

Chapter 6
Legislative requirements and project approvals

ESMERALDA GRAPHITE PROJECT

aarc ENVIRONMENTAL SOLUTIONS
APEM Group

GRAPHINEX

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Glossary, acronyms and abbreviations

Acronym or Abbreviation	Meaning
ACH	*Aboriginal Cultural Heritage Act 2003*
AHRC Act	*Australian Human Rights Commission Act 1986*
ATSIHP Act	*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
CGER	Coordinated project process
CHMP	Cultural Heritage Management Plan
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DETSI	Department of the Environment, Science, Innovation and Tourism
DHPW	Department of Housing and Public Works
DLGWV	Department of Local Government, Water and Volunteers
DNRMMRRD	Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development
DOR	Department of Resources
DPI	Department of Primary Industries
DSDIP	Department of State Development, Infrastructure and Planning
DSDSATSIP	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
DTMR	Department of Transport and Main Roads
DWATSIPM	Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturism
EA	Environmental Authority
EFO	Environmental Flow Objectives
EIS	Environmental Impacts Statement
EO Act	*Environmental Offsets Act 2014*
EO Regulation	Environmental Offsets Regulation 2014
EP Act	*Environmental Protection Act 1994*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPM	Exploration Permit Minerals
EPP	Environmental protection policies
ERA	Environmentally Relevant Activities

Acronym or Abbreviation	Meaning
ERC	Estimated Rehabilitation Cost
ESD	Ecologically sustainable development
GABORA	Great Artesian Basin and Other Regional Aquifers
GHG	Greenhouse gas
IAA	Important Agricultural Lands
IAS	Initial Advice Statement
LGA	Local Government Area
MCU	Material change of use
MDL	Mineral Development Licence
MERCP	*Mineral and Energy Resources (Common Provisions) Act 2014*
MERFP	*Mineral and Energy Resources (Financial Provisioning) Act 2018*
MIA	Mine infrastructure area
ML	Mining Lease
MLA	Mining Lease Application
MLES	Matters of Local Environmental Significance
MNES	Matters of National Environmental Significance
MQSHA Act	*Mining and Quarrying Safety and Health Act 1999*
MR Act	*Mineral Resources Act 1989*
MSES	Matters of State Environmental Significance
MW	Megawatt
NC Act	*Nature Conservation Act 1992*
NGER Act	*National Greenhouse and Energy Reporting Act 2007*
NNTT	National Native Title Tribunal
OAMP	Offset Area Management Plan
OCG	Office of the Coordinator General
PAA	Priority Agricultural Area
PLA	Priority Living Area
PRCP	Progressive Rehabilitation and Closure Plan
QH Act	*Queensland Heritage Act 1992*
QLD	Queensland
QTC	Queensland Treasury Corporation
RE	Regional Ecosystem

Acronym or Abbreviation	Meaning
ROM	Run-of-Mine
RPI Act	*Regional Planning Interests Act 2014*
SARA	State Assessment and Referral Agency
SCA	Strategic Cropping Areas
SDAP	State Development Assessment Provision
SDPWO	State Development and Public Works Organisation
SDPWO Act	*State Development and Public Works Organisation Act 1971*
SEA	Strategic Environmental Areas
SPP	State Planning Policy
SSRC	*Strong and Sustainable Resource Communities Act 2017*
TOR	Terms of Reference
VM Act	*Vegetation Management Act 1999*
WHS Act	*Work Health and Safety Act 2011*
WoNS	Weeds of National Significance

6 Legislative requirements and project approvals

There are local, State and Commonwealth statutory approvals that would be required for the Project. These requirements are described in detail in this chapter and are summarised in Table 6-6 in accordance with the Terms of Reference for the Project.

6.1 Overall framework

This EIS constitutes a key document required for consideration of the Environmental Authority (EA); the primary environmental approval within an extensive approvals framework. The purpose of the EIS in this framework is to clearly articulate all aspects of the Project and any actual or potential impacts it may cause. The Coordinator-General oversees the assessment process for the Project. Once submitted, the Coordinator-General would consider the EIS together with any submissions and governmental advice and make a recommendation as to whether the project should proceed and, if so, any associated conditions. The Coordinator-General's recommendation would be based on the overall benefit of the Project when compared with actual and potential impacts.

The Project requires several primary environmental approvals within the broader framework. These include:

- An Environmental Authority (EA) – An environmental approval for the Project with strict conditions on the management of 'Environmentally Relevant Activities' (ERAs) under the *Environmental Protection Act 1994* (EP Act). The EA would be approved only when the EIS and Progressive rehabilitation and closure plan (PRC Plan) have also been approved; and
- Mining Leases (MLs) – An approval to carry out mining operations for the specified resource granted under the *Mineral Resources Act 1989* (MR Act).

An *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) Approval is a separate Commonwealth approval for projects that may have a significant impact on 'Matters of National Environmental Significance' (MNES). The Project has been declared 'not a controlled action' under the EPBC Act. Therefore, the Project does not require approval under the EPBC Act.

The following sections provide detailed consideration of these key approvals within the broader Commonwealth, state and local regulatory framework. The legislation relevant to the Project at the time of preparing the EIS is outlined in Table 6-1 and is discussed further in detail in the following sections.

Table 6-1: Relevant Commonwealth and State government legislations and policies

Relevant area	Administering authority	Legislation relevant to the Project
Commonwealth legislation		
Emissions reporting	DCCEEW	*National Greenhouse and Energy Reporting Act 2007*
Cultural heritage	NNTT	*Native Title Act 1993*
Human Rights	AHRC	*Australian Human Rights Commission Act 1986*
Queensland legislation and associated subordinate legislation		
Environmental values	DPI	*Biosecurity Act 2014*
	DETSI	*Environmental Offsets Act 2014* Environmental Offsets Regulation 2014 Queensland Environmental Offsets Policy

Relevant area	Administering authority	Legislation relevant to the Project
	DETSI	*Environmental Protection Act 1994* Environmental Protection Regulation 2019 Environmental Protection (Air) Policy 2019 Environmental Protection (Noise) Policy 2019 Environmental Protection (Water and Wetland Biodiversity) Policy 2019
	DPI	*Fisheries Act 1994*
	DETSI	*Nature Conservation Act 1992* Nature Conservation (Protected Areas) Regulation 1994 Nature Conservation (Animals) Regulation 2020 Nature Conservation (Plants) Regulation 2020
	DNRMMRRD	*Soil Conservation Act 1986* *Vegetation Management Act 1999*
	DLGWV	*Water Act 2000* Water Plan (Gulf) 2007 Water Plan (GABORA) 2017
Cultural heritage	DETSI	*Queensland Heritage Act 1992*
	DWATSIPM	*Aboriginal Cultural Heritage Act 2003*
Development and planning	DHPW	*Building Act 1975*
	DSDIP, DHPW	*Planning Act 2016*
	DHPW	*Plumbing and Drainage Act 2018*
	DSDIP, DPI	*Regional Planning Interests Act 2014*
	Coordinator-General, DSDIP	*State Development and Public Works Organisation Act 1971*
	DSDIP	*Strong and Sustainable Resource Communities Act 2017*
	DTMR	*Transport Infrastructure Act 1994*
	DTMR	*Transport Operations (Road Use Management) Act 1995* Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018
	DTMR	*Heavy Vehicle National Law Act 2012 (Qld)* Heavy Vehicle National Law Regulation 2014
	DETSI	*Waste Reduction and Recycling Act 2011*

Relevant area	Administering authority	Legislation relevant to the Project
	DETSI, DPI	*Forestry Act 1959*
	DNRMMRRD	*Mineral and Energy Resources (Common Provisions) Act 2014*
	Queensland Treasury, DNRMMRRD	*Mineral Resources Act 1989* Mineral Resources Regulation 2013
	Queensland Treasury	*Mineral and Energy Resources (Financial Provisioning) Act 2018* Mineral and Energy Resources (Financial Provisioning) Regulation 2019
Land and government	DSDIP	*Electrical Safety Act 2002*
	Queensland Fire Department	*Fire and Emergency Service Act 1990*
	Resources Safety and Health Queensland	*Mining and Quarrying Safety and Health Act 1999*
	Department of Education	*Work Health and Safety Act 2011*
	DETSI, DNRMMRRD	*Land Act 1994* *Land Title Act 1994* *Stock Route Management Act 2002*
	DLGWV, Croydon Shire Council	*Local Government Act 2009*
	DNRMMRRD	*Stock Route Management Act 2002*
Native title	DNRMMRRD	*Native Title (Queensland) Act 1993*
Human rights	Queensland Human Rights Commission	*Human Rights Act 2019*

6.2 Commonwealth legislation

6.2.1 Environment Protection and Biodiversity Conservation Act 1999

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

Any action which is likely to have a significant impact on a MNES must be referred to the Commonwealth Minister for the Environment and Water to decide whether the action is a 'controlled action' requiring approval under the EPBC Act. MNES are:

- world heritage properties;
- national heritage places;
- wetlands of international importance (Ramsar wetlands);
- listed threatened species and communities;

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

The Project was referred to the Commonwealth under the EPBC Act in 2025 (EPBC 2025/10140) and was subsequently declared 'not a controlled action'. The Project would not therefore require EPBC approval or the provision of offsets, prior to Project commencement.

