2

REGULATORY FRAMEWORK

TABLE OF CONTENTS

LIST OF TABLES

2 REGULATORY FRAMEWORK

This section describes the regulatory framework relevant to the Ensham Central Project. Commonwealth, state and local legislation, associated planning tools and other requirements are summarised below in relation to the project. The regulatory process for the project is also summarised in this section.

2.1 COMMONWEATH LEGISLATION

2.1.1 Aboriginal and Torres Strait Islander Heritage Protection Act

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act*) provides protection for Aboriginal cultural heritage. The relevant Commonwealth Minister can make declarations of preservation in relation to Aboriginal cultural heritage. Declarations are made if the Minister is satisfied that the area is a "significant Aboriginal area" and is under threat of injury or desecration.

As detailed in Section 17 – Cultural Heritage, no declaration under the *ATSIHP Act* has been made within the project site.

2.1.2 Australian Heritage Council Act

The *Australian Heritage Council Act 2003 (AHC Act)* establishes the Australian Heritage Council as a heritage advisory body and provides for the Register of the National Estate to assist in the protection of places important to Australia's natural and cultural environment for current and future generations. The Act sets out criteria for assessing significance relating to aesthetic, historic, scientific, social, or other significance. Placing a site on the Register of the National Estate formally recognizes its significance. The Commonwealth Department of the Environment and Heritage (DEH) is the administering authority for the *AHC Act*.

As detailed in Section 17 – Cultural Heritage, there are no Australian heritage sites located within or adjacent to the project area.

2.1.3 Environment Protection & Biodiversity Conservation Act

The *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* prescribes the Commonwealth's role in environmental assessment, biodiversity conservation and the management of protected areas of national environmental significance. It also provides a mechanism for national environment protection and biodiversity conservation. Biodiversity conservation is promoted by providing protection for matters of national environmental significance, including:

- listed threatened species and communities and migratory species;
- protected areas (e.g. World Heritage properties, wetlands of international importance (Ramsar wetlands), conservation zones); and
- National, Commonwealth and Indigenous Heritage.

Under the assessment and approval provisions of the *EPBC Act*, actions that are likely to have a significant impact on a matter of national environmental significance are subject to a rigorous assessment and approvals process.

The DEH has considered the project under the *EPBC Act* and determined it to be a controlled action with the controlling provisions being listed threatened species and communities. Section 16.6 of the EIS describes any impacts on listed threatened species and communities under the *EPBC Act*.

While the DEH is the administering authority of the *EPBC Act*, the Australian Government and the Queensland Government have signed a bilateral agreement under section 45 of the *EPBC Act* to provide for accreditation of certain state environmental assessment processes. In accordance with the bilateral agreement, the EIS will be prepared under the Queensland *Environmental Protection Act* 1994 *(EP Act)* and will be evaluated and approved by the DEH (Section 2.5).

The *EPBC Act* also incorporates Federal heritage protection provisions. The *EPBC Act* establishes the Commonwealth Heritage List and the National Heritage List and prescribes criteria for entry on each of these lists.

The Commonwealth Heritage List relates to natural, Indigenous and historic heritage places owned or controlled by the Commonwealth. This list is consequently not relevant to the project.

The National Heritage List is a list of Australia's places or groups of places with outstanding heritage value to the nation. These include places with natural, Indigenous or historic heritage values. A place can be entered on the National Heritage List if it meets one or more of the National Heritage criteria prescribed under the *Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)*. The National Heritage criteria are, in summary:

a)	historic;	d)	representative;	g)	social;
b)	rarity;	e)	aesthetic;	h)	associative; and
c)	scientific;	f)	creative/technical;	i)	indigenous.

The *EPBC Act* provides that an action must not be taken that is likely to have a significant impact on the National Heritage values of a place on the National Heritage List without approval. Further, the *EPBC Act* provided that a person must not take an action that is likely to have a significant impact on the Indigenous Heritage values of a National Heritage place.

2.2 QUEENSLAND LEGISLATION

The *Environmental Protection Act 1994 (EP Act)* sets out the environmental approval process for mining activities in Queensland and gives responsibility for the assessment and decision making regarding environmental management to the Environmental Protection Agency (EPA). Accordingly, the EPA is the lead agency for the environmental impact assessment process for the Ensham Central Project (the project).

