 Secondary Approvals**

| APPROVAL | LEGISLATION | APPROVAL BODY | TIMING/RELEVANCE TO PROJECT | EIS SECTION REFERENCE |
|---|---|---|---|---|
| PoO including FA | EP Act | EHP | A PoO will be prepared prior to commencement of the project | Section 2.2.5 |

| APPROVAL | LEGISLATION | APPROVAL BODY | TIMING/RELEVANCE TO PROJECT | EIS SECTION REFERENCE |
|---|---|---|---|---|
| CG imposed conditions (contained in CG EIS Evaluation Report) | SDPWO Act | As specified in the conditions | As required by conditions | Section 2.2.3 |
| Biodiversity offsets | Queensland *Environmental Offsets Act 2014*<br>*Environmental Offsets Policy 1.1 2014*<br>*Environmental Offsets Regulation 2014*<br>Commonwealth EPBC Act | EHP<br><br>DotE | Any applicable offsets will be conditioned as part of the EA and the EPBC Act approval. | Section 9 – Terrestrial Ecology<br>Section 11 – Matters of National Environmental Significance |
| Aerodrome certification | *Civil Aviation Act 1988*<br>*Civil Aviation Regulations 1988* | Civil Aviation Safety Authority (CASA) | The private airstrip for the project will be designed and constructed in accordance with all CASA regulations and guidelines. An aerodrome certification will be obtained, once it has been constructed. | Section 22 – Hazard and Risk |
| Agreement with authorities to alteration of a stock route | *Land Protection (Pest and Stock Route Management) Act 2002* | DNRM | There is one travelling stock route, U398 which traverses the southern part of the project site, within the mining disturbance footprint and may require re-alignment.<br>The proponent will liaise with DNRM and the Isaac Regional Council regarding any alterations to the stock route, including obtaining any necessary agreements. | Section 5 – Land Use |
| Approval to take native wildlife | *Nature Conservation Act 1992* | EHP | The proponent will obtain approval to take native wildlife prior to construction activities commencing, as required. | Section 9 – Terrestrial Ecology |
| Species Management Program | *Nature Conservation (Wildlife Management) Regulation 2006* (NC WM Regulation) | EHP | The proponent will prepare a Species Management Program prior to tampering with animal breeding place. | Section 9 – Terrestrial Ecology |
| Rehabilitation Permit (spotter catcher endorsement) | NC WM Regulation | EHP | The proponent will obtain a rehabilitation permit (spotter catcher endorsement) prior to undertaking spotter catcher activities. | Section 9 – Terrestrial Ecology |

| APPROVAL | LEGISLATION | APPROVAL BODY | TIMING/RELEVANCE TO PROJECT | EIS SECTION REFERENCE |
|---|---|---|---|---|
| Damage Mitigation Permit | NC WM Regulation | EHP | The proponent will obtain a damage mitigation permit if there is a need to remove fauna posing a threat to human health or wellbeing. | Section 9 – Terrestrial Ecology |
| Protected Plant Clearing Permit | NC WM Regulation | EHP | The project site does not contain any Endangered, Vulnerable or Near Threatened (EVNT) plants, or least concern flora species that are within 100m of an EVNT plant. As such this permit is not expected to be required. | Section 9 – Terrestrial Ecology |
| Approval to close a road temporarily | *Transport Operations (Road Use Management) Act 1995* (TORUM Act)<br>*Transport Operations (Road Use Management – Mass, Dimensions and Loading) Regulation 2005* | TMR | There will be occasions when it will be necessary to transport large, indivisible loads to the project site using over dimensional vehicles. The proponent will obtain all relevant permits in accordance with the requirements of the TORUM Act prior to any road closures, as necessary. | Section 19 – Traffic and Transport |
| Licence for taking of or interference with groundwater | *Water Act 2000*<br>*Water Resource (Great Artesian Basin) Plan 2006* (GAB WRP)<br>*Water Regulation 2002* | DNRM | The proponent will obtain the following licenses:<br>■ A licence for take from the GAB under the GAB WRP; and<br>■ A licence for take from the Greater Western Sub-Artesian Area under the Queensland *Water Regulation 2002*. | Section 12 – Groundwater |
| Licence for taking water or interfering with water in a watercourse, lake or spring | *Water Act 2000*<br>*Water Resource (Burdekin Basin) Plan 2007* (Burdekin WRP)<br>*Burdekin Basin Resource Operations Plan December 2009 – Amended October 2010* | DNRM | The DNRM confirmed during the EIS preparation that there are no watercourses, as defined under the *Water Act 2000*, in the project site. Therefore, a licence for taking or interfering with water in a watercourse, lake or spring will not be required. | Section 13 – Surface Water |

