

SARAJI EAST MINING LEASE PROJECT

Environmental Impact Statement

Chapter 1 Introduction

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1.0 Introduction

BM Alliance Coal Operations Pty Ltd (BMA) is seeking approval to develop the Saraji East Mining Lease Project (the Project) involving a greenfield single-seam underground mine and supporting infrastructure to produce an estimated 110 million tonnes (Mt) of high-quality metallurgical product coal by longwall mining methods over a 20-year life of mine. The Project will be adjacent to the existing Saraji open cut mining operations located approximately 30 kilometres (km) north of Dysart, Queensland.

This chapter of the Environmental Impact Statement (EIS) describes the environmental assessment, management planning and approval process performed to authorise the development of the Project throughout its construction, operation and decommissioning phases, including interactions with the adjacent Saraji Mine owned and operated by BMA under existing approvals.

1.1 Overview of assessment process

This Environmental Impact Statement (EIS) for the Project has been prepared in accordance with chapter 3 of the Queensland *Environmental Protection Act 1994* (EP Act). As permitted by section 66(1) of the EP Act, this EIS has been amended to address submissions on the original EIS and will replace the submitted EIS. The submitted EIS is taken to be the original EIS, as amended from time to time by an EIS amendment notice given for the original EIS. In summary, the EIS has been prepared to address:

- Project Terms of Reference (ToR) finalised in May 2017 by the former Queensland Department of Environment and Heritage Protection (DEHP), now the Department of Environment and Science (DES).
- Matters relevant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) identified in the referral (ref: EPBC 2016/7791) made for the Project under the Bilateral Agreement between the Commonwealth and the State of Queensland.
- Submissions received on the original EIS for this Project dated 16 July 2021.

This EIS assesses potential adverse and beneficial environmental, social and economic impacts associated with the construction and operation of the Project. These assessments provide information about the current environment, potential impacts and their significance, and proposed measures to avoid, minimise, mitigate, and offset potential impacts to an acceptable level.

The EIS provides information to Commonwealth and State authorities, including Department of Climate Change, Energy, the Environment and Water (DCCEEW), DES and other State referral agencies, and the public to support:

- an application for an Environmental Authority (EA) for the operation of the Project under the requirements of the EP Act
- mining lease applications under the Queensland *Mineral Resources Act 1989* (MR Act)
- assessment requirements under the Bilateral Agreement between the Commonwealth and the State of Queensland in relation to Matters of National Environmental Significance (MNES) under the EPBC Act and Matters of State Environmental Significance (MSES) under the Queensland Environmental Offsets Framework.

1.2 Project proponent

BMA (ABN: 67 096 412 752) acts on behalf of the Central Queensland Coal Associates (CQCA) Joint Venture (JV); namely BHP Coal Pty Ltd, BHP Queensland Coal Investments Pty Ltd, Umal Consolidated Pty Ltd, QCT Resources Pty Limited, QCT Mining Pty Ltd, QCT Investment Pty Ltd, and Mitsubishi Development Pty Ltd under a management agreement. The CQCA is an unincorporated JV between BHP (50%) and Mitsubishi Corporation (50%).

The postal address for BMA is: GPO Box 1398, Brisbane, QLD, 4000.

BMA is Australia's largest exporter of metallurgical coal. BMA operates five Central Queensland coal mines: Broadmeadow, Goonyella Riverside, Peak Downs, Saraji, Caval Ridge, Norwich Park Mine (now referred to as Saraji South by BMA), and Red Hill, and manages the Hay Point Coal Terminal near Mackay in Queensland.

BMA primarily supplies high quality coking coals to international customers in countries such as Japan, India, South Korea, Taiwan and those within the European Union. Until recent times, China has also been a major customer.

BMA's operations provide significant benefits to surrounding local communities, the broader Central Queensland region and the Queensland economy. It is the largest employer in the Central Queensland region with approximately 6,800 full time equivalent employees and contractors. BMA plays a key role in the economic development of Central Queensland and is committed to positive outcomes for the communities in which it operates.

In the 2021 financial year, the total payments to the Queensland Government (including corporate income taxes and royalties) by BMA and BHP Mitsui Coal (BMC) was US\$617 million (BHP, 2021).

BMA has a strong commitment to continual improvement of environmental performance. As demonstrated by regulatory information published online (visit www.bhp.com), BMA is committed to regularly reviewing environmental performance and publicly reporting on progress. BMA adopts a stewardship approach designed to minimise and manage the lifecycle impacts to health, safety, environment and community associated with the use of resources, materials, processes and products.

1.3 Project objectives

Key objectives of this Project are to:

- commence high productivity longwall underground mining of the Dysart Lower Seam down dip of the existing Saraji open cut mining operation
- provide continued production of high-quality hard coking coal to the export market
- design, construct and operate the Project to:
 - minimise adverse impacts on the surrounding bio-physical and social environments
 - comply with relevant statutory obligations and employ processes to enhance sound environmental management.

Project objectives, methodologies and justifications are further detailed in **Chapter 2 Project Alternatives and Justification**.

1.4 Project description

BMA propose to develop a single-seam longwall underground mine and supporting infrastructure adjacent to its existing open cut Saraji Mine operation.

The Project is expected to produce up to 11 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal to produce up to a maximum of 8 Mtpa of metallurgical (coking and pulverised coal injection) product coal for the export market over an assumed 20-year mine life.

The Project Site covers 11,427 hectares (ha) of land incorporating portions of granted mining lease (ML) 1775, ML 70142, ML 1782 and mining lease application (MLA) 70383 and MLA 70459. Exploration permit – coal (EPC) 837 and EPC 2103 underlie the above-mentioned MLs and MLAs.

The underground mine and supporting infrastructure will be confined to a much smaller area of the Project Site, with the Project Footprint (direct and indirect impacts) conservatively assessed as less than 3,348 ha.