2.2.1 Environmental Protection Act

The *EP Act* was established to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes. The *EP Act* provides a framework for the regulation of environmentally relevant activities including mining activities. A key feature of the *EP Act* is the imposition of a general environmental duty where individuals undertaking any activity must take all reasonable

and practicable measures to prevent or minimise environmental harm. The *EP Act* specifies compliance tools such as environmental evaluations, environmental management programs, environmental protection orders and financial assurances. The *EP Act* requires an Environmental Authority and a Plan of Operations (PoO) to be in place prior to commencement of mining under a mining lease. The EPA is the administering authority of the *EP Act*.

The proponent has an Environmental Authority (mining activities) for the current Ensham Mine. This EIS has been prepared in support of an application to amend the existing Environmental Authority to include the project.

The *EP Act* provides the framework for the environmental impact assessment process for the project. The *EP Act* also provides the standard criteria against which the project will be assessed including the principles of ecologically sustainable development (ESD) as set out in the *National Strategy for Ecologically Sustainable Development* (DEH, 1992). Section 2.4.2 describes the way in which the EIS addresses the principles of ESD. Section 2.5 describes the key steps involved in the assessment process for the project.

Environmental Protection Policies

Environmental protection policies (EPPs) are developed under the *EP Act* to provide frameworks and guidelines in conjunction with *Environmental Protection Regulation 1998,* to identify environmental values to be protected, and to manage specific aspects of Queensland's environment. A key objective of each EPP is to protect Queensland's environment while allowing for development that improves total quality of life, both now and in the future, and maintains the ecological processes on which life depends. Approved policies include air, noise, waste and water. These are described briefly below.

The *Environmental Protection (Air) Policy 1997 (EPP Air)* provides a framework to reduce air pollution and ensure air quality is improved or protected. The *Environmental Protection (Noise) Policy 1997 (EPP Noise)* is intended to ensure noise is prevented or reduced where possible. The *Environmental Protection (Water) Policy 1997 (EPP Water)* is intended to prevent activities that harm the environment or waterway without due regard to the provisions of the *EP Act*. The *EPP Water* provides a framework for identifying environmental values to be protected including biological integrity and suitability for drinking, recreational, agricultural and industrial uses. One or all of the environmental values in the *EPP Water* can be chosen for a particular waterbody.

The *Environmental Protection (Waste Management) Policy 2000 (EPP Waste)* provides a strategic framework for managing waste in Queensland. It establishes a preferred waste management hierarchy and principles for achieving good waste management and provides a basis for waste management programs that may be required (e.g. as a condition of approval for an environmentally relevant activity).

Environmental Protection Regulation

The *Environmental Protection Regulation 1998 (EP Reg)* lists environmentally relevant activities (ERAs) that require an approval. The project involves Level 1 ERAs (eg ERA 20 – extraction of overburden and coal materials; ERA 28 – motor vehicle workshop; ERA 15 – sewage treatment; and ERA 11 – crude oil or petroleum product storing). These ERAs will be included in the overarching Environmental Authority (mining activities).

The *EP Regulation* also establishes the relationship between the *Integrated Planning Act 1997 (IP Act)* and the *EP Act*. The *Mineral Resources Act 1989 (MR Act)* provides that mining activities authorised by the *MR Act* and carried out under a relevant mining tenement, are not subject to the *IP Act*.

In addition, the *EP Regulation* implements the National Pollutant Inventory (NPI) in Queensland thereby requiring some industrial facilities to report annually on emissions of 90 different substances to air, land and water. The Ensham Mine is currently required to report to the NPI.

Project emissions will also be reported in accordance with the *National Pollutant Inventory Guide* (Environment Australia, 2004).

Environmental Protection (Waste Management) Regulation

The *Environmental Protection (Waste Management) Regulation 2000 (EPR Waste)* commenced on 1 July 2000 to clarify waste management practices in Queensland. Together with the *EPP Waste* (as described above) it provides a unified legislative framework for waste management in Queensland and addresses waste streams previously not subject to legislation.

The *EPR Waste* gives legislative support to various national guidelines, plans and Australian Standards. It also provides for a waste-tracking system that tracks specified wastes and obtains data on the generation, transportation, treatment and disposal of these wastes within Queensland and interstate. The *EPR Waste* supports waste management planning, appropriate on site storage and proper disposal.