| APPROVAL | LEGISLATION | APPROVAL BODY | TIMING/RELEVANCE TO PROJECT | EIS SECTION REFERENCE |
|---|---|---|---|---|
| Licence for taking or interfering with the flow of water (i.e. overland flow) that cannot be taken in accordance with the Burdekin WRP | *Water Act 2000*<br>*Water Resource (Burdekin Basin) Plan 2007* (Burdekin WRP)<br>*Burdekin Basin Resource Operations Plan December 2009 – Amended October 2010* | DNRM | The project will not be taking or interfering with overland flow. | Section 13 – Surface Water |
| Riverine Protection Permit | *Water Act 2000*<br>DNRM's *Riverine Protection Permit Exemption Requirements 2014* | DNRM | Given that there are no watercourses, lakes or springs in the project site, no riverine protection permits will be required for the project. | Section 13 – Surface Water |
| Cultural Heritage Management Plan (CHMP) | *Aboriginal Cultural Heritage Act 2003* (ACH Act) | Department of Aboriginal and Torres Strait Islander Partnerships | A CHMP will be developed for the project with the relevant Aboriginal party, prior to the commencement of construction. | Section 20 – Cultural Heritage |

## 2.4 OTHER LEGISLATION, POLICIES AND PLANNING PROVISIONS

Other Commonwealth legislation, Queensland legislation and guidelines, policies and planning provisions that are potentially relevant to the project are summarised in Attachment 2-1.

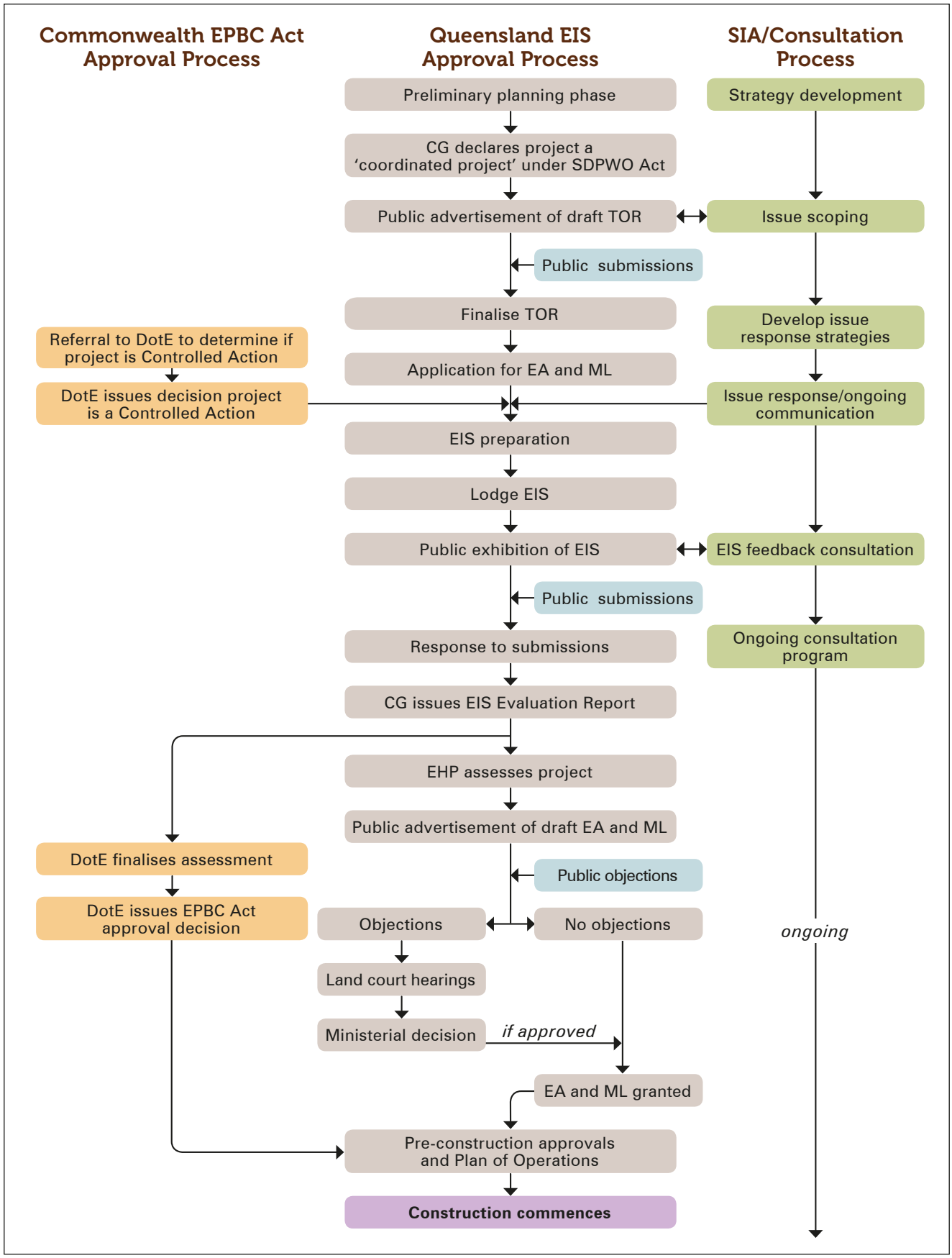
The objectives and principles of ecologically sustainable development (ESD) have also been considered during the development of the project. Table 2-4 describes the way in which the project has considered ESD, which is consistent with the *National Strategy for Ecologically Sustainable Development*.