Key components of the Project will involve:

- development of a greenfield underground coal mine, including surface incidental mine gas (IMG) drainage system, on MLA 70383 commencing from within the adjacent Saraji Mine open cut mine void (ML 1775)

- construction and operation of new surface infrastructure within previously disturbed areas of the Saraji Mine (ML 1775)
 - a new conveyor between the mine portal coal handling and processing plant (CHPP)
 - mine industrial area (MIA)
 - ROM infrastructure, product coal stockpile areas
 - new rail spur and balloon loop, and signalling system on the mainline
 - raw water dam and new mine water infrastructure
- a new process water dam, including emergency release spillway, to the north of the underground mine
- a new water pipeline to connect the MIA and the process water dam
- a new transport and infrastructure corridor to provide access and services to the site
- a temporary workers accommodation village to support the two-year construction stage.

Other aspects of the Project include:

- relocation of the existing Eungella Water Pipeline Company (EWPC) Southern Extension Water Pipeline owned and operated by SunWater
- extension, replacement and relocation of 66 kilovolt (kV) and 132 kV powerlines
- application for a regional interests development approval (RIDA) for the new infrastructure corridor
- disposal of mine waste (dewatered tailings and coal rejects) and other designated wastes within the existing open cut Saraji Mine spoil areas
- accommodation of operational workers at Coppabella, Dysart or Moranbah in existing BMA accommodation villages or other town accommodation.

The Project, Project Site and Project Footprint are further described in **Chapter 3 Project Description**.

1.4.1 Project changes

Since the issue of the ToR dated May 2017 and the public notification of the original EIS (24 May 2021 to 2 July 2021), feedback received has resulted in revisions to the Project description in **Chapter 3 Project Description**.

Optimisation of the Project has resulted in reduced disturbance footprint and associated potential impacts, refinement of site access and concept design for proposed level crossing, integrated management of sewage effluent within the mine water management system and improved transparency in describing relationship with existing Saraji Mine infrastructure and approved resource activities.

As per the original EIS, the operational accommodation village proposed onsite did not align with stakeholder expectations and instead alternative off-site accommodation options are proposed.

1.4.2 Project exclusions

Existing approved open cut mining infrastructure and activities at Saraji Mine are authorised by EA Permit No. EPML00862313 and do not form part of this EIS. BMA will make an application for amendment to the existing Saraji Mine EA where consequential changes are proposed to activities and infrastructure on Saraji Mine tenure (transfer of mine water or waste) however at this stage this is not expected to be required. To the extent supporting infrastructure such as road, rail, pipelines or powerlines extend beyond mining lease boundaries, BMA will require subsequent negotiation with relevant authorities and landholders subject to accepted development requirements. The Project does not anticipate further development approval.

1.5 EIS process

1.5.1 Regulatory requirements

As per Chapter 3 of the EP Act, the regulatory requirements for an EIS include the following key steps:

- the proponent lodges a draft ToR for the EIS
- the draft ToR is publicly notified, and the public can make submissions of the draft ToR
- following responses to submissions on the draft ToR, a final ToR is issued
- the proponent prepares and lodges an EIS, addressing the requirements of the ToR
- DES determine whether the EIS can proceed
- the EIS is publicly notified, and the public can make submissions on the EIS
- the proponent responds to submissions on the EIS
- DES assess the adequacy of responses to submissions
- DES issue the EIS Assessment Report, which concludes the EIS process.

BMA lodged a draft ToR on 9 December 2016. The draft ToR, together with the initial advice statement (IAS) for the Project, was publicly notified between 20 February 2017 and 31 March 2017. Notices were published in the Mackay Daily Mercury and The Australian on 18 February 2017. Affected and interested persons were notified of the availability of the draft ToR. Following public notification, 28 submissions were received on the draft ToR and the final ToR was issued in May 2017.

The original EIS was made available for public comment and review from 24 May to 2 July 2021, including a response to the final ToR in **Appendix A-1 Terms of Reference and Response**. Notices were published in the Mackay Daily Mercury and The Australian on 22 May 2021. During this period, a total of 30 interested parties including independent organisations, State and Commonwealth advisory agencies and government departments made submissions.

Submissions consisted of 409 individual items requiring considerations. The broad themes of the submissions included:

- clarification of specific project details
- requests for more detailed assessment, ground-truthing or analysis in a variety of technical areas
- clarification of the application of relevant legislation
- further understanding of project alternatives, approaches to minimising impact and relationship to existing operations
- additional detail relating to mitigation and management measures, including monitoring
- requests for more specific commitments to mitigation and management measures
- minor corrections.

BMA provides a formal response to comments in the form of an amended EIS addressing substantive issues raised in relation to the original EIS. This amended EIS has been prepared to provide the additional information required to address submissions received by the public. A register of the response to submissions is included in **Appendix A-2 Submissions and Response**.

DES will assess the amended EIS and then decide if the response to submissions is adequate and whether the EIS can proceed. DES then prepares an EIS Assessment Report, which once finalised, completes the EIS process. The EIS Assessment Report:

- assesses the adequacy of the EIS in addressing the ToR requirements
- assesses the adequacy of any environmental management plans
- makes recommendations about the suitability of the Project
- recommends conditions of approval for the Project.

Following issue of the EIS Assessment Report, the ‘decision stage’ for the EA starts (Chapter 5, part 5 of the EP Act). Notice of decision to approve the EA subject to conditions provided in a draft EA, will be provided to submitters to the EIS, who then have 20 business days to provide any objections. The EA is granted once all objections have been resolved.

1.5.2 EIS process

1.5.2.1 Objectives of the EIS

Section 40 of the EP Act states that the purpose of an EIS, and the EIS process, is to:

- assess the potential adverse and beneficial environmental, economic and social impacts of the Project
- assess management, monitoring, planning and other measures proposed to minimise any adverse environmental impacts of the Project
- meet the assessment requirements under the EPBC Act and Bilateral Agreement between the State of Queensland and the Commonwealth.

More specifically, the EIS:

- describes the Project and the values of the area for which it is proposed
- assesses the potential impact (positive or otherwise) of the Project and measures to avoid, minimise, mitigate and compensate for these effects
- includes a summary of commitments that documents and plans for the implementation of management measures
- addresses matters identified under Schedule 1 of the Queensland Environmental Protection Regulation 2019
- provides DES with the information required to decide whether to grant an EA under the EP Act.