6.2.2 National Greenhouse and Energy Reporting Act 2007

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

The Project has been assessed against the threshold for GHG emissions, energy production and consumption according to Section 13(1) of the NGER Act. Based on the production of the Project at 3.5Mtpa ROM ore, the Project would exceed the NGER reporting threshold for GHG emissions and energy consumption so would require mandatory reporting to the Clean Energy Regulator on emissions produced and emissions abatement measures.

6.2.3 Native Title Act 1993

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

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

The Federal Court of Australia has made two consent determinations recognising the Tagalaka People's native title rights to an area encompassing the Project. The Court recognised native title rights and interests of the Tagalaka People over land in and around the township of Croydon in the Gulf Country of north-west Qld. The two claims were 'Tagalaka People' (QUD6109/1998) and 'Tagalaka People #2' (QUD 6020/2001).

These two determinations trigger the "Future Act" provisions of the Native Title Act which requires Graphinex to engage in formal negotiations with the Tagalaka People in respect of the Project.

6.2.4 Australian Human Rights Commission Act 1986

The AHRC Act establishes the national human rights institution and defines human rights by reference to international treaties. Australia does not have a single, comprehensive Commonwealth Human Rights Act but instead, human rights at the federal level are protected through several Commonwealth statutes. Specific human rights are protected by the following laws:

- Racial Discrimination Act 1975;
- Sex Discrimination Act 1984;
- Disability Discrimination Act 1992; and

- Age Discrimination Act 2004.

6.3 Queensland legislation

6.3.1 Biosecurity Act 2014

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

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

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

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

One flora species listed as 'Weeds of National Significance' (WoNS) by the Australian Government and as 'declared species' under the Biosecurity Act has been recorded in the Project area. Four introduced pest fauna species listed under the Biosecurity Act have been recorded in the Project area. A detailed description is provided in Chapter 19, Biosecurity. All biosecurity matters relevant to the Project would be managed appropriately with a Weed and Pest Management Plan and in compliance with the Biosecurity Act.

6.3.2 Environmental Offsets Act 2014

The Queensland environmental offsets framework consists of the *Environmental Offsets Act 2014* (EO Act), the Environmental Offsets Regulation 2014 (EO Regulation) and the 'Queensland Environmental Offsets Policy (Version 1.16)'. The 'Significant Residual Impact Guideline' is also relevant to making a determination on when an impact would be a significant residual impact for the purposes of the EO Act.

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

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

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

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

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

In Queensland, the environmental offsets framework would govern any offsets imposed as conditions of the EA for the Project.

6.3.2.1 Environmental Offsets Regulation 2014

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

MNES are matters that are protected and regulated under the EPBC Act, which are listed in Section 5 of the EO Regulation. MSES are matters protected and regulated under Queensland legislation and are listed in Schedule 2 of the EO Regulation. A Matter of Local Environmental Significance (MLES) cannot replicate an MNES or MSES and is a matter that is prescribed under a local planning instrument as a prescribed environmental matter (refer to Section 6.4).

6.3.2.2 Queensland Environmental Offsets Policy

The 'Queensland Environmental Offsets Policy (Version 1.16)' provides a single, consistent, whole-of-government policy to enable administering agencies to assess offset proposals and satisfy offset conditions in accordance with the EO Act. The Offsets Policy requires that all environmental offsets must meet the following eight principles:

1. offsets will not replace or undermine existing environmental standards or regulatory requirements, or be used to allow development in areas otherwise prohibited through legislation or policy;
2. impacts must first be avoided, then mitigated, before considering the use of offsets for any remaining impact;
3. offsets must reasonably avoid or minimise harm to Aboriginal and Torres Strait Islander cultural heritage to ensure the obligations under existing cultural heritage legislation are reflected;
4. offsets must achieve a *conservation outcome* that counterbalances the *significant residual impact* for which the offset was required;
5. offsets must provide environmental values as similar as possible to those being lost;
6. offset provision must minimise the time lag between the impact and delivery of the offset;
7. offsets must provide additional protection to environmental values at risk, or additional management actions to improve environmental values; and
8. where legal security is required, offsets must be legally secured for the duration of the impact on the prescribed *environmental matter*.

Significant Residual Impact Guideline

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

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

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

- will be, or is likely to be, significant.

The Proponent has identified and assessed MSES which could potentially be affected by the Project and will be required to comply with the Queensland environmental offsets framework for the delivery of environmental offsets. No impacts to MLES are proposed. These matters are considered in detail within Chapter 18, Flora and Fauna.

6.3.3 Environmental Protection Act 1994

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

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

Section 125(1) of the EP Act prescribes the mandatory requirements for an application for an Environmental Authority (EA) under the EPA, including:

- The application is made to the administering authority;
- The application is made in the approved form in accordance with s124 to 127 of the EP Act;
- The Environmentally Relevant Activities (ERA's) applicable to the Project (see Table 6-2);
- A description of the land on which each activity is carried out (MLA 100430, MLA 100431);
- The Proponent – Qld Aus Graphite Pty Ltd, a wholly owned subsidiary of Graphinex Pty Ltd;
- The application type – a site-specific application for an EA;
- Requirements for State Development Approvals (see 6.3.12);
- Assessment of potential impacts associated with each ERA; and
- Include a PRC Plan (see Appendix T).

As a coordinated project, the SDPWO Act prescribes the EIS process which is evaluated by the Coordinator-General. Following any grant of an EA, DETSI would subsequently monitor and regulate the Project's activities, in accordance with the EA conditions, throughout the life of the Project.

An EA (P-EA-100308928) was issued for the exploration activities required for the Project. An Initial Advice Statement (IAS) was lodged 2 July 2025 to commence the EIS which is a precursor to the EA approval process.

6.3.3.1 Environmental Protection Regulation 2019

The EP Regulation provides for specific matters relevant to the EIS process and matters relating to ERAs. Any ancillary activities (Section 19A of the EP Act) carried out on-site are considered 'resource activities' for the purposes of the EA. They are considered prescribed ERAs and would be assessed by DETSI and conditioned by the EA for the Project under the coordination of the OCG. Defined ERAs would also enable the calculation of

applicable fees in response to the EA. The prescribed ERAs, resource activities and notifiable activities listed in Table 6-2 are applicable to the Project.

No external waste (including tyres) will be received for disposal on-site. However, ERA 60(1)(a) at threshold (d) (more than 200,000t), is considered relevant for the Project for the handling and disposal of waste including:

- tyres; and
- concrete.

The quantity of this inert waste is not expected to exceed 200,000t in any given year, however in combination with mineral waste, 200,000t will be exceeded in some years due to movement and disposal of tailings and waste rock.

Table 6-2: Applicable ERAs for the Project

Environmentally Relevant Activity	Description	Activity Summary
Schedule 2 of the EP Regulation		
8(3)(1)(c) Chemical storage	Chemical storage (the relevant activity) consists of storing more than 500 m^3 of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3.	Chemicals would be located within the MIA area in appropriately bunded, designated areas. Chemicals may include: • Flotation reagent • Flocculant • Methyl isobutyl carbinol (MIBC) • Organic solvent • Organic diluent • Ammonia • Hydrochloric acid • Ammonium sulphate
14(3)(2)(a) Electricity generation	Generating electricity by using a fuel, other than gas, at a rated capacity of 10 MW electrical to 150 MW electrical.	The Project may utilise approximately 16x1250 kVA diesel generators as supporting power supply, at a rated total electrical capacity of 16 MW. This would support an on-site solar farm and batteries.
31(2)(b) Mineral processing	Processing, in a year, the following quantities of mineral products, other than coke (b) more than 100,000 t.	Mineral processing to produce up to 200 ktpa of graphite ore per year.
33(1) Crushing, milling, grinding or screening	Crushing, milling, grinding or screening (the relevant activity) consists of crushing, grinding, milling or screening more than 5,000 t of material in a year.	The benefaction process involves the physical separation of target minerals from gangue material, using more than 5,000 t of feed material in a year.
60(1)(a) Waste disposal	Operating a facility for disposing of waste: (d) more than 200,000 t in a year.	The Project may dispose of waste, such as tyres and concrete, in waste rock dumps or the backfilled pit. Tailings and waste rock will also be disposed of in TSFs, WRDs, and the backfilled pit.
63(3)(1)(b)(i) Sewage Treatment	Operating a sewage treatment works at a site that has a total daily peak design capacity of more than 100 but	A sewage treatment plant would accommodate an approximate peak of 200 equivalent persons.

Environmentally Relevant Activity	Description	Activity Summary
	not more than 1500 equivalent persons.	
Schedule 3 of the EP Regulation		
21 A mining activity	A mining activity that is an ineligible ERA, other than a mining activity mentioned in items 9 to 20	The Project would mine ore containing graphite.

Environmental Protection Policies

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

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

Environmental Protection (Air) Policy 2019

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

a) the qualities of the air environment that are conducive to protecting the health and biodiversity of ecosystems;

b) the qualities of the air environment that are conducive to human health and wellbeing;

c) the qualities of the air environment that are conducive to protecting the aesthetics of the environment, including the appearance of buildings, structures and other property; and

d) the qualities of the air environment that are conducive to protecting agricultural use of the environment.

