CHAPTER 03

Legislation and Project Approvals Process

BORDER TO GOWRIE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT

Inland Rail is a subsidiary of
Australian Rail Track Corporation

INLAND RAIL

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3.1 Introduction

This chapter summarises the Commonwealth and Queensland legislation relevant to the Inland Rail New South Wales (NSW)/Queensland (QLD) Border to Gowrie Project (B2G) (the Project) and identifies the approvals, permits, licences and authorities required for the planning, construction works and operations stages of the Project.

Sections 6.8, 7.1, 7.2 and 9.5 to 9.10 of the Terms of Reference (ToR) require the Project Environmental Impact Statement (EIS) to describe and list all legislation, policies and plans relevant to the Project, and identify approvals, licences, permits and other authorisations required for the construction and operation of the Project. Compliance with the ToR is summarised in Appendix A2: Terms of Reference Cross-reference Table. Section 3.6 discusses the potential post-EIS approvals, permits, licences and authorities that may be required or are necessary for the Project, and details the relevant legislative triggers and administering authorities. Section 3.6 also outlines whether any exemptions, self-assessable codes or requirements may apply to the Project.

Following public notification of the draft EIS, the Coordinator-General issued additional information requests to Australian Rail Track Corporation (ARTC). This chapter has been updated in accordance with the additional information requested from the Coordinator-General.

3.1.1 Purpose of this chapter

On 16 March 2018, the Project was declared to be a ‘coordinated project for which an EIS is required’ by the Coordinator-General under Section 26(1)(a) of the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act). This declaration initiated the statutory environmental impact assessment procedure of Part 4 of the SDPWO Act, which requires the proponent to prepare an EIS for the Project.

On 9 April 2018, the then Australian Minister for the Environment determined the Project to be a ‘controlled action’ under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) due to the likely impacts on matters of national environmental significance (MNES). Assessment of the Project was determined to be under the Bilateral Agreement between the Commonwealth of Australia (the Department of Climate Change, Energy, the Environment and Water (DCCEEW)) and the State of Queensland (the assessment bilateral agreement). The relevant controlling provision for the Project is listed threatened species and communities (Sections 18 and 18A) (reference number EPBC 2018/8165).

The final ToR for the Project were finalised and issued by the Coordinator-General in November 2018. The ToR set out the matters to be addressed in an EIS for the Project under the SDPWO Act. Further, as the Project is being assessed under the assessment bilateral agreement between the Commonwealth of Australia and the State of Queensland, the ToR also set out the requirements for the assessment of the EPBC Act controlling provision.

Between 23 January 2021 and 4 May 2021, the draft EIS was made available for public comment under Section 33 of the SDPWO Act and public submissions were received. By publicly notifying the draft EIS under Section 33, the Coordinator-General had deemed that the draft EIS addressed the ToR to the satisfaction of the Coordinator-General under Section 32. Following completion of the public notification process, the Coordinator-General requested additional information under Section 34B(2) of the SDPWO Act (the revised draft EIS).

In preparing the revised draft EIS, ARTC progressed development of the revised reference design for the Project, resulting in a revised EPBC Act referral study area being identified. On 8 May 2024, ARTC submitted a request to DCCEEW to vary the proposed action under Section 156A(3) of the EPBC Act which sought to amend the EPBC Act referral study area to accommodate the Project’s revised reference design. On 23 May 2024, ARTC received approval of the request to vary under Section 156B of the EPBC Act.

The following steps in the coordinated project process remain to be completed:

- The revised draft EIS will be placed on public notification. Submissions can be made to the Coordinator-General to be considered during evaluation of the revised draft EIS.
- Following public notification, the Coordinator-General will evaluate the revised draft EIS and may accept it as the final EIS.
- If accepted as final, the Coordinator-General will prepare a report (i.e. Coordinator-General’s evaluation report) on the final EIS consistent with the requirements of the SDPWO Act.

3.2 Key Project legislative requirements, approvals and concepts

A principal purpose of this revised draft EIS is to provide sufficient information to enable the Queensland Coordinator-General and Australian Minister for the Environment to evaluate and assess the Project under the SDPWO Act and the EPBC Act respectively, and for recommendations to be made regarding approvals required by the Project under other legislation. The evaluation and approval that are being sought as part of the EIS are listed in Table 3-1 and are further discussed in the following sections. Legislation, policies and guidelines relevant to each environmental aspect are also discussed in Chapter 7 to Chapter 22 of the revised draft EIS.

TABLE 3-1 KEY EVALUATION AND APPROVAL SOUGHT THROUGH THE ENVIRONMENTAL IMPACT STATEMENT

Legislation	Approval
SDPWO Act	Coordinator-General's evaluation report.
EPBC Act	Approval for undertaking a controlled action for the purposes of the relevant controlling provision (listed threatened species and communities) under Section 18 and 18A of the EPBC Act.

The Project will trigger the requirement to obtain a number of approvals, permits and authorities under State legislation and local laws. If the Project is approved to proceed under the EPBC Act and the SDPWO Act, the Project will seek to obtain these approvals after completion of the EIS process, and when detailed design has been sufficiently progressed to address the information requirements for the relevant development application or other secondary approval. The post-EIS permits and approvals that are expected to be required are outlined in Section 3.6.

3.2.1 State Development and Public Works Organisation Act 1971

3.2.1.1 Overview

The SDPWO Act is administered by the Coordinator-General. Relevantly, the Coordinator-General may declare a project to be a 'coordinated project' for which an EIS is required.

3.2.1.2 Relationship with the Planning Act 2016

Where a proposed development has been the subject of an EIS under the SDPWO Act, the referral and public notification stages under the *Planning Act 2016* (Qld) (Planning Act) do not apply to the assessment of development applications for a material change of use of premises or involving impact assessment where a development approval is required post-EIS and the Coordinator-General's evaluation report provides stated conditions relevant to the development application (Section 37 of the SDPWO Act). In that case, the development application does not require public notification under the Planning Act and there are no referral agencies under the Planning Act for the application. Properly made submissions about the EIS are taken to be properly made submissions about the application under the Planning Act. The Coordinator-General's evaluation report may state that any development approval given for the development must be subject to stated conditions.

Section 37 of the SDPWO Act is not applicable to the majority of post-EIS approvals under the Planning Act identified for the Project as material change of use and impact assessable development applications under the Planning Act, including under local government planning schemes are not required, and other approvals that are required do not require public notification including for environmentally relevant activities (ERAs). A levee development approval is anticipated to include public notification (Section 3.4.37.3); however, it is unlikely to benefit from Section 37 of the SDPWO Act.

Further explanation of the SDPWO Act's interaction with the Planning Act and *Environmental Protection Act 1994* (Qld) (EP Act) is shown in Figure 3-1.

3.2.1.3 Relationship with the Environmental Protection Act 1994

The EP Act, together with the Planning Act, provides a licensing regime for ERAs. Details on the requirements for ERAs are provided in Table 3-2.

ARTC is not seeking to obtain stated conditions from the Coordinator-General for any ERAs. All relevant environmental authorities (EAs) will be applied for post-EIS. The SDPWO Act's interaction with the Planning Act and EP Act is described in the following sections and shown in Figure 3-1.

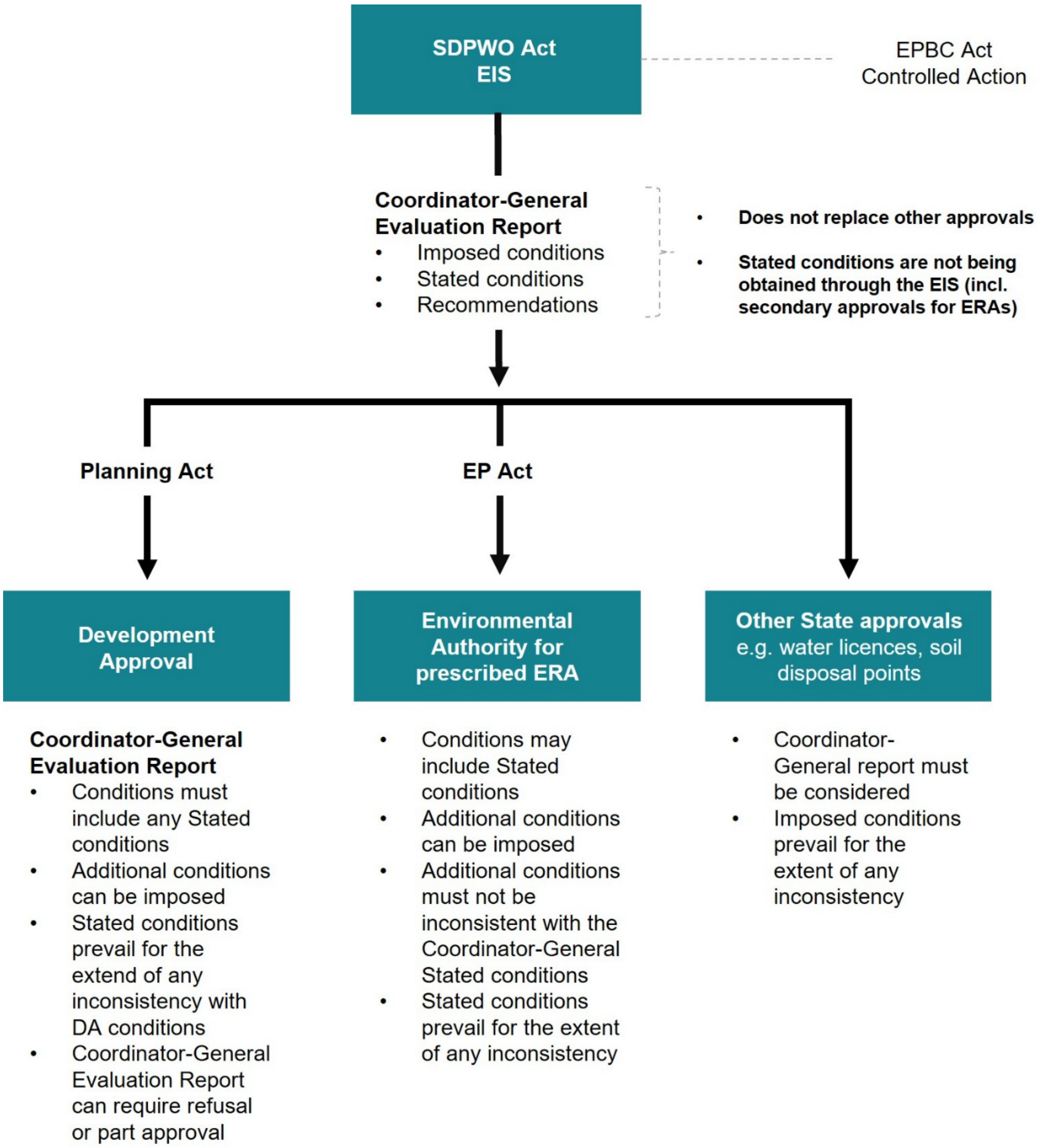

FIGURE 3-1 RELATIONSHIP BETWEEN THE SDPWO ACT AND THE PLANNING ACT AND EP ACT, INCLUDING OTHER STATE APPROVALS

3.2.1.4 Relevance to Project

An EIS provides the Coordinator-General with a framework to:

- Consider the environmental, social and economic aspects of the Project in the context of legislative and policy provisions and decide whether the Project can proceed
- Include, at the Coordinator-General's discretion, imposed or stated conditions for the Project, where appropriate
- Ensure appropriate environmental management and monitoring programs to avoid, minimise, mitigate or offset any adverse impacts.

On 16 March 2018, the Project was gazetted as a 'coordinated project for which an EIS is required' by the Coordinator-General under Section 26(1)(a) of the SDPWO Act.

These steps are shown as part of the process for environmental impact assessment and consultation under the SDPWO Act, as modified by the Bilateral Agreement with the Commonwealth of Australia in Figure 3-2.

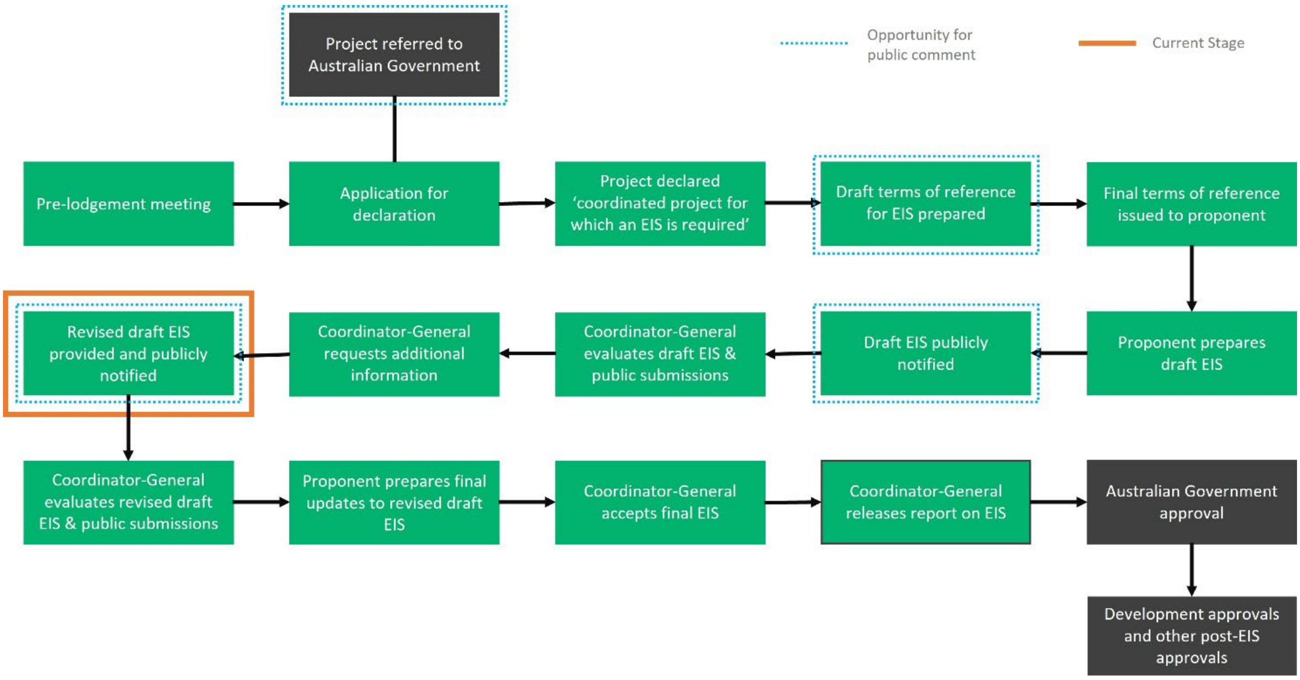

FIGURE 3-2 THE ENVIRONMENTAL IMPACT ASSESSMENT AND CONSULTATION PROCESS UNDER THE SDPWO ACT AND EPBC ACT

3.2.1.5 Coordinator-General's evaluation report

Following the Project's public notification, as illustrated in Figure 3-2, the Coordinator-General is required to write a report evaluating the EIS. Under the SDPWO Act, the Coordinator-General's evaluation report may include:

- An evaluation of the environmental impacts of the Project and any other related matters
- Imposed conditions for the undertaking of the Project
- Stated conditions that must be imposed on subsequent development approvals
- Recommendations for other approvals required by the Project.

The Coordinator-General's evaluation report for the Project applies to the assessment and approval of relevant development applications under the Planning Act. The Coordinator-General's report for the EIS may state that:

- Any development approval given for the development must be subject to stated conditions
- Any development approval given must be only for a stated part of the development
- Any development approval given must be a preliminary approval only
- That the Coordinator-General has no conditions or requirements for the development
- That a development approval for the development must not be given.

Following the completion of the EIS process, ARTC will apply for necessary development approvals. Permits and approvals that are expected to be required are outlined in Table 3-5.

For certain development and permit applications, detailed information required will only be available following the completion of detailed design for particular Project elements and the finalisation of the construction methodology. This is relevant to the following applications:

- Environmental authorities for ERAs under the EP Act and development permits for material change of use for prescribed ERAs under the Planning Act
- Development permits for operational work (e.g. waterway barrier work, interfering with water, modification of a levee) under Schedule 10 of the *Planning Regulation 2017* (Qld) (Planning Regulation)
- Permits under the *Nature Conservation Act 1992* (Qld) (NC Act) (e.g. clearing protected plants, wildlife movement, rehabilitation, damage mitigation, and species management program)
- Permits and authorisations under the *Transport Infrastructure Act 1994* (Qld) (TI Act) and *Local Government Act 2009* (Qld) (LG Act) local laws for roadworks and access
- State forest revocation under the *Forestry Act 1959* (Qld) (Forestry Act).

3.2.2 Environment Protection and Biodiversity Conservation Act 1999

3.2.2.1 Overview

The EPBC Act provides that any action (i.e. a project, development, undertaking, activity or series of activities) that has, will have, or is likely to have a significant impact on a MNES, or other matters protected under the EPBC Act, such as the environment of Commonwealth land, requires approval from the Australian Minister for the Environment.

The EPBC Act, which is administered by DCCEEW, identifies the following triggers for potential Commonwealth assessment and approval:

- World Heritage properties
- National Heritage places
- Wetlands of international importance (Ramsar wetlands)
- Listed threatened species and ecological communities
- Listed migratory species
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- Nuclear actions (including uranium mines)
- Water resources, in relation to coal seam gas development and large coal mining development
- The environment, where actions proposed are on, or will affect Commonwealth land and the environment
- The environment, where Australian Government agencies are proposing to take an action.

If a project is likely to impact on any MNES, a referral under the EPBC Act must be made to the Australian Minister for the Environment. Subsequent to the receipt of a referral, the Minister will determine whether or not the proposed action is a 'controlled action'. If the action is considered a 'controlled action', then an environmental assessment must be submitted to the Minister for approval.

3.2.2.2 Controlled action environmental impact assessment under the bilateral agreement

This revised draft EIS has been prepared in accordance with the ToR requirements approved by the Coordinator-General on 16 November 2018 and the additional information requests received by ARTC from the Coordinator-General. It includes the specific assessment matters relevant to MNES (see Appendix O: Matters of National Environmental Significance Technical Report) and, where applicable, the matters set out in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).

Approval to vary the study area under the EPBC Act was attained in May 2024 due to progression of design development of the revised reference design and additional information and public submissions requirements.

The revised draft EIS describes all the relevant impacts that the Project will have or is likely to have on receiving environments, including on the EPBC Act controlling provision for the Project (i.e. listed threatened species and communities), together with mitigation measures and any offsets for residual impacts. The EIS must provide enough information about the action and its relevant impacts to allow the Australian Minister for the Environment to make an informed decision whether or not to approve the action under Part 9 of the EPBC Act.

Under Section 158A of the EPBC Act, a listing event that happens after a determination on whether or not a proposed action is a 'controlled action' is to be disregarded in any further decision on whether to approve the action. Under Section 158 of the EPBC Act, a listing event includes 'a listed threatened species or a listed threatened ecological community becoming listed in another category representing a higher degree of endangerment'. However, where Section 18 and 18A of the EPBC Act are the controlling provisions for a proposed action, in deciding whether or not to approve the taking of the action, the Australian Minister for the Environment must act consistently with any approved conservation advice for the species or community, such as a current recovery plan or threat abatement.

On 9 April 2018, the Minister decided that the Project is a controlled action with the relevant controlling provisions being listed threatened species and communities (Section 18 and 18A). In the time since the Project was decided to be a controlled action, the following listing events have occurred to species and communities relevant to the Project:

- Poplar Box Grassy Woodland on Alluvial Plains Threatened Ecological Community (TEC) – listed as Endangered on the 4 July 2019
- White-throated needletail (*Hirundapus caudacutus*) – listed as Vulnerable on 4 July 2019
- Grey falcon (*Falco hypoleucos*) – listed as Vulnerable on 9 July 2020
- Koala (*Phascolarctos cinereus*) – moved from Vulnerable to Endangered on 12 February 2022
- Yellow-bellied glider (*Petaurus australis australis*) – listed as Vulnerable on 2 March 2022

- Greater glider (*Petauroides volans*) – moved from Vulnerable to Endangered on 5 July 2022
- Glossy black-cockatoo (*Calyptorhynchus lathami lathami*) – listed as Vulnerable on 10 August 2022, previously not listed as a threatened species
- Large-eared pied bat (*Chalinolobus dwyeri*) – moved from Vulnerable to Endangered on 15 November 2023
- Grey snake (*Hemiaspis damelii*) – listed as Endangered on 5 October 2022
- Bell's turtle (*Myuchelys (Wollumbinia) belli*) – moved from Vulnerable to Endangered on 15 March 2023
- Hooded robin (south-eastern) (*Melanodryas cucullate cucullata*) – listed as Endangered on 31 March 2023
- Southern whiteface (*Aphelocephala leucopsis*) – listed as Vulnerable on 31 March 2023
- Red goshawk (*Erythrotriorchis radiatus*) – moved from Vulnerable to Endangered on 31 March 2023
- Major Mitchell's cockatoo (*Lophochroa leadbeateri*) – listed as Endangered on 31 March 2023
- Blue-winged parrot (*Neophema chrysostoma*) – listed as Vulnerable on 31 March 2023
- Diamond firetail (*Stagonopleura guttata*) – listed as Vulnerable on 31 March 2023
- Brown treecreeper (south-eastern) (*Climacteris picumnus victoriae*) – listed as Vulnerable on 31 March 2023
- Bulloak jewel butterfly (*Hypochrysops piceatus*) – listed as Critically Endangered on 7 September 2023
- Sharp-tailed sandpiper (*Calidris acuminata*) – listed as Vulnerable on 5 January 2024
- Latham's snipe (*Gallinago hardwickii*) – listed as Vulnerable on 5 January 2024
- Common greenshank (*Tringa nebularia*) – listed as Endangered on 5 January 2024.

For the purposes of this revised draft EIS, and in accordance with Section 158A of the EPBC Act, the Koala, Greater glider and Large-eared pied bat will continue to be assessed according to their listing status at the time of the Project's EPBC Act referral determination (i.e. as 'Vulnerable'), while ensuring the assessment considers the most recent National Recovery Plan for the Koala that was approved on 8 April 2022.

