

# LEGISLATIVE FRAMEWORK

# 6

## 6.1 INTRODUCTION

This chapter describes the main legislative requirements for the proposed expansion, including whole-of-project approvals and permits/licences for specific activities. It identifies the Australian, South Australian and Northern Territory governments' requirement that an EIS be prepared, and identifies the key legislation, policy, standards and codes of practice that are relevant to the proposed expansion. A review of the proposed expansion against local and regional statutory planning instruments is also provided.

The opportunities for comment throughout the environmental approvals process are identified. These include consultations during the EIS process and opportunities to make formal submissions to the government during the public exhibition period. Comments and submissions received in writing by the South Australian Department of Planning and Local Government will be addressed in a separate Supplementary EIS/Response Document (referred to in this document as the Supplementary EIS).

## 6.2 ASSESSMENT AND APPROVALS PROCESS

The studies and investigations undertaken for the proposed Olympic Dam expansion have occurred over a number of years and the project configuration has been modified over time to maximise its environmental performance, operational efficiency and economic return. Initially, processing of the ore was to have been undertaken solely at Olympic Dam, and to have required both Australian and South Australian governments' assessment and approval, resulting in a collaborative assessment process being developed (see Table 6.1). As the project configuration was modified and further defined, the use of the Port of Darwin to export copper concentrate containing recoverable quantities of uranium oxide, gold and silver (hereafter termed concentrate) triggered the involvement of the Northern Territory Government. The requirements of the Northern Territory

Government's assessment process have been integrated into the existing collaborative process (see Table 6.1).

The proposed Olympic Dam expansion requires approval from:

- the Australian Minister for the Environment, Heritage and the Arts under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- the South Australian Minister for Mineral Resources Development pursuant to the provisions of the *Roxby Downs (Indenture Ratification) Act 1982* (Ratification Act), the Indenture scheduled to that Act (Indenture) and the *Development Act 1993*
- the South Australian Minister for Urban Development and Planning under the *Development Act 1993*
- the Northern Territory Transport and Infrastructure Minister to undertake works at the Port of Darwin under the *Darwin Port Corporation Act*.

The relevant minister for each jurisdiction has agreed that a single Draft EIS and a single Supplementary EIS be prepared for the purposes of these approvals processes.

The Department of Planning and Local Government is the South Australian Government agency coordinating the collaborative assessment process under the joint government framework set out in the *Guidelines for an Environmental Impact Statement on the proposed expansion of the Olympic Dam operations at Roxby Downs* (see Appendix A1), the South Australian Government *Guidelines for an Environmental Impact Statement on the proposed expansion of the Olympic Dam operations at Roxby Downs, Second Declaration* (see Appendix A2) and the Northern Territory Government *Guidelines for Preparation of an Environmental Impact Statement, Olympic Dam Expansion (NT Transport Option) Project* (see Appendix A3). For the purpose of the Draft EIS, these guideline documents are collectively termed hereafter the EIS Guidelines.