**Table 2-4 Objectives and Principles of Ecologically Sustainable Development**

| ESD OBJECTIVE/PRINCIPLE | EIS CROSS REFERENCE |
|---|---|
| Individual and community well-being and welfare | ■ Section 18 – Socio-Economic Impact Assessment<br>■ Section 22 – Hazard and Risk |
| The intergenerational equity principle | ■ The proponent will implement the management and monitoring strategies outlined throughout this EIS and summarised in Section 24 – Environmental Management. Management commitments are also contained in the *Socio-Economic Impact Assessment Report* (Appendix N). These strategies are designed to ensure that the impacts on future generations will be minimised. |
| Protection of biological diversity and essential ecological processes | ■ Section 9 – Terrestrial Ecology<br>■ Section 10 – Aquatic Ecology<br>■ Section 11 – Matters of National Environmental Significance |

| ESD OBJECTIVE/PRINCIPLE | EIS CROSS REFERENCE |
|---|---|
| Decision-making based on long and short-term economic, environmental, social and equity considerations | ■ The EIS presents the long-term and short-term, economic, environmental, social and equity impacts of the project to enable informed decision making.<br>■ Section 18 – Socio-Economic Impact Assessment identifies the social and economic impacts of the project and the Economic Assessment includes a cost-benefit analysis of the impacts and benefits of the project. |
| The precautionary principle | ■ The management of environmental risks has been incorporated into project design and the proponent will implement the mitigation and management measures as outlined in the EIS. |
| Global environmental impact | ■ Greenhouse Gas emissions are discussed in Section 15 – Air Quality. |
| The development of a strong, growing and diversified economy which can enhance the capacity for environmental protection | ■ Economic impacts are considered in Section 18 – Socio-Economic Impact Assessment.<br>■ The *Socio-Economic Impact Assessment Report* (Appendix N) outlines the proponent's commitments to the local community. |
| Enhancing international competitiveness in an environmentally sound manner | ■ Economic impacts are considered in Section 18 – Socio-Economic Impact Assessment.<br>■ Environmental management commitments for the project are summarised in Section 24 – Environmental Management. |
| Cost-effective and flexible policy instruments | Not applicable to an individual project. |
| Community involvement in decisions and actions | ■ Section 3 – Consultation describes the comprehensive stakeholder consultation program that was undertaken for the Project China Stone EIS.<br>■ As described in Section 2.2.1, the EIS process includes a number of opportunities for public comment, including during the development of the TOR, during public exhibition of the EIS and during public exhibition of the draft EA and ML.<br>■ The *Socio-Economic Impact Assessment Report* (Appendix N) also describes ongoing community engagement to be undertaken in implementing the project. |