The following newly listed species and TEC have not been included within this revised draft EIS, as they were listed after the EPBC Act referral decision:

- Poplar Box Grassy Woodland on Alluvial Plains Threatened Ecological Community
- White-throated needletail (*Hirundapus caudacutus*)
- Grey falcon (*Falco hypoleucos*)
- Yellow-bellied glider (*Petaurus australis australis*)
- Glossy black-cockatoo (*Calyptorhynchus lathami lathami*)
- Grey snake (*Hemiaspis damelii*)
- Bell's turtle (*Myuchelys (Wollumbinia) belli*)
- Hooded robin (south-eastern (*Melanodryas cucullate cucullate*)
- Southern whiteface (*Aphelocephala leucopsis*)
- Red goshawk (*Erythrotriorchis radiatus*)
- Major Mitchell's cockatoo (*Lophochroa leadbeateri*)
- Blue-winged parrot (*Neophema chrysostoma*)
- Diamond firetail (*Stagonopleura guttata*)
- Brown treecreeper (south eastern) (*Climacteris picumnus victoriae*)
- Bulloak jewel butterfly (*Hypochrysops piceatus*)
- Sharp-tailed sandpiper (*Calidris acuminata*)
- Latham's snipe (*Gallinago hardwickii*)
- Common greenshank (*Tringa nebularia*)

These listed species have been assessed under State legislation and associated significant residual impact guidelines, with the significant impact assessment process relatively similar across the Commonwealth and State policies.

At the conclusion of the SDPWO Act EIS process, the Australian Minister for the Environment will receive a copy of the Coordinator-General's evaluation report and will take this report into account when making a decision under the EPBC Act. The Australian Minister for the Environment will make a decision on whether to approve the Project, and if it is approved, with or without conditions.

3.3 Other Commonwealth legislation

This section describes other Commonwealth legislation that is relevant to the Project.

3.3.1 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

3.3.1.1 Overview

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (ATSIHP Act) enables the Commonwealth Government to intervene and, where necessary, preserve and protect areas and objects of particular significance to Aboriginal persons or group of persons from being desecrated or injured. The ATSIHP Act defines Aboriginal to mean a member of the Aboriginal race of Australia, and includes descendants of the indigenous inhabitants of the Torres Strait Islands and, therefore, seeks to protect both Aboriginal and Torres Strait Islander heritage.

The ATSIHP Act allows the Australian Minister for the Environment, on the application of an Aboriginal person or group of Aboriginal persons, to make a declaration, which is a legislative instrument, to protect an area, object or class of objects that are significant in Aboriginal tradition, from injury or desecration.

The ATSIHP Act can often be a last resort as a critical precondition to a declaration that the Minister forms the view that the area, object or class of objects in question are not adequately protected under State or Territory legislation.

The ATSIHP Act applies to significant Aboriginal areas and objects that are either under threat of injury or desecration or, in the case of an emergency declaration, there is a serious risk of immediate injury or desecration.

3.3.1.2 Relevance to the Project

There is no requirement for a negotiated agreement under the ATSIHP Act nor are there any approvals required to be obtained under the ATSIHP Act for the Project.

3.3.1.3 Project compliance

Refer to Section 3.4.1 in relation to compliance under the *Aboriginal Cultural Heritage Act 2003* (Qld) (ACH Act).

3.3.2 National Environment Protection Measures (Implementation) Act 1998

3.3.2.1 Overview

The *National Environment Protection Measures (Implementation) Act 1998* (Cth) and complementary State and Territory legislation allow the National Environment Protection Council to make National Environment Protection Measures (NEPMs). NEPMs are a special set of national objectives designed to assist in protecting or managing particular aspects of the environment.

3.3.2.2 Relevance to the Project

The NEPMs that are relevant to the Project are:

- *National Environment Protection (Used Packaging Materials) Measure*
- *National Environment Protection (National Pollutant Inventory) Measure*
- *National Environment Protection (Ambient Air Quality) Measure*
- *National Environment Protection (Assessment of Site Contamination) Measure*
- *National Environment Protection (Diesel Vehicle Emissions) Measure*
- *National Environment Protection (Air Toxics) Measure.*

The *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure* is not considered to be relevant as there is not expected to be any movement of controlled wastes between Queensland and New South Wales (NSW) during the construction or operation of the Project.

3.3.2.3 Project compliance

The assessments contained within this revised draft EIS have, where relevant, been undertaken in line with achieving the NEPM objectives and desired environmental outcomes, which aim to:

- Reduce environmental degradation arising from the disposal of used packaging and conserve virgin materials through the encouragement of re-use and recycling of used packaging materials
- Provide ambient air quality that allows for the adequate protection of human health and wellbeing
- Collect a broad base of information on emissions and transfers of substances on the National Pollutant Inventory reporting list
- Provide adequate protection of human health and the environment, where site contamination has occurred, through the development of an efficient and effective national approach to the assessment of site contamination.

Further discussion on the Project's consideration of NEPMs is provided in Chapter 9: Land Resources and Chapter 12: Air Quality.

3.3.3 National Greenhouse and Energy Reporting Act 2007

3.3.3.1 Overview

The *National Greenhouse and Energy Reporting Act 2007* (Cth) (NGER Act) was established as a single national framework for reporting and disseminating company information about greenhouse gas (GHG) emissions, energy production and energy consumption. The regulations under the NGER Act and the National Greenhouse and Energy Reporting (Measurement) Determination 2008 (Cth) establish the legislative framework for a National Greenhouse and Energy Reporting scheme.

Under the NGER Act, corporations that meet certain thresholds (Part 2, Division 1, Section 13) must report to the Clean Energy Regulator their emissions, energy production and energy consumption each financial year. There are two types of thresholds that determine which companies have an obligation under the NGER Act:

- Facility thresholds
- Corporate group thresholds.

The current facility threshold is:

- 25 kilotonne (kt) or more of GHG carbon dioxide equivalent ($CO_{2\text{-}e}$) (scope 1 and scope 2 emissions)
- Production of 100 terajoules (TJ) or more of energy
- Consumption of 100 TJ or more of energy.

The current corporate group thresholds are:

- 50 kt or more of GHG ($CO_{2\text{-}e}$) (scope 1 and scope 2 emissions)
- Production of 200 TJ or more of energy
- Consumption of 200 TJ or more of energy.

The potential emission sources to be reported for the Project include:

- Combustion of fuels for energy
- Industrial processes (such as producing concrete and steel)
- Waste management.

3.3.3.2 Relevance to the Project

Under the requirements of the NGER Act, ARTC must incorporate the emissions, energy production and energy consumption from activities associated with the Project into its annual reporting if it triggers the corporate group threshold. ARTC last reported GHG and energy data to the Clean Energy Regulator on 27 October 2023 for the 2022-2023 reporting period.

3.3.3.3 Project compliance

Annual GHG and energy data for the Project, along with the remainder of the Inland Rail Program, will be captured for the construction works and operations stages, in accordance with ARTC's responsibilities as a Railway Infrastructure Manager. This data will be used to inform ARTC's annual National Greenhouse and Energy Reporting obligations under the NGER Act if it triggers the corporate group threshold.

3.3.4 Native Title Act 1993

3.3.4.1 Overview

The *Native Title Act 1993* (Cth) (NT Act) establishes a framework for the recognition and protection of native title, including by conferring on Aboriginal people and Torres Strait Islanders who hold (or claim to hold) native title rights and interests in respect of any land or waters, various procedural rights such as the right to be consulted on and, in some cases, to participate in decisions about activities proposed to be undertaken on land or waters that are the subject of native title rights and interests. The NT Act provides for the validation of past Commonwealth acts that may have been undertaken invalidly because of the existence of native title rights and interests.

The NT Act also establishes a procedural framework for particular Indigenous people (called a Native Title Claim Group) to authorise representatives of theirs (jointly known as their Applicant) to apply to the Federal Court for a determination of native title in relation to any of their traditional lands and waters in relation to which native title has not been extinguished. Once a claim has been determined and that determination is that native title exists, the Native Title Claim Group becomes the native title holders (also referred to as the Common Law Holders) and the Registered Native Title Claimant is replaced by an agent/trustee registered native title body corporate.

Procedural rights include the right to be consulted on, or to participate in, decisions about ‘future acts’ that are proposed to be done in relation to land or waters over which the members of the relevant Native Title Claim Group or Common Law Holders hold or may hold native title rights and interests.

The NT Act prescribes statutory processes to enable State and Territory governments to grant freehold, statutory approvals and other interests in land subject to native title, pursuant of Part 2, Division 3 of the NT Act (Future Act Regime). Compliance with the Future Act Regime may require native title to be first addressed either by agreement with the relevant native title parties, or by a compulsory process.

While the NT Act confirms that the valid grant of freehold land on or before 23 December 1996 will extinguish native title rights and interests (additional checking is required for grants between 1 January 1994 and 23 December 1996, and there are exceptions for certain grants to the Crown as well as for certain grants made solely for the benefit of Indigenous people), native title interests and rights may still exist over a number of other tenures including reserves, State forests and national parks; land that is, or has been, subject to pastoral leases or other types of non-exclusive leases; waters that are not privately owned; and Unallocated State Land.

Further, the NT Act provides that an act for the construction or establishment of a public work, which includes a road, railways or bridge that is constructed or established by or on behalf of the Crown, or local government body or other statutory authority of the Crown, in any of its capacities, before 23 December 1996, will extinguish native title in relation to the area on which the public work is situated including any adjacent land of the type mentioned in Section 251D of the NT Act. Section 24JA of the NT Act may be relevant to the land parcels within the Project footprint with Reserve tenure. Under Section 24JA, if an act such as the grant of a statutory approval or of land tenure is to occur in relation to land subject to native title that was dedicated as a Reserve on or before 23 December 1996, the act will be valid from a native title perspective provided it fits within the purpose of the reserve or would have no greater impact on native title than acts that fit within the purpose of the reserve.

For those areas where Section 24JA does not apply, Section 24KA would apply to future acts that permit or require, or that consist of, the construction, operation, use, maintenance or repair of a railway that is to be operated, or is operated, for the general public. Where Section 24KA applies, native title rights and interests will be suppressed (not extinguished) for the life of the future act and the affected native title parties will be entitled to receive the procedural rights they would receive if they instead held freehold title.

For Section 24KA to apply, native title holders must not be prevented from having reasonable access to the area of the railway other than during construction or for safety reasons. Section 24KA also does not apply to future acts that are the compulsory acquisition of native title.

Where Section 24KA does not apply, Section 24MD provides that a future act will be valid if the ‘freehold test’ in Subdivision M of Part 2, Division 3 of the NT Act applies to the act. Relevantly, the freehold test will apply to a future act that does not comprise the making, amendment or repeal of legislation if the act would be able to be done, in relation to the land concerned, if the native title holders concerned instead held freehold title to that land. The affected native title parties would have the same procedural rights as they would have in relation to the proposed future act if they held freehold title, instead of native title, although non-compliance with procedural rights would not invalidate the grant of the relevant approval. Future acts valid under Section 24MD will only suppress, not extinguish, native title unless they comprise the compulsory acquisition of native title in a way that is consistent with Section 24MD(2) of the NT Act.

The *Native Title (Queensland) Act 1993* (Qld) (NT (Qld) Act) is discussed in Section 3.4.18.

3.3.4.2 Relevance to the Project

A search of the National Native Title Tribunal Register administered by the National Native Title Tribunal was undertaken on 27 September 2022 and one native title determination for the Bigambul People Part A (QCD2016/012) was identified. The determination is current within the Project footprint at Kurumbul (between Chainage (Ch) 33.2 kilometres (km) (North Star to Border Project (NS2B)) to 34.6 km (NS2B) and Ch 5.4 km to Ch 5.8 km) and Whetstone (between Ch 37.6 km to Ch 43.4 km). Non-exclusive native title was recognised in a consent determination in 2016. No other determinations are recorded in the National Native Title Tribunal Register for the Project footprint. Searches of the National Native Title Tribunal's Register of Native Title Claims and Schedule of Native Title Applications indicate that there are no active native title claims over the Project footprint.

Tenure within the Project footprint is predominantly freehold where, on the assumption that the freehold grants were either past acts, validated when the NT (Qld) Act commenced, or future acts validly done in accordance with the NT Act, native title rights have been extinguished.

Where the Project footprint uses existing rail corridors that were established by or on behalf of the Crown or a statutory authority of the Crown on or before 23 December 1996, native title rights have been extinguished through the establishment of these public works.

If the Project is undertaken over land where native title has been extinguished, there are no requirements to comply with the NT Act.

Elsewhere, the Project footprint traverses properties where native title has not been extinguished including reserves, watercourses, State land and two State forests.

The granting of any statutory approvals, or of land tenure, for the Project in relation to these properties where native title continues to exist will be 'future acts'. As such, they will be valid if they are covered by a provision within Part 2, Division 3 of the NT Act and invalid, if not.

3.3.4.3 Project compliance

ARTC understands that the following options under the NT Act are available to achieve native title compliance for the Project:

- ARTC and Bigambul Native Title Aboriginal Corporation RNTBC (BNTAC) (the registered native title body corporate for the Bigambul People Part A determination (QCD2016/012)) could enter into an Indigenous Land Use Agreement to provide for the future acts for the Project
- Section 24KA of the NT Act would also apply to future acts that permit or require, or that consist of the construction of a railway
- If native title is required to be extinguished for the operations stage of the railway, Section 24MD of the NT Act would apply.

ARTC is committed to working with BNTAC to ensure the Bigambul People have an opportunity to provide their Free, Prior and Informed Consent to the Inland Rail Program as it relates to impacts on their Native Title.

As such, ARTC has commenced consultations and negotiations with BNTAC to agree an Indigenous Land Use Agreement to facilitate the construction and operation of the Project. ARTC will aim to reach agreement through the Indigenous Land Use Agreement prior to the commencement of construction for the Project.

Should agreement not be reached in time for the construction or operations stages of the Project, ARTC will consult with BNTAC and the State Government in relation to other pathways for validity in compliance with the NT Act so that the Project can proceed.

For the part of the Project footprint outside the Bigambul People Part A determination area, where there are no current native title claims or determinations, known as the 'Gap Area', the Project will proceed in compliance with the 'Future Act Regime' under the NT Act. If any obligation to provide procedural rights to the native title holders arises, it will be satisfied by notifying Queensland South Native Title Services Ltd (the relevant representative body) under the NT Act.

Details on native title claims are further discussed in Chapter 8: Land Use and Tenure including details on current consultation and future act pathways.

3.3.5 Water Act 2007

3.3.5.1 Overview

The *Water Act 2007* (Cth) provides the legislative framework for ensuring that the Murray–Darling Basin, Australia's largest water resource, is managed in accordance with Australia's national interests. The *Water Act 2007* recognises that Australian States manage water resources within their jurisdictions that occur within the Murray–Darling Basin. The *Water Act 2007*:

- Establishes the Murray–Darling Basin Authority with the functions and powers, including enforcement powers, needed to ensure that basin water resources are managed in an integrated and sustainable way
- Requires the Murray–Darling Basin Authority to prepare the Basin Plan—a strategic plan for the integrated and sustainable management of water resources in the Murray–Darling Basin
- Establishes a Commonwealth Environmental Water Holder to manage the Commonwealth's environmental water to protect and restore the environmental assets of the Murray–Darling Basin, and outside the basin where the Commonwealth owns water
- Provides the Australian Competition and Consumer Commission with a key role in developing and enforcing water charge and water market rules along the lines agreed in the National Water Initiative
- Gives the Bureau of Meteorology water information functions that are in addition to its existing functions under the *Meteorology Act 1955* (Cth)
- Gives the Productivity Commission a role in reporting on the effectiveness of the implementation of the Murray–Darling Basin Plan and water resource plans, and the progress towards achieving the objectives and outcomes of the National Water Initiative.

3.3.5.2 Relevance to the Project

The Project spans three catchments:

- Between the NSW/Queensland border and Gowrie, the Project is located within the Macintyre River catchment
- Between Yelarbon to Millwood, the Project is located in the Macintyre Brook catchment of the Border Rivers drainage basin
- North of Millwood, the Project is located within the Condamine River catchment of the Balonne–Condamine drainage basin.

Both the Border Rivers and Balonne–Condamine drainage basins are situated within the Murray–Darling Basin.

3.3.5.3 Project compliance

Compliance with the *Water Act 2007* and *Basin Plan 2012* will be achieved by meeting the requirements of the *Water Plan (Condamine and Balonne) 2019* (Qld) and *Water Plan (Border Rivers and Moonie) 2019* (Qld). In accordance with State legislation, and where necessary, construction water rights will be obtained from the supplemented Macintyre Brook and Upper Condamine Water Supply schemes, and the un-supplemented Upper Weir River, Border Rivers, Upper Condamine, Condamine and Balonne, and Gowrie and Oakey Creek Water Management areas.

The *Water Act 2000* (Qld) is discussed in Section 3.4.37.

3.4 Other State legislation

This section describes State legislation that is relevant to the Project.

3.4.1 Aboriginal Cultural Heritage Act 2003

3.4.1.1 Overview

The ACH Act is intended to provide effective recognition, protection and conservation of Aboriginal cultural heritage in Queensland. Aboriginal cultural heritage is defined as a significant Aboriginal area in Queensland or a significant Aboriginal object or evidence, of archaeological or historic significance, of Aboriginal occupation of an area of Queensland.

The ACH Act protects Aboriginal cultural heritage primarily by prescribing a 'cultural heritage duty of care' that requires all persons to take all reasonable and practicable measures to avoid harming cultural heritage. Failure to comply with the cultural heritage duty of care is an offence. Additional offences prescribed by the ACH Act include unlawfully harming, excavating, relocating, taking away and possessing Aboriginal cultural heritage.

Relevantly, a person who carries out an activity will be taken to have complied with the cultural heritage duty of care and will not commit any of the other offences prescribed by the ACH Act if the person is acting in compliance with, and under, an approved Cultural Heritage Management Plan (CHMP) that applies to the cultural heritage. An approved CHMP is mandatory for projects that require an EIS such as the Project.

3.4.1.2 Relevance to the Project

The registered Aboriginal Parties for the Project are the BNTAC and the registered native title claimant for the Western Wakka Wakka People native title claim (QUD6004/1999).

A search of the Cultural Heritage Database and Register (now administered by the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA) was undertaken in November 2023 (Search ID 103972). The search indicated 43 reported Indigenous cultural heritage sites within 1 km of the Project footprint (see Chapter 19: Cultural Heritage). The majority of these sites are artefact scatters, with the remainder being scarred/carved trees, object collections, a shell midden and a burial site.

Works will be undertaken in accordance with CHMPs agreed with relevant Aboriginal parties and registered with DTATSIPCA. Those CHMPs establish a process to undertake cultural heritage surveys for the Project footprint and relevant consultation with the Aboriginal parties to agree, if necessary, management arrangements for Aboriginal cultural heritage.

Within the Project footprint, there are discrete locations where mapped areas of Aboriginal cultural heritage sensitivity are concentrated. The first of these locations is at the northern end of the Project near Gowrie and Westbrook. The second concentrated area of Aboriginal cultural heritage sensitivity is located further south over approximately 12 km of the Project between Ch 121 km and Ch 134 km near Millmerran.

The Project will consist of multiple activities, some of which will create additional surface disturbance. These activities will warrant further cultural heritage assessment before commencing, in accordance with requirements of the CHMPs.

3.4.1.3 Project compliance

Compliance with CHMPs will ensure compliance with the cultural heritage duty of care and ensure avoidance of offences prescribed by the ACH Act. The scope of the CHMPs cover new and existing rail corridors required for the Project, described in this revised draft EIS. It does not apply to Queensland Rail (QR) activities in the existing rail corridor.

Chapter 19: Cultural Heritage provides a further discussion on Indigenous cultural heritage values in proximity to the Project.

3.4.2 Acquisition of Land Act 1967

3.4.2.1 Overview

The *Acquisition of Land Act 1967* (Qld) (AL Act) enables constructing authorities to acquire land for public purposes. The AL Act provides for the taking of land (or an easement) for a certain purpose (including railway purposes) and also the process to be followed to take the land. Constructing authorities include the State, local governments and persons authorised under another Act to take land.

The Department of Transport and Main Roads (DTMR) is the constructing authority for the Project and will use its legislative power under the *Transport Planning and Coordination Act 1994* (Qld) (TPC Act) to acquire land for the Project that is not State land in accordance with the process under the AL Act. Temporary and permanent access to non-freehold land tenures such as unallocated State land (USL), reserve land, State leasehold land (lands lease) and roads will be undertaken in accordance with the *Land Act 1994* (Qld) (Land Act).

The AL Act also includes the right to claim compensation where land has been compulsorily acquired (Section 20) or temporarily occupied (Sections 36 and 37). Compensation for the taking of land will depend on the impact of the Project and can include the value of the land, damage caused by severance, injurious affection to the landowner's balance land or costs attributable to disturbance, which includes legal and professional fees, claims for loss of profits and other economic losses reasonably incurred that are a direct and natural consequence of the taking of the land.

3.4.2.2 Relevance to the Project

The Project has been intentionally aligned to use the existing QR South Western Line and Millmerran Branch Line railways and existing road corridors where possible, minimising the extent of 'new' properties to be acquired. Notwithstanding this, the acquisition of land and interests in land will be required for the construction and operation of the Project.

The permanent footprint will directly impact approximately 495 lots. The temporary footprint will also directly impact approximately 86 lots. The permanent and temporary footprints are based on the revised reference design and the preliminary construction methodology and subject to change during detailed design. Additional land may also be acquired where necessary or by agreement with affected owners.

The lots impacted by the permanent footprint consist of the following tenures:

- Easement
- Freehold
- Land Act lease (other than State forest)
- State forest
- Reserve
- State land.

3.4.2.3 Project compliance

The Project has been designed to:

- Use the existing rail corridor of the South Western Line and Millmerran Branch Line, where possible, minimising the extent of 'new' properties to be acquired
- Align with roads and property boundaries, where possible, to reduce the severance of lots
- Reduce or mitigate potential impacts on property access, services or operational arrangements.

The required land can be acquired by negotiation with the landowner or through a compulsory acquisition process, known as 'land resumption'. Land is usually not acquired more than one or two years before construction and generally follows the approval of the Project.

The majority of land will be compulsorily acquired by DTMR as the constructing authority for the Project, as described in Chapter 8: Land Use and Tenure.

Department of Transport and Main Roads can acquire land under the AL Act and can acquire or resume new rail corridors under the TPC Act for QR and other rail managers such as ARTC. Department of Transport and Main Roads may also consider an early purchase of a property under its early acquisition policy.

The specific extents of land required for the Project will be determined during detailed design.

Where compulsory acquisition of land is required, the process outlined in the AL Act will be followed. Temporary and permanent access to State land tenures such as USL, reserves and roads will be undertaken by negotiation with the Department of Resources (DoR) and in accordance with the Land Act. Term leases under the Land Act can be compulsorily acquired by DTMR.

In regard to State forest revocation, where the Project requires land to be acquired for the permanent footprint within the State forest, partial revocation of the State forests in accordance with the Forestry Act will be required to enable the future gazettal of rail corridor over the same land (Section 3.4.14 provides detail of the Forestry Act).