**Table 6.1 Summary of the key stages and timing of the joint government assessment process**

Stage	Stage description	Australian governmental process	South Australian governmental process	Northern Territory governmental process
1	Submission of start-up documents by proponent	Project referral – lodged 15 August 2005	Project proposal – lodged 15 August 2005	Notice of Intent – lodged 4 June 2008
2	Decision on start-up documents	A controlled action with the controlling provisions listed threatened species, listed migratory species, Ramsar wetlands, Commonwealth land and nuclear action (decision dated 2 September 2005)	Major Development declarations <i>State Government Gazettes</i> 15 September 2005, 14 December 2006, 10 April 2008 and 21 August 2008 (First Declaration) and <i>State Government Gazette</i> 21 August 2008 (Second Declaration)	Proposal is environmentally significant and warrants assessment under the <i>Environmental Assessment Act</i> – decision dated 2 September 2008
3	Decision on level of assessment	Assessment is by means of an EIS – decision dated 8 November 2005 and based on a Preliminary Information document provided to government on 30 September 2005	Assessment is by means of an EIS – decision dated 7 September 2005 (First Declaration) and 18 August 2008 (Second Declaration)	Assessment is by means of an EIS – decision dated 2 September 2008
4	Development of EIS guidelines	Joint government draft guidelines were placed on public display 21 November to 16 December 2005. Final guidelines published on 31 January 2006	As per the Australian Government process for development covered by the First Declaration. Guidelines applicable to development covered by the First Declaration adopted with minor amendments by the Development Assessment Commission for the EIS required for development covered by the Second Declaration –23 October 2008	Draft guidelines related to proposed activities at the Port of Darwin developed by NT Government were placed on public display 18 to 31 October 2008 and Final Guidelines published in November 2008
5	Preparation of Draft EIS	Joint government guidelines require a Draft EIS to be prepared and submitted	As per the Australian Government process	As per the Australian Government process
6	Public exhibition of Draft EIS	A 40 business day public exhibition of the Draft EIS is proposed (statutory period is not less than 20 business days). During this period written submissions are to be sent to the South Australian Department of Planning and Local Government for compilation and forwarding to the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) and BHP Billiton	A 40 business day public exhibition of the Draft EIS (statutory period is minimum of 30 business days), and during that period, government organised public meetings at Roxby Downs, Whyalla/Port Augusta and Adelaide. During this period written submissions from the public are to be sent to the Department of Planning and Local Government	A 40 business day public exhibition of the Draft EIS (statutory period is four calendar weeks) and, during that period, a government organised public meeting in Darwin. During this period written submissions are to be sent to the South Australian Department of Planning and Local Government for compilation and forwarding to the Northern Territory Government Department of Natural Resources, Environment, The Arts and Sport (NRETAS) and BHP Billiton
7	Preparation and lodgement of Supplementary EIS	A Supplementary EIS is required to address written submissions received by the South Australian Department of Planning and Local Government during the public exhibition period	As per the Australian Government process	As per the Australian Government process
8	Government assessment	The Australian Government DEWHA is required to prepare an assessment report for the Minister for the Environment, Heritage and the Arts within a statutory timeframe of 30 business days	The Department of Planning and Local Government to prepare an assessment report for the Minister for Mineral Resources Development and Minister for Urban Development and Planning within an agreed timeframe of 30 business days	NRETAS to prepare an assessment report for the Minister for Natural Resources, Environment and Heritage within an agreed timeframe of 30 business days
9	Minister's decision	Australian Minister for the Environment, Heritage and the Arts decision on approval or not, plus any conditions of approval, within a statutory timeframe of 30 business days	South Australian Minister for Mineral Resources Development decision (First Declaration) and Minister for Urban Development and Planning decision (Second Declaration) on approval or not, plus conditions of approval, within an agreed timeframe of 30 business days	Northern Territory Transport and Infrastructure Minister decision on approval or not, plus any conditions of approval, within an agreed timeframe of 30 business days

The stages and the timing of this collaborative assessment process are described in Table 6.1 and were illustrated in Figure 1.10. The specific requirements of the project under the relevant Australian, South Australian and Northern Territory governments' legislation are detailed in Sections 6.3, 6.4 and 6.5.

## 6.3 AUSTRALIAN GOVERNMENT REQUIREMENTS

### 6.3.1 APPROVALS LEGISLATION

The primary Australian Government legislation under which the expansion will be assessed is the EPBC Act. The EPBC Act facilitates national environmental assessment and approvals, protects Australian biodiversity and integrates the management of important natural and cultural places. Under the provisions of the EPBC Act, actions that are likely to have a significant impact on a matter of national environmental significance (NES), or are nuclear actions, are subject to a detailed assessment and approvals process.