The Project's potential air quality impacts and proposed management measures are discussed in Chapter 23, Air Quality and Chapter 27, Greenhouse Gas.

Environmental Protection (Noise) Policy 2019

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

a) the qualities of the acoustic environment that are conducive to protecting the health and biodiversity of ecosystems; and

b) the qualities of the acoustic environment that are conducive to human health and wellbeing, including by ensuring a suitable acoustic environment to do any of the following:

   i) sleep;

   ii) study or learn;

   iii) be involved in recreation, including relaxation and conversation; and

c) the qualities of the acoustic environment that are conducive to protecting the amenity of the community.

The Project's potential noise impacts and proposed management measures are described in Chapter 24, Noise and Vibration.

Environmental Protection (Water and Wetland Biodiversity) Policy 2019

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

a) for high ecological value waters—the biological integrity of an aquatic ecosystem that is effectively unmodified or highly valued; or

b) for slightly disturbed waters—the biological integrity of an aquatic ecosystem that has effectively unmodified biological indicators, but slightly modified physical, chemical or other indicators; or

c) for moderately disturbed waters—the biological integrity of an aquatic ecosystem that is adversely affected by human activity to a relatively small but measurable degree; or

d) for highly disturbed waters—the biological integrity of an aquatic ecosystem that is measurably degraded and of lower ecological value than waters mentioned in paragraphs a) to c); or

e) for waters that may be used to produce, or from which may be taken, aquatic foods for human consumption —the suitability of the water for—

   i) producing aquatic foods that are safe and suitable for human consumption;

   ii) having aquatic foods that are safe and suitable for human consumption taken from the water; or

f) for waters that may be used for aquaculture—the suitability of the water for aquacultural purposes; or

g) for waters that may be used for agricultural purposes—the suitability of the water for agricultural purposes; or

h) for waters that may be used for recreation or aesthetic purposes—the suitability of the water for:

   i) primary recreational use;

   ii) secondary recreational use; or

   iii) visual recreational use;

i) for waters that may be used for drinking water—the suitability of the water for supply as drinking water having regard to the level of treatment of the water; or

j) for waters that may be used for industrial purposes—the suitability of the water for industrial use; or

k) the cultural and spiritual values of the water.

The Project's water values, potential impacts to these values, and proposed mitigation and management measures are described in Chapter 14, Water Resources, and Chapter 15, Water Quality.

Approvals and conditions sought through coordinated project process

The Coordinator-General declared the Project to be a 'coordinated project for which an environmental impact statement (EIS) is required,' under Section 26(1)(a) of the SDPWO Act. The following approvals and conditions are assessed through the coordinated project assessment process:

- Stated conditions:

- EA approval under the EP Act and conditions for the EA;
- conditions provided under the *Strong and Sustainable Resource Communities Act 2017* (SSRC Act); and
- approval of mining leases under the MR Act.

- Recommended conditions:
  - of offset delivery under the EO Act; and
  - for alignments and connections to Esmeralda Prospect Road under the *Local Government Act 2009*.

6.3.4 Fisheries Act 1994

The purpose of the *Queensland Fisheries Act 1994* (Fisheries Act) is to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to apply and balance the principles of (and promote) Ecologically Sustainable Development (ESD). The Fisheries Act provides for:

- managing and protecting fish habitats;
- managing commercial, recreational, and indigenous fishing; and
- managing aquaculture.

Fishery resources, including declared fish habitat areas, contribute to the environmental values of waterways and wetlands.

The Fisheries Act also regulates waterway barrier works where waterway crossings are constructed or upgraded. However, this provision of the Fisheries Act does not apply to works within the boundaries of a mining lease. Additionally, a desktop review of the 'Marine plant area (indicative)' and 'QLD waterways for waterway barrier works' data, supported by the field survey efforts, indicates that no marine plants or tidal waterways occur within the Project area.

The aquatic habitat conditions of waterways within the Project area are typical of the slightly to moderately disturbed aquatic ecosystem in the region. The Project is considered unlikely to cause significant residual impacts on the waterways providing for fish passage. The Project's potential impacts on fishery resources and habitats are described in Chapter 18, Flora and Fauna.

The Project would be exempt from requiring a permit under the Fisheries Act given that any works would occur within the MLA areas.

6.3.5 Nature Conservation Act 1992

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

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

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

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

6.3.5.1 Nature Conservation (Protected Areas) Regulation 1994

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

There are no protected areas underlying the Project. There are several Nature Refuges located within 100 km of the Project, with the closest being the Esmeralda Nature Refuge approximately 40 km west of the Project. Consistent with the Nature Conservation (Protected Areas) Regulation 1994, the Project would not take, use, keep, or interfere with a protected area.

6.3.5.2 Nature Conservation (Animals) Regulation 2020

The Nature Conservation (Animals) Regulation 2020 prescribes the following classes of protected wildlife[1]:

- extinct;
- extinct in the wild;
- critically endangered;
- endangered;
- vulnerable;
- near threatened; and
- least concern.

Under the NC Act, a Regulation may prescribe a 'least concern' plant as a 'special least concern' plant if the taking or use of the plant is at risk of not being ecologically sustainable. The Nature Conservation (Animals) Regulation 2020 prescribes 'least concern wildlife' as 'special least concern wildlife' for the following species:

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

[1] Under the NC Act, 'wildlife' refers to any native taxon or species of an animal, plant, Protista, procaryote or virus.

Permits and licences are required to authorise impacts to, or the handling of, native fauna and their breeding habitat.

The Project's potential impacts on fauna are described in Chapter 18, Flora and Fauna.

6.3.5.3 Nature Conservation (Plants) Regulation 2020

The Nature Conservation (Plants) Regulation 2020 prescribes the following classes of protected wildlife[1]:

- extinct;
- extinct in the wild;
- critically endangered;
- endangered;
- vulnerable;
- near threatened; and
- least concern.

Under the NC Act, a Regulation may prescribe a 'least concern' plant as a 'special least concern' plant if the taking or use of the plant is at risk of not being ecologically sustainable.

Permits and licences may be required to authorise impacts to, or the handling of, native flora.

The Project's potential impacts on flora are described in Chapter 18, Flora and Fauna.

6.3.6 Soil Conservation Act 1986

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

The Project would develop and implement a Topsoil Management Plan, Erosion and Sediment Control Plan, and Progressive Rehabilitation and Closure Plan (Appendix T).

The Project's potential impacts on soils and proposed management measures are discussed in Chapter 9, Land use planning.

6.3.7 Vegetation Management Act 1999

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

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

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

- allows for sustainable land use.

Section 3(2) of the VM Act outlines the mechanisms through which its purpose is achieved. The Vegetation Management Regulation 2012 prescribes the status of each RE identified within Queensland and its categorisation as either endangered, of concern, or least concern.

Under Schedule 21, Part 1, item 1(6) of the Planning Regulation 2017, a resource activity (as defined under Section 107 of the EP Act) is exempt clearing work. As part of a mining activity, clearing native vegetation within the area of the Project MLAs would be exempt from requiring a clearing permit under Schedule 21, Part 1 of the Planning Regulation 2017. Any clearing of native vegetation outside of an ML may require a development approval under the *Planning Act 2016*. This would be assessed separately from the EIS.

The scientific basis for biodiversity conservation under the VM Act is used to assess the conservation significance of the vegetation communities on the Project site. This includes the conservation status categories of each RE under the VM Act.

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

Chapter 18, Flora and Fauna, provides details of the REs identified within the area of the Project. Clearing and other development outside the Project MLAs is beyond the scope of the EIS and would be assessed separately.

6.3.8 Water Act 2000

The *Water Act 2000* (Water Act) is administered by the Department of Local Government, Water and Volunteers (DLGWV), and the Department of Environment, Tourism, Science and Innovation (DETSI). The Water Act provides the framework for the sustainable management of Queensland's water resources and quarry material, through establishing systems for the planning, allocation and use of water, and the allocation of quarry material and riverine protection. The Water Act also has the purpose of securing water supply and demand management for designated regions and the management of impacts on underground water caused by the exercise of underground water rights by the resources sector.

Water supply for construction works would be sourced from the initial impoundment excavation of sediment ponds, and early de-watering of the pit area as initial overburden is removed. Associated water, underground water taken or interfered with during the course of an authorised mining activity, is authorised under the *Mineral Resources Act 1989* (Detailed further in Section 6.3.22).

Under the Water Act, a person must not take or interfere with water unless authorised under the Water Act, or another Act. Section 97 of the Water Act provides that:

1) A person may take overland flow water that is not more than the volume necessary to satisfy the requirements of:

    a) an environmental authority; or

    b) a development permit for carrying out an environmentally relevant activity, other than a mining or petroleum activity, under the *Environmental Protection Act 1994*, schedule 4.

2) A person may interfere with the flow of water by impoundment if the interference is not more than is necessary to satisfy the requirements of an environmental authority.

3) However, subsections (1) and (2) apply only if—

    a) the impacts of the take or interference were assessed as part of a grant of an environmental authority or development permit; and

    b) the environmental authority or development permit was granted with a condition about the take or interference with water.