Chapter 5: Project Description and Chapter 8: Land Use and Tenure provide further discussion regarding land requirements for the Project.

3.4.3 Agricultural Chemicals Distribution Control Act 1966

3.4.3.1 Overview

The *Agricultural Chemicals Distribution Control Act 1966* (Qld) (ACDC Act) and the *Agricultural Chemicals Distribution Control Regulation 2021* (Qld) aim to control the distribution of chemicals from aircraft and from ground equipment. Herbicides, a category of agricultural chemicals, are defined as any material used or intended to be used for destroying or preventing the spread of weeds. Herbicides are registered by the Australian Pesticides and Veterinary Medicines Authority. The misuse of herbicides has the potential to harm agriculture or livestock, the environment, trade, or human health, and the ACDC Act and regulation are in place to ensure that commercial operators and their businesses distribute herbicides responsibly.

3.4.3.2 Relevance to the Project

Large areas of the Project footprint have significant weed growth, particularly non-native grasses which have been introduced as part of historical agricultural land use of the area (see Chapter 11: Flora and Fauna). In addition, Project activities have the potential to increase the proliferation of weeds and pests. There is a requirement to appropriately manage weeds and pests as part of Project works.

Under the ACDC Act, the Project footprint is mapped as a regulated area between Ch 30.6 km and Ch 93.8 km and then changes to a regulated hazardous area for the remainder of the alignment, meaning the provisions of the ACDC Act apply.

3.4.3.3 Project compliance

The use of any pesticides or herbicides to manage pests and weeds will need to be undertaken in accordance with the ACDC Act. Ground distribution of pesticides and herbicides may require both the operator of the equipment and the company or business employing or directing the operators to be licensed in accordance with the ACDC Act. For the purposes of the Construction Environmental Management Plan (CEMP), the Australian Pesticides and Veterinary Medicine Authorities will regulate the lawful application of pesticides and herbicides for targeted pest and weed management activities.

A Biosecurity Management Plan will be developed as part of the CEMP and will include requirements under the ACDC Act.

3.4.4 Biosecurity Act 2014

3.4.4.1 Overview

The *Biosecurity Act 2014* (Qld) (Biosecurity Act), supported by the *Biosecurity Regulation 2016* (Qld), safeguards the Queensland economy, agricultural and tourism industries, environment and way of life, from:

- Pests (e.g. wild dogs, rabbits and weeds)
- Diseases (e.g. foot-and-mouth disease)
- Contaminants (e.g. lead on grazing land).

The Biosecurity Act achieves these safeguards by providing comprehensive biosecurity measures to ensure a consistent, modern, risk-based approach to biosecurity in Queensland.

Under Section 23 of the Biosecurity Act, all people have a ‘general biosecurity obligation’. This means that everyone is responsible for managing biosecurity risks that:

- Are under their control
- They know about or should reasonably be expected to know about.

Under the general biosecurity obligation, individuals and organisations whose activities pose a biosecurity risk must:

- Take all reasonable and practical steps to prevent or minimise each biosecurity risk
- Minimise the likelihood of causing a ‘biosecurity event’ and limit the consequences if such an event is caused
- Prevent or minimise the adverse effects the risk could have and not do anything that might make any adverse effects worse.

Under Section 53 of the Biosecurity Act, local governments must have a biosecurity plan for invasive biosecurity matters for their local government area (LGA).

The Biosecurity Act classifies biosecurity risk as either prohibited matter or restricted matter. Under the Biosecurity Act, the Chief Executive of the Department of Agriculture and Fisheries (DAF) can also declare a place to be restricted (restricted place) if they suspect that place poses a biosecurity risk.

If a prohibited matter is found or if it is believed that a prohibited matter exists, it must be reported immediately to Biosecurity Queensland. Restricted matters are found in Queensland and action should be taken to limit its impact by reducing, controlling or containing it.

Under Section 132 of the Biosecurity Act, a person can apply for a Biosecurity Instrument Permit to perform an activity, or not perform an activity, other than in compliance with the Biosecurity Regulation 2016.

Fire ants (*Solenopsis invicta*) are a Category 1 Restricted Matter under the Biosecurity Act, with fire ant biosecurity zones in place in areas of Queensland to restrict the movement of materials that could spread fire ants. In addition to prescribing biosecurity zones for fire ants, the *Biosecurity Regulation 2016* also prescribes procedures that must be undertaken when moving or storing a high-risk material within and between fire ant biosecurity zones and requires a Biosecurity Instrument Permit to be obtained in certain instances. Further, the movement of fire ant carrier material from Queensland into NSW is only permitted under certain conditions under the NSW Government’s Fire Ants Emergency Order.

3.4.4.2 Relevance to the Project

Project activities, including the transport and movement of people, vehicles and machinery during construction, or the transport and movement of goods in operation, have the potential to increase biosecurity risks relating to the spread of weeds and pests. Severance of pest control fencing, such as the wild dog check fence (WDCF) and the Darling Downs–Moreton Rabbit Board rabbit fence that are intersected by the Project, may also result in the spread of pest species.

The Project alignment affects the existing WDCF from Yelarbon to Whetstone (Ch 28.9 km to Ch 43.5 km) and at locations within the Goondiwindi LGA. The section of the WDCF from Yelarbon to Springborg Road (Ch 28.9 km to Ch 37.7 km) is inactive, and is not being maintained by Goondiwindi Regional Council (GRC). This section of the fence provides no functional or strategic benefit to the broader fencing network in wild dog control, nor provides additional protection to animals in the adjacent cropping and grazing lands.

The Project impacts operational sections of the WDCF at three separate locations including:

- From Springborg Road to Whetstone (Ch 37.7 km to Ch 43.5 km) from rail corridor runs parallel to the existing WDCF and is impacted by the necessary corridor widening works of the existing QR South Western Line
- Direct severance from McDougalls Road and Cremascos Road (Ch 50.2 km to Ch 51.2 km) requiring a realignment along the rail corridor boundary fence
- Direct severance from Cremascos Road heading north east (Ch 54.6 km to Ch 56.0 km) requiring a realignment along the rail corridor boundary fence.

ARTC will reinstate the WDCF at the three locations of impact on a like-for-like basis in consultation and agreement with the with relevant stakeholders, notably the Department of Environment, Science and Innovation (DESI), impacted landowners and lessees, DAF, and GRC. DAF consultation is required before any amendments to the WDCF under Section 91(3) of the Biosecurity Act.

Detailed design drawings of ARTC's nominated fencing solution for reinstatement of these fences will be submitted to GRC for acceptance prior to construction works commencing. The Barrier Fence Map for Queensland, administered by DAF, will require amending following the construction works. Section 91(3) of the Biosecurity Act states that the Chief Executive of DAF is required to consult with GRC, who is the building authority that manages the Barrier Fence in the area, as well as any affected landowner, to update the Barrier Fence Map for Queensland in accordance with the changes resulting from Project works.

The Project intersects the Darling Downs–Moreton Rabbit Board rabbit fence when traversing through Clontarf, at approximately Ch 120.2 km.

The Project is not located within a fire ant biosecurity zone.

It is anticipated that restricted matter, as defined in Schedule 2 of the Biosecurity Act, will be encountered within the Project footprint that will require management in accordance with the relevant categories of restricted matter.

3.4.4.3 Project compliance

ARTC acknowledges its responsibility under the Biosecurity Act and the general biosecurity obligation to manage biosecurity risks.

Biosecurity risks within the Project footprint will be managed in accordance with the relevant requirements of the Biosecurity Act, relevant local council biosecurity plans and ARTC procedures and policies. A Biosecurity Management Plan will be developed as a component of the CEMP. This plan will include provisions relating to the management of biosecurity risks associated with weeds and feral animals. The CEMP will include measures for weed surveillance and treatment during construction and rehabilitation activities, reducing the potential impacts from biosecurity risks to adjoining land and agricultural properties. ARTC will also manage biosecurity risks during the operations stage of the Project.

ARTC will comply with the general biosecurity obligation under the Biosecurity Act through the implementation of biosecurity management plans. The plans will aim to mitigate the impacts of invasive species on the local ecosystems, and species assemblages, along with adjacent land uses, particularly agriculture, during the construction and operation of the Project, including measures to control, eradicate and monitor biosecurity matters. The plans will include measures around the management of feral animals, along with invasive flora species, with the measures to align with existing pest management plans developed by the local councils, DAF and where applicable, landowners.

While the Project is not located within a Queensland fire ant biosecurity zone, any interstate movement of fire ant carrier material from Queensland into NSW will be undertaken in accordance with the *NSW Department of Primary Industries and Regional Development Fire Ant Emergency Order* (2024).

Consultation has commenced with GRC (the building authority) and the Darling Downs–Moreton Rabbit Board and impacted landowners, and ongoing consultation will continue with DAF about the severance and realignment of the WDCF and the rabbit fence, respectively. This consultation will continue through the detailed design process to ensure it includes fencing replacement solutions that are acceptable to each of the asset managers. Any fencing replacement will provide for native fauna connectivity.

Rail operators will have their own policies and procedures to manage biosecurity.

Chapter 8: Land Use and Tenure and Chapter 11: Flora and Fauna provide further detail regarding biosecurity matters for the Project.

3.4.5 Building Act 1975

3.4.5.1 Overview

The *Building Act 1975* (Qld) (Building Act) regulates building work in Queensland. The Building Act specifies the type of work that constitutes assessable development under the Planning Regulation. Building work under the Building Act is assessable development unless it is:

- Declared under Section 21 of the Building Act to be accepted development
- Carried out by or for the State or a public sector entity, to the extent the building work complies with the relevant provisions for the building work.

3.4.5.2 Relevance to the Project

Development approvals for building work under the Planning Act are expected to be required for components for the Project. These include the non-resident workforce accommodation facilities, site compounds and offices in Yelarbon and Inglewood, and one facility in Turallin, the use for which may include training and material testing, construction laydown and material storage, native plant nursery and traditional land management training facility, or another use to be determined during detailed design. Any approvals required for the non-resident workforce accommodation facilities and the Turallin facility under the Planning Act, pursuant to the Building Act, will be sought following the EIS and during detailed design.

The location for the third non-resident workforce accommodation is based in Millmerran and is not included in the revised draft EIS. The site selection and due diligence associated with locating a Millmerran-based non-resident workforce accommodation will be undertaken during detailed design. Chapter 5: Project Description provides further details related to the non-resident workforce accommodation facilities and the Turallin facility.

3.4.5.3 Project compliance

Development approvals for building work will be obtained for buildings and structures such as site offices and non-resident workforce accommodation to support construction of the Project. Development applications will be made as required during the detailed design stage.

3.4.6 Coroner's Act 2003

3.4.6.1 Overview

The *Coroners Act 2003* establishes a legislative framework for procedures to investigate particular deaths and associated reporting of particular deaths, among other matters. These arrangements include actions for the management of unexpected human remains.

3.4.6.2 Relevance to the Project

During construction, the disturbance of unexpected human remains is a possibility during earthworks activities. Such remains may be at previously unreported burial sites or from other causes including criminal and non-criminal acts. Under the Coroner' s Act, a death is reportable to the coroner, including situations where it is not known who the person is, as in the case of unexpected remains.

3.4.6.3 Project compliance

Site pre-clearance activities will be undertaken during the B2G project site establishment to seek to reduce the potential for unexpected finds during construction activities.

Notification obligations will be addressed through the preparation and implementation of an unexpected finds protocol that will be enacted in the event of the discovery of human remains. In such circumstances, all work in the project area will cease, the find will be protected, the Queensland Police Service (QPS) will be notified and all relevant Heritage Management Plan processes for the notification and management of human remains will be instigated. The Construction Environmental Management Plan (CEMP) will include the relevant matters. This will be developed during detailed design and implemented throughout construction.

3.4.7 Disaster Management Act 2003

3.4.7.1 Overview

The main objectives of the *Disaster Management Act 2003* (Qld) are:

- To help communities:
  - mitigate the potential adverse effects of an event
  - prepare for managing the effects of an event
  - effectively respond to, and recover from, a disaster or an emergency situation.
- To provide for effective disaster management for Queensland.

A disaster is defined in Section 13 of the *Disaster Management Act 2003* as being a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.

Under Section 16 of the *Disaster Management Act 2003*, an event is defined as any of the following:

a) a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening

b) an explosion or fire, a chemical, fuel or oil spill, or a gas leak

c) an infestation, plague or epidemic

d) a failure of, or disruption to, an essential service or infrastructure

e) an attack against the State

f) another event similar to an event mentioned in paragraphs (a) to (e).

An event may be natural or caused by human acts or omissions.

Under the Act, serious disruption means:

- Loss of human life, illness or injury to humans
- Widespread or severe property loss or damage
- Widespread or severe damage to the environment.

3.4.7.2 Relevance to the Project

Chapter 7: Sustainability, Chapter 14: Flooding and Geomorphology, Chapter 21: Hazard and Risk, and Appendix T: Hydrology and Flooding Technical Report identify relevant hazards and risks in the existing environment (in the absence of the Project) and also a number of potential hazards that are likely to exist with the development of the Project. For the purposes of the *Disaster Management Act 2003* these include:

- Natural hazards that are external risks on the Project:
  - Historic climate data and long-term climatic predictions show that there is the potential for extreme temperatures which can create compression and tension stresses on rail infrastructure causing movement and buckling. A large portion of the Project footprint is located on a floodplain with low-lying watercourses. Land that the Project impacts is prone to flooding, especially in the Millmerran and Gowrie localities. The Project footprint interacts with the two catchment areas of the Border River Basin and the Condamine River Basin catchment area.
  - The Project footprint is largely mapped within the 'Medium Potential Bushfire Intensity' Bushfire Prone Area (former Department of State Development, Infrastructure, Local Government and Planning, 2017). The bushfire season extends from mid–late winter through to early summer. The threat of bushfires increases with periods of reduced rainfall and increased temperatures, which can increase the amount of dry grass available to burn.
  - Flash flooding events typically result after periods of intense rainfall, particularly in areas of saturated soil or poor soil absorptivity. Runoff from catchment areas collects in gullies and streams, resulting in large flow volumes often resulting in fast flowing torrents of water and debris. Although the duration is usually rapid, the volume and speed of water can cause significant damage to property and people, in addition to exacerbating erosion effects in the flow path.
  - There is potential for wildlife to interact with the Project.
- Potential hazards that exist with the development of the Project:
  - freight of dangerous goods and/or hazardous chemicals during operation of the Project
  - the construction of the railway may involve blasting activities using explosives (earthworks).

If these hazards are not managed appropriately, the possibility of a disaster increases.

3.4.7.3 Project compliance

The Project has assessed potential hazards and risks that, if not identified and managed appropriately, may increase the possibility of a disaster.

The design of the Project has been developed to minimise the risk of a number of potential hazards:

- The Project will implement safety measures for the potential damage of tracks and assets as a result of extreme hot weather events, such as considering the use of elastic fasteners or heavier sleepers to reduce the risk of track buckling, selection of materials and colour to reduce heat load on trackside equipment.
- The Project has been designed to achieve a 1% Annual Exceedance Probability flood immunity and to minimise unacceptable impacts on the existing flooding and drainage regime, with the exception of connections to existing infrastructure that have an existing lower immunity. Flooding and drainage impacts have been assessed, and mitigation and management measures have been provided in Chapter 14: Flooding and Geomorphology, and the associated technical reports in Appendix T1: Hydrology and Flooding Technical Report – Volume 1 and Appendix T2: Hydrology and Flooding Technical Report – Volume 2.
- Design and ratings of earthwork and geotechnical structures including culverts and bridges have been developed in accordance with geotechnical investigation findings and slope design to minimise risk from landslides and subsidence.

Chapter 7: Sustainability, Chapter 14: Flooding and Geomorphology, Chapter 21: Hazard and Risk, and Appendix T1: Hydrology and Flooding Technical Report – Volume 1 and Appendix T2: Hydrology and Flooding Technical Report – Volume 2 provide a detailed discussion of the risk identification and proposed mitigation measures regarding hazard and risk.

3.4.8 Electricity Act 1994

3.4.8.1 Overview

The *Electricity Act 1994* (Qld) is the main legislation governing Queensland's electricity industry and provides a framework for the generation, transmission and distribution of electricity in Queensland. Under the *Electricity Act 1994*, the Department of Energy and Climate issues generation authorities, transmission authorities and distribution authorities.

Development for the construction of transport infrastructure that is 'government supported transport infrastructure' is not assessable under a local government planning scheme (see Section 3.4.23 for further detail). Regardless of whether development is assessable development under a local categorising instrument or the Planning Regulation, works must comply with the rights and restrictions stated for an easement that is registered to a property's title. This may involve prior notification to the relevant electricity entity to seek approval for works.

Network service providers manage user connections to the electricity distribution network.

3.4.8.2 Relevance to the Project

Various aspects of the Project may require connection into the existing distribution network, subject to confirmation through detailed design.

The Project also interfaces with easements in favour of electricity distribution and transmission entities. Subject to detailed design and siting investigations, this may also include ancillary uses and activities located outside of the rail corridor (e.g. non-resident workforce accommodation facilities).

3.4.8.3 Project compliance

The Project will comply with requirements of the *Electricity Act 1994* through consultation and approval of connection plans with the appropriate distribution network service provider.

Pending detailed design and siting investigations, notifications and development applications, if necessary, will be referred to the appropriate electricity entity for advice agency assessment where works and/or infrastructure are proposed within, or in proximity to, electricity easements and assets.

Electricity infrastructure upgrades and relocations will be subject to separate assessments, with all necessary approvals obtained prior to the relevant works commencing.

3.4.9 Electrical Safety Act 2002

3.4.9.1 Overview

The *Electrical Safety Act 2002* (Qld) is the legislative framework for electrical safety in Queensland.

The purpose of the *Electrical Safety Act 2002* is to prevent people from being injured or killed and property from being destroyed or damaged by electricity.

3.4.9.2 Relevance to the Project

Electricity supply will be required for points, signalling and other infrastructure for the Project, as identified in Chapter 5: Project Description. It is anticipated that the supply of these services will be delivered by relevant providers under the terms of their respective approvals and/or assessment exemptions.

Chapter 21: Hazard and Risk identifies that construction activities around existing services introduce a risk of service strikes of underground utilities (including underground powerlines) during excavation or collision of plant and equipment with aboveground services (e.g. aerial transmission and distribution lines). Activities during operation of the Project also have the potential to impact existing utilities and services, such as track vibrations or derailments, causing damage. Interactions with existing services could pose a risk to public safety and the natural environment. Damage to, or contact with, electrical services during could result in:

- Serious injury or death due to contact with high-voltage live electrical sources
- Power outages to individuals or communities, resulting in potential disruption in provision of critical community services (e.g. health care and emergency services) and safety controls (e.g. electrical signalling).

3.4.9.3 Project compliance

Subsurface and overhead utility investigations have been completed to inform the revised reference design. Investigations confirmed the presence, location and orientation of utilities within the Project footprint as per the requirements of the *Electrical Safety Act 2002*.

The Project's vertical alignment has been established to avoid direct impact to Powerlink's overhead transmission line asset, such as the 330 kilovolt (kV) overhead lines at Whetstone (Ch 39.5 km) and Millmerran (Ch 120.9 km) and the 110 kV overhead line at Westbrook (Ch 193.9 km).

Overhead transmission lines and underground telecommunication cables will be identified before construction to ensure that construction and operation do not interfere with or damage the utilities as per the requirements of the *Electrical Safety Act 2002*, subordinate legislation, and the Safe Work Australia *Model Code of Practice—Managing Electrical Risk in the Workplace* (2018b).

The Project will also comply with the clearance distance as specified in the ARTC *Requirements for Electric Aerials Crossing ARTC Infrastructure* (2021), to ensure sufficient clearance and prevent contact with live electricity. ARTC's engineering standard requires that all structures supporting a span of electric aerials over ARTC railway track or sidings be located so that in the event of failure, no part will fall within 1.8 m outside rail of any railway track.

3.4.10 Environmental Offsets Act 2014

3.4.10.1 Overview

The main purpose of the *Environmental Offsets Act 2014* (Qld) (EO Act) is to counterbalance the significant residual impacts of particular activities on prescribed environmental matters through the use of environmental offsets.

The EO Act establishes a framework for environmental offsets in Queensland, which includes:

- EO Act
- *Environmental Offsets Regulation 2014* (Qld)
- *Queensland Environmental Offsets Policy* (Department of Environment and Science (DES), 2023).

An environmental offset may be required as a condition of certain approvals, following consideration of avoidance and mitigation measures, if the prescribed activity is likely to result in a significant residual adverse impact on one or more prescribed environmental matters.

The EO Act defines a prescribed environmental matter as any of the following:

- MNES
- A matter of State environmental significance (MSES)
- A matter of local environmental significance (MLES).

Once the administering authority has decided that a prescribed activity is required to provide an offset, the offset is required to be delivered in accordance with the EO Act, *Environmental Offsets Regulation 2014* and the *Queensland Environmental Offsets Policy* (DES, 2024a).

To avoid duplication of offset conditions between jurisdictions, State and local governments can only impose an offset condition in relation to a prescribed activity, if the same, or substantially the same, impact and the same, or substantially the same matter has not been subject to assessment under the EPBC Act, *Great Barrier Reef Marine Act 1975* (Cth) or another Commonwealth act prescribed by regulation.

The EO Act does not affect or limit the functions of the Coordinator-General under the SDPWO Act to impose offset conditions irrespective of the EO Act.

Environmental offsets for significant residual impacts to a prescribed environmental matter may be delivered through a proponent-driven offset (e.g. land-based offset), a financial offset calculated in accordance with the Financial Settlement Offset Calculation Methodology, or a combination of proponent driven and financial offsets.

3.4.10.2 Relevance to the Project

The Project will have significant cumulative, irreversible and/or permanent impact on some MNES and MSES, even after the implementation of all mitigation measures, including rehabilitation. In these cases, the residual impact will require an offset to be provided should the residual impact be considered significant in accordance with the EPBC Act, EO Act and relevant policies.

Chapter 11: Flora and Fauna provides the outcomes of significant impact assessments undertaken for MNES and MSES values that are impacted by the Project and identifies offset requirements for each value.

Further discussion is contained in Chapter 11: Flora and Fauna, Appendix L: Terrestrial and Aquatic Ecology Technical Report, Appendix O: Matters of National Environmental Significance Technical Report and Appendix Q: Environmental Offset Delivery Strategy.

3.4.10.3 Project compliance

An initial assessment has been undertaken in accordance with the following standards and guidelines to identify if the Project will have a significant residual impact on prescribed environmental matters:

- *Significant Residual Impact Guideline* (former Department of Environment and Heritage Protection, 2014a)
- *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (former Department of the Environment, 2013)
- *Significant Residual Impact Guideline* (former Department of State Development, Infrastructure, and Planning, 2014).