# FIGURES




PROJECT CHINA STONE

MACMINES AUSTASIA | Hansen Bailey ENVIRONMENTAL CONSULTANTS

Project Approval Process

**FIGURE 2-1**

# ATTACHMENTS

# ATTACHMENT 2-1

# Other Commonwealth and Queensland Legislation

**Table 1 Other Commonwealth and Queensland Legislation**

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
|---|---|---|---|
| **Commonwealth** | | | |
| *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) | The protection of Aboriginal cultural heritage. | Section 20 – Cultural Heritage | No declaration has been made under the ATSIHP Act for the project. |
| *Australian Heritage Council Act 2003* | The protection of places important to Australia's natural and cultural environment for current and future generations. | Section 20 – Cultural Heritage | No Australian heritage sites are located within the project site. |
| *Great Barrier Reef Marine Park Act 1975* | To provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region. | Section 11 – Matters of National Environmental Significance | The Great Barrier Reef Marine Park is not a controlling provision for the EPBC Act assessment and has therefore not been assessed. |
| *National Greenhouse and Energy Reporting Act 2007* (NGER Act) | The mandatory corporate reporting system for greenhouse gas (GHG) emissions, energy production and consumption. | Section 15 – Air Quality | The proponent will report yearly on GHG emissions, energy production and consumption in accordance with the NGER Act. |
| *Native Title Act 1993* (Native Title Act) | To provide a national system for the recognition and protection of native title for Aboriginal peoples and Torres Strait Islanders. The Native Title Act provides mechanisms for determining native title claims, and permits the validation of native title and associated compensation over lands within Australia. | Section 5 – Land Use | The project site includes land that may be subject to native title and is located in an area covered by a registered native title claim application. The proponent will negotiate with the registered Native Title claimants, to ensure compliance with the Native Title Act. |
| **Queensland** | | | |
| *Coal Mining Safety and Health Act 1999* (CMSH Act) | To protect the health and safety of people at, or who may be impacted by, a coal mine and to monitor and ensure that the risk of injury or illness is at an acceptable level. | Section 22 – Hazard and Risk | As the project involves coal mining, the proponent is required to comply with the CMSH Act and will establish appropriate health and safety systems to ensure compliance with the CMSH Act. |

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
|---|---|---|---|
| *Dangerous Goods Safety Management Act 2001* (Dangerous Goods Act) | To protect people, property and the environment from harm caused by hazardous materials, in particular dangerous goods. | Section 22 – Hazard and Risk | The project will store hazardous and dangerous goods on the site, therefore the proponent is required to comply with the Dangerous Goods Act and will establish appropriate health and safety systems to ensure compliance with the Dangerous Goods Act. |
| *Electricity Act 1994*<br>*Electricity Regulations 2006* | To establish a framework for efficient, economical and environmentally sound electricity supply and use. It also regulates the electricity industry and electricity use to establish a competitive electricity market and protect the interests of customers. | Section 4 – Project Description | The project does not include commercial sale of electricity to a third party and as such, does not require a generation authority under the Electricity Act. |
| *Electrical Safety Act 2002* | To prevent people from being killed or injured and property from being destroyed or damaged by electricity. | Section 22 – Hazard and Risk | The project includes a power station and associated infrastructure. The proponent will comply with this act to ensure the safety of all persons on site and to prevent injury or death from electricity. |
| *Explosives Act 1999* (Explosives Act) | To identify, set standards and grant approval for the use of explosives and explosive activities. | Section 22 – Hazard and Risk | The project will involve some blasting, therefore the proponent is required to comply with the Explosives Act and will establish appropriate health and safety systems to ensure compliance with the Explosives Act. |
| *Fisheries Act 1994* (Fisheries Act) | Provides for the use, conservation and enhancement of the community's fisheries resources and fish habitat by providing for, amongst other things, the protection of fish habitats.<br>Development permits under the SP Act are required for certain operational works, including waterway barrier works. | Section 10 - Aquatic Ecology | The project is not subject to the SP Act. A development permit is therefore not required for waterway barrier works on the project site as any such activities will be regulated under the EA. |