The Project would also involve the construction of water storages, sediment dams and drains to support the efficient management of water resources. These considerations are discussed in detail in Chapter 14, Water Resources. Clean water diversion drainage, and a flood protection levee, would minimise the take of overland flow by these storages to only what would be necessary to comply with any conditions of an environmental authority for the Project, with the impacts of the take or interference assessed as part of this EIS.

Division 1, Part 8, Section 1250U of the Water Act provides that the holder of the mining tenure must enter into an agreement with the owner of a water bore, if that bore is affected (or likely to be affected) by the proposed mining activities. The potential for the Project to affect registered bores is discussed in detail in Chapter 14, Water Resources.

Warrigal Creek and the Borer River flow through the southwest corner of the Project area (within EPM 28274), while the Clara River and Yapper River are located 6 km to the south and 18 km to the east and north, respectively. Surrounding and impacted watercourses are discussed in Chapter 14, Water Resources. Parts of an unnamed stream order 3 waterway that drains to Warrigal Creek and the Borer River intersect the Project MLAs. The Project would require a permanent diversion of this stream order 3 waterway. Under Section 98 of the Water Act:

1) A person may interfere with the flow of water by diversion if—

    a) the interference is a diversion of a watercourse and is associated with a resource activity; and

    b) the impacts of the interference were assessed as part of a grant of an environmental authority for the resource activity; and

    c) the environmental authority was granted with a condition about the diversion of the watercourse.

6.3.8.1 Water Plan (Gulf) 2007

Water resources within the Norman River sub-basin are managed under the Water Plan (Gulf) 2007. There are two existing water licences downstream of the Project in the Norman River Catchment. The two licences are attached to the same property (8/NM142) and are located approximately 170 km downstream of the Project. The purposes of the plan are defined as:

- to define availability of water in the plan area;
- to provide a framework for sustainably managing water and the taking of water;
- to identify priorities and mechanisms for dealing with future water requirements;
- to provide a framework for establishing water allocations to take supplemented surface water;
- to provide a framework for reversing, where practicable, degradation of natural ecosystems;
- to regulate the taking of overland flow water; and
- to regulate the taking of groundwater.

The Plan defines Environmental Flow Objectives (EFOs), which subsequently define the flow conditions that must be maintained at defined management nodes in the Gulf basin. EFOs are defined for a range of conditions including flow volume, flow duration, low flow, medium to high flow and wet season flow events.

Chapter 14, Water Resources, provides details on the management of water resources.

6.3.8.2 Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017

Groundwater resources with the Norman River sub-basins are managed under the Water Plan (Great Artesian Basin and Other Regional Aquifers [GABORA]), 2017. The purposes of the Plan are defined as:

- to define availability of water in the plan area;

- to provide framework for sustainably managing water and the taking of water in the plan area;
- to identify priorities and mechanisms for dealing with future water requirements; and
- to provide a framework for reversing, if practicable, the degradation of groundwater-dependent ecosystems.

The Plan's main outcomes are to allocate (using water permits and licenses) and manage water in a way to mitigate the impact on groundwater-dependent ecosystems due to taking and interfering with water. The Plan aims to achieve a sustainable balance between the following outcomes:

- to protect the flow of water to groundwater-dependent ecosystems that support significant cultural or environmental values;
- to protect the continued use of authorisations to take or interfere with water;
- to maintain, and if practicable increase, water pressure in aquifers to preserve the supply of water to bores;
- to make water available for future development and social and cultural activities that depend on water, including for the aspirations of Aboriginal peoples and Torres Strait Islanders;
- to encourage the efficient use of water by requiring water bores to have watertight delivery systems or be controlled; and
- to facilitate the operation of efficient water markets and opportunities for the temporary or permanent movement of water.

Chapter 14, Water Resources, provides details on the management of groundwater resources.

6.3.9 Queensland Heritage Act 1992

The primary purpose of the *Queensland Heritage Act 1992* (QH Act) is to provide for the conservation of Queensland's cultural heritage places for the benefit of the community and future generations. The QH Act protects non-Indigenous cultural heritage places and objects of historical architectural, aesthetic, scientific or social significance through the Queensland Heritage Register.

The aims of the Heritage Act are primarily achieved by:

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

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

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

There are no Queensland Heritage Register places within the Project area.

Additionally, there are no non-Indigenous cultural heritage sites identified within the Project area. No sites are considered to meet the threshold for State heritage listing. Fossils, however, have been uncovered within the vicinity of the Project area. This is discussed in more detail in Chapter 12, Non-Indigenous cultural heritage.

6.3.10 Aboriginal Cultural Heritage Act 2003 (Qld)

The *Aboriginal Cultural Heritage Act 2003* (ACH Act) provides a system to recognise, protect, preserve and manage Aboriginal cultural heritage areas and objects. The ACH Act protects Aboriginal cultural heritage with Aboriginal people recognised as the 'primary guardians and knowledge holders'. It establishes a duty of care, protection mechanisms and processes for managing activities that may harm Aboriginal cultural heritage.

Section 23 of the ACH Act prescribes duty of care provisions and requires that a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage. There are several ways that a person can meet their duty of care under the ACH Act, including:

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

The ACH Act requires a CHMP or other approved agreement to be prepared for any project undertaking an EIS. A CHMP has been prepared and would be finalised prior to Project commencement. The Proponent would ensure compliance with the cultural heritage duty of care by implementing and complying with the terms of the CHMP throughout the life of the Project.

6.3.11 Building Act 1975

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

6.3.12 Planning Act 2016

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

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

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

of the MLA areas would generally be subject to the Planning Act. Clearing and other development outside the Project MLAs is beyond the scope of the EIS and would be assessed separately.

The Project is a development for a relevant purpose based on the definition under Section 22A of the VM Act. An assessment against the relevant performance outcomes in State Code 16 'Native Vegetation Clearing' would be conducted. In addition, a significant residual impact assessment has been completed for any regulated vegetation MSES, in accordance with the latest guidelines.

6.3.12.1 State Planning Policy

Queensland State interests are defined under the *Planning Act 2016*, where the relevant Planning Minister considers an interest that:

- affects an economic or environmental interest of the State or a part of the State; or
- affects the interest of ensuring this Act's purpose is achieved.

As detailed in Section 6.3.2, the purpose of the Planning Act is to establish a system of land use planning and development assessment, which is coordinated, efficient, effective, and accountable. Under the Planning Act, it is the responsibility of local governments to establish integrated State, regional, and local policy planning for each local government area.

The State Planning Policy (SPP) is a key component of Queensland's planning system (Queensland Government 2017). The SPP supports the Planning Act and local government planning by setting down the state interests that apply to plan-making, and that should be given effect through each local government planning scheme.

The Proponent considers that the Project is compatible and consistent with the State interests identified in the SPP. A summary of Project compatibility with State interests detailed in the SPP is provided in Table 6-3.

Table 6-3: State planning policy compatibility

Queensland State Interest	Project compatibility
Economic growth	
Agriculture	• The Project has undertaken an assessment of land suitability and considered potential impacts to agricultural land and resources (Chapter 9, Land Use Planning and Chapter 28, Visual Amenity). The Project is not expected to result in a significant impact to agricultural land. • The Project would undertake activities on land previously used for cattle grazing, with temporary loss of productivity within Project areas. The Project site would be rehabilitated (excepting retained infrastructure) to a post-mining land use of low intensity cattle grazing of native vegetation, consistent with the pre-mining land use. • There are no Important Agricultural Lands (IAA) identified in the Project area. • The Project would disturb areas that have been assessed as Class C2 agricultural land – Pasture land and native pastures ((Chapter 9), however due to site rehabilitation, the loss of agricultural production (cattle grazing) would not be significant or long-term.
Development and construction	• The Project would generate approximately 100 jobs during construction and up to 192 at peak production, including a mix of local and remote workers. • The Project would support approximately 128 jobs during operation, including a mix of local and remote workers. • The Project would have on-site accommodation, supporting sustainable development in the region by avoiding any rapid increase in population and housing requirements (Chapter 20, Social).
Mining	• The Project is located within the Critical Minerals Zone (DNRMMRRD 2023).