The outcome of the significant impact residual impact assessment against MNES and MSES values is provided in Chapter 11: Flora and Fauna.

An Environmental Offset Delivery Strategy has been prepared for the Project (Appendix Q: Environmental Offset Delivery Strategy).

3.4.11 Environmental Protection Act 1994

3.4.11.1 Overview

The EP Act is Queensland's overarching environmental legislative framework for the protection and management of environmental values. The aim 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'. The EP Act regulates activities that will, or may have the potential to, cause environmental harm, and prescribes several mechanisms to ensure the objectives of the EP Act are met.

The EP Act also lists obligations and duties to prevent environmental harm, nuisance and contamination. The two primary duties that apply to everyone in Queensland are:

- General environmental duty — which means a person must not carry out any activity that causes, or is likely to cause, environmental harm unless all reasonable and practicable measures to prevent or minimise the harm have been taken (Section 319(1) of the EP Act). Environmental harm is defined in Section 14 of the EP Act as:

  > *'any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance'.*

- Duty to notify of environmental harm — which means that a person must inform the administering authority and landowner or occupier when an incident has occurred that may have caused or threatens serious or material environmental harm that is not authorised.

The EP Act also provides the power to administering authorities to order actions to be taken to improve environmental performance, conduct audits and environmental evaluations of activities, approve environmental management programs and impose penalties or prosecute persons for non-compliance with the requirements of the EP Act.

The EP Act, together with the Planning Act, provides a licensing regime for ERAs. ERAs are prescribed under Schedule 2 of the *Environmental Protection Regulation 2019* (Qld) and include activities where the Governor in Council is satisfied that:

- A contaminant will or may be released into the environment where the activity is carried out
- The release of the contaminant will or may cause environmental harm.

Approval in the form of an EA is required to lawfully undertake a prescribed ERA. Where a prescribed ERA is listed as a Concurrence ERA in Schedule 2, a development permit for a material change of use under the Planning Act is also required where a change of land use occurs.

The EP Act also requires that any person carrying out an ERA must be a Registered Suitable Operator, which is a person or corporation who has been registered by DESI as being suitable to undertake an ERA. Once a person or corporation becomes registered, the registration remains in effect unless it is suspended or cancelled.

Prescribed ERAs are assessed as either standard, variation or site-specific applications. Under the EP Act, some ERAs can be assessed under eligibility criteria and standard activities where these have been set by the administering authority. Where a proposed ERA meets the eligibility criteria and all of the standard conditions, a standard application can be made. Where a proposed ERA cannot meet all the standard conditions, a variation application must be made. Where eligibility criteria cannot be met or no eligibility criteria have been set, a site-specific application is required.

As part of this EIS process, ARTC are not requesting approval or stated conditions for any ERAs and therefore the Project will not seek to rely upon Section 37 of the SDPWO Act. Figure 3-3 outlines the approval processes for prescribed ERAs under the EP Act and Planning Act.

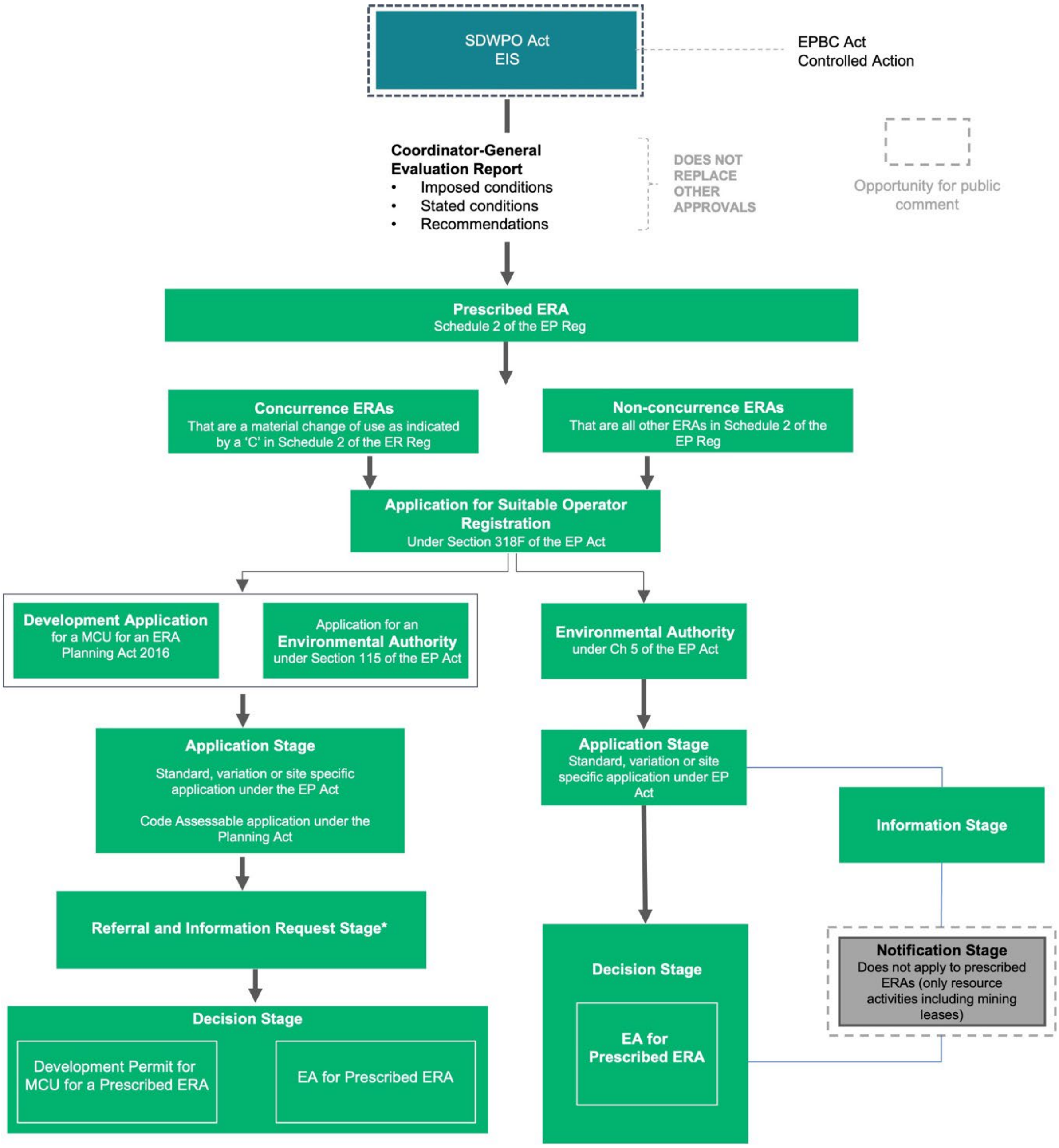

FIGURE 3-3 APPROVAL PROCESSES FOR PRESCRIBED ERAS UNDER THE EP ACT AND PLANNING ACT

*As such, any Development Applications lodged under the Planning Act or EA Applications lodged under the EP Act for secondary approvals associated with a Project do not need to undergo information request or public notification stages if detailed assessment information is provided in the EIS.

The following Environmental Protection Policy subordinate legislation supports the operation of the EP Act:

- *Environmental Protection (Air) Policy 2019* (EPP Air)
- *Environmental Protection (Noise) Policy 2019* (EPP Noise)
- *Environmental Protection (Water and Wetland Biodiversity) Policy 2019* (EPP Water and Wetland Biodiversity).

DESI has also developed a suite of guidelines to assist proponents by specifying the information that must be included within an application for an EA. The guidelines include information required in relation to impacts to land, water and air. These Environmental Protection Policies are discussed further in the relevant chapters including any potential exemptions.

DTMR's *Transport Noise Management Code of Practice: Volume 2—Construction Noise and Vibration* (CoP Vol 2) (2023) has been gazetted under Section 551 of the EP Act. The CoP Vol 2 has requirements for various stages of projects and is a means of demonstrating compliance with the general environmental duty under the EP Act. DTMR's *Transport Noise Management Code of Practice Volume 1 - Road Traffic Noise* (CoP Vol 1) (2013) is also relevant to the extent that new or modified roads are required in support of the Project. Further information is provided in Chapter 16: Noise and Vibration.

In addition to the provisions under the EP Act relating to the assessment and management of contaminated land, the EP Act also contains provisions for the lawful disposal of contaminated soil. Under Section 739 of the EP Act, the removal and disposal of contaminated soil from land that is recorded on the Contaminated Land Register (CLR) or Environmental Management Register (EMR) to an offsite location must obtain a disposal permit to lawfully undertake the works. Disposal permits enable appropriate and legal disposal and tracking of contaminated soil or materials.

3.4.11.2 Relevance to the Project

There are a number of approvals under the EP Act that are likely to be required following the Coordinator-General's evaluation report. These approvals have been further detailed in Table 3-2. No stated conditions are proposed to be obtained for these ERAs as part of the Coordinator-General's evaluation report.

TABLE 3-2 ENVIRONMENTALLY RELEVANT ACTIVITIES THAT MAY BE REQUIRED FOR CONSTRUCTION OF THE PROJECT (POST-EIS APPROVAL PROCESS)

Environmentally Relevant Activity[1]	Description of relevant threshold	Potential relevance to Project activity	Project relevance	Relevant thresholds to which an ERA standard applies
Chemical storage (ERA 8) See Table 3-3 below for further indicative information related to chemicals that may be required during construction.	Storing: a) 50 tonnes (t) or more of chemicals of dangerous goods class 1 or class 2, division 2.3 in containers of at least 10 cubic metres (m^3) b) 50 t or more of chemicals of dangerous goods class 6, division 6.1 in containers capable of holding at least 900 kilograms (kg) of the chemicals c) More than 500 m^3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 d) Other chemicals — 200 t or more of solids or gases or 200 m^3 of liquids in containers of at least 10 m^3.	Storage of dangerous goods and hazardous substances for construction purposes. Non-resident workforce accommodation may also have a hazardous materials storage requirement to enable self-sufficient operation. Refer to Chapter 5: Project Description for further detail.	Duration: ERAs that may be required are relevant to the construction works stage of the Project (post-EIS approval process). Scale and intensity (rate of use): An indicative list of dangerous goods and hazardous materials is detailed in Chapter 21: Hazard and Risk (Table 21-14). None are expected to trigger ERA 8.	Not applicable. The Project is not expected to trigger this ERA threshold.
Fuel burning (ERA 15)	Consists of using fuel-burning equipment that can burn at least 500 kg of fuel in an hour.	The operation of diesel generators for the provision of site-based power. Non-resident workforce accommodation may also require diesel generators for the provision of power to enable self-sufficient operation. Refer to Chapter 5: Project Description for further detail.	Duration: ERAs that may be required are relevant to the construction works stage of the Project (post-EIS approval process). Scale and intensity (rate of use): An indicative list of dangerous goods and hazardous materials is detailed in Chapter 21: Hazard and Risk (Table 21-11). None are expected to trigger ERA 15.	Not applicable. The Project is not expected to trigger this ERA threshold.

Environmentally Relevant Activity[1]	Description of relevant threshold	Potential relevance to Project activity	Project relevance	Relevant thresholds to which an ERA standard applies
Extractive and screening activities (ERA 16)	Consists of: 1) Extractive and activities screening consist of any of the following: a) Dredging a total of 1000 t or more of material from the bed of naturally occurring surface waters, in a year b) Extracting, other than by dredging, a total of 5000 t or more of material in a year from an area c) Screening 5000 t or more of material, in a year. 2) The relevant activity does not include: a) Extracting material under an environmental authority for a resource activity b) Extracting material from a road if – i) The material is to be used for constructing or maintaining a road; or ii) The surface area from which the material is extracted is less than 10,000 m^2 c) Extracting material from a place for constructing a road or railway at the place d) Extracting material from a place, other than by dredging, for constructing the foundations of a building at the place e) Extracting material for reshaping land if: i) Reshaping the land does not involve blasting ii) The material is not removed from the site from which it is extracted. Screening material on the site from which it has been extracted in the course of carrying out an activity mentioned in paragraphs (a) to (e).	The operation of new borrow pits as a material source for use during construction. Refer to Chapter 5: Project Description for further detail.	Duration: ERAs that may be required are relevant to the construction works stage of the Project (post-EIS process). Refer to Chapter 5: Project Description Table 5.01 for the indicative breakdown of civil earthworks and drainage expected to be undertaken. Scale: Relevant to ERA 16, volume of earthworks for the Project is summarised in Chapter 5: Project Description (Table 5-29). Chapter 9: Land Resources (Table 9-17) lists lots that have been identified through desktop assessment to have a current environmental authority for ERAs (specifically ERA 16 and ERA 33) listed within the Project footprint. The operation of new borrow pits as a material source for use during construction may trigger ERA 16.	The Project will trigger ERA 16(2)(a). ERA standard, including eligibility criteria and standard conditions have been developed for: - ERA 16(2)(a) – extracting 5,000 to 100,000 tonnes of material per year - ERA 16(3)(a) – screening 5,000 to 100,000 tonnes of material per year - ERA 16(3)(b) – screening 100,000 to 1 million tonnes of material per year - ERA 16(3)(c) – screening >1 million tonnes of material per year.

Environmentally Relevant Activity[1]	Description of relevant threshold	Potential relevance to Project activity	Project relevance	Relevant thresholds to which an ERA standard applies
Crushing, milling, grinding or screening (ERA 33)	1) 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. 2) The relevant activity does not include- a) Crushing, grinding, milling or screening: i) Grain crops: or ii) Other agricultural products on a farm for use on the farm; or iii) Waste; or b) Crushing, grinding, milling or screening for carrying out an activity to which Section 16 applies.		ERA 33 is not expected to be triggered by the Project throughout the stages of the Project. Chapter 9: Land Resources (Table 9.17) lists lots that have been identified through desktop assessment to have a current environmental authority for ERAs (specifically ERA 16 and ERA 33) listed within the Project footprint.	Not applicable. The Project will not trigger this ERA threshold.
Sewage treatment (ERA 63)	Consists of: 1- (a)(i) Operating 1 or more sewage treatment works at a site that have a total daily peak design capacity of at least 21 (equivalent persons), or 2- Operating a sewage pumping station with a total design capacity of more than 40 kL in an hour, if the operation of the pumping station is not an essential part of the operation of sewage treatment works to which paragraph (a) applies.	Non-resident workforce accommodation facilities may undertake onsite sewage treatment to enable self-sufficient operation. To the extent the sewage treatment plants do not meet eligibility criteria and standard conditions under the EP Act, then appropriate conditions ˙will be sought.	Duration: ERAs that may be required are relevant to the construction works stage of the Project (post-EIS approval process). Scale: ERA 63 may be triggered during the construction works stage of the Project. The scale of sewage treatment waste is derived from the non-resident workforce accommodation facility capacity of approximately 300 equivalent persons. The intensity will be driven by the estimated construction workforce scheduled for the Project (summarised in Chapter 5: Project Description (Figure 5-17)), To accommodate the Projects sewage treatment plans, Chapter 5: Project Description (Table 5-42) lists the licenced sewage treatment plants in proximity to the Project.	- Not applicable. The Project will not trigger this ERA threshold.

The likely trigger and thresholds, potential risks and impacts, mitigations of potential risks impacts and effective management measures and/or standards to avoid and mitigate risks on environmental values will be identified and developed in the detailed design and construction works stages of the Project. Strategies and offsets to meet acceptable environmental performance outcomes will also be identified and developed during the detailed design and construction works stages of the Project. Maps to identify and illustrate scale, intensity and duration of the Project will be developed in detailed design.

Detailed information on potential risks, impacts, mitigation measures and management strategies that will be undertaken and addressed regarding to the environmental values are assessed in the following chapters of the revised draft EIS:

- Chapter 7: Sustainability
- Chapter 8: Land Use and Tenure
- Chapter 9: Land Resources
- Chapter 10: Landscape and Visual Impact Assessment
- Chapter 11: Flora and Fauna
- Chapter 12: Air Quality
- Chapter 13: Surface Water
- Chapter 14: Flooding and Geomorphology
- Chapter 15: Groundwater
- Chapter 16: Noise and Vibration
- Chapter 17: Social
- Chapter 18: Economics
- Chapter 19: Cultural Heritage
- Chapter 20: Traffic, Transport and Access
- Chapter 21: Hazard and Risk
- Chapter 22: Waste and Resource Management.

Chemicals and hazardous materials

Table 3-3 relates to ERA 8 and provides an indicative list of dangerous goods and hazardous substances that may be required during the construction of the Project. The threshold triggers for ERA 8 are not expected to be reached.

TABLE 3-3 INDICATIVE LIST OF DANGEROUS GOODS AND HAZARDOUS SUBSTANCES REQUIRED DURING CONSTRUCTION

Chemical type	Typical chemicals	Purpose/use	Dangerous good class	Packing group	Indicative rate of use	Expected storage method
Fuel oil	Diesel	Fuel for mobile equipment	9 (C1)[2]	III	20 kilolitres (kL)/week	20 kL bulk storage (fuel depots)
	Unleaded petrol		C3	II	As required by the local construction team	
Grease	Rocol Rail Curve Grease	Lubricate plant and equipment	C2[3]	N/A	Limited	Package storage
	Shell GADUS Gauge Face Curve Grease	Lubricate plant and equipment	C2[3]	N/A	Limited	Package storage
Blasting chemicals	Ammonium Nitrate[1]	Cuttings and borrow pit operations	5.1	III	Limited	Not stored
	Blasting Explosives	Cuttings and borrow pit operations	1	II	Limited	Not stored
Concreting	Concrete and Concrete Residue	Concreting for slab construction	N/A	N/A	As required by the local construction team	Truck deliveries
	Concrete Curing Compound	Concreting for slab construction	N/A	N/A	As required by the local construction team	Truck deliveries

Chemical type	Typical chemicals	Purpose/use	Dangerous good class	Packing group	Indicative rate of use	Expected storage method
Welding gases	Oxygen	Welding	2.2/5.1	N/A	Cylinders and/or manifold packs as required by the local construction team	Cylinder storage
	Acetylene	Welding	2.1	N/A	Cylinders and/or manifold packs as required by the local construction team	Cylinder storage
Pesticides	Australian Pesticides and Veterinary Medicines Authority Approved Pesticides	Pest and weed control	6.1 or 9	I, II or III	As required	Not stored in the rail corridor

Table notes:

1. Product is a security sensitive explosive defined under Schedule 7 of the Explosives Regulation 2017.
2. Class C1 — a combustible liquid that has a flashpoint of 150°C or less.
3. Class C2 — a combustible liquid that has a flashpoint exceeding 150°C.

Generally, low volumes of hazardous chemicals would be stored at construction work fronts and laydown areas near points of use. The quantities stored will be equivalent to the demand for construction activities within that area of the rail corridor.

During construction, the following facilities are expected to be provided for storage and distribution of construction chemicals:

- Laydown areas will be located approximately every 5 km along the Project alignment, in addition to bridge and turnout locations onto the QR network. Small quantities of lubricants and oil (e.g. drum and intermediate bulk container package stores) will be stored at these locations.
- Diesel fuel depots will be located at regular intervals along the Project alignment, which will provide for 20 kL bulk storage of diesel.

Indicative volumes of extracted materials

Six possible borrow pit locations have been identified by ARTC as potentially suitable for use during construction activities. These borrow pit locations have been assessed (see Appendix AD: Borrow Pits: Supporting Technical Information), with the viability and feasibility of accessing material from these locations to be confirmed during the detailed design stage of the Project (post-EIS).

The potential borrow pit locations have been identified based on the following factors:

- Proximity to the Project
- Proximity to road access and accessibility
- Minimal to no vegetation clearing, based on preliminary assessment
- Presence and size of existing borrow pit.

Standard earthmoving equipment such as bulldozers and trucks will be used to extract material from borrow pits. If required, mechanical screens will be used to screen and grade material. The material will then be transported to construction sites using the public road network and tipped directly onto the formation.

There may be localised instances where the haulage of material from the point of source (cut) to the location of need is prohibitive, and general fill may be sourced from borrow pits.

All necessary approvals and licences post-EIS will be obtained for any borrow pit locations that are required, prior to commencing construction works.

In some instances, suitable ballast and capping material may be obtained through cut activities along the rail corridor. However, established quarries are expected to be the primary source for ballast and capping for the Project.

3.4.11.3 Project compliance

ERAs that could potentially be applicable to the Project are listed in Table 3-2; however, the extent to which each ERA is triggered will not be known until the detailed design stage of the Project when the construction methodology is refined. Relevant approvals are to be obtained post-EIS.

Where soil from a landholding listed on the EMR or CLR cannot be treated or managed onsite and requires removal offsite, a disposal permit will be obtained to authorise movement of the soil to a licenced waste disposal or treatment facility, unless the soil is proven to not be contaminated.

Chapter 24: Draft Outline Environmental Management Plan provides details on how impacts to matters protected under the EP Act will be mitigated in the various stages of the Project.

3.4.12 Explosives Act 1999

3.4.12.1 Overview

The *Explosives Act 1999* (Qld) (Explosives Act) provides a framework to ensure the safe use, storage, handling and disposal of explosive material so as not to endanger persons, property or the environment. The Explosives Act is enforced by the Explosives Inspectorate, Resource Safety and Health Queensland.

Under the Explosives Act, blasting can only be conducted by a person holding a shotfirer’s licence.

Notification obligations for the use of explosives in blasting other than at a mine or explosives factory are set out in Sections 154(1) and 155 of the *Explosives Regulation 2017* (Qld) (Explosives Regulation). Under the Explosives Regulation, a Blasting Notification Form must be lodged with the Resources Safety and Health Queensland’s Explosives Inspectorate a minimum of seven days before the blasting.

A Blasting Notification must include information in accordance with Section 154(2) of the Explosives Act. This information is assessed for compliance by an Inspector with *AS 2187.2-2006 — Explosives — Storage and Use of Explosives* (Standards Australia, 2006a).

3.4.12.2 Relevance to the Project

Blasting explosives, including blasting, detonators and boosters, and security-sensitive ammonium nitrate are expected to be required during construction to achieve the requisite cutting depth in locations where hard rock is expected to be encountered. Based on reference design geotechnical information, it is anticipated that blasting may be required for the cuttings between:

- Ch 165.4 km and Ch 168.6 km
- Ch 175.4 km and Ch 176.8 km
- Ch 178.8 km and Ch 180.6 km
- Ch 190.3 km and Ch 191.5 km
- Ch 193.6 km and Ch 194.6 km.

Explosives are likely to be transported, stored, handled and used during the construction works stage of the Project.