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
|---|---|---|---|
| *Fire and Emergency Services Act 1990* | Establishes the Queensland Fire and Emergency Service and to provide for the prevention of and response to fires and certain other incidents endangering persons, property or the environment and for related purposes | Section 22 – Hazard and Risk | The project will comply with the *Fire and Emergency Services Act 1990,* including conducting consultation the Queensland Fire and Emergency Service. |
| *Food Act 2006* | Applies to the handling of food for sale and the requirement that any food supplied to consumers is safe and of a high quality. It provides that the handling of food from the manufacturing, wholesale and retail sectors of the food industry and across the entire food system must comply with the fundamental requirement to ensure that food is safe and suitable. | Section 22 – Hazard and Risk | The handling of food will occur in the accommodation village, which will comply with the *Food Act 2006* as necessary. |
| *Forestry Act 1959* (Forestry Act) | Provides for forest reservations, the management and protection of State forests, forest products and quarry materials on Crown or State forests. | - | Under the Forestry Act, a person must not interfere with a forest product on Crown land as all forest products are presumed to be the absolute property of the Crown. Where a mining lease application is over a state forest or timber reserve, the consent of the Department of Agriculture and Fisheries (DAF) is required before the mining lease is granted.<br>Consultation will be undertaken with the DAF prior to the commencement of construction to confirm whether there are any forest products or quarry materials authorised under the Forestry Act on the project site. In the event these are identified, the DAF will be provided the opportunity to harvest forest products. |
| *Land Act 1994* | The Land Act is the key legislation detailing land tenure types and the specific land ownership rights regarding the control, use and development of land. Under the Act land tenure can be created by the State. | Section 5 – Land Use | Land ownership associated with the project site is detailed in Section 5 – Land Use. A mining lease as is required by the project may be granted by the state government over other tenures, including freehold and leasehold land. |

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
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| *Land Protection (Pest and Stock Route Management) Act 2002 (*LP Act) | Provides a framework for the management of pests and the stock route network. | Section 9 – Terrestrial Ecology | Weeds listed under the LP Act that were identified within the project site are discussed in the EIS as well as how they will be managed. |
| *Queensland Heritage Act 1992* | The identification and protection of places of non-Aboriginal heritage that have special cultural value to the community and future generations. | Section 20 – Cultural Heritage | No places listed on the Queensland Heritage Register are located on the project site. |
| *Radiation Safety Act 1999*<br>*Radiation Safety Regulation 2010* | To protect people and the environment from harm caused by ionising and nonionizing radiation sources. | Section 22 – Hazard and Risk | The project will require the use of industrial gauges which may incorporate radioactive substances. These gauges will be stored and maintained in accordance with the requirements of this Act. |
| *Regional Planning Interests Act 2014* (RPI Act) | To identify and manage areas of Queensland that are of regional interest including priority agricultural areas; priority development areas; strategic cropping areas (formally Strategic Cropping Land); and strategic environmental areas. | Section 5 – Land Use | The project is not located within an area of regional interest and therefore does not require a development approval under the RPI Act. |
| *Sustainable Planning Act 2009* (SP Act) | To coordinate and integrate planning at the local, regional and state levels and provide a framework for the management of development and its effects on the environment. | Section 5 – Land Use | The project will be approved under the MR Act and carried out under a relevant mining tenement (i.e. the ML) and so does not require a development permit under the SP Act. |
| *Transport Infrastructure Act 1994* | To provide a framework for the integrated and strategic management of Queensland's transport infrastructure including road, rail, marine and air. | Section 19 – Traffic and Transport | The project is anticipated to have a significant impact on some parts of the state controlled road network being utilised for the project. This includes impacts on road pavement rehabilitation and maintenance, and intersection safety as outlined in Section 19 – Traffic and Transport. Associated contributions will be made to the Department of Transport and Main Roads (TMR). |

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
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| *Vegetation Management Act 1999* (VM Act) | In conjunction with the SP Act, the VM Act regulates the clearing of native vegetation in Queensland, primarily by the conservation of remnant regional ecosystems (REs) and prohibiting broad scale clearing of remnant vegetation. | Section 9 – Terrestrial Ecology | Impacts on REs are discussed in Section 9 – Terrestrial Ecology and mitigation measures for the impacts are also provided.<br>The project is not subject to the SP Act, therefore a development permit is not required for the clearing of native vegetation on the project site. The clearing of vegetation will be regulated under the EA. |
| *Waste Reduction and Recycling Act and Regulation 2011* | Establishes a framework to modernise waste management and resource recovery practices in Queensland. The act promotes waste avoidance and reduction whilst encouraging resource recovery and efficiency. | Section 21 – Non-Mining Waste Management | A waste assessment has been carried out for the project in accordance with the act. |
| *Water Supply (Safety and Reliability) Act 2008* | Establishes frameworks for the provision of water and sewerage services, and for the provision of recycled water and drinking water quality. The Act also outlines the definition, assessment and allows for the regulation of referable dams and outlines flood mitigation responsibilities. | Section 13 – Surface Water | Chapter 4 of the act exempts 'hazardous waste dams' from assessment and regulation as referable dams. The definition of 'hazardous waste dams' largely overlaps with 'regulated dams' as defined under the *Guideline: Structures which are dams or levees constructed as part of environmentally relevant activities*. The failure impact assessment requirements under this guideline address requirements that would normally otherwise have been addressed under the act, as if the exemption had not applied.<br>A preliminary assessment of failure consequences has been presented in Section 13 – Surface Water. A detailed assessment of failure consequences will be undertaken at detailed design stage for all water storages in accordance with both the guideline and the act. |