Dams Containing Hazardous Waste

The *Water Act 2000 (Water Act)* transferred responsibility for dams containing hazardous waste (which includes tailings dams) to the EPA. The definition of hazardous waste for the purpose of regulating dams is defined in the *Code of Environmental Compliance for Environmental Authorities for High Hazard Dams Containing Hazardous Waste* as "any substance, whether liquid, solid or gaseous, derived by or resulting from, the processing of minerals that tends to destroy life or impair or endanger health".

The project's tailings dams are determined to be "high hazard dams" based on the criteria described in EPA Information Sheet entitled *Determining dams containing hazardous waste* as they will contain hazardous waste and will be greater than 2 ha in surface area. "High hazard dams" must comply with the *Code of Environmental Compliance for Environmental Authorities for High Hazard Dams Containing Hazardous Waste*.

2.2.2 Integrated Planning Act

The *IP Act* seeks to coordinate and integrate planning at the local, regional and state levels and provide a framework for the management of development and its effects on the environment. However, development authorised by the *MR Act* and carried out under a relevant mining tenement are not subject to *IP Act*. Consequently, the project is not subject to *IP Act* as all activities will be authorised under the *MR Act*.

2.2.3 Mineral Resources Act

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

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

The *MR Act* provides for issuing of prospecting permits, mining claims, mineral development licences or mining leases. This EIS is in support of multiple mining lease applications and potentially infrastructure mining leases. The Queensland Department of Natural Resources, Mines and Water (NRMW) is the administering authority for the *MR Act*.

2.2.4 Water Act

The *Water Act 2000 (Water Act)* provides for the sustainable management of water and other resources, a regulatory framework for water and sewerage services, and the establishment and operation of water authorities. The *Water Act* governs the construction, control and management of works with respect to water conservation and protection, irrigation, drainage, water supply, flood control and prevention.

The *Water Act* requires the preparation of water resource plans (WRPs) to ensure that water is equitably managed to preserve quality of life and aquatic ecosystems. WRPs usually apply to a catchment's river, lakes, dams and springs and, if necessary, underground water and overland flow. Each WRP becomes subordinate legislation to the *Water Act*. Where necessary, resource operations plans (ROPs) are developed to establish rules for water trading and to specify how water use will be managed in parallel with environmental needs. The ROP details how water resources will be managed from day to day. The project is located within the Fitzroy River catchment and therefore subject to the *Fitzroy Basin Water Resource Plan* and the *Fitzroy Basin Resource Operations Plan 2003.*

Taking water from a watercourse requires a licence or a permit under Part 6 of the *Water Act*. The excavation or placement of fill in a watercourse requires a permit granted under Section 266 of the *Water Act* which may be integrated into the Environmental Authority. Licences are also required for the interfering with the flow of water under Section 206.

The NRMW is the administering authority for the *Water Act*. The *Water Act* transferred responsibility for the environmental regulation of dams containing hazardous waste to the *EP Act* and nominated the EPA as the administering authority.

2.2.5 Fisheries Act

The *Fisheries Act 1994 (Fisheries Act)* provides for the use, conservation and enhancement of the community's fisheries resources and fish habitat by providing for, amongst other things, the protection of fish habitats.

The *Fisheries Act* has been rolled into the *IP Act* so that development permits under the *IP Act* are required for certain operational works that are assessable development under the *IP Act*.

Operational works that are assessable development under the *IP Act* include waterway barrier works and works in a declared fish habitat. The Nogoa River is not a declared fish habitat at present.

Mining activities authorised by the *MR Act* and carried out under a relevant mining tenement are not subject to the *IP Act*. Consequently the project requires no development permits under the *Fisheries Act* or *IP Act* as all activities will be carried out in accordance with the Mining Lease.

2.2.6 Aboriginal Cultural Heritage Act

The *Aboriginal Cultural Heritage Act 2003 (ACH Act)* provides for recognition, protection and conservation of Aboriginal cultural heritage. Specifically, the Act includes provisions for:

- protection of significant areas and objects;
- duty of care obligations on all persons including project proponents;
- establishment of a cultural heritage register;
- means of assessment of significant areas and objects;
- development of management plans;

- issue of injunctions and stop work orders; and
- administration, penalties and prosecution.