3.4.12.3 Project compliance

Explosives will be transported, stored and used in a manner that is compliant with the following:

- Explosives Act
- Explosives Regulation, Part 8 for the storage of explosives and *AS 2187.1-1998 Explosives—Storage, transport and use, Part 1: Storage and land transport* (Standards Australia, 1998)
- Explosives Regulation, Part 9 for the transport of explosives, the Australian Explosives Code and the Australian Dangerous Goods Code
- Explosives Regulation, Part 10 for the use of explosives and *AS 2187.2-2006, Explosives—Storage, transport and use, Part 2: Use of explosives* (Standards Australia, 2006b).

3.4.13 Fisheries Act 1994

3.4.13.1 Overview

The *Fisheries Act 1994* (Qld) (Fisheries Act) provides for the use, conservation and enhancement of fisheries resources and fish habitats in Queensland. DAF is responsible for development assessment under the Fisheries Act in combination with the Planning Act, along with the conservation and management of fish habitats in Queensland.

The definition of a waterway under the Fisheries Act includes a river, creek, stream, watercourse, drainage feature or inlet of the sea.

This definition includes freshwater and tidal waters, both permanent and ephemeral waterways, and includes drainage features. It also includes channels along which fish are expected to move if they connect isolated water bodies to defined waterways during times of flow; however, it does not include isolated waterbodies where no connectivity is available.

The ArcGIS data layer (2023a), *Queensland Waterways for Waterway Barrier Works*, has been developed by the Queensland Government (DAF) to help define the limits of waterways for the purpose of managing impacts to fish passage from waterway barriers. Development under the Fisheries Act can be either an accepted development or assessable development for, relevantly, works involving the construction or raising of temporary or permanent waterway barrier works.

The Fisheries Act interfaces with the Planning Act to identify categories of waterways for waterway barrier works which relate to the level of assessment required to undertaken works that impact a mapped waterway. The levels of assessment required under the Planning Act and the Fisheries Act are summarised in Table 3-4.

TABLE 3-4 RELATIONSHIP BETWEEN THE PLANNING ACT AND FISHERIES ACT FOR QUEENSLAND WATERWAYS FOR WATERWAY BARRIER WORKS (ADAPTED FROM DAF, 2021)

<table>
<tr><th colspan="2">Waterway classification</th><th colspan="4">Proposed waterway barrier</th></tr>
<tr><th>Planning Act/ Regulation</th><th>Fisheries Act</th><th>Some dams/ weirs</th><th>Culvert crossing</th><th>Bed-level crossing</th><th>Temporary works</th></tr>
<tr><td>Low Risk</td><td>Green</td><td colspan="4"></td></tr>
<tr><td>Moderate Risk</td><td>Amber</td><td></td><td colspan="3" rowspan="2">Development complies with accepted development requirements OR lodge a development application</td></tr>
<tr><td>High Risk</td><td>Red</td><td></td></tr>
<tr><td>Major Risk</td><td>Purple</td><td colspan="2">Development Application</td><td colspan="2"></td></tr>
<tr><td>Tidal</td><td>Grey</td><td colspan="3"></td><td></td></tr>
</table>

Accepted development must comply with all of the relevant requirements within the *Accepted development requirements for operational work that is constructing or raising waterway barrier works* (DAF, 2018a). If the development does not comply, it is assessable development and a development permit for operational work that is the constructing or raising of waterway barrier works must be obtained before development commences.

For any waterways that are not represented on the spatial data layer, *Queensland Waterways for Waterway Barrier Works*, it is essential that the subject waterway is attributed a risk category as per the spatial data layer. This informs whether the proposed work is able to be undertaken in accordance with the *Accepted development requirements for operational work that is constructing or raising waterway barrier works* (DAF, 2018a), or alternatively whether the proposed work is assessable development.

3.4.13.2 Relevance to the Project

Activities associated with the Project, such as the construction of the railway and access roads, whether temporary or permanent, such as culverts, bed level crossings or bridges, will require works across waterways. In particular, the Project traverses mapped waterways for waterway barrier works.

The Project footprint crosses a total of 100 mapped waterways for waterway barrier works:

- 66 green mapped waterways
- 15 amber mapped waterways
- 9 red mapped waterways
- 10 purple mapped waterways.

The Project will not affect other matters regulated by the Fisheries Act such as marine plants, aquaculture or fish habitat areas. The Project's detailed design stage will continue to minimise, to the extent practicable, the extent of impacts to waterways, riparian vegetation and instream flora and habitats, in accordance with *Accepted development requirements for operational work that is constructing or raising waterway barrier works* (DAF, 2018a).

3.4.13.3 Project compliance

Project design criteria for cross-drainage structures that interface with mapped waterways have been developed to meet the accepted development requirements for category low, moderate, high and major waterways. The design of each cross-drainage structure intersecting a mapped waterway will be verified at the detailed design stage to confirm compliance with the accepted development criteria.

Engagement with DAF will be required to confirm whether proposed works constitute a waterway barrier. This is particularly relevant to bridges with in-stream components such as piers and scour protection. It is also likely to be relevant to the construction of levees.

Where structures do not meet the accepted development requirements, including bridges that constitute waterway barrier works in cases of a temporary barrier, or are works that consist of trapezoidal diversion drains with expected impact on mapped waterways, a development permit for operational work that is constructing or raising waterway barrier works (Planning Regulation, schedule 10, part 6, division 4, section 12) will need to be obtained, subject to verification of the design of such works at the detailed design stage.

Chapter 11: Flora and Fauna, Chapter 13: Surface Water, and Chapter 14: Flooding and Geomorphology, provide further detail regarding aquatic environments and waterways affected by the Project.

3.4.14 Forestry Act 1959

3.4.14.1 Overview

The purpose of the Forestry Act is to provide 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 State on State forests, timber reserves, and on other lands and for other purposes.

DAF manages State forests in Queensland via the Forestry Act. Under Section 45, the State has ownership of all forest products. Sections 53, 54 and 54a prohibit interference with forest products on State land other than under a permit granted under the Forestry Act or another Act.

Furthermore, the Forestry Act seeks to regulate the sale and disposal of the State's native forest products and quarry materials within these areas and on other State land. Under the Forestry Act, quarry material includes any stone, gravel, sand, rock, clay and earth that are not defined as a mineral under the *Mineral Resources Act 1989* (Qld).

Quarry material within watercourses, freshwater natural lakes and the associated outer banks is regulated via the Water Act. Part 6, Division 2 of the Forestry Act details provisions related to the control and disposal of quarry and forestry materials protected under permits, licenses, or agreements granted under the Act.

Lands lease is State land that is subject to a lease granted under the Land Act for a particular purpose such as pastoral, grazing and commercial or industrial purposes, or where land is leased to the State for a rail-transport purpose, or dedicated as State forests. Occupation and use of a reserve, road, lands lease or USL (i.e. temporary and permanent road closure), requires a lawful authority to be granted from the Chief Executive of DAF and the leaseholder, authorising the interference with quarry and forestry resources on freehold land. Table 3-5 provides details on the approvals required to interfere with these resources. Freehold land with State-owned forestry products has not been identified as being affected by the Project.

Section 25 of the Forestry Act gives power to the Governor in Council, by way of regulation, to set apart and declare particular land as State forest. This includes any Crown land, or land that is part of an existing timber reserve, or a forest reserve that is declared under the NC Act.

There is no statutory application process under the Forestry Act to revoke a State forest, with the application process instead being based on policy as set out in the DESI Operational Policy: Revocation of QPWS managed areas (QPW/2016/1877 v1.04).

The purpose of the policy is to outline when Queensland Parks and Wildlife Service and Partnerships (QPWS&P) management make a decision about the revocation of an area of national park, regional park, forest reserve, State forest and timber reserve (collectively referred to as (QPWS&P) managed areas) may be considered, and the compensation payable for revocation actions. Under the policy, the revocation of a State forest will only be considered when it is in the interests of the specific tenure or where there is a net conservation or forest production benefit to the QPWS&P managed area as a result.

3.4.14.2 Relevance to the Project

The Project traverses through two State forests, the Whetstone State Forest and the Bringalily State Forest. The Project footprint extends into Whetstone State Forest along the existing QR South Western Line rail corridor at Whetstone between Ch 37.5 km and Ch 43.4 km. The Project footprint extends into Bringalily State Forest where greenfield rail corridor is required between Inglewood and Canning Creek at Ch 64.1 km and Ch 65.75 km, and Ch 69.43 km and Ch 91.75 km. Where the Project footprint is positioned within the existing QR South Western Line rail corridor and the Millmerran Branch Line rail corridor, the tenure of that existing rail corridor is estate in perpetuity, leased by the State of Queensland (represented by DTMR) to Queensland Rail Limited ACN 132181090 (lands lease).

The Project footprint traverses areas within the Bringalily and Whetstone State forests that are subject to term leases under the Land Act.

A permit is required to interfere with any forest products or quarry material in any State forest, timber reserve, forest entitlement area, road reserve and on leasehold land or USL or that remain in property of the State of Queensland.

3.4.14.3 Project compliance

The application process seeking partial revocation of relevant parts of these State forests, via amendment regulation, has been initiated by ARTC. Applications seeking revocation of part of each State forest were submitted to the then DES (now DESI) on 4 December 2019, and additional information was provided to the then DES on 13 May 2022. Following submission of these applications, the further stages are likely to consist of the following:

- DESI interagency consultation
- Ministerial in-principle approval
- ARTC to address revocation requirements, including native title, cultural heritage, third-party consent, survey plan and compensation
- Minister requests Governor in Council approval
- Parliamentary consideration
- Governor in Council Assent
- Title Registry Office Requirements.

Ministerial in-principle approval for the State forest partial revocation will be required to be obtained prior to the Coordinator-General accepting the final EIS.

Tenure arrangements, including compensation and offset requirements, for the revocation of State forest land will continue to be progressed during and following the completion of the EIS process in accordance with the *Operational policy: Revocation of QPWS managed areas (QPW/2016/1877 v1.04)* and in continued consultation with DAF, DESI and DoR, leaseholders and the BNTAC. Offsets for the partial revocation of State forest areas will be provided through financial compensation to DESI, via DTMR as constructing authority, in accordance with the Operational Policy: Revocation of QPWS managed areas.

Chapter 8: Land Use and Tenure describes land tenure arrangements for construction and operation of the Project.

To facilitate technical investigations before the revocation process, ARTC will obtain, separate to this revised draft EIS and where necessary, approvals for:

- Investigative works under Section 56 of the Forestry Act
- Permits to interfere with State-owned forest products and quarry material under Part 6 of the Forestry Act.

The information required to support applications for the above approvals will become available through the detailed design stage. It is noted that following consultation between ARTC and the then DES (QPWSP) on 23 September 2021, the then DES (QPWSP) advised that an Occupation permit under Section 35 of the Forestry Act would not be the mechanism to access land where ARTC's intention was to partially revoke the land. Where access to land is required before revocation is completed, access will be gained through minor disturbance works under Section 56 of the Forestry Act.

ARTC plan to negotiate the full or partial surrender of impacted term leases with lessees. If unsuccessful, ARTC will request DTMR, as the constructing authority, to make a request to DoR to progress the resumption of these leases by way of order in Council under the Land Act. Under the AL Act, every person who has a lawful interest in a resumed lease (or part of a resumed lease) has a right to claim compensation.

Permits will be obtained by ARTC where required in accordance with the Forestry Act.

3.4.15 Human Rights Act 2019

3.4.15.1 Overview

The *Human Rights Act 2019* was enacted to protect and promote human rights, build an associated culture in government, including decision making frameworks to promote dialogue about the nature, meaning and scope of human rights.

The *Human Rights Act 2019* requires public entities to act and make decisions in a way compatible with human rights. This includes an obligation for public entities, in making a decision, to give proper consideration to a human right relevant to the decision. The Act sets out civil and political rights, along with economic, social and cultural rights. It specifically establishes that Aboriginal people and Torres Strait Islander peoples hold distinct cultural rights and must not be denied the right to maintain, control, protect and develop their culture, to have their traditional connections with land, waters and resources recognised and valued, and the Act expresses the core of these rights.

3.4.15.2 Relevance to the project

The *Human Rights Act 2019* supports the public notification, consultation and decision-making systems under the SDWPO Act. Similarly, it supports the protection of Aboriginal cultural heritage values in the Project area, as provided in complementary legislation.

3.4.15.3 Project compliance

The Project will comply with requirements of the *Human Rights Act 2019* through consultation mechanisms, in both the assessment and approval processes under the SDPWO Act, and, as relevant, during the preparation of management plans and detailed design elements. Engagement with Traditional Owners and other representative parties is included in these activities. A Cultural Heritage Management Plan for the Project has been established with applicable Traditional Owners and is in place for activities within the Project area.

3.4.16 Land Act 1994

3.4.16.1 Overview

The Land Act prescribes the framework for the allocation of non-freehold land tenure and its subsequent management. The Land Act is administered by the DoR and regulates the management of State land in Queensland for the benefit of the people by having regard to seven key principles, including sustainability, evaluation, development, community purpose, protection, consultation and administration.

Chapter 3, Part 2 of the Land Act provides for, relevantly, the dedication and opening of roads, the closing of roads (including temporary and permanent road closure applications) and the issuing of road licences for temporarily closed roads.

The DoR requires tenure to be issued under the Land Act for the occupation and use of a reserve, road, lands lease or USL. The majority of land to be leased to ARTC for construction will be freehold land and the leases will be standard leases under the *Land Title Act 1994 (Qld)* (Land Title Act). Some land will be leased under the Land Title Act by way of a term lease or a construction trustee lease.

3.4.16.2 Relevance to the Project

Where the permanent footprint traverses local roads and State land, the land will be secured in accordance with the Land Act.

The Project will also require access to non-freehold land for construction including lands lease lots (other than State forest) directly impacted by the permanent footprint and easements impacted by the temporary footprint. In some instances, appropriate tenure or interest in non-freehold land will be required for the Project under the Land Act.

Tenure expected to be impacted by the Project footprint is summarised in Chapter 8: Land Use and Tenure (Table 8-17) and are as follows:

- Lands lease (other than State forest)
- Reserve
- State forest
- State land
- Road type parcel
- Unlinked parcel
- Watercourse.

3.4.16.3 Project compliance

Where the Project requires tenure or interest in non-freehold land, ARTC and/or the constructing authority will engage with the relevant Land Administration and Acquisitions Unit within DoR and, where applicable, the relevant asset owner to discuss options and make applications under the Land Act. Certain types of State leasehold land may be able to compulsory acquired by DTMR in accordance with the AL Act. In addition, ARTC will also liaise with adjoining property owners and the relevant road–rail manager (e.g. local government, DTMR or Queensland Rail) in the instance that temporary or permanent works, such as road closures, are required.

Section 3.4.2.3 provides further details on the Project's compliance with the Land Act requirements.

3.4.17 Land Title Act 1994

3.4.17.1 Overview

The Land Title Act prescribes the framework for the registration of freehold land and interests in freehold land in Queensland. The Land Title Act gives provisions for the implementation of the Torrens System in Queensland, which ensures that the interests of registered owners, and other registered proprietors, of land are protected.

Freehold land is land that has been alienated from the State and where the ownership rests with the individual owner for an estate in fee simple. This means that the State has no right or claim to the land (subject to some exceptions) and, should the State require the land, it must acquire it from the owner either by negotiation or by resumption and payment of compensation. When a parcel of land is alienated from the State, it is converted from

State land to freehold and ownership is granted in fee simple or reserved for public purposes with specified reservations to the State.

The Land Title Act is administered by DoR, affording functions and powers to the Registrar of Titles to maintain the Freehold Land Registry (also known as the Land Registry and the Titles Office) by way of the computerised Automated Titles System. As a system of 'title by registration', it is the act of registration which transfers or creates a legal interest. Under Section 28 of the Land Title Act, the Registrar must record in the Freehold Land Register details of every lot and of every interest in a lot. Upon the recording of particulars of a lot in the Freehold Land Register, an indefeasible title for that lot is created under Section 37, subject to some exceptions (Sections 184-185). The lease or title that issues for each parcel contains the lot on plan description and forms part of the Freehold Land Register. All transactions or dealing with the land (e.g. such as a lease or easement) are recorded on the relevant title.

3.4.17.2 Relevance to the Project

The majority of land to be leased to ARTC for construction will be freehold land and the leases will be standard leases under the Land Title Act. Where a lease is needed, the requirements of Part 6, Division 2 for the registering, amending and/or surrendering a lease will be followed.

3.4.17.3 Project compliance

Where the Project requires the transfer or leasing of freehold land, ARTC and/or the constructing authority will engage with the Land Titles Office within DoR, and the relevant landowner to discuss options and undertake the land registration requirements in accordance with the Land Title Act.

3.4.18 Local Government Act 2009

3.4.18.1 Overview

The purpose of the LG Act is to provide a system of local government in Queensland that is accountable, effective, efficient and sustainable. The LG Act prescribes the way in which all local governments in Queensland (with the exception of Brisbane City Council) are constituted and the nature and extent of their responsibilities and powers.

Under the LG Act, local governments have powers and responsibilities to, among other things, make and enforce any local law that is necessary or convenient that reflects community needs and ensures the appropriate rules and governance are applied within the local government area. These laws generally relate to the protection of amenity or other values important to communities, including local government-controlled roads, carrying out works on a road or interfering with a road or its operation, control of local pests declared by councils, noise, light, waste management, vegetation, parks and fencing. However, local government local laws cannot establish an alternative development process, that is similar to or duplicates all or part of the development assessment process under the Planning Act.

3.4.18.2 Relevance to the Project

Refer to Section 3.5.1.

3.4.18.3 Project compliance

Refer to Section 3.5.1.

3.4.19 Mineral Resources Act 1989

3.4.19.1 Overview

The *Mineral Resources Act 1989* (Qld) provides the framework for exploration, development and mining tenure. Under the *Mineral Resources Act 1989,* the following mining tenements can be granted:

- Prospecting permits — a prospecting permit can be sought for any mineral other than coal, and entitles the holder to prospect, hand-mine and peg a mining lease or claim.
- Exploration permits — exploration permits allow for more advanced methods to determine the quantity and quality of materials present. Permitted activities under exploration permits include prospecting, conducting geophysical surveys, drilling, and sampling and testing of materials.
- Mineral development licences — mineral development licences are issued to allow the holder to evaluate the development potential of the defined resource. Mineral development licences can be granted if an exploration permit is held where there is a significant mineral occurrence of possible economic potential.
- Mining claims — a mining claim can be issued for any mineral other than coal. A mining claim allows the holder to conduct small-scale mining operations such as prospecting and hand-mining.

- Mining leases — a mining lease allows the holder to conduct larger scale mining operations. Mining leases can be issued for any specified material with permitted activities within the lease area, including machine mining or other activities associated with mining or promoting the activity of mining.
- Geothermal tenure — a geothermal permit or lease (defined under the *Geothermal Energy Act 2010* (Qld)). Geothermal permits and leases are granted to entities for exploration and production of geothermal energy.

3.4.19.2 Relevance to the Project

The permanent footprint traverses one exploration permit for coal, two mineral development licenses for coal, and one proposed mining lease area related to the expansion of the Commodore Mine. The Project may reduce the area of land available for resource production within these tenements.

3.4.19.3 Project compliance

The permanent footprint impacts 31.98 ha of land mapped within application for mining lease (ML) 700072, which is an application for a mining lease lodged by Queensland Power Company Pty Ltd. The permanent footprint has been intentionally located to avoid land within the current mining lease (ML 50151) associated with the Commodore Mine.

The current and future landforms and operations of the Commodore Mine will continue to be considered during the detailed design stage, through consultation with the holder of the mining lease, to ensure that potential for impacts on, or by, the Project are avoided or minimised.

The permanent footprint impacts 86.07 ha of land mapped within an exploration permit area for coal belonging to New Hope Exploration Pty Ltd. Additionally, the permanent footprint impacts two mineral development licences. One mineral development licence (MDL) (MDL 299) is for coal and is located near Bringalily and Domville and expired in December 2022 but a renewal has been lodged. A second mineral development licence (MDL 301) in the same vicinity expired in July 2022; however, it was granted an extension until July 2024.

Although not required under the *Mineral Resources Act 1989*, consultation with relevant holders of tenements under the *Mineral Resources Act 1989* will be undertaken during detailed design.

3.4.20 Native Title (Queensland) Act 1993

3.4.20.1 Overview

Consistent with the NT Act (Cth), the NT (Qld) Act is the law of Queensland that provides for validation of certain historic acts done in Queensland that were invalidated because of the existence of native title rights and interests, and that confirms that particular acts previously done in Queensland have resulted in the extinguishment of native title. The NT (Qld) Act has been developed to ensure that Queensland law is consistent with standards set by the Commonwealth NT Act for future dealing affecting native title.

3.4.20.2 Relevance to the Project

Tenure within the Project footprint is predominately freehold where, pursuant to the NT (Qld) Act and on the assumption that the freehold grants were either past acts validated when the NT (Qld) Act commenced or future acts validly done in accordance with the NT Act, native title rights have been extinguished.

Further, where the Project footprint uses existing rail corridors that were established by or on behalf of the Crown or a statutory authority of the Crown on or before 23 December 1996, native title rights have been extinguished through the establishment of public works.

Elsewhere, the Project footprint traverse locations where native title may, or is known to exist, including reserves, watercourses, State land parcels and two State forests.

An active native title claim exists over areas within the Bringalily and Whetstone State Forests and isolated areas around Kurumbul and Yelarbon (QCD2016/012).

3.4.20.3 Project compliance

Assessment of the Project footprint will be required to ascertain where native title has not, consistent with the NT (Qld) Act, been extinguished. This assessment is required in order to identify the areas where the Project would affect native title, and therefore be or involve future acts. Any such future acts will only validly affect native title if they are covered by and, where applicable, done in accordance with a provision of Part 2, Division 3 of the NT Act. The potential impact of the Project on native title rights and interests in relation to these lots will be addressed in the way described in Section 3.3.4.

Further detail on the Project's impact on native title, and mitigation measures proposed are included in Chapter 8: Land Use and Tenure.

3.4.21 Nature Conservation Act 1992

3.4.21.1 Overview

The NC Act is the principal piece of legislation governing nature conservation in Queensland. The objective of the NC Act is the conservation of nature while allowing for the involvement of landowners and Indigenous people in the management of protected areas in which they have an interest under Indigenous tradition or Island custom. A framework is created under the NC Act for the dedication, declaration and management of protected areas, protection of wildlife and its habitat.

The NC Act also includes mechanisms for the protection of protected areas.

In Queensland, threatened species are listed under the NC Act in the following categories:

- Extinct
- Extinct in the wild
- Critically endangered
- Endangered
- Vulnerable
- Near threatened, where a species is at risk of becoming threatened in the near future
- Special least concern
- Least concern.