This approach provides interested parties with a basis to understand the Project’s potential impacts.

1.5.2.2 EIS methodology

The general method for undertaking and preparing an EIS is to:

- determine the basis of the assessment and the required scope
- conduct individual assessments of each relevant aspect of the environment, measuring and predicting the likely scale of impacts of the Project on each aspect including the intensity, duration, cumulative effects, irreversibility and risk of environmental harm
- determine and propose appropriate mitigation measures to minimise likely adverse impacts on the environment for each aspect
- determine the significance of environmental effects and prioritise mitigation and rehabilitation (where applicable)
- produce a summary of commitments that incorporates the proposed mitigation measures.

Environmental impact assessment (and subsequent documentation in the EIS) has been undertaken in accordance with the ToR for the Project (refer to **Appendix A-1 Terms of Reference and Response Check**), additional work undertaken to meet relevant guidelines including the DES publication ‘The environmental impact statement process for resource projects under the Environmental Protection Act 1994’ (DES, 2019), and in response to submissions (refer to **Appendix A-2 Submissions and Response**).

1.5.2.3 Structure of the EIS

The EIS is comprised of the following volumes:

- Volume 1 – Chapters
- Volume 2 – Technical appendices.

Volume 1 (Chapters) describes the outcomes of the environmental impact assessment, informed by the assessments presented in the technical appendices. The following chapters introduce the Project:

- **Chapter 1 Introduction** introduces the Project proponent, the Project and provides an outline of the EIS process, including public consultation.
- **Chapter 2 Project Justification and Alternatives** provides the justification for, and alternatives to, the Project.
- **Chapter 3 Project Description** describes the Project Site, Project Footprint and detail of the Project infrastructure and activities.

The subsequent chapters report the findings on each of the matters raised in the ToR and comments from the original EIS, including:

- **Chapter 4 Land Use and Tenure**
- **Chapter 5 Land Resources**
- **Chapter 6 Terrestrial Ecology**
- **Chapter 7 Aquatic Ecology**
- **Chapter 8 Surface Water Resources**
- **Chapter 9 Groundwater**
- **Chapter 10 Geochemistry and Mine Waste**
- **Chapter 11 Air Quality and Greenhouse Gas**
- **Chapter 12 Noise and Vibration**
- **Chapter 13 Scenic Amenity and Lighting**
- **Chapter 14 Transport**
- **Chapter 15 Waste**
- **Chapter 16 Cultural Heritage**
- **Chapter 17 Social**
- **Chapter 18 Economics**
- **Chapter 19 Stakeholders**
- **Chapter 20 Hazards, Health and Safety**
- **Chapter 21 Matters of National Environmental Significance**
- **Chapter 22 Cumulative Impacts**
- **Chapter 23 References.**

In general, the following format has been adopted for the presentation of information for each chapter:

- an introduction to the technical assessment
- a summary of relevant legislation and policy
- the methodology that has been used to carry out the assessment
- description of environmental values, and an evaluation of their importance or sensitivity
- identification of the Project's potential impacts
- a description of the mitigation measures to be incorporated into the development
- identification of the predicted residual impacts generated during the construction, operation and decommissioning phases (allowing for the agreed mitigation) and an assessment of the nature and magnitude of these impacts

- an evaluation of the significance of the predicted residual impacts
- the findings of assessments within the summary and conclusions.

Volume 2 (Technical Appendices) contains technical information relating to environmental and social matters, including methodologies, baseline data information and analysis, and impact assessments. A list of the technical appendices in the EIS is provided below:

- **Appendix A-1 Terms of Reference Cross Check**
- **Appendix A-2 Submissions and Cross Check**
- **Appendix A-3 Approvals Framework**
- **Appendix B-1 Land Resources and Soils Technical Report**
- **Appendix B-2 Subsidence Modelling**
- **Appendix B-3 Subsidence Modelling Peer Review**
- **Appendix C-1 Terrestrial Ecology Technical Report**
- **Appendix C-2 Offset Strategy**
- **Appendix C-3 Central Queensland Threatened Species Habitat Descriptions**
- **Appendix D-1 Aquatic Ecology Technical Report**
- **Appendix D-2 Groundwater Dependent Ecosystems Technical Report**
- **Appendix E-1 Surface Water Quality Technical Report**
- **Appendix E-2 Mine Water Balance Technical Report**
- **Appendix E-3 Hydrology, Hydraulics and Geomorphology Technical Report**
- **Appendix E-4 Ponding Assessment**
- **Appendix F-1 Groundwater Modelling Technical Report**
- **Appendix F-2 Groundwater Modelling Peer Review**
- **Appendix F-3 Groundwater Resources Technical Report**
- **Appendix G-1 Geochemistry Technical Report**
- **Appendix H-1 Air Quality Technical Report**
- **Appendix I-1 Noise and Vibration Technical Report**
- **Appendix J-1 Traffic and Transport Impact Assessment**
- **Appendix K-1 Rehabilitation Management Plan**
- **Appendix K-2 Subsidence Management Plan**
- **Appendix L-1 Social Impact Assessment**
- **Appendix M-1 Economics Technical Report**
- **Appendix N-1 Public Consultation Report**
- **Appendix O-1 Summary of Commitments (including draft conditions).**

1.6 Public consultation process

A community consultation program has been carried out by the EIS project team. An overview of consultation activities during preparation of the EIS is provided in **Chapter 19 Stakeholders**.

Community consultation has broadly been carried out according to the three tiers below:

- communication with affected and interested parties about the Project and the EIS process
- public consultation on the draft ToR, advising of the Project's purpose, location and requirements. This part of the consultation was specifically aimed at identifying stakeholder concerns related to the Project and ensuring, where relevant, these were addressed in the EIS
- social baseline study aimed at capturing the most important community values, which included community engagement workshops and interviews with key stakeholders
- notification of the original EIS for comment between 24 May to 2 July 2021
- consultation with interested stakeholders to inform preparation of the amended EIS.