Where an EIS is necessary for a project, a Cultural Heritage Management Plan (CHMP) prepared and approved under the *ACH Act* is required prior to issuing authority/consent. Alternatively, authority/consent may be granted subject to conditions to ensure that no excavation, construction or other activity that may cause harm to Aboriginal cultural heritage takes place for the project without the development and approval of a CHMP for the project. The NRMW is the administering authority of the *ACH Act*.

2.2.7 Land Protection (Pest and Stock Route Management) Act

The *Land Protection (Pest and Stock Route Management) Act 2002 (LP Act)* provides a framework for the management of pests and the stock route network. The *LP Act* provides for the construction and maintenance of a stock route network including traveling stock facilities. Also, the *LP Act* identifies declared animal and plant pest species and includes provisions for controls on their introduction and spread. In addition, the *LP Act* sets out requirements for monitoring, surveying and controlling pests. The NRMW is the administering authority of the *LP Act*.

2.2.8 Nature Conservation Act

The *Nature Conservation Act 1992 (NC Act)* deals with the legal status and management of certain flora and fauna species listed under the *Nature Conservation (Wildlife) Regulation 1994*. It prohibits the destruction or removal, unless authorised, of listed flora and fauna species. The EPA is the administering authority of the *NC Act*.

2.2.9 Vegetation Management Act

The *Vegetation Management Act 1999* (VM Act),tin conjunction with the *IP Act*, regulates the clearing of native vegetation in Queensland primarily by the conservation of remnant regional ecosystems and phasing out broadscale clearing of remnant vegetation. Remnant vegetation is classified and mapped using the following catetgories:

(i) remnant Endangered regional ecosystems;

(ii) remnant Of Concern regional ecosystems; and

(iii) remnant Not of Concern regional ecosystems.

Clearing of native vegetation triggers assessment requirements under the *IP Act* and generally requires a development permit to occur. However, mining activities authorised by the *MR Act* and carried out under a relevant mining tenement are not subject to the *IP Act*. Further, the *IP Act* provides that clearing on freehold land for a "specified activity" does not require a development permit. A "specified activity" is defined in the *IP Act* to include a mining activity. Therefore, a development permit is not required for the clearing of native vegetation on the mining lease.

2.2.10 Health and Safety

Legislation related to health and safety is presented in detail in Section 20 – Health and Safety of the EIS.

2.3 LOCAL GOVERNMENT LEGISLATION

2.3.1 Local Law (Levee Banks) No 1 1997

Nogoa River Flood Plain Board Local Law (Levee Banks) No 1 1997 was developed as part of the Nogoa River Interim Floodplain Management Plan. This legislation requires a permit to be obtained for levee banks within the Nogoa River floodplain. The Nogoa River Flood Plain Board (NRFPB) is responsible for assessing applications and issuing permits for levee banks within the Nogoa River floodplain. Applications are required to include plans and specifications of the levee bank and a report on the impact of the levee bank on the hydraulic characteristics of the Nogoa River floodplain.

2.4 OTHER REQUIREMENTS

2.4.1 Planning Requirements

State planning requirements and local planning instruments are addressed in Section 6 – Land Use.

2.4.2 Ecologically Sustainable Development

The *EP Act* is underpinned by the principle of ESD and, as discussed in Section 2.2.1, the project is required to be assessed against the principles of ESD. The key principles of ESD are outlined in the *National Strategy for Ecologically Sustainable Development.* This section describes these principles and outlines the way in which the EIS addresses these principles.

The key objectives of ecologically sustainable development, as outlined in the *National Strategy for Ecologically Sustainable Development*, are:

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

The guiding principles for ecologically sustainable development as outlined in the *National Strategy for Ecologically Sustainable Development* are:

- decision making processes should effectively integrate both long and short-term economic, environmental, social and equity considerations;
- where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- the global dimension of environmental impacts of actions and policies should be recognised and considered;
- the need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognized;
- the need to maintain and enhance international competitiveness in an environmentally sound manner should be recognized;

- cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms; and
- decisions and actions should provide for broad community involvement on issues which affect them.

Table 2-1 describes the way in which the principles of ESD have been addressed in the EIS.