The *Nature Conservation (Plants) Regulation 2020* and *Nature Conservation (Animals) Regulation 2020* list the flora and fauna prescribed under each of these above categories and further address the significance and declared management intent for each class.

Under the NC Act, permits and licences are required to authorise interference with certain native flora and fauna. This includes for clearing native plants, tampering with animal breeding places and catching and relocating wildlife.

A protected plant clearing permit will be required to be obtained under the NC Act for any proposed clearing which impacts critically endangered, endangered, vulnerable or near-threatened or (CEEVNT) species, unless the clearing is exempt. Examples of exempt clearing include clearing for firebreaks or routine maintenance of infrastructure, the clearing of least concern species within a mapped Flora Survey Trigger Area or clearing non-CEEVNT species outside a mapped Flora Survey Trigger Area where CEEVNT species are not present or where impact to CEEVNT species is not likely to occur.

Under the NC Act, an authorisation is required for tampering with an animal breeding place (low-risk or high-risk species management program), interfering with a cultural or natural resource in a protected area or erecting a structure in a protected area.

Further, a person must not take, use, keep or interfere with a protected animal unless the person is an authorised person. A person, other than an authorised person, must not take, use, keep or interfere with native wildlife (other than protected wildlife) in an area that is identified under a regulation or a conservation plan as, or including, a critical habitat or an area of major interest. Permits and licenses are required to authorise interference with certain native wildlife.

3.4.21.2 Relevance to the Project

Clearing of vegetation and works associated with the Project may impact on threatened flora and fauna species, as listed under the NC Act.

The following permits and management plans will be required for the Project:

- Wildlife Movement Permits (Sections 88 and 97 of the NC Act) — for wildlife protected under the NC Act, and those found in certain areas covered by conservation plans created and implemented under the NC Act
- Clearing Permit (Protected Plants) (Section 89 of the NC Act) — for the clearing of vegetation contained within high-risk areas identified on the DESI flora survey trigger map
- Rehabilitation Permit (spotter catcher endorsement) (Section 200 of the *Nature Conservation (Animals) Regulation 2020*)
- Damage Mitigation Permit (removal and relocation) (Section 61 of the *Nature Conservation (Animals) Regulation 2020*)
- Species Management Program submitted to DESI for approval for tampering with some animal breeding places (Section 335 of the *Nature Conservation (Animals) Regulation 2020*).

The Project is located predominately in District C under the *Nature Conservation (Koala) Conservation Plan 2017*, with a small area of the permanent and temporary footprint located within District A. The Project is also located in areas subject to the *Nature Conservation and Other Legislation (Koala Protection) Amendment Regulation 2020*, which amended a range of existing regulations to provide increased protection to Koala habitat areas in South East Queensland.

The *South East Queensland Koala Conservation Strategy 2020-2025* (former DES, 2020) was also established as part of the Koala conservation reforms, with the strategy outlining the Queensland Government's direction in reversing the decline in Koala populations across South East Queensland and, in doing so, safeguarding the future of this iconic species. A small portion of the Project, specifically in the Biddeston and Gowrie localities, is located in the South East Queensland Regional Planning area and will therefore be subject to this strategy.

3.4.21.3 Project compliance

To inform approval requirements under the NC Act, ecological surveys in accordance with relevant guidelines (e.g. *Flora Survey Guidelines—Protected Plants* (former DES, 2020)) will be undertaken prior to the commencement of relevant clearing activities. The surveys will aim to address changes to the Project design, methodology and footprint, along with further informing the design and construction, including specific measures to avoid, mitigate, minimise impacts on a particular species, along with ongoing monitoring activities.

A Biodiversity Management Plan will be developed for the Project that will outline specific measures to tamper with animal breeding places. Alternatively, species management programs will be sought. Both approaches will require consultation with relevant State Government agencies and where applicable, DCCEEW.

Where a permit under the NC Act is required in support of proposed Project activities, the necessary permit will either be obtained in advance of commencing the activity, or an appropriately licenced specialist, holding valid permits, will be engaged to undertake the tasks.

Chapter 11: Flora and Fauna describes the biodiversity and natural environmental values of the terrestrial and aquatic ecology likely to be impacted by the Project. Chapter 11: Flora and Fauna provides details on mitigation measures that the Project will adopt to mitigate impacts on matters covered under the NC Act.

3.4.22 Petroleum and Gas (Production and Safety) Act 2004

3.4.22.1 Overview

The *Petroleum and Gas (Production and Safety) Act 2004* (Qld) regulates the carrying out of responsible petroleum activities and facilitates the development of a safe, efficient and viable petroleum and fuel gas industry. Petroleum and gas authorities are granted for:

- Exploration: authority to prospect, potential commercial area
- Production: petroleum lease
- Infrastructure development: petroleum facility licence and petroleum pipeline licence
- Information gathering: petroleum survey licence, water monitoring authority and data acquisition authority.

The holder of the authority to prospect may carry out the following activities within the area of the authority:

- Explore for petroleum
- Test for petroleum production
- Evaluate the feasibility of petroleum production
- Evaluate or test natural underground reservoirs for the storage of petroleum or a prescribed storage gas.

An authority to prospect area can be declared a potential commercial area under Section 90 of the *Petroleum and Gas (Production and Safety) Act 2004*. A potential commercial area retains an authority to prospect beyond its term to provide more time to commercialise the resource.

3.4.22.2 Relevance to the Project

There are two petroleum pipeline licences within the Project footprint. These licences are associated with the Santos Moonie–Brisbane oil pipeline (Petroleum Pipeline Licence (PPL) 1) at Southbrook and APA's Roma–Brisbane gas pipeline (PPL 2) at Kingsthorpe. The proposed site for the Turallin Facility, a 20-hectare (ha) site in the temporary footprint to be utilised for a laydown area, a training facility or native plants nursery and traditional land management training facility (see Chapter 5: Project Description), is mapped within a granted petroleum lease held by Arrow CSG (Australia) Pty Ltd. The petroleum lease was granted in February 2019.

3.4.22.3 Project compliance

While there are no specific compliance requirements under the *Petroleum and Gas (Production and Safety) Act 2004*, further consultation with licence holders will be undertaken during detailed design in accordance with the *Land Access Code* (Department of Natural Resources and Mines, 2016d). Where the Project may impact on likely significant deposits within the area, appropriate mitigation will be developed in consultation with the licence holders.

3.4.23 Planning Act 2016

3.4.23.1 Overview

The Planning Act establishes the framework and overarching policy for land-use planning for the State. The purpose of the Planning Act is to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning, development assessment and related matters to facilitate the achievement of ecological sustainability.

Ecological sustainability is a balance of:

- The protection of ecological processes and natural systems at local, regional, State, and wider levels
- Economic development
- The maintenance of the cultural, economic, physical and social wellbeing of people and communities.

The Planning Act includes State and local planning instruments that set out policies for planning or development assessment. State planning instruments are State Planning Policies and Regional Plans. Local planning instruments are planning schemes, temporary local planning instruments or a planning scheme policy.

Under the Planning Act, development is either accepted, assessable or prohibited. Relevantly, the Planning Regulation also provides for development which cannot be made assessable under a local government planning scheme. The Planning Act establishes a development assessment system (Development Assessment Rules), by which assessment managers assess and make decisions on development applications. The Development Assessment Rules set out a standardised assessment process to ensure State-wide consistency and transparency in development assessment.

Development may be categorised as assessable development under Schedule 10 of the Planning Regulation or by a local government through a planning scheme. If development is assessable development, it requires development approval under the Planning Act. The assessment manager for development applications is prescribed in Schedule 8 of the Planning Regulation.

In some cases, the Chief Executive of the Planning Act is a referral agency for assessable development as prescribed in Schedule 10 of the Planning Regulation. In this case, the State Assessment and Referral Agency coordinates the referral process and assesses matters of State interest.

Schedule 6 of the Planning Regulation identifies development that cannot be made assessable under a local government planning scheme. Relevantly, this includes:

Schedule 6, Part 5, Section 26 — infrastructure activities:

1. *Development for ancillary works and encroachments for a road carried out by or for the State*
2. *Development for the construction of the following infrastructure, if the infrastructure is <u>government supported transport infrastructure</u> —*
   - d) *transport infrastructure*
3. *Development that:*
   - a) *is adjacent to-*
     - iv) *transport infrastructure; and*
   - b) *ancillary to the use, maintenance, repair or upgrading of the infrastructure.*

The following definition under Schedule 24 is relevant to this exemption —

> *'…government supported transport infrastructure' means infrastructure for transport that is funded, wholly or partly, by the State or Commonwealth, or provided by a person, other than under a development approval or infrastructure agreement, on terms that are agreed to by the State or Commonwealth, and are intended to support the commercial viability of the infrastructure.'*

Transport infrastructure is defined in Schedule 2 of the Planning Act. In turn, this definition includes 'rail transport infrastructure' which is defined under Schedule 6 of the TI Act. A discussion of these terms is provided in Section 3.4.32.1.

Schedule 7 of the Planning Regulation identifies development that is accepted development for which approval is not required.

Schedule 21 of the Planning Regulation also identifies vegetation clearing work that is exempt clearing work, for which development approval is not required. A discussion of this is provided in Section 3.4.35.

The Queensland State Development Assessment Provisions (SDAP) are an assessment benchmark for matters of State interest. The SDAP is relevant where the Chief Executive of the Planning Act is the assessment manager or referral agency for development applications as prescribed under the Planning Regulation for matters of State interest. The SDAP consists of State codes, and where relevant, assessment must be undertaken under each relevant State code within SDAP.

3.4.23.2 Relevance to the Project

The coordinated project declaration under the SDPWO Act does not exempt ARTC from the need to obtain development approvals under the Planning Act. The Project, however, is not assessable under a local government planning scheme by Schedule 6, Part 5, Section 26 as, 'development for the construction of government supported transport infrastructure' (Section 3.5.2). The Project is 'government supported transport infrastructure', given:

- It is transport infrastructure, being rail transport infrastructure as defined under Schedule 6 of the TI Act (Section 3.4.32)
- It is funded partly by the Australian Government.

The Project will trigger the requirement to obtain development approvals for various aspects of development assessable under the Planning Regulation depending on the type and location of activity and whether any exemptions apply. Such approvals are to be obtained post-EIS.

Where relevant, each of the relevant SDAP State codes will be addressed as part of the lodgement and assessment of the necessary post-EIS development applications.

3.4.23.3 Project compliance

Section 3.6 tabulates the potential post-EIS development approvals that may be required for the Project, including the development action/trigger for each approval, the relevant administering authority, any relevant exemptions and timeframes.

3.4.24 Plumbing and Drainage Act 2018

3.4.24.1 Overview

The *Plumbing and Drainage Act 2018* (Qld) provides the legislative framework for plumbing and drainage in Queensland and is overseen by the Department of Housing, Local Government, Planning and Public Works (DHLGPPW). The *Plumbing and Drainage Act 2018* provides for the licensing of plumbers and drainers and the approval of particular plumbing and drainage works throughout Queensland. It aims to regulate the carrying out of plumbing and drainage work in a way that reduces risks to public health and safety, and the environment.

3.4.24.2 Relevance to the Project

Aspects of the Project that are expected to require approvals under the *Plumbing and Drainage Act 2018* include non-resident workforce accommodation and site office facilities that require regulated plumbing and/or drainage.

3.4.24.3 Project compliance

Approvals for plumbing or drainage work for non-resident workforce accommodation and site office facilities will be obtained, where required.

3.4.25 Public Health Act 2005

3.4.25.1 Overview

The objective of the *Public Health Act 2005* (Qld) is to protect and promote the health of the Queensland public by, relevantly:

- Preventing, controlling and reducing risks to public health
- Providing for the identification of, and response to, notifiable conditions
- Imposing obligations on persons and particular health-care facilities involved in the provision of declared health services to minimise infection risks
- Inquiring into serious public health matters
- Responding to public health emergencies
- Providing for compliance with this Act to be monitored and enforced.

The Queensland Government's *Health considerations — Environmental Impact Statement: Guidelines for Proponents* (Department of Health, 2016) has been developed to ensure that EIS proponents identify relevant environmental hazards that have the potential to impact on human health and wellbeing and provide guidance to proponents on how to demonstrate that risks to human health have been minimised.

3.4.25.2 Relevance to the Project

The Project has the potential to generate impacts that may impact on human health and wellbeing. Measures to avoid, minimise and manage Project impacts will, therefore, be required. These requirements have been considered in developing the design for the Project and will continue to be relevant for advancing the detailed design, post-EIS.

3.4.25.3 Project compliance

The requirements listed in *Health Considerations — Environmental Impact Statement: Guidelines for Proponents* (Department of Health, 2016) have been considered and addressed by the Project, as follows:

- Air quality: an air quality assessment that assesses the Project against the EPP (Air). Additional details are provided in Chapter 12: Air Quality.
- Noise: an environmental noise assessment has been undertaken that assesses the Project against the DTMR's CoP Vol 1 (DTMR, 2013a), CoP Vol 2 (DTMR, 2023a) and the *Interim Guideline - Operational Railway Noise and Vibration: Government Supported Transport Infrastructure* (DTMR, 2019c). Additional details are provided in Chapter 16: Noise and Vibration.
- Water quality: water quality issues associated with the Project, and discussion on how these issues will be managed in accordance with the EPP (Water and Wetland Biodiversity), is covered in Chapter 13: Surface Water.
- Land management (i.e. contaminated land, waste management, biosecurity and vector and pest management): land management issues associated with the Project and discussion on how these issues will be managed is covered in Chapter 9: Land Resources and Chapter 11: Flora and Fauna.
- Community health and social aspects: community health and social issues associated with the Project and discussion on how these issues will be managed is covered in Chapter 17: Social.

Further, Chapter 24: Draft Outline Environmental Management Plan provides the environmental management framework to ensure that reasonable environmental outcomes are achieved for construction and commissioning of the Project, which includes consideration of aspects with the potential to impact human health and wellbeing.

3.4.26 Queensland Heritage Act 1992

3.4.26.1 Overview

Cultural heritage in Queensland is protected by the *Queensland Heritage Act 1992* (Qld) (QH Act). The aim of the QH Act is to protect heritage areas that are assessed to be of State significance for the benefit of the community and future generations. The identified heritage areas are placed on the Queensland Heritage Register and administered by the Queensland Heritage Council, with advice from DESI.

The Planning Act and the QH Act regulate development on State heritage places to protect their cultural heritage significance and ensure their values are conserved. Any works that have the potential to impact the heritage significance of a State heritage place requires either exemption or approval under the QH Act or the Planning Act.

Under the QH Act, it is an offence to knowingly destroy or otherwise interfere with a registered place or heritage item. Approval is required for any proposed development that has the potential to destroy or reduce the cultural heritage significance of a State heritage place.

The QH Act also creates a framework for the identification and management of places of local heritage significance. Under the Planning Regulation, development on a local heritage place is assessable development, except where the development is stated in Schedule 6. Included in this schedule is development for infrastructure facilities (transport infrastructure).

The QH Act also protects archaeological artefacts and underwater cultural heritage artefacts, requiring notification of the discovery of any object that is an important source of information about an aspect of Queensland's history.

3.4.26.2 Relevance to the Project

A search of the Queensland Heritage Register indicated that there are no State heritage places within the cultural heritage study area. It is possible that archaeological discoveries will be made during Project works. Any finds that have the potential to be of State significance must be reported to DESI.

Searches undertaken of relevant local registers indicated that there are four local heritage places within the cultural heritage study area (see Chapter 19: Cultural Heritage); however, Schedule 6 of the Planning Regulation states that development for infrastructure activities such as the Project cannot be assessable development under local planning instruments. As such, Project works on local heritage places are not subject to assessment and approval under the local planning schemes.

Chapter 19: Cultural Heritage provides further discussion on non-Indigenous cultural heritage values in proximity to the Project.

3.4.26.3 Project compliance

A Heritage Management Plan will be developed as part of the CEMP. The Heritage Management Plan will detail mitigation and management measures to be implemented during construction in relation to cultural heritage.

The Project has undertaken a heritage assessment. Chapter 19: Cultural Heritage provides information on non-Indigenous cultural heritage values within the cultural heritage study area. As the Project footprint does not include any direct interfaces with State heritage places, no approvals are required under the Planning Act and QH Act.

The Project will intersect with a number of local heritage places. However, the Project comprises development that is identified in Schedule 6 of the Planning Regulation. Development identified in Schedule 6 that is on a local heritage place is not assessable development under the Planning Regulation.

Protocols for managing discoveries of archaeological materials are provided in Chapter 19: Cultural Heritage.

3.4.27 Rail Safety National Law (Queensland) Act 2017

3.4.27.1 Overview

The purpose of the *Rail Safety National Law (Queensland) Act 2017* (Qld) (RSNL Act) is to provide for safe railway operations in Australia. One objective of the Act is to establish the Office of the National Rail Safety Regulator (ONRSR) as the regulator in Queensland. The Rail Safety National Law was created following an agreement of the Council of Australian Governments to deliver a consistent approach to rail safety policy and regulations and to remove the inconsistencies between the previous State and territory rail safety regimes.

The ONRSR has been established under the Rail Safety National Law to administer a national system of rail safety regulation. Sections 52, 53 and 54 of the Rail Safety National Law provide that rail transport operators and associated industry participants—contractors, manufacturers, designers and suppliers, referred to collectively as ‘duty holders’—have an obligation to ensure the safety of railway operations. Under Section 46 of the Rail Safety National Law, duty holders are required:

- To eliminate risks to safety so far as is reasonably practicable
- If it is not reasonably practicable to eliminate risks to safety, to minimise those risks so far as is reasonably practicable.

The ONRSR *Guideline: Meaning of duty to ensure safety so far as is reasonably practicable* (2021) state that the concept of ‘so far as is reasonably practicable’ is to achieve the best possible safety outcomes, to the extent that is ‘reasonably practicable’.

The RSNL Act requires that a rail transport operator must apply for and be granted accreditation by the ONRSR before commencing railway operations to ensure that they have the competence and capacity to manage safety risks associated with its railway operations.

Under Section 4 of the RSNL Act, a rail transport operator is a person or organisation that is one or both a:

- Rail infrastructure manager—having effective control and management of the rail infrastructure whether or not the person owns the infrastructure or has a statutory or contractual right to use the rail infrastructure or to control, or provide, access to it.
- Rollingstock operator—having effective control and management of the operation or movement of rolling stock on rail infrastructure for a railway.

3.4.27.2 Relevance to the Project

ARTC is an accredited Rail Infrastructure Manager under the RSNL Act. ARTC has applied to the National Rail Safety Regulator and received approval (under Section 69 of the RSNL) for a Variation of Accreditation under the Rail Safety National Law for the purposes of expanding the geographic boundaries of ARTC’s rail infrastructure network related to Inland Rail Program and specifically, from the NSW/QLD border to Gowrie in Queensland.

ARTC’s accreditation remains in force until it is revoked, suspended or surrendered as per part 3 Division 4 of the Rail Safety National Law. The accreditation is authorised to carry out the railway operations listed with respect to:

- Rail infrastructure for the purpose of managing, operating and maintaining a freight and passenger rail network
- Rollingstock operations for the purpose of managing, operating and maintaining a freight and passenger rail network.

3.4.27.3 Project compliance

ARTC has varied its existing Rail Infrastructure Manager accreditation, which authorises ARTC to operate under its existing accreditation that now covers the Project. The interface requirements with other rail transport operators are still a critical element to this process. Particularly with ARTC's integration with QR. They should detail the following:

Requirements for and scope of interface agreements

(1) An interface agreement must include provisions for —

- (a) implementing and maintaining measures to manage risks identified under Section 99(1)(c) associated with the interface; and
- (b) the evaluation, testing and (where appropriate) revision of measures in relation to identified risks and incidents considered; and
- (c) the respective roles and responsibilities of each party to the agreement in relation to those measures; and
- (d) procedures by which the parties to the agreement will exchange information about, and monitor compliance with, their obligations under the agreement; and
- (e) a process for keeping the agreement under review and its revision.

(2) An interface agreement may —

- (a) be entered into by two or more rail transport operators or by one or more rail transport operators and 1 or more road managers; and
- (b) include measures to manage any number of risks to safety that may arise because of, or partly because of, any railway operations; and
- (c) include measures to manage any number of risks to safety that may arise from any railway operations because of, or partly because of, the existence or use of any road infrastructure; and
- (d) make provision for or in relation to any matter by applying, adopting or incorporating any matter contained in any document; and
- (e) consist of two or more documents.

Interface coordination — rail transport operators

A rail transport operator must —

(a) identify and assess, so far as is reasonably practicable, risks to safety that may arise from railway operations carried out by or on behalf of the operator because of, or partly because of, railway operations carried out by or on behalf of any other rail transport operator; and

(b) determine measures to manage, so far as is reasonably practicable, those risks; and

(c) for the purpose of managing those risks — seek to enter into an interface agreement with the other rail transport operator or rail transport operators.

3.4.28 Regional Planning Interests Act 2014

3.4.28.1 Overview

The *Regional Planning Interests Act 2014* (Qld) (RPI Act) regulates areas of regional interest, including strategic cropping areas, and requires that a resource activity or a regulated activity proposed to be located in an area of regional interest obtain a regional interests development approval following an assessment of the extent of the expected impact of the activity on the area. There are four areas of regional interest protected under the RPI Act:

- Priority agricultural area
- Strategic cropping area
- Priority living area
- Strategic environmental area.

A regional interests development approval may be required when a resource or regulated activity is proposed in an area of regional interest.

3.4.28.2 Relevance to the Project

The Project is not a resource activity nor a regulated activity under the RPI Act and therefore the Act does not apply. While the RPI Act is not relevant to the Project, an assessment of the Project's impact on areas of regional interest has been undertaken in Chapter 8: Land Use and Tenure.

3.4.28.3 Project compliance

Not applicable. Refer to Section 3.4.28.2.

3.4.29 Soil Conservation Act 1986

3.4.29.1 Overview

The *Soil Conservation Act 1986* (Qld) is focused on the conservation of soil resources and facilitates the implementation of soil conservation measures by landowners for the mitigation of soil erosion. The *Soil Conservation Act 1986* allows for two types of plans: property plans and project plans. Each plan consists of a map and specifications for the soil conservation structures and practices necessary to control erosion. It may cover the whole of a property or part of it.

Approved property and project plans are binding on all present and future owners and the Crown. Both approved property plans, and project plans can be modified to accommodate circumstances that differ from those applying at the time of approval. Plans may be amended, or their approval may be revoked. This involves similar procedures to those used in the initial approval process.

3.4.29.2 Relevance to the Project

Multiple soil conservation plans, approved under the *Soil Conservation Act 1986*, apply to the Project footprint. The locations of these plans and the properties they apply to are specified in Chapter 9: Land Resources.