Community consultation is an ongoing process to provide opportunities to educate and involve the community throughout the life of the Project. Information on the specific methodologies and the level of community consultation carried out to date is provided in the public consultation report attached as **Appendix N-1 Public Consultation Report** and summarised in **Chapter 19 Stakeholders**. The interests and concerns of the local community and interest groups are discussed in **Chapter 17 Social**.

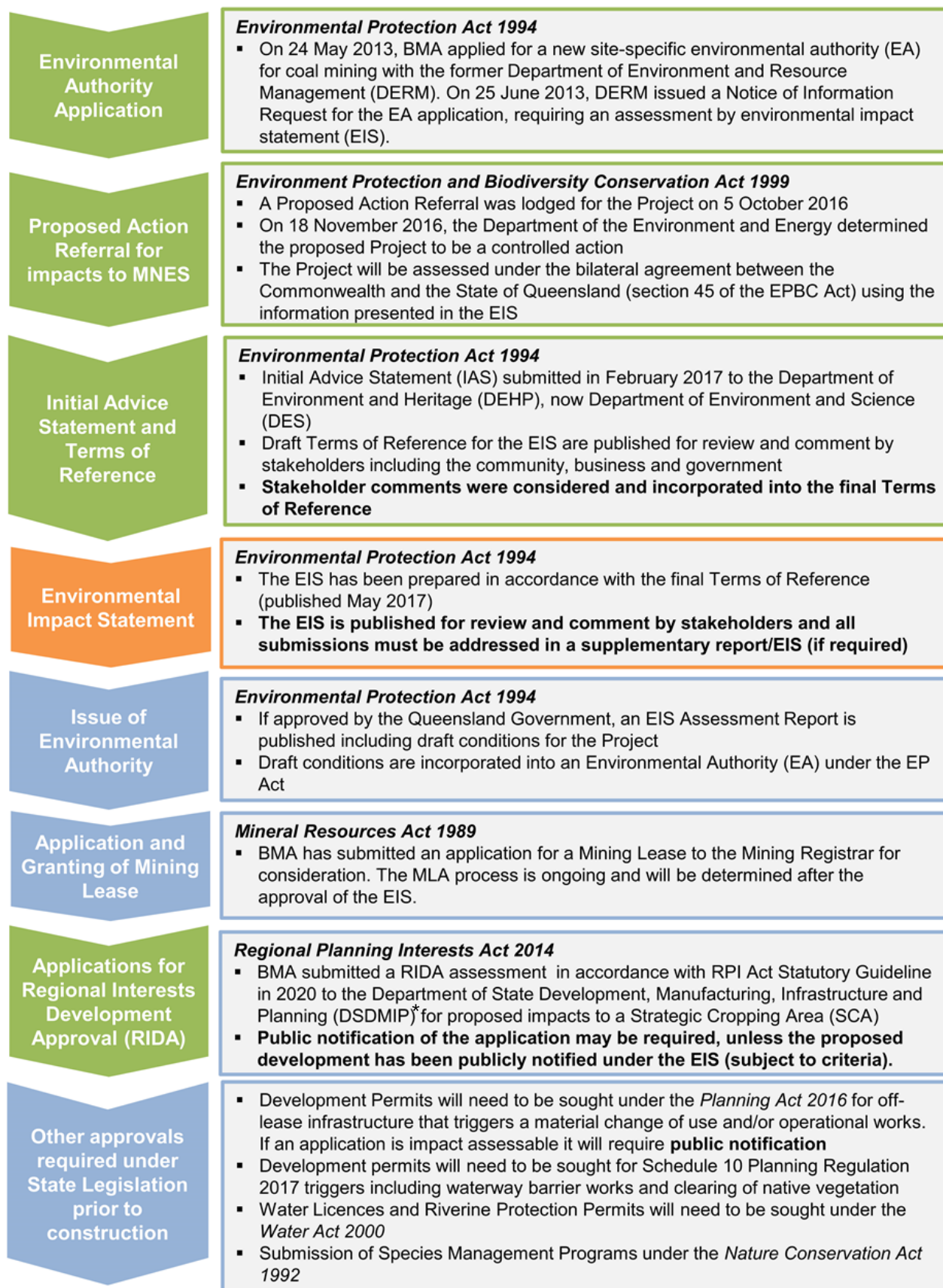
1.7 Key approvals and legislative requirements

This section outlines the key Commonwealth, State and local legislative requirements applicable to the Project's construction and operational phases. The Project will comply with applicable Commonwealth and State legislation and guidelines. A register of approvals required for the Project is provided in **Appendix A-3 Approvals Framework**. The register describes supporting information associated with each approval including:

- legislation triggers
- administering authorities
- assessment timeframes
- application information requirements
- Project-specific requirements.

A flowchart indicating the key approvals and opportunities for public comment associated with the Project approvals process is provided as Figure 1-1.

During detailed design, BMA will re-visit the approvals framework (**Appendix A-3 Approvals Framework**) to identify any outstanding approval requirements for the Project and undertake consultation with relevant government bodies. The key legislation relevant to the Project is summarised in Table 1-1.



*Now Department of State Development, Infrastructure, Local Government and Planning