Queensland State Interest	Project compatibility
	• The Project would support the co-existence of resource activities with other activities in the region, by rehabilitating the Project area to a productive land-use consistent with regional and State planning schemes (Chapter 9, Land use Planning).
Tourism	• The Project is not located within a notable tourist area.
Environment and heritage	
Biodiversity	• MSES relevant to the Project have been assessed in accordance with the *Queensland Environmental Offsets Policy Significant Residual Impact Guideline v1.2* (Chapter 18, Flora and fauna). • Project design has considered relevant MSES and has included siting of infrastructure to avoid or minimise potential biodiversity impacts where possible – including utilising existing disturbance on the underlying property. • Additional mitigation measures have been developed, including for potential impacts on water resources, aquatic and terrestrial ecological values, and land (Chapter 14 Water resources, Chapter 18, Flora and Fauna, and Chapter 9 – Land Use Planning). • Biodiversity offset strategies have been proposed for potential residual impacts on MSES (Chapter 18, Flora and Fauna and Appendix E, Terrestrial Ecology Assessment).
Coastal environments	• The Project is located approximately 400 km from the closest coastal management district. Therefore, no impacts to the coastal environment are predicted.
Cultural heritage	• A draft Cultural Heritage Management Plan (CHMP) has been prepared by the Proponent and would require approval prior to Project commencement. • The Project is not expected to have a significant impact on non-Indigenous cultural heritage values (Chapter 12) or Indigenous Cultural Heritage, Chapter 11).
Water quality	• Significant impacts to water quality, including the Borer River and Warrigal River and associated alluvium, are not predicted as a result of the Project (Chapter 15 Water Quality, and Appendices K and L).
Infrastructure	
Energy and water supply	• Electricity supply would be generated on-site through a combination of a solar array with supporting battery systems and diesel generators. • The Project would not require connection to the regional water or electricity grid.
Integration of infrastructure	• The Project would develop a greenfield critical minerals resource in the Critical Minerals Zone, for use in the battery industry and other value-adding downstream capabilities. • The Project would largely utilise existing road and rail infrastructure where required. • Future critical mineral resource projects in the area may be facilitated by the baseline assessments and development work undertaken by the Project.
Transport infrastructure	• The Project would utilise existing road and rail infrastructure where required. • The Project has prepared a Traffic and transport impact assessment (Chapter 25, Appendix N), which includes an assessment of potential impacts on road, rail, and airport. • The assessment determined that there is unlikely to be a significant impact and included detailed mitigation and management measures.
Strategic airports and aviation facilities	• No strategic airports or aviation facilities are located within the Project footprint. • The closest strategic airport is the Townsville Airport, which is located approximately 500 km east of the Project. • It is not expected that the Project would impact on the safety, efficiency, and operational integrity of the Townsville Airport.

Queensland State Interest	Project compatibility
	• The Project may use the Townsville Airport (if needed in addition to the on-site airstrip) for the transport of a fly-in/fly-out workforce, which would complement and support the role of the Townsville Airport as an economic hub for the region, including by generating indirect employment opportunities.
Strategic ports	• The Project would utilise existing port infrastructure and capacity at the Port of Townsville, where it is required for import or export of material. • This use is not expected to impact on the safety, efficiency, and operational integrity of the port, and would support the role the port plays as an economic hub.
Liveable communities and housing	
Housing supply and diversity	• The Project has developed a Housing and Accommodation Plan (Appendix J) which details mitigation measures to minimise impacts on housing supply in the region, including affordability and availability, as a result of the Project. • The Project would develop and utilise on-site accommodation for the workforce, ensuring minimal impact on the regional housing supply (Chapter 20, Social). • Prioritising employment of local workers may stimulate housing investment and support the growth of the region.
Liveable communities	• The Project has developed a Community Health and Wellbeing Plan (Appendix J), which details mitigation measures to minimise impacts on the local and regional community, including emergency services and community services.
Safety and resilience to hazards	
Emissions and hazardous activities	• Contributions to greenhouse gas emissions would be minimised through the development of an on-site solar array and battery storage system (Chapter 27, Greenhouse Gas). The Project has developed a Greenhouse Gas and Decarbonisation Technical Report (Appendix B) which would support greenhouse gas emissions reductions. Additional emissions would be avoided by reducing, where practicable, the removal of wooded vegetation (Chapter 18, Flora and Fauna). • Suitable sewage infrastructure, including a sewage treatment plant and designated sewage irrigation zone (Chapter 17, Waste), would be located, designed and managed to avoid and mitigate adverse impacts on sensitive land uses and the natural environment. • The Project is not expected to disturb acid sulphate soils. • Hazardous chemicals would not be stored in a flood hazard area. • The storage, disposal, and use of hazardous materials would be undertaken in a manner that minimises the health and safety risks to communities and individuals (Chapter 23, Air Quality and Chapter 27, Greenhouse Gas, Chapter 17, Waste and Chapter 22, Hazards Health and Safety).
Natural hazards, risk and resilience	• Part of the Project area intersects mapped flood prone and bushfire hazard zones, which are related to the Borer River and riparian zone. • The Project key infrastructure including the open-cut pit, mine infrastructure area, and accommodation, would be located outside of the flood hazard area and bushfire prone area, or managed through supporting infrastructure such as levees and diversions as necessary.

State Development Assessment Provision

The State Development Assessment Provision (SDAP) codes provide assessment benchmarks for the assessment development applications involving the State Assessment and Referral Agency (SARA). The SDAP is a performance-based code that regulates specific outcomes, rather than regulating development through prescription (DSDIP 2025a).

The SDAP Codes considered potentially relevant to the Project are as follows:

1) State Code 10: taking or interfering with water;

2) State Code 16: native vegetation clearing;

3) State Code 21: hazardous chemical facilities; and

4) State Code 22: environmentally relevant activities.

5) State Code 24 environmental nuisance – applies to activities that may generate dust, noise, vibration or light spill.

6) State Code 25 development in a State controlled road environment for heavy vehicle haulage routes intersecting state controlled roads.

State Code 12 (development in a declared fish habitat area) is not applicable to the Project as it is not located within a declared fish habitat area. The Project would be exempt from State Code 18 (Constructing or raising waterway barrier works in fish habitats) as Project works which occur in a waterway would be undertaken within a mining lease. An assessment of the Project against the relevant SDAP codes is provided in Table 6-4.

Table 6-4: SDAP code assessment

SDAP Code	Purpose statement	Assessment
State Code 10: taking or interfering with water.	The purpose of this code is to ensure sustainable management of water by ensuring that development: 1. maintains: a) natural ecosystem processes; b) riverine environments; c) underground water systems; d) physical integrity of watercourses; 2. does not result in an adverse impact on: a) connectivity between underground water and water in a watercourse, lake or spring; b) property of others; c) the water security of other users and their access to the water resource; 3. minimises the volume of overland flow water taken, consistent with the development; and 4. minimises the take of contaminated agricultural run-off water.	The Project would maintain natural ecosystem processes and the function and quality of riverine environments (Chapter 18, Flora and Fauna, Chapter 15, Water Quality). The Project would be required to de-water in or adjacent to the area of the pit to ensure safe and sustainable operations. The quantity and quality of water from de-watering processes would be sufficient to provide for the Project's water supply demands. The hydrogeological context of the site indicates that there would be minimal impact on underground water systems beyond the requirement for de-watering. The Project would develop a water management system, including diversion drains for clean water to minimise the volume of overland flow taken. Agricultural run-off water is not expected to be a relevant water source for the Project.
State Code 16: native vegetation clearing.	The purpose of this code is to ensure development: 1. avoids clearing, or where avoidance is not reasonably possible, minimises clearing to: a) conserve vegetation; b) avoid land degradation;	The Project has been designed to avoid clearing where reasonably practical, including by siting Project infrastructure in areas of existing disturbance (e.g. existing access tracks), or outside the extent of wooded vegetation (Chapter 18, Flora and Fauna) and waterways. Vegetation would only be removed where necessary, including prior to

SDAP Code	Purpose statement	Assessment
	c) avoid the loss of biodiversity; d) maintain ecological processes; 2. minimises contributions to greenhouse gas emissions; 3. for vegetation retention purposes, is undertaken in a manner that retains or regenerates vegetation by sustainably managing the impacts of the clearing on regional ecosystems, biodiversity and ecological processes over time; 4. is consistent with any notice requiring compliance on the land subject to the development application unless a better environmental outcome can be achieved; 5. is consistent with vegetation management requirements for particular regulated areas unless a better environmental outcome can be achieved; 6. avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not possible; and 7. does not result in a significant residual impact on a matter of state environmental significance unless the significant residual impact is acceptable, and an offset is provided (where appropriate). An offset is not appropriate for acceptable significant residual impacts on a connectivity area unless the clearing is for development that is a coordinated project, natural channel diversion, or contaminants removal.	development of infrastructure, or as a buffer for safe operations. Contributions to greenhouse gas emissions would be minimised through the development of an on-site solar array and battery storage system (Chapter 27, Greenhouse Gas). The Project has developed a Greenhouse Gas and Decarbonisation Technical Report (Appendix B) which would support greenhouse gas emissions reductions. Additional emissions would be avoided by reducing, where practicable, the removal of wooded vegetation. The Project has developed an offset strategy for where impacts on a matter of state environmental significance cannot be reasonably avoided (Chapter 18, Flora and Fauna). No native vegetation is expected to be cleared to undertake any off-lease works. The alignment of the Project access road to Esmeralda Prospect Road would be undertaken through agreement with the Croydon Shire Council and would occur within the existing road parcel lot.
State Code 21: hazardous chemical facilities.	The development is designed and sited, as far as reasonably practicable, to ensure: 1. human health and safety, and the built environment are protected from off-site risks resulting from physical or chemical hazards; and 2. hazardous chemical facilities are protected from: e) off-site hazard scenarios at existing hazardous chemical facilities; and f) natural hazards.	The Project was assessed against the major hazard facility criteria from the *Work Health and Safety Regulation 2011* (Qld) and is not expected to meet the definition of a major hazard facility. At appropriate intervals, an assessment would be made to determine whether more than 10% of the threshold for any Schedule 15 chemical is likely to be present for the remaining life of the Project and, should this occur, undertake the required notification. Notwithstanding, for hazardous chemicals below the threshold, the development would adhere to the relevant purpose statement. Hazardous materials are detailed in Chapter 22, Hazards Health and Safety.