3.4.29.3 Project compliance

The Project has assessed existing soil conservation plans (property and project) through a review of current plans in proximity to the Project, as provided by DoR. An assessment of where potential impacts to these plans may occur as a result of the Project has been undertaken and is presented in Chapter 9: Land Resources.

If a soil conservation plan is found to be current and materially affected by the Project, ARTC will assess options for amending or modifying that plan in accordance with the *Soil Conservation Act 1986*. If the plan is required to be modified, it would be progressed in consultation with DoR and the holder of the soil conservation plan.

3.4.30 Stock Route Management Act 2002

3.4.30.1 Overview

The main purpose of the *Stock Route Management Act 2002* (Qld) is to provide for management of the stock route network in Queensland. Stock route area networks are primarily used by the pastoral industry for:

- An alternative to transporting stock by rail or road
- Pasture for emergency agistment
- Long-term grazing.

Stock routes can be a road that is declared to be a stock route, or it may simply be any route that has historically been used for walking stock.

The *Queensland stock route network management strategy 2021-2025* (DoR, 2021a) provides a framework for managing stock route activities and allocating available resources.

The *Stock Route Management Act 2002* provides that a person must not, without reasonable excuse, obstruct the movement of travelling stock on a stock route (Section 179), burn or remove pasture on a stock route (Section 180) and place things on a stock route network that may harm travelling stock (Section 181).

3.4.30.2 Relevance to the Project

The Project interfaces with the State stock route network in 11 locations.

These locations and the nature of the interface (e.g. crossing or parallel alignment) are discussed in Chapter 5: Project Description and Chapter 8: Land Use and Tenure.

3.4.30.3 Project compliance

The revised reference design for the Project has recognised the importance of stock routes and has incorporated means of continued stock movement across or in parallel to the rail corridor, as appropriate. In some isolated instances, such as in Yelarbon and the southern extent of Millmerran–Inglewood Road, realignment of existing stock routes has been included in the revised reference design and the Project footprint to enable continued use of those routes.

Consultation with DoR, GRC, Toowoomba Regional Council (TRC) and landowners has occurred to determine potential impacts on impacted stock routes. Consultation will be ongoing to confirm the appropriate interface or alignment solution through detailed design.

3.4.31 Strong and Sustainable Resources Communities Act 2017

3.4.31.1 Overview

The *Strong and Sustainable Resources Communities Act 2017* (Qld) commenced on 30 March 2018.

The *Social Impact Assessment Guideline* (former Department of State Development, Infrastructure, Local Government and Planning, 2018), was developed by the Coordinator-General in accordance with Section 9(4) of the *Strong and Sustainable Resources Communities Act 2017*. It details what must be included in a social impact assessment and covers the identification and assessment of social impacts, as well as their management and monitoring.

The Social Impact Assessment Guideline is a statutory instrument for all projects identified as large resource projects under the *Strong and Sustainable Resources Communities Act 2017*. It is also a non-statutory guideline for non-resource projects subject to an EIS process under either the SDPWO Act or the EP Act.

3.4.31.2 Relevance to the Project

The Project is not a large resource project; therefore, the Social Impact Assessment Guideline is to be used as a non-statutory guideline for the revised draft EIS. The Project is a linear infrastructure project for which 'potentially affected communities' include towns and rural areas in and near the Project footprint rather than 'nearby regional communities' within a 125 km radius, as defined by the *Strong and Sustainable Resources Communities Act 2017*.

3.4.31.3 Project compliance

A social impact assessment has been prepared for the Project, which meets the requirements of the Social Impact Assessment Guideline. This is summarised in Chapter 17: Social and provided in full in Appendix X: Social Impact Assessment.

3.4.32 Transport Infrastructure Act 1994

3.4.32.1 Overview

The TI Act provides a framework for integrated planning and efficient management of transport infrastructure. The objectives of the TI Act are to allow the State government to have a strategic overview of the provision and operation of all transport infrastructure.

As discussed in Section 3.4.23, under the Planning Act, development that is for 'government supported transport infrastructure' cannot be made assessable under a local government planning scheme, under the Planning Act. The definition of 'government supported transport infrastructure' under the Planning Act relies on the following terms, which are defined under Schedule 6 of the TI Act:

- 'Transport infrastructure' includes air, busway, light rail, miscellaneous, public marine, rail or road transport infrastructure and transport infrastructure relating to ports, and other rail infrastructure and active transport infrastructure
- 'Rail transport infrastructure' means facilities necessary for operating a railway, including railway track and works built for the railway, for example: cuttings, drainage works, excavations, land fill, track support earthworks; and any of the following things that are associated with the railway's operation: bridges, communication systems, machinery and other equipment, marshalling yards, notice boards, notice markers and signs, overhead electrical power supply systems, over-track structures, platforms, power and communication cables, service roads, signalling facilities and equipment, stations, survey stations, pegs and marks, train operation control facilities, tunnels, and under-track structures.

Under the TI Act, various authorisations are required where infrastructure or works are proposed within transport corridors, including:

- Section 33—written approval of the Chief Executive to carry out works on a State-controlled road, or to interfere with a State-controlled road or its operation
- Section 50—road corridor permit to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road
- Section 62—written approval of the Chief Executive to establish, repair or modify access between an individual property and a State-controlled road.

Section 35 of the TI Act allows DTMR (or someone authorised in writing by DTMR such as ARTC) to temporarily occupy and use land to carry out road works, accommodation works or land management activities. An owner of land that is entered, occupied or used under Section 35 may claim compensation for physical damage caused by the use. Compensation under Section 37 of the TI Act must not be more than the compensation that would have been awarded if the land had been acquired.

3.4.32.2 Relevance to the Project

The Project interfaces with seven State-controlled roads in nine locations and has connections to two existing railway lines—the QR South Western Line and Millmerran Branch Line.

The Project may use existing quarries to source material for construction. In each instance, it will be necessary for the existing quarry to ensure extraction for the Project and associated vehicle movements on the State-controlled road network is within their existing approved conditions.

Approvals under the TI Act are required for activities that will interfere with State-controlled roads, railways or transport infrastructure.

3.4.32.3 Project compliance

The Project's permanent footprint aligns with the QR South Western Rail System and Millmerran Branch Rail, which have both been previously gazetted under the TI Act as existing railways.

ARTC will request DTMR protect the Project corridor under the appropriate legislative mechanisms following the issuing of the Coordinator-General's evaluation report.

Access to freehold land for construction that has been acquired by DTMR will be made available to ARTC via a lease from DTMR to ARTC. Access to non-freehold land such as USL will be via a construction term lease under the Land Act between DoR and ARTC, or DTMR with a sub-lease to ARTC. For reserve land, access for construction will be via a trustee construction lease under Section 57(4) of the Land Act.

Under Section 240, if the State acquires land for use by a railway manager and that land becomes USL then the land must be leased to the State under Section 17(3) of the Land Act and the State must sub-lease the land to the railway manager.

The land acquired for 'rail corridor land' will likely be held as a perpetual lease by DTMR, with a sub-lease arrangement between ARTC and DTMR (e.g. head lease between ARTC and DTMR). Under this sub-lease arrangement, ARTC will have a duty of care to the land, while DTMR will approve any third-party uses or new crossings of the corridor. ARTC is already considered a rail manager under the TI Act, with an existing sub-lease arrangement of the Sydney to Brisbane interstate rail line.

Any works within a State-controlled road or access to a State-controlled road (during construction) will trigger the following approvals and requirements under the TI Act:

- Section 33—approval to interfere with or carry out works on a State-controlled road
- Section 50—approval for ancillary works and encroachments on a State-controlled road
- Section 62—management of access between individual properties and a State-controlled road
- Section 66—road access works within a State-controlled road.

Post-EIS and the issuing of the Coordinator-General's evaluation report, approvals under the TI Act will be obtained for the Project as required.

Chapter 20: Traffic, Transport and Access provides further information regarding the Project interface with the State-controlled road network.

3.4.33 Transport Operations (Road Use Management) Act 1995

3.4.33.1 Overview

The *Transport Operations (Road Use Management) Act 1995* (Qld) provides for the effective and efficient management of road use in the State and vehicle use in a public place. The *Transport Operations (Road Use Management) Act 1995* also provides for a scheme for managing the use of the State's roads. The scheme provides for:

- Identification of vehicles, drivers and other road users, and the establishment of performance standards
- Establishment of rules for on-road behaviour
- Monitoring of compliance with the *Transport Operations (Road Use Management) Act 1995*, including by using alternative compliance schemes
- Management of non-performing vehicles, drivers and other road users
- Control of access to the road network, or parts of it, for vehicles, drivers and other road users
- Management of traffic to enhance safety and transport efficiency.

3.4.33.2 Relevance to the Project

The Project involves works within the road network that will be managed by traffic management plans.

3.4.33.3 Project compliance

Where works are required within the existing road network, traffic management plans will be prepared and implemented to control traffic and maintain the safety of traffic.

Chapter 20: Traffic, Transport and Access provides further information regarding the need for traffic management during construction.

3.4.34 Transport Planning and Coordination Act 1994

3.4.34.1 Overview

The TPC Act is the primary law relating to transport in Queensland. The overall objective of the TPC Act is to improve the economic, trade and regional development performance of Queensland and the quality of life of Queenslanders. This is achieved through:

- Development and delivery of a Transport Coordination Plan to provide a framework for strategic planning and management of transport resources in Queensland (currently the Transport Coordination Plan 2017–2027 (Transport Coordination Plan)). The objectives of the Transport Coordination Plan focus on five key areas:
  - customer experience and affordability
  - community connectivity
  - efficiency and productivity
  - safety and security
  - environment and sustainability
- Enabling the chief executive to encourage increased integration between land use and transport
- Affording the chief executive powers including:
  - authority to acquire, hold, dispose of or otherwise deal with land for the purposes of transport, for an incidental purpose, for the purpose of a transport associated development or for a combination of these purposes
  - acquire land through resumption processes for the purpose of transport infrastructure, transport associated development or for an incidental purpose.

For the purposes of the State Planning Policy, a State transport corridor and a future State transport corridor, include, relevantly, an active transport corridor and a future active transport corridor, respectively, which in turn are defined to mean land identified in a guideline made under the TPC Act for active transport infrastructure.

3.4.34.2 Relevance to the Project

The Project represents a significant element of transport infrastructure that will interact with Queensland's existing transport network. Specifically, existing rail, State-controlled roads and local government roads.

The following objectives of the Transport Coordination Plan are of relevance to the Project:

- Transport meets the needs of all Queenslanders, now and into the future
- Transport connects communities to employment and vital services
- Transport facilitates the efficient movement of people and freight to grow Queensland's economy
- Transport is safe and secure for customers and goods
- Transport contributes to a cleaner, healthier and more liveable environment and is resilient to Queensland's weather extremes.

3.4.34.3 Project compliance

The Project is consistent with the objectives of the Transport Coordination Plan as it will:

- Provide opportunities for economic benefit in regional communities
- Provide efficient and cost-competitive freight option when compared to road transportation
- Enable freight movements, currently reliant on road transportation, to be migrated to rail and in doing so improving the safety of the existing road network.

The benefits of the Project are discussed in Chapter 2: Project Rationale.

3.4.35 Vegetation Management Act 1999

3.4.35.1 Overview

The *Vegetation Management Act 1999* (Qld) (VM Act) regulates and manages the process and impacts of native vegetation clearing. The objectives of the VM Act include conservation of remnant regional ecosystems (REs), prevention of the loss of biodiversity, maintenance of ecological processes, and conservation of vegetation in areas of high nature conservation value or lands vulnerable to land degradation.

Clearing of relevant remnant or regulated regrowth vegetation constitutes operational works under Schedule 10 of the Planning Regulation that will require development approval, unless the clearing is exempt clearing work, or the clearing is undertaken in accordance with an accepted development clearing code.

Under Schedule 21, Part 1, Item 14 of the Planning Regulation, the following clearing work is 'exempt clearing work' for which a development permit is not required:

- (14) Clearing vegetation for the construction or maintenance of infrastructure stated in Schedule 5, if:
  - the clearing is on a designated premises
  - the infrastructure is government supported transport infrastructure
  - where:
    - 'infrastructure' stated in Schedule 5 (of the Planning Regulation) includes (under Part 1) 'infrastructure for transport', including transport infrastructure stated in Schedule 2 of the Planning Act under the definition of 'development infrastructure'
    - 'transport infrastructure' as defined under Schedule 24 of the Planning Regulation, includes, other rail infrastructure and rail transport infrastructure.

3.4.35.2 Relevance to the Project

Both the permanent and temporary footprints extend across a range of vegetation categories and communities mapped under the VM Act and therefore clearing of vegetation regulated under the VM Act will occur as a result of the Project. Clearing of vegetation for the construction of government supported transport infrastructure is exempt clearing work under Schedule 21 of the Planning Regulation and does not require a development approval.

Vegetation clearing for the Project is considered to be eligible for exemption under Schedule 21 of the Planning Regulation (i.e. for government-supported transport infrastructure) and does not require a development approval. This includes clearing for early works and pre-construction, including the establishment of laydown areas and access roads as described in Chapter 5: Project Description.

Although clearing of native vegetation for the Project, as government supported transport infrastructure, is exempt development for Schedule 21 of the Planning Regulation, the VM Act is relevant to the flora and fauna assessment to the extent that it provides for classification of REs as endangered, of concern, or least concern, with relevant categories of regulated vegetation also considered to be MSES under the Environmental Offsets Regulation 2014. Chapter 11: Flora and Fauna provides further detail regarding relevant vegetation categories and communities.

3.4.35.3 Project compliance

The Project is eligible for an exemption for clearing works under Schedule 21 of the Planning Regulation. In the instance that portions of clearing works for the Project are not eligible for exemption or the clearing cannot be undertaken in accordance with an accepted development vegetation clearing code, the necessary approvals will be obtained where required.

3.4.36 Waste Reduction and Recycling Act 2011

3.4.36.1 Overview

The *Waste Reduction and Recycling Act 2011* (Qld) (WRR Act) promotes waste avoidance and reduction, and resource recovery and efficiency actions. The WRR Act provides a strategic framework for managing wastes through a waste and resource management hierarchy, as listed below in the preferred order to be considered:

- Avoid or reduce
- Recycle
- Treat
- Reuse
- Recover energy
- Dispose.

Under the WRR Act, the management of priority wastes are of strategic importance, due to the high disposal impacts, social impacts, potential resource savings and business opportunities associated in their recovery. This legislation also enables the Queensland Government to work with industry and the community in identifying the most appropriate management options for priority wastes. The management of waste activities associated with the Project will largely be underpinned by the WRR Act hierarchy.

The *Waste Reduction and Recycling Regulation 2011* (Qld) sets out the mechanisms to achieve the objectives of the WRR Act. The Queensland Government has developed a waste management and resource recovery strategy to reduce the amount of waste being generated and to grow the resource recovery and recycling industry. This is underpinned by a waste levy, that commenced on 1 July 2019. From 1 July 2023, the levy exemption for clean earth disposed to landfill under the *Waste Reduction and Recycling Act 2011* was removed, with clean earth now charged at the general waste levy rate.

The waste levy is payable by landfill operators to the Queensland Government based on the amount of waste disposed of to landfills within the waste levy zone (which includes the GRC and TRC LGAs. It is up to individual landfill operators to make a business decision on if and how they pass the levy through to their customers.

3.4.36.2 Relevance to the Project

The construction works stage of the Project will generate the majority of the Project's waste. This waste can be broadly classified as:

- Construction and demolition waste (including spoil)
- General waste (municipal waste) from construction compounds
- Regulated waste (required to be managed in accordance with the *Environmental Protection Regulation 2019*)
- Recyclables which are waste streams that can be reconditioned and reprocessed for reuse.

Where waste is not reused or recycled onsite, waste generated through the Project will need to be disposed offsite at appropriately licenced facilities.

3.4.36.3 Project compliance

The management of waste activities associated with the Project will be underpinned by the WRR Act waste and resource management hierarchy, as listed above.

Material disposal is considered to be the least beneficial option and will only be considered where material cannot be treated or otherwise reused. The disposal of spoil material to licensed facilities is costly due to transportation and landfill costs.

The sustainability commitments embedded into the Inland Rail Environment and Sustainability Policy (see Appendix C: Corporate Policies) include encouraging sustainability throughout the value chain for goods and services used to build and operate Inland Rail and the Project.

Further information regarding Project waste streams and waste management plans is provided in Chapter 22: Waste and Resource Management, and Appendix AB: Earthworks Strategy and Draft Soil Management Plan.

3.4.37 Water Act 2000

3.4.37.1 Overview

The *Water Act 2000* (Qld) (Water Act) provides a framework for:

- Sustainable management of Queensland's water resources and quarry material by establishing a system for the:
  - planning, allocation and use of water
  - allocation of quarry material and riverine protection
- Sustainable and secure supply and demand management for the South East Queensland region and other designated regions
- The management of impacts on underground water caused by the exercise of underground water rights by the resource sector
- The effective operation of water authorities.

The Water Act is supported by the *Water Regulation 2016* (Qld) and various water plans for defined geographic regions.

Under the Water Act, water plans may set limitations on the taking or interfering of water in the plan area and prescribe the requirements for applications for granting water entitlements or other authorisations. The Water Act also holds provisions for water use plans to be prepared and implemented to regulate water use in a defined area where there is a risk of land and water degradation.

Through the Planning Act, water plans may set limitations on the taking of, or interfering with water in the plan area and prescribe the requirements for applications for granting water entitlements or other authorisations. The Water Act also contains provisions for water use plans to be prepared and implemented to regulate water use in a defined area where there is a risk of land and water degradation.

Under the Water Act, a watercourse is defined as:

- *A river, creek or other stream, including in the form of an anabranch or a tributary, in which water flows permanently or intermittently, regardless of the flow events:*
  - *in a natural channel, whether artificially modified or not, or*
  - *in an artificial channel that has changed the course of the stream.*

The Queensland Government maintains the Watercourse Identification Mapping, which identifies watercourses under the Water Act, as well as drainage features.

In addition to water-related approvals triggered under the Planning Act, the Water Act regulates the taking or interfering with the flow of water on, under or adjoining land (including surface water, artesian water, and in some instances overland flow where regulated through a water plan). This may require a Water Licence under the Water Act to be obtained as evidence of entitlement to the resource and a development permit for operational work under the Planning Act where constructing or installing certain types of works.

The Water Act, together with the Planning Act, also regulates the construction, modification and maintenance of levees. A levee is defined under the Water Act as 'an artificial embankment or structure which prevents or reduces the flow overland flow water onto or from land'. A levee includes levee-related infrastructure which is infrastructure that is connected with the construction or modification of the levee or used in the operation of the levee to prevent or reduce the flow of overland flow water onto or from land. Levees are categorised under the Water Regulation 2016 as either Category 1, Category 2 or Category 3. Under the Planning Regulation, the construction of a new Category 1 levee or modification of an existing levee that fulfils the requirements for a Category 1 levee is accepted development provided the work complies with the requirements stated in the Water Regulation 2016. Construction or modification of Category 2 or Category 3 levees is assessable development and requires a development permit for operational work under the Planning Act.

The Department of Regional Development, Manufacturing and Water (DRDMW) maintains *Exemption requirements for construction authorities for the taking of water without a water entitlement* (OSW/2020/5467) (2021). These exemption requirements may only be used by a constructing authority defined under Schedule 2 of the AL Act and includes State government departments and local governments. At present, these guidelines do not directly apply to ARTC, and a water entitlement would be required for the taking of water from a watercourse.

Riverine protection permits are required to excavate, or place fill in a watercourse, lake or spring. In certain circumstances, exemptions apply where the works are undertaken in accordance with the *Riverine Protection Permit Exemption Requirements* (WSS/2013/726 Version 2.03) (DRDMW, 2023a).

3.4.37.2 Relevance to the Project

The Project is located within *Water Plan (Border Rivers and Moonie) 2019*, and *Water Plan (Condamine and Balonne) 2019* plan areas.

The *Water Plan (Border Rivers and Moonie) 2019* is the prevailing water management plan for surface water, overland flow (other than springs connected to underground water) and groundwater resources (excluding Great Artesian Basin resources) in the Moonie and Border Rivers catchments.

As noted in Section 3.3.5, the *Water Plan (Border Rivers and Moonie) 2019* is endorsed by the *Water Act 2007* (Cth). The *Water Plan (Border Rivers and Moonie) 2019*, along with the supporting management protocol:

- Provides a framework managing water allocations, defines the availability of water in the water plan area and measures, where practicable to reverse degradation of natural ecosystems due to the taking of, or interference with, water in the plan area. The documents also have performance indicators and water allocation security objectives for underground water to protect holders of underground water allocations.
- Provides for both supplemented (regulated) water sources and unsupplemented (unregulated) streams, including harvesting of overland flow and floodplain. The Project is located within the Border Rivers catchment.
- Identifies two supplemented water supply schemes within the water plan area. The Project does not intersect either water supply scheme; however, it is located proximally to the Macintyre Brook water supply scheme.
- Protects the Groundwater Management Area and Sub-area defined by this plan.

The *Water Plan (Condamine and Balonne) 2019* is the peak water management plan for surface water, overland flow (other than springs connected to underground water) and groundwater resources (excluding Great Artesian Basin resources) within the Condamine River and Gowrie Creek Catchments.

The *Water Plan (Condamine and Balonne) 2019* is endorsed under the *Water Act 2007* (Cth). The *Water Plan (Condamine and Balonne) 2019*, along with the supporting management protocol:

- Provides a framework managing water allocations, defines the availability of water in the water plan area and measures, where practicable to reverse degradation of natural ecosystems due to the taking of, or interference with, water in the plan area. The documents also have performance indicators and water allocation security objectives for underground water to protect holders of underground water allocations.
- Provides for both supplemented (regulated) water sources and unsupplemented (unregulated) streams, including harvesting of overland flow and floodplain. The Project is located within the Gowrie Greek and Condamine River Catchments.
- Identifies four water supply schemes within the water plan area. The Project intersects the Upper Condamine Water Supply Scheme between the Millmerran and Pittsworth localities.
- Protects Condamine and Balonne Underground Water Management Area and the Condamine Basalts underground Water Management Unit, which is part of the Main Range Volcanics aquifer system composed of basaltic fractured rock aquifers.
- Establishes the Condamine River Basin Healthy Waters Management Plan prepared in accordance with the EP Act and EPP (Water and Biodiversity) identifies the environmental values relevant to the area and recommends water quality objectives to protect these values.
- The *Water Plan (GABORA) 2017*, which underlies the entire Project footprint, is the prevailing management plan for water of the Great Artesian Basin. The *Water Plan (GABORA) 2017*, along with the supporting management protocol:
- Provides a framework for sustainably managing water and the taking of water in the plan area, along with defining the availability of water in the water plan area and measures, where practicable, to reverse degradation of natural ecosystems.
- Identifies that the Project is located within the Hutton (Surat Hutton) and Hutton (Eastern Downs Marburg) groundwater units:
  - within these sub areas, landowners are permitted to take water for stock and domestic purposes without the need for a water licence. All other uses require a water licence, water permit, or seasonal water assignment notice.
- Identifies a number of groundwater-dependent ecosystems, where the decisions on a water licence is dependent on the distance between and/or cumulative drawdown on the ground-water dependent ecosystems. Chapter 15: Groundwater provides further detail on groundwater-dependent ecosystems.
- Provides that there is unallocated water under the water plans which may be granted to a coordinated project under the SDPWO Act (i.e. State or strategic reserve). Based on advice from DRDMW, there is State reserved water under this plan, with water potentially available in the Eastern Downs in the Springbok Walloons, Marburg and Precipice aquifers.