Figure 1-1 Flowchart of key approvals and opportunities for public comment

Table 1-1 Key legislation relevant to the Project

Legislation	Relevant authority	Overview	Relevance to the project
Commonwealth legislative requirements			
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	DCCEEW	The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage matters such as nationally and internationally important flora, fauna, ecological communities and heritage places defined by the EPBC Act as MNES, including world heritage properties, national heritage places, wetlands of international importance (RAMSAR), listed threatened species and ecological communities, migratory species, Commonwealth marine areas, the Great Barrier Reef Marine Park, nuclear actions and a water resource, in relation to coal seam gas development and large coal mining development. The legislation provides requirements for the protection of the environment, conservation of biodiversity, streamlined environmental assessment and approval processes (where MNES are involved), protection of world and natural heritage, and promotion of ecologically sustainable development.	A Referral was made for the Project on 5 October 2016 and determined to be a 'controlled action' (reference 2016/7791), requiring assessment and approval under the EPBC Act before it can proceed. The relevant controlling provisions for the Project are: • listed threatened species and communities (sections 18 and 18A) • a water resource, in relation to coal seam gas development and large coal mining development (section 24D and 24E). The Project will be assessed under the bilateral agreement between the Commonwealth and the State of Queensland (section 45 of the EPBC Act) using the information presented in this EIS prepared in accordance with Chapter 3, Part 1 of the EP Act. Given that the Project is being assessed, and potentially approved, in accordance with the EIS process (as an accredited authorisation process), no additional assessment of the action will be required under the EPBC Act. The Australian Minister for the Environment and Water will rely on the assessment contained within the EIS. The assessment of the Project under the EPBC Act is further discussed in Section 1.9 and Chapter 21 Matters of National Environmental Significance. Offsets will be employed as a secondary measure to ameliorate the residual impacts of the Project after avoidance and mitigation measures are implemented in accordance with the EPBC Act Environmental Offsets Policy (DSEWPC, 2012). Refer to Appendix C-2 Offsets Strategy.
<i>Native Title Act 1993</i>	National Native Title Tribunal	Under the <i>Native Title Act 1993</i> (NT Act), the Federal Court of Australia is responsible for the management and determination of all applications relating to native title in Australia. The NT Act sets out the role of the Court in native title matters and establishes a framework for the protection and recognition of native title. The NT Act also outlines procedures which determine where native title exists, how activity impacting upon native title may be undertaken and to provide compensation where native title is impaired or extinguished.	A search of the National Native Title Tribunal (NNTT) online Native Title Vision mapping (search completed on 27 March 2018 remains current) did not identify any claims or determinations over the Project Site. BMA considers that the MLA area is over land tenure that is not subject to native title as indicated in the application for MLA 70383 and MLA 70459. Refer to Chapter 4 Land Use and Tenure for further information.

Legislation	Relevant authority	Overview	Relevance to the project
<i>National Greenhouse and Energy Reporting Act 2007</i>	Clean Energy Regulator	The <i>National Greenhouse and Energy Reporting Act 2007</i> (NGER Act) is a framework for the reporting and dissemination of information about greenhouse gas (GHG) emissions, energy consumption and energy production.	Assessment and reporting requirements under the NGER Act will be met through the existing mechanisms developed by BMA. GHG emissions associated with the Project are addressed in Chapter 11 Air Quality and Greenhouse Gas .
Queensland legislation			
<i>Aboriginal Cultural Heritage Act 2003</i>	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP)	Part 3 of the <i>Aboriginal Cultural Heritage Act 2003</i> (ACH Act) contains provisions for identifying and protecting significant Aboriginal cultural heritage from development, including: undertaking a duty of care towards Aboriginal cultural heritage; establishment of an Aboriginal cultural heritage database; and establishment of a register of Aboriginal cultural heritage. The legislation requires that, when carrying out activities, the Proponent takes all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage. This is known as the 'cultural heritage duty of care'. A Duty of Care Guideline, in support of the ACH Act, was gazetted in April 2004, and outlines reasonable and practicable measures for ensuring activities are managed to avoid or minimise harm to Aboriginal cultural heritage. In addition, where an EIS is required for a project, the ACH Act also requires that a cultural heritage management plan (CHMP) be developed and approved under the ACH Act.	The Project requires an approved CHMP under Section 87 of the ACH Act as it is subject to an EIS process prior to the grant of the MLs, or alternatively, before the commencement of operations under the MLs. There are currently four CHMPs that apply to the Project Site. CLH012020 applies to the whole of the Project Footprint, overlapping CLH000351, CLH000520, and CLH012021. It is necessary for Project works to comply with the requirements of each CHMP whilst they remain active on the DSDSATSIP register. Refer to Chapter 16 Cultural Heritage for further information.
<i>Biosecurity Act 2014</i>	Department of Agriculture and Fisheries (DAF)	The <i>Biosecurity Act 2014</i> (Biosecurity Act) provides biosecurity measures to safeguard the Queensland economy, agricultural and tourism industries, and way of life from pests (e.g. wild dogs and weeds), diseases (e.g. foot-and-mouth disease) and contaminants (e.g. lead on grazing land). Under the Biosecurity Act, individuals and organisations have a 'general biosecurity obligation' to take all reasonable and practical steps to minimise biosecurity risks.	Field assessments have been undertaken within the Project Site to identify weed species. Additional species and areas will be managed through a Weed and Pest Management Plan for the Project. Further information is provided in Chapter 6 Terrestrial Ecology .
<i>Coal Mining Safety and Health Act 1999</i>	Resources Safety and Health Queensland (RSHQ)	The <i>Coal Mining Safety and Health Act 1999</i> (CMSH Act) and subordinate Coal Mining Safety and Health Regulation 2003 deal with the protection and health and safety of all persons involved in the operation, design, and construction of coal mines.	The Project's construction and operation will be governed by the CMSH Act. Further information regarding the proposed safety measures to be undertaken as part of the Project is outlined in Chapter 20 Hazards, Health and Safety .
<i>Electricity Act 1994</i>	Powerlink	The <i>Electricity Act 1994</i> is the main legislation governing Queensland's electricity industry.	The Project will involve the connection of a new 66 kV powerline, in which a portion extends off lease. As BMA does not own the land extending south (off lease), approval to operate the powerline under the Electricity Act will be sought. Notice to electricity entities