SDAP Code	Purpose statement	Assessment
State Code 22: environmentally relevant activities.	The purpose of the code is to ensure that environmentally relevant activities (ERAs): 1. are located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors; 2. are designed and located to avoid impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated; and 3. does not result in a significant residual impact on a matter of state environmental significance unless the significant residual impact is acceptable, and an offset is provided.	The Project meets the objectives for sensitive receptors identified in the Environmental Protection (Noise) Policy 2019 (Chapter 24, Noise and Vibration. The Project meets the air quality objectives of the Environmental Protection (Air) Policy 2019 (Chapter 23, Air Quality and Chapter 27, Greenhouse Gas). The Project is suitably located and designed to avoid or mitigate environmental harm on adjacent sensitive land uses caused by odour. The Project meets the management intent, water quality guidelines, and objectives of the Environmental Protection (Water and Wetland Biodiversity) Policy 2019 (Chapter 18, Flora and Fauna, Chapter 15, Water Quality). The Project is designed to contain and treat hazardous contaminants on-site and would provide secondary containment to prevent the accidental release of hazardous contaminants to the environment from spillage or leaks. Environmentally hazardous materials located on-site would be stored to avoid or minimise their release into the environment due to inundation during flood events, including by being located outside of modelled flood extents (Chapter 14, Water Resources and Chapter 22, Hazards Health and Safety). The Project would minimise and mitigate impacts on MSES, including the provision of offsets where impacts are unavoidable.
State Code 25: development in a State controlled road environment for heavy vehicle haulage routes intersecting state controlled road	The purpose of the code is to protect the safety, efficiency and structural integrity of State-controlled roads.	The Project would access State-controlled roads (the Gulf Development Road). Heavy vehicle traffic generated by the Project would not reduce overall safety and sight distances would be maintained (Chapter 25, Traffic and Transport).

6.3.12.2 Local government planning scheme

The Project is in the Croydon Shire local government area, which is governed by the Croydon Shire Planning Scheme 2019 (commenced 1 February 2019). The Project is on freehold land in the Rural zone. Activities authorised under the Project mining leases would not be subject to local government development assessment. Development outside the MLAs, such as road works, would be assessed against the scheme. The Project is consistent with the strategic framework's support for new resource development.

6.3.13 Plumbing and Drainage Act 2018

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

- establishing a licensing scheme for all regulated plumbing and drainage work;

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

A sewage treatment plant would be required for the Project and is a prescribed ERA under the EP Act (see Section 6.3.3). Final inspection certificates or inspection certificates are also required for plumbing and drainage work including permanent toilet facilities, showers and site office facilities. The Proponent would comply with the relevant provisions of the *Plumbing and Drainage Act 2018* for the construction and operation of the Project.

6.3.14 Regional Planning Interests Act 2014

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

Areas of regional interest that the RPI Act protects include:

- high-quality agricultural areas from dislocation (Priority Agricultural Areas [PAAs]);
- existing settled areas of a city, town or other community including areas for future growth and buffer areas between resource activities (Priority Living Areas [PLAs]);
- land that is highly suitable for cropping (Strategic Cropping Areas [SCAs]); and
- regionally important environmental areas (Strategic Environmental Areas [SEAs]).

The Project is not located within a PAA, PLA, SCA or SEA—therefore, the RPI Act does not apply.

6.3.15 Strong and Sustainable Resource Communities Act 2017

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

1) prepare a social impact assessment for the Project;

2) employ people from nearby regional communities (i.e. prohibition on 100% fly-in fly-out workforces); and

3) no discrimination against residents from nearby regional communities when hiring employees.

The Project would comply with the requirements of the SSRC Act. Further details of compliance with the requirements of the SSRC Act are contained in Chapter 20, Social.

6.3.16 Transport Infrastructure Act 1994

The purpose of the *Transport Infrastructure Act 1994* is consistent with the objectives of the *Transport Planning and Coordination Act 1994*, which is to provide a regime that allows for and encourages effective integrated planning and efficient management of a system of transport infrastructure.

The existing transport access route has been selected to ensure transport efficiency and minimise impacts on land uses and the community. All Project-related transport would be managed to comply with the associated principles and requirements of the *Transport Infrastructure Act 1994*. Transport requirements for the Project are contained in Chapter 25, Traffic and Transport.

6.3.17 Transport Operations (Road Use Management) Act 1995

The *Transport Operations (Road Use Management) Act 1995* provides for the effective and efficient management of road use in the State, and provides a scheme for managing the use of the State's roads that would:

- promote the effective and efficient movement of people, goods and services;
- contribute to the strategic management of road infrastructure in ways consistent with the Transport Infrastructure Act 1994;
- improve road safety and the environmental impact of road use in ways that contribute to overall transport effectiveness and efficiency;
- support a reasonable level of community access and mobility in support of government social justice objectives; and
- provide for the effective and efficient management of vehicle use in a public place.

Provisions that regulate oversize vehicles are relevant to the Project. In addition, the oversize vehicle standards and safety requirements required by the *Transport Operations (Road Use Management) Act 1995* would be adhered to during all phases of the Project.

The Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008 has been developed to prescribe the obligations of persons transporting dangerous goods by road, to reduce (where practical) the risks associated with the transportation of dangerous goods. The Regulation also gives effect to the standard requirements and procedures of the 'Australian Dangerous Goods Code', and promotes consistency between the associated standards, requirements and procedures. The vehicle standards and requirements for transporting dangerous goods contained in the Regulation would be complied with during all phases of the Project. Transport requirements for the Project are contained in Chapter 25, Traffic and Transport.

6.3.18 Waste Reduction and Recycling Act 2011

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

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

Project construction and operation would involve the generation and storage of wastes at each phase of the Project. The Proponent would comply with the requirements of the Act. Waste management for the Project is contained in Chapter 17, Waste.

6.3.19 Forestry Act 1959

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

The Project and associated off-lease infrastructure does not intersect any State forests, timber reserves or forest entitlement areas. The *Forestry Act 1959* would apply where State-owned quarry material is present within the Project area.

Clearing and other development outside the Project MLAs is beyond the scope of the EIS and would be assessed separately.

6.3.20 Mineral and Energy Resources (Common Provisions) Act 2014

The *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) creates a common framework that applies to all resource authorities in order to optimise development and use of Queensland's mineral and energy resources. The main purposes of the MERCP Act are to consolidate particular provisions common to each of the resources Acts and provide for particular common processes that apply to the resource authorities. The purposes are achieved by providing for the following relevant matters principally in this Act, rather than in each of the Resources Acts:

- dealings, caveats and associated agreements;
- land access;
- the resources authority register; and
- other miscellaneous matters.

While the MERCP Act also manages overlapping coal and petroleum resource authorities for coal seam gas to assist in achieving the purposes of each of the resources Acts, this section of the Act is not relevant to the Project.

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

6.3.21 Mineral and Energy Resources (Financial Provisioning) Act 2018

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

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

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

6.3.22 Mineral Resources Act 1989

The principal objectives of the *Mineral Resources Act 1989* (MR Act) are to:

- encourage and facilitate prospecting and exploring for and mining of minerals;
- enhance knowledge of the mineral resources of the State;
- minimise land use conflict with respect to prospecting, exploring and mining;

- encourage environmental responsibility in prospecting, exploring and mining; and
- ensure an appropriate financial return to the State from mining.

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

- Prospecting Permits;
- Mining Claims;
- Exploration Permits;
- Mineral Development Licences (MDLs); and
- MLs.

The Proponent currently holds Exploration Permit Minerals (EPMs) 28274, 25210, 27818, and 27195 underlying the Project MLAs, which authorise the following activities leading to the evaluation and economic development of an ore body under the MR Act:

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

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

Under the MR Act, an ML holder may conduct large scale mining operations, which allows for the mining of specified minerals and conduct other activities associated with mining or promoting the activity of mining. The holder of an ML has a right under the MR Act to take or interfere with underground water if the taking or interfering occurs with or results from the holders' authorised activities, provided that:

- the holder of the ML, in accordance with any requirements prescribed by regulation:
    - measures the volume of associated water taken, or if the taking is the result of evaporation, estimates the volume of water taken; and
    - reports the volume or estimated volume of associated water taken to the chief executive; and
- the holder of the ML advises the chief executive of the exercise of the holder's underground water rights immediately after the holder starts exercising the rights.

Advance and on-going pit-dewatering for the Project would be authorised under section 334ZP of the MR Act.

The Proponent also holds EPMs 28306, 28276, and 28309 which adjoin but are not underlying the Project.

6.3.22.1 Mineral Resources Regulation 2013

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

- Prescribing:
    - conditions, restrictions, exemptions and prohibitions for tenures;

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

An MLA process is currently in progress for the Project and the Proponent would comply with all relevant provisions of the Mineral Resources Regulation 2013 for the ML application and the construction, operation and closure of the Project.