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
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| *Work Health and Safety Act 2011* (WHS Act) *and Regulations* | Imposes a specific duty on the person or corporation conducting a business or undertaking to ensure so far as is reasonably practicable, the health and safety of workers at the workplace. The act provides a framework to protect the health, safety and welfare of all and safety of all other people who might be affected by the undertaking. | Section 22 – Hazard and Risk | As the project involves coal mining, the proponent is required to comply with the WHS Act and regulations. The proponent will establish appropriate health and safety systems to ensure compliance. |

**Table 2 Guidelines, Policies and Planning Provisions**

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
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| *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (2006) (Phases 1 and 2)* | Provides guidance on the safe use of recycled waters such as treated sewage effluent and greywater. | Section 21 – Non-Mining Waste Management | The project may utilise treated effluent from sewage treatment processes for irrigation on gardens. Any such use will be conducted in accordance with these guidelines. |
| *Australian Dangerous Goods Code (7th edition)* | A non-statutory document that provides detailed technical specifications, requirements and recommendations applicable to the transport of dangerous goods in Australia by road and rail. | Section 22 – Hazard and Risk | The project will require dangerous goods to be transported to site. Dangerous goods will be transported in accordance with this code. |
| Australian Standards (AS)<br>■ AS1692-1989: *Tanks for flammable and combustible liquids*<br>■ AS1940-2004: *The storage and handling of flammable and combustible liquids*<br>■ AS2187-2006: *Explosives – Storage, transport and use*<br>■ AS/NZS31000 – 2009: *Risk management – principles and guidelines*<br>■ AS/NZS4801 – 2001: *Occupational Health and Safety Management Systems – specification for guidance for use* | ■ AS1692 – 1989: A non-statutory document that specifies requirements for the design and construction of tanks for the storage of flammable and combustible liquids.<br>■ AS1940 – 2004: A non-statutory document that specifies the requirements and recommendations for the safe storage and handling of flammable and/or combustible liquids.<br>■ AS2187 – 2006: A non-statutory document that specifies the requirements for the storage, transportation and use of explosives.<br>■ AS/NZS31000 – 2009: A non-statutory document that provides guidance on risk assessment and management.<br>■ AS/NZS4801 – 2001: A non-statutory document that specifies the requirements for an occupational health and safety management system. | Section 22 – Hazard and Risk | The project will comply with all of the listed Australian Standards. |

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
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| *Galilee Basin State Development Area (GBSDA)* | To support the development of the Galilee Basin, including the provision of two multi-user rail corridors between the central and southern Galilee Basin and the Port of Abbot Point. | Section 5 – Land Use | The project lies outside the boundary of the GBSDA and therefore the GBSDA is not applicable to this EIS. However, it is likely the off-lease rail connection for the project may utilise the GBSDA. This would be subject to separate environmental assessment and approval to this EIS. |
| *Guidelines for Assessment of Road Impacts of Development* | Non-mandatory guidelines to assist industry assess and address potential road impacts of their development proposals. It provides a basis for open and expeditious dealings between developers and TMR over development approvals. These guidelines are only relevant where a development proposal has been referred to TMR as part of the development approval process of government. | Section 19 – Traffic and Transport | A road impact assessment has been carried out for the project in accordance with this guideline. |
| *EHP Guideline: Structures which are dams or levees constructed as part of ERAs – Version 6 - EM634*<br><br>*EHP Manual for Assessing Consequence Categories and Hydraulic Performance of Structures – Version 4 - EM635* | All structures that are dams or levees constructed as part of an Environmentally Relevant Activity (ERA) must have their consequence category assessed. Following an assessment, a structure is assigned a consequence rating. If the structure is assigned a high or significant consequence category, it is considered a "regulated structure" and will be regulated through conditions in the EA approved for the project. | Section 13 – Surface Water | A preliminary consequence assessment of the conceptual dams proposed as part of the project indicated that the dams are likely to fall into the low consequence category and will not be classified as regulated dams. The Tailings Storage Facility has been assigned a significant consequence category and is discussed in the *Mine Waste Storage Facility Conceptual Design Report* (Appendix C).<br>All dams on the project site will be designed by a suitably qualified engineer and will have their consequence category reassessed at the detailed design stage and on an annual basis following construction. The design, construction and management of all dams will comply with the conditions of the EA. |