Legislation	Relevant authority	Overview	Relevance to the project
			will be required where interference with existing infrastructure is proposed. Further information is provided in Appendix A-3 Approvals Framework .
<i>Environmental Protection Act 1994</i>	DES	The EP Act is Queensland's primary piece of environmental legislation. The EP Act establishes an assessment regime for the consideration and approval of environmentally relevant activities (ERA) and establishes a process for obtaining an EA for mining activities. The EP Act is supported by the Environmental Protection Regulation 2019 which nominates environmental objectives and performance outcomes under Schedule 8.	An EA for a resource activity will be required to authorise the proposed mining activities within the lease area. The EA will authorise ERAs (ancillary activities) over MLA 70383 and MLA 70459. The existing Saraji Mine operates in accordance with EA Permit No. EPML00862313. On 24 May 2013, BMA applied for a new site-specific EA for coal mining with the former Department of Environment and Resource Management (DERM) (now DES) for the Project. On 25 June 2013, DERM issued a Notice of Information Request for the EA application, requiring an assessment by EIS. The preparation of this EIS seeks to fulfil this assessment requirement in support of BMA's objective to secure necessary approvals for the Project. The EIS has been prepared with consideration of the environmental objectives and performance outcomes stated in Schedule 8 of the <i>Environmental Protection Regulation 2019</i> (EP Regulation). BMA will be seeking an EA for the ERA 13 (mining black coal), with ancillary activities being ERA 8 (chemical storage), ERA 31 (mineral processing) and ERA 63 (sewage treatment). Where required to accommodate the interaction with the existing Saraji Mine, BMA will apply to amend the existing EA Permit No. EPML00862313 to authorise infrastructure and activities above the approved extent (however at this stage that is not expected to be required). Certain activities located off lease (outside approved ML) involving a prescribed ERA will also require an EA. A separate application is required for these off-tenure activities; however, once granted, the approvals can be amalgamated into a single EA along with the mining activities. The EIS has assessed environmental impacts relevant to off lease infrastructure including a 66 kV powerline extension to Dysart Substation and relocation and re-connection of the existing Eungella Water Pipeline Company (EWPC) Southern Extension Water Pipeline. However, the off lease components of the Project do not form part of the MLA and subsequent mining tenement

Legislation	Relevant authority	Overview	Relevance to the project
			applications. BMA will obtain the relevant approvals required for any off lease infrastructure works. BMA acknowledges that notice to the relevant operating entities will be required where connecting to existing infrastructure and this will be undertaken. Refer to Appendix A-3 Approvals Framework for further discussion on the ERA's to be sought for the Project. Further information on the relevance of waste related ERA's is provided in Chapter 15 Waste .
<i>Environmental Offsets Act 2014</i>	DES	The <i>Environmental Offsets Act 2014</i>, Environmental Offsets Regulation 2014 and the Queensland Government Environmental Offsets Policy provide a streamlined framework for environmental offset requirements. An environmental offset may be required as a condition of approval where, following consideration of avoidance and mitigation measures, the activity is likely to result in a significant residual impact on prescribed environmental matters. An offset condition may only be imposed on an authority for a significant residual impact to a prescribed environmental matter, which includes: • a Matter of State Environmental Significance (MSES) listed in schedule 2 of the Environmental Offset Regulation 2014 • an accredited MNES, should Queensland receive accreditation in relation to offsets for the purpose of the EPBC Act • a Matter of Local Environmental Significance (MLES), as described in section 10(1)(c) of the Environmental Offsets Act 2014. Note: A prescribed environmental matter that is essential habitat for near threatened wildlife is only MSES when it is subject to assessment under State Code 16 (Native vegetation clearing) of the State Development Assessment Provisions (SDAPs) of the <i>Planning Act 2016</i>.	Where significant residual impacts are predicted to occur to a prescribed environmental matter, the Project will be required to provide an offset in accordance with the <i>Environmental Offsets Act 2014</i> to compensate for the loss. Based on a conservative assessment of the Project impacts, the Project is likely to have a significant impact on three threatened fauna species: koala (<i>Phascolarctos cinereus</i>), squatter pigeon (<i>Geophaps scripta scripta</i>) and ornamental snake (<i>Denisonia maculata</i>) and one threatened ecological community (TEC) brigalow (<i>Acacia harpophylla</i>). Other MSES likely to be significantly impacted include Regional Ecosystems (REs) that are endangered/of concern, REs within a wetland, and REs within a defined distance of a watercourse (refer to Chapter 6 Terrestrial Ecology). BMA propose to provide land-based or financial settlement offsets through a staged offset strategy. This strategy will be finalised at issue of the EA for the Project and will be based on determination of actual clearing areas as mining and associated management and subsidence progresses (refer to Appendix C-2 Offsets Strategy).
<i>Fisheries Act 1994</i>	DAF	Any structure or works which limit fish movement along a mapped waterway constitutes a waterway barrier work for the purposes of the <i>Fisheries Act 1994</i> .	Activities within the bounds of MLs are exempt from the requirements of a waterway barrier works permit; waterway barrier works located off lease will be required to comply with the accepted development requirements or obtain a development permit. Off lease works proposed for the Project include the

Legislation	Relevant authority	Overview	Relevance to the project
			construction of a 66 kV overhead powerline, in which the design is expected to meet the accepted development requirements.
<i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i>	DES	The <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> amends the EP Act, replacing the Plan of Operations and Financial Assurance (FA) with Estimated Rehabilitation Cost and Progressive Rehabilitation and Closure Plan (PRCP). The requirement will be integrated into the existing EA process for new mines, however for existing mines, there are transitional arrangements in place.	As the Project EA application was initially submitted in 2013, and the EIS ToR compiled in 2017, transition for the Project will commence at a date set by the EP Regulation. The Project will comply with the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> .
<i>Mineral Resources Act 1989</i>	Department of Resources (DoR)	The MR Act provides for the assessment, development and utilisation of mineral resources. The MR Act establishes a framework to facilitate mining-related activities through the leasing of prospecting, exploration, mineral development and mining tenure.	BMA currently holds relevant mining tenements (MLA 70383 and MLA 70459 and Saraji Mine tenure ML 1775, ML 70142 and ML 1782) over the Project Site. Once approved, the Project will hold two new MLs that will be governed under the MR Act. BMA has submitted a ML application to the Mining Registrar within DoR for consideration and approval following the granting of the Project EA by DES. The final stages of the ML application and granting process will occur after the approval of this EIS. Following the conversion of MLAs to MLs, the underlying EPC leases will fall away.
<i>Native Title (Queensland) Act 1993</i>	DoR	The <i>Native Title (Queensland) Act 1993</i> has been developed in response to the <i>Commonwealth Native Title Act 1993</i> to ensure that the Queensland Act is compliant with standards set in the Commonwealth Act for future dealings affecting native titles.	BMA considers that the MLA area is over land tenure that is not subject to native title as indicated in the ML 70459 application.
<i>Nature Conservation Act 1992</i>	DES	The <i>Nature Conservation Act 1992</i> (NC Act) provides for the conservation of nature, specifically Queensland's biodiversity. In support of the purpose and the provisions of the NC Act, the Nature Conservation (Wildlife) Regulation 2006 lists all flora and fauna species considered to be 'extinct in the wild', 'endangered', 'vulnerable', 'rare', 'near threatened' and 'least concern' wildlife. In Queensland, all plants that are native to Australia are protected plants under the NC Act.	A limited number of species prescribed under the NC Act may occur within the Project Footprint. Where the Project will interfere with animal breeding places, authority will be required prior to disturbance. Protected plants clearing permit The Project Site is not located within a high-risk area as per the NC Act flora survey trigger map. When works are proposed in an area other than a high-risk area, a clearing permit is only required where a person is, or becomes, aware that Endangered, Vulnerable or Near Threatened (EVNT) plant species are present, or where the direct impacts are proposed within 100 m of an identified EVNT plant species or high-risk area. Ecological surveys completed for the Project in 2016 and 2017 identified one EVNT flora species (<i>Dichanthium setosum</i>