6.3.23 Electrical Safety Act 2002

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

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

6.3.24 Fire and Emergency Services Act 1990

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

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

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

6.3.25 Mining and Quarrying Safety and Health Act 1999

The *Mining and Quarrying Safety and Health Act 1999* (MQSHA Act) provides a framework to achieve the following objects:

- to protect the safety and health of persons at mines and persons who may be affected by operations; and

- to require that the risk of injury or illness to any person resulting from operations is at an acceptable level.

The Proponent would comply with all relevant provisions of the MQSHA Act for all phases of the Project.

6.3.26 Work Health and Safety Act 2011

The *Work Health and Safety Act 2011* (WHS Act) provides a framework to protect the health, safety and welfare of all workers at work. Schedule 1, Part 2, Section 2(b) of the WHS Act provides that the WHS Act does not apply to mines regulated under the MQSHA Act. As detailed in Section 6.3.25, the Proponent would comply with all relevant provisions of the MQSHA Act for all phases of the Project.

6.3.27 Human Rights Act 2019

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

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

The Proponent considers the Project to be compatible with human rights and any potential limitations to these rights to be reasonable and justifiable, having regard to the nature and purpose of the limitation. Human rights considered in the delivery and operation of the Project are listed in Table 6-5.

Table 6-5: Human rights considerations

Human rights	**Proponent considerations under the *Human Rights Act 2019***
Rights related to industrial relations and safety, including the right to life, freedom from forced work and freedom of expression.	The Proponent has designed the Project and developed employment policy statements to provide a place of employment that respects and upholds every persons rights, is an environment free from discrimination and is safe for its workers.
Rights related to impacts on the environment and climate change, including the right to life and right of every child to protection.	The Proponent seeks to appropriately mitigate the environmental impacts of the Project. The Proponent has considered the impact of greenhouse gas emissions and has developed a Greenhouse Gas Abatement Plan to minimise greenhouse gas emissions to the greatest extent possible. Any limits to human rights relating to climate change are reasonable and justified having regard to the mitigation measures developed and the nature and purpose of the Project. The Project is for the extraction of high-quality critical mineral product, measurably supporting the renewable energy transition at State and Federal levels.

Human rights	Proponent considerations under the *Human Rights Act 2019*
Rights related to property and land use, including the right not to be arbitrarily deprived of property and right not to have a person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.	The Proponent has sought to understand the scope of social impacts that might occur during construction and operation of the Project. The Proponent has conducted a social impact assessment to better understand the potential adverse effects the Project could have on local and nearby regional communities. The Proponent has considered these effects and prepared a Social Impact Management Plan to minimise adverse impacts of the Project. The Management Plan comprises of the following: • Community Stakeholder Engagement Plan; • Community Health and Wellbeing Plan; • Housing and Accommodation Plan; • Workforce Management Plan; and • Local Business and Industry Procurement Plan. The Proponent has designed the Project to minimise social impacts to the greatest extent possible. The Management Plans above are designed to be consistent with or even promote human rights relating to social impacts.
Cultural rights, including the right of Aboriginal people not to be denied the right to enjoy, control and protect their cultural heritage, maintain their connection with the land and conserve the environment and productive capacity of their land.	The construction and operation of the Project aims to ensure that the nature and scale of the Project does not compromise cultural rights including the cultural heritage significance of a heritage place or heritage area. The Project area, comprising MLA 100430 and MLA 100431, is located on freehold land where native title exist and mining leases would be granted in accordance with Section 24MD of the *Native Title Act 1993*. The Federal Court of Australia has recognised the native title rights and interests of the Tagalaka People over land in and around the township of Croydon in the Gulf Country of north-west Qld: • 'Tagalaka People' (QUD6109/1998); and • 'Tagalaka People #2' (QUD 6020/2001).

6.3.28 Land Act 1994

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

1) Sustainability—sustainable resource use and development to ensure existing needs are met and the State's resources are conserved for the benefit of future generations.

2) Evaluation—land evaluation based on the appraisal of land capability and the consideration and balancing of the different economic, environmental, cultural and social opportunities and values of the land.

3) Development—allocating land for development in the context of the State's planning framework and applying contemporary best practice in design and land management. When land is made available, allocation to persons who would facilitate its most appropriate use, that supports the economic, social and physical wellbeing of the people of Queensland.

4) Community purpose—if land is needed for community purposes, the retention of the land for the community in a way that protects and facilitates the community purpose.

5) Protection—protection of environmentally and culturally valuable and sensitive areas and features.

6) Consultation—consultation with community groups, industry associations and authorities are an important part of the decision-making process.

7) Administration—consistent and impartial dealings, efficient, open and accountable administration, and a market approach in land dealings, adjusted when appropriate for community benefits arising from the dealing.

The Project is located on private, freehold land. The Transport Impact Assessment (Appendix N) indicated that some maintenance or upgrades to Richmond-Croydon Road and Esmeralda Prospect Road may be required to facilitate haulage to and from the Project site. This may include ensuring cattle grids and causeway crossings have suitable capacity for the vehicle types required for Project operation.

Upgrades and roadworks would be subject to a permitting process under the *Planning Act 2016* and would occur through agreement with the Croydon Shire Council and Richmond Shire Council as necessary. Access to all local properties would be maintained, across all Project phases. Under Section 177 of the Land Act, the chief executive may issue a permit to occupy a reserve, road or unallocated State land. This permit entitles the holder to non-exclusive use of that land. Where electricity, water, or other infrastructure on unallocated State land, reserves or roads is required for the Project, a permit to occupy would be obtained by the Proponent.

6.3.29 Local Government Act 2009

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

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

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

The Project is located within the Croydon Shire LGA, with the Croydon Shire Council having been identified and engaged as a key stakeholder for the Project. This is discussed further in Chapter 20, Social.

There would be alignments and connections to Esmeralda Prospect Road required for the Project. Road impacts of the Project would be subject to agreement with the Croydon Shire Council.

6.3.30 Stock Route Management Act 2002

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

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

There are no stock routes identified underlying or directly adjacent the Project area. Further details on stock routes are addressed in Chapter 4, Project Description.

6.4 Local Legislation

Local government approvals for the Project would be under the jurisdiction of the Croydon Shire Council; the local government area defined for the Project. Because the Project is a coordinated project under the State Development and Public Works Organisation Act, most environmental and mining approvals are obtained at the State level. However, local government approvals are required for particular land use, infrastructure and services. These are likely to include:

- road access and works permits may be required if the Project uses or upgrades local roads, including for alignments and connections to Esmeralda Prospect Road for Project access; and
- local laws permits for temporary works, signage, permits of storage of flammable or combustible materials.

Clearing and other development outside the Project MLAs is beyond the scope of the EIS and would be assessed separately.

6.5 Project consistency with Approvals and outcomes

A summary of the Project's consistency with approvals and outcomes in the format outlined in Appendix 2 of the Terms of Reference is provided as Table 6-6.

Table 6-6: Summary of legislative considerations

Relevant Legislation	Approval	Decision maker/ Administering authority	Approval trigger and Project relevance	Timing
Commonwealth legislation				
EPBC Act (1999)	N/A	Australian Government Minister for the Environment and Water (Australian Government Environment Minister) / Department of Climate Change, Energy, the Environment and Water (DCCEEW)	No approval required. Project declared not a controlled action (EPBC 2025/10140). Decision made under s75 of the EPBC Act.	N/A
Environmental Offsets Policy (2012)	N/A	Australian Government Minister for the Environment and Water (DCCEEW)	Not required. Project declared not a controlled action (EPBC 2025/10140). Decision made under s75 of the EPBC Act.	N/A
Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act)	Compliance with the ATSIHP Act and Cultural Heritage Management Plan (CHMP)	The Attorney General and Minister for the Environment and Water (DCCEEW)	In response to an application, the Commonwealth Minister for the Environment and Water can use the ATSIHP Act to make a declaration to protect an area or object for a specified period of time. No declaration has been made.	N/A
NGER Act	Project Registration	Clean Energy Regulator	The Project has been assessed against the threshold for GHG emissions, energy production and consumption according to Section 13(1) of the NGER Act. The Project would exceed the NGER Act reporting threshold.	At Project commencement.
Native Title Act 1993	-	National Native Title Tribunal / Queensland Department of Resources	The Project area comprising MLA 100430 and MLA 100431 is located on freehold land where native title has been recognised for the Tagalaka People. Graphinex has engaged with the Tagalaka People. A Cultural Heritage Management Plan has been	Before ML grant.

Relevant Legislation	Approval	Decision maker/ Administering authority	Approval trigger and Project relevance	Timing
			drafted and would be finalised prior to the Project commencement.	
State legislation and associated subordinate legislation				
Aboriginal Cultural Heritage Act 2003 *Torres Strait Islander Cultural Heritage Act 2003*	CHMP	DWATSIPM	The Project area comprising MLA 100430 and MLA 100431 is located on freehold land where native title has been recognised for the Tagalaka People. A Cultural Heritage Management Plan has been drafted and would be finalised prior to the Project commencement.	Before Project commencement.
Biosecurity Act (Qld)	General biosecurity obligations	DPI	A Weed and Pest Management Plan would be developed and implemented for the Project that describes the measures to manage weeds and feral animals to satisfy the Proponent's general biosecurity obligations.	Before Project commencement.
Environmental Offsets Regulation 2014		DETSI	Significant residual impacts to MSES.	Before Project commencement.
Environmental Protection Act 1994	Environmental Authority for an environmentally relevant activity (ERA) listed in Table 6-2 PRC Plan ERC	DETSI	The Project would involve several ERA's under the EP Act (refer to Section 6.3.3). The Proponent would need to obtain the following: • an Environmental Authority; • an approved Progressive Rehabilitation and Closure Plan (PRCP) schedule; and • an approved Estimated Rehabilitation Cost (ERC).	Before Project commencement.
Environmental Protection Act 1994 *Mineral and Energy Resources (Financial*	Progressive Rehabilitation and Closure Plan and Schedule and Estimated Rehabilitation Calculation	DETSI	A PRC Plan has been included in the EIS.	Before Project commencement.