Table 2-1
Principles of Ecologically Sustainable Development

ESD Principle	EIS Cross Reference
Individual and community well-being and welfare	Section 6.10 – Potential Impacts on Land Use. Section 19 – Socio-Economics.
The intergenerational equity principle	The proponent will implement the management and monitoring strategies outlined in the Environmental Management Plan – Section 21. These strategies are designed to ensure that, given the nature of the project, the impacts on future generations will be minimised.
Protection of biological diversity and essential ecological processes	Section 16 – Ecology. Section 21 – Environmental Management Plan.
Decision-making based on long and short term economic, environmental, social and equity considerations	The EIS presents the long-term and short-term environmental, economic and social impacts of the project to enable informed decision making. Section 19 identifies the economic and social impacts of the project. A risk assessment was undertaken for the key environmental risks associated with the project and included consideration of short-term and long-term impacts. Management of significant risks has been incorporated into project design and, with management, all risks were assessed as being 'low'. The risk assessment is presented in Section 12 – Surface Water.
The precautionary principle	A risk assessment was undertaken for the key environmental risks associated with the project (Section 12 – Surface Water). Management of significant risks has been incorporated into project design and, with management, all risks were assessed as being 'low'.
Global environmental impact	Greenhouse gas emissions are discussed in Section 13.8 – Greenhouse. Potential impacts on migratory birds are considered in Section 16.6 – Matters of Commonwealth Significance.
The development of a strong, growing and diversified economy which can enhance the capacity for environmental protection	Economic impacts are considered in Section 19.6 – Economic Impact Assessment. Management, monitoring and rehabilitation strategies are outlined in Section 21 – Environmental Management Plan.
Enhancing international competitiveness in an environmentally sound manner	Economic impacts are considered in Section 19.6 – Economic Impact Assessment. Environmental management commitments for the project are provided in Section 21 – Environmental Management Plan.
Cost-effective and flexible policy instruments	*Not applicable to an individual project.*
Community involvement in decisions and actions	Section 4 – Consultation describes the comprehensive stakeholder consultation program that was undertaken for the project. As described in Section 2.5 – Regulatory Process, the EIS process includes a number of opportunities for public comment, including during the development of the Terms of Reference, during public exhibition of the EIS and during public exhibition of the draft Environmental Authority and mining lease application. As detailed in Section 21 – Environmental Management Plan, Ensham Mine has an existing complaints handling protocol to respond to any complaints.

2.5 REGULATORY PROCESS

The purpose of the EIS process is to ensure that all direct and indirect environmental, social and economic impacts of a project are identified, understood, evaluated and addressed. The EIS process provides for stakeholder and community consultation and allows for comprehensive consideration of potential impacts and management measures, ensuring environmental protection. The EPA is the lead government agency for the impact assessment process for this project.

2.5.1 EIS Process

The key steps involved in the EIS process for the project are described below:

Step 1 – Preliminary Planning

Prior to the preparation of the EIS, background investigations including mine planning and the assessment of alternatives were undertaken. Preliminary investigations in key environmental areas were also undertaken.

Step 2 – Initial Enquiry & Voluntary EIS Application

The proponent made initial enquires regarding the proposed project and approval process to the EPA between July and September 2004. Following this enquiry, the proponent lodged an application to prepare a voluntary EIS to the EPA in October 2004. The application was accompanied by an Initial Advice Statement. The Initial Advice Statement provided background on the project. The EPA approved the application to prepare a voluntary EIS in November 2004.

Step 3 – Determination of significance under the EPBC Act

The proponent referred the project to the DEH under the *EPBC Act* in October 2004. The project was referred on the basis of potential disturbance to a listed ecological community. The DEH determined the project to be a controlled action and indicated that it would make use of the Queensland assessment process (i.e. the EIS process under Chapter 3 of the *EP Act*) in assessing the project.

Impacts on *EPBC Act* listed communities and species are discussed in Section 16.6 of the EIS.

Step 4 – Community and Government Consultation

Community and government consultation has been ongoing throughout the EIS process and is described further in Section 4 - Consultation.

Step 5 – Terms of Reference

Draft Terms of Reference (TOR) for the EIS were prepared under Section 41 of the *EP Act* and finalised under Section 46 of the *EP Act*. The draft TOR were placed on public exhibition between 29 November 2004 and 27 January 2005. Interested and affected parties were notified of the availability of the draft TOR, in accordance with Section 42 and 43 of the *EP Act* and notices were published in *The Courier Mail* and *Central Queensland News* on 27 November 2004. The final TOR for the EIS were published by the EPA on 15 April 2005.