Legislation	Relevant authority	Overview	Relevance to the project
			(bluegrass)) on the Project Site. A permit will be required for clearing this plant and for clearing areas within 100 m of the plant. Species Management Program The removal or tampering of a breeding place is allowed if it is part of a Species Management Program for the same species or if a 'damage mitigation permit' for the animal is obtained and the permit authorises the removal or tampering. Ecological surveys completed by AECOM in 2016 and 2017 identified animal breeding places that may be impacted by the Project. Notable species that have been identified include the koala (<i>Phascolarctos cinereus</i>), squatter pigeon (<i>Geophaps scripta scripta</i>) and ornamental snake (<i>Denisonia maculata</i>). BMA will need to prepare and seek approval of High-risk Species Management Program to manage impacts to breeding habitat of these species. The Species Management Program requirement does not apply to clearing koala habitat or disturbance to flying-fox roosts. Approval to take native wildlife (removal of wildlife) A person must not take a protected animal unless the person is an authorised person or the taking is authorised under the NC Act. Based on ecological assessments undertaken to date, protected animals are likely to be encountered in the establishment of the Project. Suitably qualified spotter catchers will be present during vegetation clearing activities to minimise risk of injury to native fauna. All spotter catchers will hold appropriate permits under the NC Act.
<i>Planning Act 2016</i>	Department of State Development, Infrastructure, Local Government and Planning (DSDILGP)	The <i>Planning Act 2016</i> seeks to achieve effective ecological sustainability through the managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes. Additionally, the <i>Planning Act 2016</i> aims to manage the effects of development on the environment, including managing the use of the premises, and the continued coordination and integration of planning at local, regional and State level.	Mining as a resource authority authorised by an EA (pursuant to the EP Act) is not assessable development under the <i>Planning Act 2016</i> . An EIS under the EP Act cannot be used to make a decision under the <i>Planning Act 2016</i> , other than a decision in relation to a mining activity (s.37 (2), EP Act). Activities within the bounds of the ML are largely exempt from the requirements of the <i>Planning Act 2016</i> through the provisions within the MR Act. Activities off lease, such as roads, powerlines and pipelines are not exempt development and will require assessment against applicable local and State government legislation, policies and guidelines.
<i>Queensland Heritage Act 1992</i>	DES	The <i>Queensland Heritage Act 1992</i> provides for the conservation of Queensland's cultural heritage. Within the <i>Queensland Heritage</i>	No heritage places were identified within the Project Site or Project Footprint during assessment. However, if an

Legislation	Relevant authority	Overview	Relevance to the project
		<i>Act 1992</i> , the Queensland Heritage Register has been established which details State heritage places. Where the Project Site coincides with a Registered (Protected) Place, the following must be sought: Approval to develop on a registered place; or exemption certificate to carry out development on a registered place.	archaeological artefact that is an important source of information about an aspect of Queensland's history is uncovered, BMA must contact DES for direction as described in the CHMP. Chapter 16 Cultural Heritage discusses potential impacts to cultural heritage.
<i>Radiation Safety Act 1999</i>	Queensland Health	The <i>Radiation Safety Act 1999</i> provides the control generally of sources of ionising radiation and harmful non-ionising radiation, and for other purposes.	The Project includes the construction of a CHPP. Due to the components making up some of the CHPP, a radiation use/radiation possession licence is likely to be required.
<i>Regional Planning Interests Act 2014</i>	DSDILGP	The <i>Regional Planning Interests Act 2014</i> (RPI Act) and Regional Planning Interests Regulation 2014 (RPI Regulation) seek to manage impacts for resource activities in areas of regional interest through the protection of: • living areas in regional communities • high-quality agricultural areas from dislocation • strategic cropping land • regionally important environmental areas. A Regional Interests Development Approval (RIDA) may be required when a resource activity is proposed in an area of regional interest.	The Project's proposed 66 kV powerline encroaches within a mapped Strategic Cropping Area (SCA) and therefore required a RIDA. The Project's infrastructure corridor encroaches within a lot mapped with SCA but does not directly encroach within a SCA area. A RIDA was issued by DSDILGP on 18 October 2021 under section 53 of the RPI Act to facilitate the construction of the 66kV powerline (RIDA reference no: RPI121/001). The RIDA also confirmed that 6.90 ha of disturbance area has been confirmed as non-SCL area and is to be removed from the SCL trigger mapping. BMA will comply with the requirements of the RIDA.
<i>Transport Infrastructure Act 1994</i>	Department of Transport and Main Roads (DTMR)	The <i>Transport Infrastructure Act 1994</i> (TI Act) is the primary legislation relating to transport in Queensland. The overall objective of the TI Act is to encourage effective integrated planning and efficient management of transport infrastructure.	Road corridor and traffic control permits DTMR Road Corridor Permits (RCPs) and Traffic Control Permits (TCPs) will be required under the TI Act for any construction work or altered access requirements associated with the Project. An RCP and TCP will be required for works within the Peak Downs Highway road corridor. These will be finalised for the final construction traffic route and construction footprint. Wayleave agreement The relocated water supply pipeline, existing 66 kV powerline and new 66 kV powerline may require agreements with Aurizon and/or Queensland Rail for crossing existing rail easements and establishing a new rail spur. A Wayleave is an agreement that governs the installation, ownership and maintenance of third-party services and infrastructure (e.g. electrical cables, rail spur, telecommunications or pipelines) that cross over or under land controlled by rail operators or owners.