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
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| *Guideline: Rehabilitation Requirements for Mining Resource Activities* | Outlines the method for preparing acceptable rehabilitation outcomes and strategies. Rehabilitation reports should include the EHP's general rehabilitation goals, site specific goals, rehabilitation objectives, rehabilitation indicators and the completion criteria. | Section 8 - Rehabilitation | The EP Act requires that the Plan of Operations describe rehabilitation to be undertaken on the ML. Proponents are required to submit progressive/final rehabilitation reports to the EHP for approval prior to the EHP either certifying progressive rehabilitation or accepting the surrender of all or part of an EA.<br>Rehabilitation requirements will comply with the conditions of the EA. |
| *Mackay, Isaac and Whitsunday Regional Plan* (MIW Regional Plan) | A statutory document that provides a framework to guide the growth and development of the Whitsunday, Isaac and Mackay Region until 2031. | Section 5 – Land Use<br>Section 18 – Socio-Economic Impact Assessment | The MIW Regional Plan covers the region where the project is located. However, the project will be on an ML and is not subject to the SP Act. Therefore, the regional plan is not relevant to the project. |
| *Planning Scheme for Belyando Shire 2008*<br>(Belyando Planning Scheme) | These planning schemes provide the framework for assessing and managing development in the local government area under the SP Act. | Section 5 – Land Use | The Belyando Planning Scheme covers the region where the project is located. However, the project will be on an ML and is not subject to the SP Act. Therefore, the Belyando Planning Scheme is not relevant to the project. |
| *Queensland Vegetation Management State Code* | This code is part of the State Development Assessment Provisions (SDAP) that set out the matters of interest to the state for development assessment under the SP Act.<br>The Code has been superseded by Module 8, Native Vegetation Clearing Version 1.2 – 11 April 2014. | Section 9 – Terrestrial Ecology | The project is not subject to the SP Act as the project will be approved under the MR Act and carried out under a relevant mining tenement (i.e. the ML). Therefore the SDAP are not relevant to the project. |
| *Radiation Safety Standard PR100:2010 Standard for Premises – Ionising Radiation Sources* | Describes the minimum requirements for the protection of people and the environment from harm caused by radioactive substances. | Section 22 – Hazard and Risk | The project will require the use of industrial gauges which may incorporate radioactive substances. These gauges will be stored and maintained in accordance with this standard. |
| *State Planning Policy 2014* (SPP) | A planning instrument for matters of state interest that are required to be considered by the administering authority for any development applications under the SP Act. | Section 5 – Land Use | The project is not subject to the SP Act and therefore the SPP is not relevant to the project. It is also not located within an area of state interest. |

| REGULATORY FRAMEWORK | INTENT OF REGULATORY FRAMEWORK | EIS SECTION REFERENCE | RELEVANCE TO PROJECT |
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| *DSDIP Social Impact Assessment Guideline*<br>*DSDIP Managing the Impacts of Major Projects in Resource Communities* (Framework document) | Guidelines designed to assist proponents to assess the social aspects of projects using a risk-based approach to SIA. | Section 18 – Socio-Economic Impact Assessment | The SIA methodology undertaken for the project is consistent with the requirements of the SIA guideline and framework document. |
| *Water Resource (Cooper Creek) Plan 2011* | Defines the availability of water in the Cooper Creek catchment and provides a framework for sustainably managing water, and the taking of water. | Section 13 – Surface Water | The project will not be taking or interfering with overland flow associated with the Cooper Creek catchment and will not impact on Lake Buchanan. This WRP is therefore not applicable to the project. |