Step 6 – Preparation of EIS

The EIS was prepared following the completion of baseline studies, environmental input into project planning, and consideration of potential impacts and mitigation measures. The EIS was prepared by a team of multi-disciplinary technical specialists. The members of the team and their experience are detailed in Section 25 – EIS Study Team. The EIS has been prepared in

accordance with the *EP Act*. It also considers issues and feedback from the comprehensive consultation program undertaken as part of the EIS process.

Step 7 – State Government Agency Presentations

Presentations of key technical studies were provided to the EPA, NRMW, Nogoa River Flood Plain Board and SunWater. Feedback from the agencies was considered in finalising the EIS.

Step 8 – Lodgement of Mining Lease and Environmental Authority Amendment Applications

The proponent will lodge the mining lease applications, accompanying EA amendment application and EIS in 2006.

Step 9 – Public Exhibition of EIS

The EIS will be placed on public exhibition, once the EPA has determined that the EIS may proceed. During this period government agencies and the public are invited to make submissions to the EPA. The submission period must be at least 30 business days.

Step 10 – Proponent Response

The EPA will issue a copy of all accepted submissions to the proponent within ten business days after the submission period ends. The proponent will summarise and respond to submissions and provide the EPA with any amendments to the EIS within 20 business days (or during a longer period, as agreed with the EPA).

Step 11 – Assessment under the EP Act

The EPA assesses the EIS, any submissions received in response to the public exhibition of the EIS and the proponent's responses. Following its assessment, the EPA will produce an EIS Assessment Report to:

- assess the adequacy of the EIS in addressing the final TOR;
- assess the adequacy of the EIS against the *EP Act* standard criteria;
- assess the adequacy of any environmental management plan for the project;
- make recommendations about the suitability of the project; and
- recommend any conditions on which any approval required for the project may be given.

Step 12 – Assessment under the EPBC Act

The EPA will provide the EIS Assessment Report to the DEH for its consideration of issues related to the *EPBC Act*. The DEH will make a decision on approval within 30 business days. Conditions may be imposed on the approval to protect a matter of national environmental significance so that measures to avoid unacceptable impacts can be adopted.

Step 13 – Draft Mining Environmental Authority and Mining Lease Applications

The EPA will issue a draft Environmental Authority (EA) for the project. The draft EA and Mining Lease Application documentation will be advertised and the period for lodging objections is a minimum of 20 business days. During this period the public may lodge objections to the draft EA and Mining Lease Applications.

Step 14 – Decision

Any unresolved objections to the Mining Lease Applications and/or draft EA will be referred to the Land and Resources Tribunal (LRT) for a recommendation. The LRT will make a recommendation on these objections to the Minister for Natural Resources, Mines and Water. If there are objections to the draft EA, the Minister for the Environment will seek advice from the Minister for

Natural Resources, Mines and Water and will then make a decision on the EA. The EA will be granted with or without conditions or the application refused.

2.5.2 Key Approvals Required

Key approvals required for the project are summarised in Table 2-2.

Table 2-2
Key Approvals for the Project

Approval	Legislation	Approval Body	Timing
Environmental Authority (EA)	*EP Act*	Queensland Environmental Protection Agency	As described in the preceding steps.
Mining Leases (ML)	*MR Act*	Queensland Department of Natural Resources, Mines and Water	
EPBC Act Assessment	*EPBC Act*	Commonwealth Department of the Environment and Heritage	
Plan of Operations	*EP Act*	Queensland Environmental Protection Agency	Prior to commencement of the project.
Construction of a levee bank along the Nogoa River	*Local Law (Levee Banks) No 1 1997*	Nogoa River Flood Plain Board	Prior to construction of any levee associated with the project.
Approved Cultural Heritage Management Plans	*ACH Act*	Queensland Department of Natural Resources, Mines and Water	Required prior to excavation, construction or other activity that may cause harm to Aboriginal cultural heritage.
Licence to interfere with a watercourse / licence to excavate and place fill in a watercourse for any remedial works related to subsidence of Winton Creek	*Water Act*	Queensland Department of Natural Resources, Mines and Water	As necessary, prior to the installation of remedial works to repair any subsidence damage to Winton Creek.
Declaration of an upstream and downstream limit of the Nogoa River anabranch and Old Winton Creek upstream of Duckponds	*Water Act & Water Regulation 2002*	Queensland Department of Natural Resources, Mines and Water	Prior to the removal of the Nogoa River anabranch and Duckponds