Relevant Legislation	Approval	Decision maker/ Administering authority	Approval trigger and Project relevance	Timing
Provisioning) Regulation 2019				
Electricity Act 1994	Transmission authority, distribution authority, generation authority and/or special approval	QTC	No approval required. The Project would generate electricity on-site and would not be connected to an outside transmission grid or supply network. The Proponent would comply with the relevant provisions of the *Electricity Act 1994* during construction of the Project.	N/A
Fisheries Act 1994	Development Approval	DPI	No approval required as works associated with the Project would be undertaken within the ML under the conditions of the EA. The waterway diversion and flood levee would be located within the Project MLAs, hence it would be exempt from requiring a permit under the Fisheries Act.	N/A
NC Act	Not required	DETSI	The Project would not take, clear or interfere with protected plants outside the mining lease. A general Species Management Program would be developed and implemented to address Section 88 of the NC Act and Section 335 of the Nature Conservation (Animals) Regulation 2020. Protected plants were not observed within the Project area during field surveys.	Before Project commencement.
Soil Conservation Act 1986	Not required	DNRMMRRD	The Project would develop soil management and erosion control measures (refer to Section 6.3.6).	Before Project commencement.
VM Act	Development Approval	DNRMMRRD	No approval required to clear native vegetation inside the area of the ML for mining activities. Clearing would be undertaken in accordance with the 'Permit to Disturb' process.	Before Project commencement.

Relevant Legislation	Approval	Decision maker/ Administering authority	Approval trigger and Project relevance	Timing
			A development approval may be required to clear native vegetation outside the area of the ML (refer to Section 6.3.7), or for non-mining activities.	
Heritage Act Queensland Heritage Regulation 2015	Not required	DETSI	An Incidental Finds Procedure would be implemented in the event that a potential site of non-Indigenous cultural heritage significance is identified within the Project area that has not previously been recorded. (refer to Sections 6.3.10 and 6.3.9)	Before Project commencement.
Building Act 1975 Building Regulation 2021	Not required	DHPW	No approval required. Construction of any associated building or other structure (e.g. mine infrastructure) must comply with the provisions of the *Building Act 1975*. Further to this, the Proponent must also comply with the relevant provisions of the 'Building Code of Australia' and/or the 'Queensland Development Code' when undertaking building works for the Project (refer to Section 6.3.11).	N/A
Planning Act 2016 Planning Regulation 2017	Off-lease Development Approval	Croydon Shire Council	Project activities that are located outside of the ML areas would generally be subject to the Planning Act. Clearing and other development outside the MLAs is beyond the scope of the EIS and would be assessed separately.	N/A
Plumbing and Drainage Act 2018 Plumbing and Drainage Regulation 2018	Plumbing and drainage works	DHPW	The Proponent would need to obtain approvals for plumbing and drainage work for permanent toilet facilities, showers and site office facilities as required.	Before Project commencement.
RPI Act Regional Planning Interest Regulation 2014	Not required	DSDIP, DPI	Not required. The Project is not located within a Priority Agricultural Area, Priority Living Area, Strategic Cropping Area, or Strategic Environmental Area (refer to Section 6.3.14).	N/A

Relevant Legislation	Approval	Decision maker/ Administering authority	Approval trigger and Project relevance	Timing
SSRC Act	Approval of Project EIS. Approved social impact management plans.	Coordinator General	The Coordinator-General has powers under the SSRC Act to ensure large resource projects provide benefits to local communities (refer to Section 6.3.15), and would determine EIS and SIMP approval.	Before CGER.
Transport Infrastructure Act 1994	Not required	DTMR	No approval required (refer to Section 6.3.16).	N/A
Transport Operations (Road Use Management) Act 1995 Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018	Not required	DTMR	No approval required (refer to Section 6.3.16).	N/A
Waste Reduction and Recycling Act 2011 Waste Reduction and Recycling Regulation 2011	Not required	DETSI	No approval required (refer to Section 6.3.18).	N/A
Forestry Act 1959	Sales Permit	DPI	A sales permit may be required for the use and/or interference of quarry material which is vested with the Crown (refer to Section 6.3.19).	Before interference with quarry material.
MR Act Mineral Resources Regulation 2013	Mining Lease	Queensland Treasury, DNRMMRRD	MLA 100430 and MLA 100431 have been lodged.	Before Project commencement.
Electrical Safety Act 2002 Electrical Safety Regulation 2013	Not required	DSDIP	No approval required.	N/A
Fire and Emergency Services Act 1990	Not required	Queensland Fire Department	No approval required.	N/A

Relevant Legislation	Approval	Decision maker/ Administering authority	Approval trigger and Project relevance	Timing
Mining and Quarrying Safety and Health Act 1999	Not required	Resources Safety and Health Queensland	No approval required.	N/A
Work Health and Safety Act 2011 Work Health and Safety Regulation 2011	Not required	DSDIP	No approval required.	N/A
Human Rights Act 2019 Human Rights Regulation 2020	Not required	Department of Justice	No approval required – compatibility with human rights under this Act is assessed by public entities, in its administrative decision-making process.	N/A
Land Act Land Regulation 2020	Not required	DETSI, DNRMMRRD	No approval required. Relevant consents from landowners would be sought separately from the EIS process.	Before Project commencement.
Local Government Act 2009 *(Local Laws)*	Approval of off-lease works	DLGWV, Croydon Shire Council	Separate approvals would be required from the Croydon Shire Council for any alignments and connections to Esmeralda Prospect Road for the Project access.	Before off-lease works.
Stock Route Management Act 2002	Not required	DNRMMRRD	No approval required.	N/A
Native Title (Queensland) Act 1993	Approval of MLs	DNRMMRRD	The Project area comprising MLA 100430 and MLA 100431 is located on freehold land where native title has been recognised. Where native exists, mining leases must be grant in accordance with Section 24MD of the *Native Title Act 1993*.	Before Project commencement.
Water Act 2000	Not required	DETSI, OCG	The Project will capture overland flow in sediment dams, water storages and the flood levee system, and will divert about 1.5 km of watercourse into an engineered channel of about 1.8 km. The	N/A

Relevant Legislation	Approval	Decision maker/ Administering authority	Approval trigger and Project relevance	Timing
			Project will also take associated water from advance and sustained pit dewatering.	

6.6 TOR Reconciliation table

Terms of reference - Content requirements of the EIS		EIS Section
Section 6 – Legislative requirements and project approvals		
6.1	Identify the statutory approvals (local, State and Commonwealth) that are likely to be required for the project. The list of statutory approvals should be in the format provided at Appendix 2 and describe the approval, relevant statutory provision, trigger, administering authority, when the approval is required (relative to the completion of the EIS process) and any exemptions that apply. Clearly define approvals for which conditions are being sought through the EIS process and approvals for which conditions will be sought separate to the EIS.	Sections 6.2-6.4 Table in 6.5
6.2	Describe any legislative requirements that would need to be met in relation to the project's potential impacts on protected areas, reserves, declared fish habitat areas and State forests. If the project's potential impacts are considered to be inconsistent with the values of these areas, describe how the inconsistencies will be addressed.	Section 6.2.1 Section 6.3.2 Section 6.3.4
6.3	Provide an overview of the land use planning instruments relevant to the project, such as applicable local government planning schemes, development schemes for a State development area, development schemes or interim land use plans for a priority development area, State regional plans or other land use planning document that regulates development and land use of the site.	Section 6.3.12
6.4	Provide information required under Section 125(1) of the EP Act in support of the project's application for an EA for any proposed environmentally relevant activities (ERAs). List each ERA separately and identify the appropriate ERA number and activity name and identify and justify the relevant threshold (see Schedule 2, EP Regulation for a list of ERAs). Environmental values, information and approval requirements are specified in the EP Act, the EP Regulation, environmental protection policies (EPP) and relevant guidelines. The assessment and supporting information, where relevant, is to be sufficient for the administering authority to decide whether an approval should be granted.	Section 6.3.3
6.5	Assess the extent to which the project is consistent with the relevant statutory approvals, and that the intended outcomes are consistent with current legislation, policies, plans, guidelines and government priorities for the region. If there is a conflict, explain how the project can be approved.	Section 6.5
6.6	Describe any approvals, authorisations or entitlements required under the Water Act, Water Regulation 2016, or applicable water plans. Detail any legislative requirements and processes for gaining access to water for the project (including any relevant exemptions), including discussion of the applicable provisions of any applicable protocols.	Section 6.3.8