The Project is expected to involve the following activities of relevance under the Water Act:

- Works in a defined watercourse:
  - while the majority of watercourses intersected by the Project are drainage lines under the Water Act, the Project will intersect a number of defined watercourses for which the Water Act will apply.
- Taking or interfering with the flow of water:
  - during construction of the Project, water will be required for dust control, site compaction and reinstatement, A number of potential water sources have been investigated. Under the Water Act, artificial waterbodies under 5 megalitres (ML) (as accepted development) are exempt from authorisation and may be used for dust suppression, site compaction, and reinstatement as required and after stakeholder engagement, subject to the water meeting the quality requirements for the intended end use.
- Excavation or placing fill in a watercourse, lake or spring
- Subject to detailed design, modification of the existing Category 2 levee at Yelarbon to a Category 3 will be required for Project works.

Given that compensation for impacted landowner bores falls under the AL Act and under the bore make-good process it is unlikely ARTC will be responsible for new or replacement groundwater authorisations, and instead will likely be the responsibility of the bore owner.

ARTC is an approved entity for the purposes of the *Riverine Protection Permit Exemption Requirements* (DRDMW, 2023).

The water plans also identified risks to Indigenous values and uses of water where applicable. Native title rights, and interests are discussed further in Section 3.3.4 and Section 3.4.20.

3.4.37.3 Project compliance

Water entitlements, water licences and development permits for watercourse diversion for the Project will be obtained to enable the take of water for use during construction where required. Further information on water sources is provided in Chapter 5: Project Description.

Where necessary, development permits and resource entitlements for operational work for taking or interfering with water will be obtained.

Where works are proposed within a watercourse, these activities will be in accordance with the riverine protection permit exemption requirements. A riverine protection permit will be required in instances where the exemption requirements cannot be achieved.

Modification of the existing Yelarbon levee may be the preferred design solution to avoid worsening of flood risk in the Yelarbon township as a result of Inland Rail. If this solution is confirmed as preferred through further consultation and detailed design, the design requirements for modifying the existing Yelarbon levee will be confirmed through further consultation with GRC. The levee, for the purposes of the Planning Act and Water Act is considered a Category 3 levee, and therefore, the proposed development is assessable development and a development application for the modification of the Yelarbon levee will need to be made to the relevant local government and will require public notification. As this will be resolved post-EIS, this approval would not benefit from Section 37 of the SDPWO Act.

The typical design delivery pathway for design of levees in Queensland is described in *Guideline for construction or modification of Category 2 and 3 levees* (v2.01) (DRDMW, 2022a). Section 5.0 of the guidelines provides guidance on addressing the performance outcomes in the Code for assessment of development for construction or modification of particular levees (Planning Act) and the State Code 19: Category 3 levees (SDAP v3.0).

3.4.38 Water Supply (Safety and Reliability) Act 2008

3.4.38.1 Overview

The *Water Supply (Safety and Reliability) Act 2008* (Qld) provides for the safety and reliability of water supply. The purpose of the Act is achieved by:

- Providing a regulatory framework for water and sewerage services in Queensland, including functions and powers of service providers
- Providing a regulatory framework for the provision of recycled water and drinking water quality, primarily for protecting public health
- Regulating referable dams
- Providing for flood mitigation responsibilities
- Protecting the interests of customers of service providers.

Under the *Water Supply (Safety and Reliability) Act 2008*, a service provider means a water service provider or a sewerage service provider.

3.4.38.2 Relevance to the Project

ARTC will not, in the course of undertaking the Project, be providing a water or sewerage service to others and is not a ‘service provider’ as defined under the *Water Supply (Safety and Reliability) Act 2008*. Further, the Project will not involve the provision of a recycled water scheme, or the construction of or interfering with a referable dam.

3.4.38.3 Project compliance

Not applicable. Refer Section 3.4.38.2.

3.4.39 Work Health and Safety Act 2011

3.4.39.1 Overview

The *Work Health and Safety Act 2011* (Qld) (WHS Act) provides a framework and general duties for the protection, safety and welfare of workers in Queensland while they are at work. The WHS Act is supported by the Work Health and Safety Regulation 2011 (Qld), which relates to the protection of the construction and operation workforces, as well as members of the public, including community receptors that may be affected by work-related hazards. Under Section 22 of the WHS Act, designers of a plant, structure or substance that is to be used, or could reasonably be expected to be used, at a workplace must ensure all workplace activity relating to the plant, structure or substance, including its handling or construction, storage, dismantling and disposal is designed to be without risks to health or safety of persons.

3.4.39.2 Relevance to the Project

There are two specific requirements for designers to provide information under the WHS Act.

Firstly, under Section 22(4) and 22(5) of the WHS Act, the designer must provide information to anyone who is issued with the design:

- Indicating the purpose for which the structure is designed
- The results of any testing and analysis undertaken
- Any conditions necessary to ensure that the designer has designed the structure to be without risk to health and safety when it is used as a workplace during its lifecycle.

Current relevant information must also be provided to people who use, construct, maintain or demolish the structure on request.

Secondly under Section 295 of the *Work Health and Safety Regulation 2011*, the designer of a structure or any part of a structure that is to be constructed is required to provide the person conducting a business or undertaking who commissioned the design, a written safety report outlining potential hazards relating to the design that may pose a hazard to people carrying out construction work.

Occupational hazards and risks continue through construction works, operations and maintenance stages of the Project. These hazards will be managed in compliance with the WHS Act and *Work Health and Safety Regulation 2011*, engineering standards and guidelines, as well as the procedures and work instructions that form part of ARTC's Safety Management System. Ongoing workplace risk assessments will be carried out in accordance with the requirements of ARTC's Safety Management System and the ARTC Fatal and Severe Risk Program.

3.4.39.3 Project compliance

The Project has incorporated risk identification and assessment practices throughout the design development stage to date and ARTC have a strong commitment to implementing and maintaining appropriate safety practices throughout operations. Chapter 21: Hazard and Risk provides detailed discussion regarding safety in design, and hazard and risk identification undertaken to date, including a risk register and matrix of hazards, likelihood, consequence and mitigations. Project design documentation has been prepared to comply with the requirements of the WHS Act.

3.4.40 Workers' Accommodation Act 1952

3.4.40.1 Overview

The *Workers' Accommodation Act 1952* (Qld) applies to areas outside of cities and towns and prescribes the minimum standards and criteria for the provision of accommodation by employers to workers performing construction work. It also sets out the obligations of workers with respect to the accommodation provided.

3.4.40.2 Relevance to the Project

Three non-resident workforce accommodation facilities are proposed to be provided during the construction works stage of the Project and will need to meet the minimum standards and criteria of the *Workers' Accommodation Act 1952*. The non-resident workforce accommodation facilities are proposed to be located in Yelarbon and Inglewood. The location for the third non-resident workforce accommodation is proposed to be based in Millmerran. The third non-resident workforce accommodation facility is not included in the revised draft EIS. In relation to the EPBC Act, a self-assessment will be undertaken to identify whether the proposed third non-resident workforce accommodation facility is a proposed action that has, will have, or is likely to have, a significant impact on MNES protected under the EPBC Act. Depending on the outcome of that self-assessment, it may be determined that a referral of the proposed action ought to be made because the action is likely to be a controlled action under the EPBC Act. Further information is provided in Chapter 5: Project Description.

3.4.40.3 Project compliance

Detailed design of non-resident workforce accommodation facilities will ensure the minimum standards specified under the *Workers' Accommodation Act 1952* are achieved.

The site selection and due diligence associated with locating the third, Millmerran based, non-resident workforce accommodation will be undertaken during detailed design. The third non-resident workforce accommodation is expected to be subject to a Request for Project Change under the SDPWO Act.

All relevant approvals for non-resident workforce accommodations will be sought post-EIS.

3.5 Local government laws and planning schemes

The Queensland Government, through processes in the Planning Act, sets out State-wide and regional planning matters to be considered by every local government in Queensland. State plans and local regional plans (planning schemes or planning instruments) direct development within the areas to which they apply and to ensure planning processes in Queensland are protected and managed consistently (Chapter 8: Land Use and Tenure contains further information on the regional plans). Councils also use local laws established under the LG Act to manage non-development matters.

3.5.1 Local laws

As detailed in Section 3.4.18, local governments have powers and responsibilities under the LG Act to make and enforce any local law that is necessary or convenient that reflects community needs and ensures the appropriate rules and governance are applied within the local government area.

The Project is within the LGAs of Goondiwindi and Toowoomba and will impact on local government-controlled roads (see Chapter 20: Traffic, Transport and Access). Where required, permits will be obtained in accordance with relevant local laws, along with matters relating to each council's role as a road authority.

Approvals under local laws may be necessary for the protection of amenity or other values important to communities, including local government-controlled roads, carrying out of works on a road or interfering with a road or its operation, control of local pests declared by councils, noise, light, waste management, vegetation, parks and fencing.

3.5.2 Planning schemes

Local government planning schemes are the principal documents guiding growth and development in each LGA. Planning schemes are prepared by local governments with input from community consultation and are approved by the Queensland Minister responsible for administering the Planning Act (currently the Minister for State Development, Infrastructure, Local Government and Planning).

The Project footprint is located within the areas subject to the following planning schemes:

- Goondiwindi Region Planning Scheme 2018
- Toowoomba Regional Planning Scheme 2012.

In accordance with Schedule 6, Part 5, Section 26(2) of the Planning Regulation, development for the construction of transport infrastructure, where the infrastructure is government supported transport infrastructure, cannot be made assessable development under the relevant local categorising instruments. As discussed in Section 3.4.23, Inland Rail is government supported transport infrastructure. Accordingly, the provisions of these local government planning schemes cannot make development of the Project assessable development.

Ancillary works including non-resident workforce accommodation and borrow pits, which are integral to the construction of the Project, and therefore government supported infrastructure (Schedule 6, Part 5, Section 26 of the Planning Regulation), cannot be made assessable against local government planning schemes.

The following sections provide an overview of the relevant local government planning schemes associated with the Project. Further details on these individual planning schemes, including the land use zones traversed by the Project footprint within each of the LGAs and their relevance to the Project are outlined in Chapter 8: Land Use and Tenure.

Assessable development triggers under any applicable local government planning schemes have not been included in Table 3-5 because the Project is not assessable under a local government planning scheme due to it being development for the construction of government supported transport infrastructure.

3.5.2.1 Goondiwindi Region Planning Scheme 2018

The Goondiwindi Region Planning Scheme was adopted by GRC in March 2018 and is the primary planning document for land located within the Goondiwindi LGA. The Goondiwindi Region Planning Scheme was prepared in accordance with the repealed *Sustainable Planning Act 2009* (Qld) and was amended for alignment with the Planning Act. The Goondiwindi Region Planning Scheme sets the intention for future development in the planning scheme area over a 20-year period.

3.5.2.2 Toowoomba Regional Planning Scheme 2012

The Toowoomba Regional Planning Scheme commenced in July 2012 and is the primary planning document for land located within the Toowoomba LGA. The Toowoomba Regional Planning Scheme was prepared in accordance with the repealed *Sustainable Planning Act 2009* and was amended for alignment with the Planning Act. The Toowoomba Regional Planning Scheme intends to provide a strategic vision for development in the LGA over a 20-year period.

3.6 Post-Environmental Impact Statement approvals

A summary of the potential post-EIS approvals is provided in Table 3-5. The post-EIS approvals will be subject to review and confirmation during the detailed design process.

In some instances, the written consent of the landowner will be required to support a development application as provided for in Section 51(2) of the Planning Act. Owner's consent for State land is required from the DoR when an application is made on:

- Land subject to a lease, including a freeholding lease or a reserve or deed of grant in trust, held by the department on behalf of the State as the lessee or trustee of the land
- Land subject to a lease, including a freeholding lease, or a reserve where the lessee or trustee is not or does not represent the State
- Land subject to a permit to occupy or licence under the Land Act
- Land subject to an estate in fee simple (freehold) held by the department on behalf of the State
- Land that is USL
- Land that is a road (other than a State-controlled road) or stock route. For State-controlled roads, consent is required from DTMR.

Further detail on landowner's consent is provided in Chapter 5: Project Description.

In addition to the approvals identified in Table 3-5, a range of additional permits, licences and/or agreements will be required. To address these requirements, ARTC has commenced and will continue to undertake consultation with infrastructure owners and utility providers regarding asset interface requirements such as works within and traversing infrastructure easements.

TABLE 3-5 POTENTIAL POST-ENVIRONMENTAL IMPACT STATEMENT APPROVALS FOR THE PROJECT

Legislation	Administering Authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
State						
Biosecurity Act	DAF	Undertaking work that will require the amendment of the Barrier Fence Map.	Amending barrier fence map – Chief Executive of DAF must consult with the building authority (GRC) and any affected landowner.	-	Prior to the amendment of the barrier fence map.	No statutory timeframe identified
Building Act/ Planning Act	Local government or private certifier	Undertaking building works.	Development permit for building works.	Building work is assessable development, unless it is accepted development under the Planning Regulation or the Building Act.	Prior to commencement of building works.	2 months
Electricity Act	Energex/Powerlink	Connection of a new electrical supply or an increase in connected load of an existing supply.	Approval for connection of supply/load increase.	-	Prior to commencement of relevant works.	10 business days
Explosives Act	Resources Safety and Health Queensland (Explosives Inspectorate)	Use, possession, storage or transport of explosives.	Licence to store, transport or use explosives.	-	Prior to transport, storage or use of explosives.	20 business days for routine applications, non-routine applications that require inspection will require a longer timeframe
EO Act*	DESI	Undertaking a prescribed activity for which there will be a significant residual impact on one or more Prescribed Environmental Matters.	Provision of offsets in accordance with the Environmental Offsets Policy.	-	The Proponent is required to submit a Notice of Election as notification along with details of the elected offset arrangement. This can occur before, during or after the authority for the relevant Prescribed Activity has been granted.	Once the Notice of Election is received, the Administering Authority has 40 business days to consider the notice
EP Act	DESI	Disposal of contaminated soil from lots listed on the EMR/CLR.	Disposal Permit	-	Prior to removal or disposal of contaminated soil from a lot listed on the EMR or CLR.	20 business days

Legislation	Administering Authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
EP Act	DESI	Undertaking an ERA prescribed under Schedule 2 of the Environmental Protection Regulation 2019. The Project is considered likely to trigger: - ERA 16 – Extractive activities - ERA 63 – Sewage treatment.	Environmental Authority Registered Suitable Operator.	-	Prior to commencement of relevant construction works.	5 to 8 months
EP Act/ Planning Act	Chief executive, DHLGPPW	Undertaking an ERA that is a Concurrence ERA under Schedule 2 of the Environmental Protection Regulation 2019.	Development permit for a material change of use for an ERA.	-	Prior to commencement of relevant works.	5 to 8 months (excluding requests for information)
Fisheries Act/ Planning Act	DAF	Constructing or raising a waterway barrier works (temporary and/or permanent waterway barrier works). This trigger is potentially relevant because works for a levee could be considered waterway barrier works.	Development permit for Operational Works that are Waterway Barrier Works (temporary and/or permanent).	A development permit is not required where: - Works are determined to be 'works which are not waterway barrier works' or - Works can comply with the accepted development requirements for operational work that is constructing or raising waterway barrier works under the *Fisheries Act 1994.*	Prior to commencement of relevant construction works.	3 to 6 months (excluding requests for further information)
Forestry Act	DESI (QPWS&P)	Revocation of State forest.	Section 25 and 26 – revocation of parts of the Whetstone State Forest and Bringalily State Forest.	-	Prior to gazettal of the rail corridor.	14-day parliamentary notification period
		Occupying land within a State forest for a fixed term.	Occupation Permit	-	Prior to partial revocation and commencement of construction.	-
		Removing forest products or quarry materials from a State forest.	Licences for the removal of quarry material	-	Prior to commencement of construction.	-

Legislation	Administering Authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
Forestry Act/ Land Act	DAF	Interfering with or removal of forest products or quarry materials on land where ownership of these is reserved for the State.	Sales Permit	-	Prior to commencement of construction.	2 to 3 months
Land Act and NT Act	DoR (Land Administration and Acquisitions Unit)	Occupation and use of a reserve, road, lands lease or USL (i.e. temporary and permanent road closure).	Tenure Dealings (non-freehold land)	-	Prior to commencement of construction.	3 to 6 months subject to early consultation with the DoR
Land Act	DoR	Closing a road temporarily or permanently.	Temporary or permanent road closure	-	Prior to construction works.	No statutory timeframes, early engagement with DoR is required
Land Title Act	DoR (Titles Office)	Registration of freehold land and interests in freehold land	Registration	-	Prior to commencement of relevant works.	-
NC Act	DESI	Clearing of least concern species within a mapped Flora Survey Trigger Area.	Exempt clearing notification	-	Prior to clearing works.	10 business days
		Clearing of CEEEVNT species or clearing of non-CEEVNT species where impact to CEEVNT species is likely to occur.	Clearing Permit	Where the flora survey report does not detect any threatened or near threatened plants in the clearing impact area, or the impacts on threatened or near threatened plants can be avoided (i.e. clearing will not take place within 100 m of the threatened or near threatened plants), a clearing permit is not required but the taking of the plant must occur within three years after the flora survey report is completed.	Prior to clearing works.	40 business days
		Taking, using, keeping or interfering with protected animals or native wildlife.	Wildlife Movement Permit	-	Prior to taking, using, keeping or interfering with protected animals or native wildlife.	2 to 3 months
		Spotter catcher endorsement.	Rehabilitation permit	-	Prior to undertaking any relevant works.	2 to 3 months

Legislation	Administering Authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
NC Act	DESI	Works involving the tampering of an animal breeding place.	Species Management Program (Low Risk or High Risk)	-	Prior to undertaking any works in a breeding place.	2 to 3 months
		Removal and relocation of wildlife.	Damage Mitigation Permit	-	Prior to undertaking any relevant works.	2 to 3 months
Planning Act	DHLGPPW (assessment manager) DoR (advice agency)	Taking or interfering with water from a watercourse, lake or spring.	Development Permit for operational works (taking or interfering with water).	-	Prior to commencement of construction.	2 to 3 months
		Undertaking assessable development on a listed Queensland Heritage Place.	Development Permit to impact a Queensland Heritage Place.	A development approval is not required if a heritage exemption certificate is given under the QH Act.	Prior to development on or adjoining a Queensland Heritage Place.	3 to 6 months
TI Act	DTMR	Constructing, maintaining, operating or conducting ancillary works and encroachments on a State-controlled road.	Road Corridor Permit — State-controlled road.	Exemptions are available if the works are: ▸ In accordance with the requirements specified by the chief executive of DTMR by gazette notice; or ▸ Done as required by a contract entered into with the chief executive of DTMR.	Prior to commencement of relevant construction works on a State-controlled road.	20 business days
		Carrying out road works on a road works on a State-controlled road or its operation.	Written approval from the chief executive of DTMR under Section 33 of the TI Act.	-	Prior to the commencement of relevant works or interfering with a State-controlled road.	20 business days
		Carrying out works to establish, repair or modify access between an individual property and a State-controlled road.	Written approval from the Chief Executive of DTMR under Section 62 of the TI Act.	-	Prior to the commencement of relevant works.	20 business days

Legislation	Administering Authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
VM Act/ Planning Act/ Planning Regulation	DoR/ DHLGPPW	Works involving the clearing of native vegetation under the VM Act.	Development Permit for operational works for vegetation clearing.	Exempt clearing works under Schedule 21, Part 1, Item 14 (infrastructure that is government supported transport infrastructure) of the Planning Regulation.	Prior to vegetation clearing.	2 to 3 months
Water Act	DRDMW	Undertaking works in a watercourse, lake or spring.	Riverine Protection Permit.	Exemption where ARTC (as an approved entity) carry out the works in accordance with the *Riverine Protection Permit Exemption Requirements* (DRDMW, 2023).	Prior to commencement of the relevant works.	1 to 2 months
		Works that involve the taking of, or interfering with, water (authorises entitlement to the resource).	Water Authorisation Permit to authorise the taking of water which has a reasonably foreseeable end date. Water Authorisation License – taking or interfering with water from a watercourse, lake or spring or a change to a water entitlement purpose.	-	Prior to commencement of construction. Noting that a Water Permit is likely for construction activities, including construction water activities as it is issued for temporary activities and with a foreseeable end date. A Water Licence that is applicable to long-term activities and attaches to land. ARTC will acquire land, but also as occupiers of rail corridors ARTC will be able to apply for this license which is likely required for operations.	90 Business days, subject to native title assessment, public notice and consultation timeframes
	GRC and DoR for a Category 3 Levee	Undertaking construction works on levees.	Development Permit for operational works for levees.	If the modifications to levees comply with the *Accepted development requirements for the construction of new levees or the modification of existing levees* (DRDMW 2023) (WSS/2019/4680) can be demonstrated, the works will be considered accepted development.	Prior to construction works for the modification.	4 to 6 months

Legislation	Administering Authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
Local Laws						
LG Act	Relevant local government (GRC and TRC)	Undertaking works to which a local law applies. This may include: ▸ GRC Local Law No. 4 (Government Controlled Areas, Facilities and Roads) 2011 ▸ TRC Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.	Pursuant to the relevant local law, if it is determined that a local law applies as specified in the listed local laws. Could include Road Corridor Permit and Park Access Permit.	There is no relevant exemption from a local law applying to the Project. However, the applicable local law could contain exemptions from certain approval requirements.	Prior to the commencement of the works/activities regulated by the local law.	Various

Table note:
* The power to impose an environmental offset condition is provided by other Acts including, but not limited to, the *Environmental Offsets Act 2014*, Planning Act, EP Act and NC Act.