Legislation	Relevant authority	Overview	Relevance to the project
<i>Vegetation Management Act 1999</i>	DoR	The <i>Vegetation Management Act 1999</i> (VM Act) (in conjunction with the <i>Planning Act 2016</i> regulates the conservation and management of vegetation communities and clearing of vegetation. It provides protection for regional ecosystems (REs) classified as endangered', 'of concern', or 'not of concern' under the VM Act. Mining is exempt development for the purposes of the <i>Planning Act 2016</i> . Aspects of mining developments relating to the clearing of REs and high-value regrowth vegetation are assessed through the EIS process under the EP Act.	Any clearing undertaken outside the MLs (to be granted), may require a development approval unless another exemption applies, or clearing can be carried out under an Accepted Development Vegetation Clearing Code (ADVCC). For clearing that requires a development approval under the Planning Act 2016, a section 22A VM Act relevant purpose determination will be required from the Department of Resources prior to applying for an approval to clear.
<i>Waste Reduction and Recycling Act 2011</i>	DES	The primary objectives of the <i>Waste Reduction and Recycling Act 2011</i> and the subordinate Waste Reduction and Recycling Regulation 2011 are to: promote waste avoidance and reduction; reduce the overall impact of waste generation; promote resource recovery and efficiency actions; promote the sustainable use of natural resources; encourage the use of recovered resources; and ensure a shared responsibility between government, business and industry and the community.	Waste generated by the Project will be managed in accordance with the Act and BMA's operational policies and procedures. Further detail is provided in Chapter 15 Waste .
<i>Water Act 2000</i>	Department of Regional Development, Manufacturing and Water (DRDMW)	The <i>Water Act 2000</i> (Water Act) provides a system for the planning, protection, allocation and use of Queensland's surface waters and groundwater. Under section 808 of the Water Act, a person must not take, supply or interfere with water unless authorised. Taking or interfering with the flow of water in a watercourse requires a water licence or permit. A decision on whether to grant a licence or permit must be taken in accordance with the objectives for sustainable water management in the relevant Water Resource Plan, where one exists. A Riverine Protection Permit is required for destroying vegetation, excavating or placing fill within a watercourse, lake or spring.	The Project will develop new dams and licensed-release points, and construction and operation of the Project has potential to impact both surface and groundwater resources. Underground Water Management Framework The Project is subject to the transitional arrangements and changes made under the <i>Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016</i> to take or interfere with associated water. BMA will apply for an associated water licence and comply with the conditions of the associated water licence. Riverine Protection Permit A Riverine Protection Permit may be required for Project activities located both on and off lease such as relocation of the water supply pipeline and electricity supply infrastructure (where traversing watercourses and compliance with exemption requirements cannot be met). The Riverine Protection Permit exemption requirements can be used by: • an owner of land adjoining a watercourse, lake or spring • the holder of an environmental authority (for a resource activity) under the EP Act or a mineral development licence or mining lease under the MR Act.

1.8 Regional and local plans

Mackay, Isaac and Whitsunday Regional Plan

The Mackay, Isaac and Whitsunday Regional Plan was published in February 2012. The region includes three LGAs and adjacent Queensland waters:

- Mackay Regional Council
- Isaac Regional Council
- Whitsunday Regional Council.

The regional plan aims to:

- address regional economic, social and environmental issues
- identify strategic infrastructure and service needs and priorities
- support economic prosperity and employment opportunities
- support consolidated growth within established regional centres and townships
- align efforts across agencies and all levels of government.

This plan is given effect under the *Planning Act 2016*. Further discussion and evaluation of the Project in the context of the relevant community priorities is provided in **Chapter 4 Land Use and Tenure** and **Chapter 17 Social**.

Isaac 2035, Council's Community Strategic Plan

Isaac 2035, IRC's Community Strategic Plan, was adopted by IRC on 28 April 2015. The plan comprises a region-wide strategy setting out regional outcomes and goals, and 13 community plans listing the priorities for each community within the region. Isaac 2035 aims to strengthen the region with actions to:

- improve essential infrastructure
- diversify the economy
- support communities
- protect the natural environment.

Further discussion and evaluation of the Project in the context of the relevant community priorities is provided in **Chapter 4 Land Use and Tenure** and **Chapter 17 Social**.

Local Planning Schemes

The Project is located within the local government boundary of the IRC LGA, formed in 2008 from the Belyando, Nebo and Broadsound councils. The Isaac Regional Planning Scheme 2021 came into effect on 1 April 2021, superseding the previous Belyando, Nebo and Broadsound planning schemes across the LGA. The new planning scheme provides one local planning framework for the region. The Project's assessment against the planning scheme is discussed further in **Chapter 4 Land Use and Tenure**.

1.9 Accredited process for controlled actions under Commonwealth legislation

The Project has been declared a controlled action under the EPBC Act with controlling provisions being:

- listed threatened species and communities (sections 18 and 18A)
- a water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).

The State's EIS process has been accredited under a Bilateral Agreement for the purposes of the Commonwealth's assessment of the Project under Part 8 of the EPBC Act.

The EIS assesses the relevant impacts on matters covered by the controlling provisions and provides sufficient information about the Project and its relevant impacts. This subsequently allows the Australian Minister for the Environment and Water to make an informed decision on whether to approve the Project under the EPBC Act. The matters to be addressed in this EIS are set out in Schedule 4 of the Commonwealth's Environment Protection and Biodiversity Conservation Regulations 2000, which mirror requirements established under Part 2 of the Queensland Environmental Protection Regulation 2019.

Evaluation of the Project's potential impacts on MNES is provided in **Chapter 21 Matters of National Environmental Significance**.