BHP Billiton submitted a project referral describing the activities associated with the proposed expansion in accordance with the EPBC Act on 15 August 2005 and varied on 27 October 2008. The Australian Government determined the proposed expansion to be a controlled action. Of the seven matters of NES identified under the EPBC Act, four were identified as controlling provisions for the proposed expansion. The potential impacts on each of these controlling provisions are discussed in the Draft EIS and detailed in Appendix E1. The four controlling provisions are:

- wetlands of international importance (Ramsar wetlands) – the proposed gas pipeline corridor options are within the same catchment area as the Coongie Lakes and Lake Pinaroo Ramsar wetlands. At its closest point the pipeline would be approximately 15 km from the boundary of the Coongie Lakes Ramsar area, 102 km south-west of Coongie Lake and 132 km west of Lake Pinaroo. There is no significant hydrological connection between the pipeline routes and the wetlands. Proposed water extraction from the Great Artesian Basin (GAB) has been ruled out as a primary water supply option (see Chapter 4, Project Alternatives)
- listed threatened species and communities – the presence of these species and communities within the EIS Study Area and potential effects on these are discussed in Chapter 15, Terrestrial Ecology
- listed migratory species – the use of the EIS Study Area by these species and potential impacts are discussed in Chapter 15, Terrestrial Ecology

- protection of the environment from nuclear action – the proposed expansion involves mining and milling uranium ore and the subsequent decommissioning and rehabilitation of the area in which these activities would occur. It also involves establishing, significantly modifying, decommissioning or rehabilitating a facility where radioactive materials are at or above the activity level mentioned in Regulation 2.02 of the EPBC Regulations. The potential impacts of these activities are discussed in Chapters 13, Greenhouse Gas and Air Quality; 22, Health and Safety; 23, Rehabilitation and Closure, and Appendix E4.

Certain activities involving the components of the proposed expansion listed below have the potential to be categorised as 'nuclear actions' for the purposes of the EPBC Act. The impacts of each component have been assessed as part of the Draft EIS, in particular:

- open pit mine: Sections 4.3, 4.4, 5.4, 9.7.1, 20.5.3, 22.6.2, 23.8.1, 23.9.1, 23.12.1
- new metallurgical plant: Sections 4.5, 5.5, 9.7.1, 20.5.3, 22.6.3, 23.8.3, 23.12.2
- TSF: Sections 4.7, 5.5.6, 9.7.1, 15.5.7, 20.5.1, 23.8.4
- Port of Darwin: Sections 4.6, 5.9.5, 9.7.5, 16.3.12, 16.6.13, 23.8.12, Appendix E4.

Protection of the environment from actions involving Commonwealth land (non-NES matter) was also identified as a controlling provision for the proposed expansion. Parcels of Commonwealth land are located within the EIS Study Area and potential impacts are discussed in Chapter 9, Land Use (see also Appendix E1).

An assessment against the guiding principles of ecologically sustainable development (ESD) pursuant to the EPBC Act has been undertaken and is provided as a summary in Chapter 25, Cumulative Effects, and in Appendix E2. While not specifically required by the EIS Guidelines, the Cumulative Effects chapter also touches on the nuclear fuel cycle and product stewardship (see also Appendices E2 and E3).

### 6.3.2 OTHER LEGISLATION

The purpose and objectives of other relevant Australian Government legislation are identified in Table 6.2, and the implications of these Acts and the proposed expansion are addressed where relevant throughout the Draft EIS.

The proposed expansion may require other Australian Government approvals. The list of approvals and legislative requirements identified in Table 6.2 is indicative of the types of approvals that may be required as part of the expansion. However the list is not exhaustive. A description of the approval processes for activity approvals has not been included as in most cases the process generally requires an application to be lodged for assessment and decision, leading to a permit or licence.

**Table 6.2 Relevant Commonwealth legislation and approvals requirements**

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency
<i>Aviation Transport Security Act 2004</i>	To establish a regulatory framework to safeguard against unlawful interference with aviation and establish minimum-security requirements for civil aviation in Australia	The proposed expansion involves the operation of an airport (see Chapter 5, Description of the Proposed Expansion)	An approved transport security program would be required for the operation of the Olympic Dam airport	Department of Infrastructure, Transport, Regional Development and Local Government
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	To preserve areas and objects under threat, which are of particular significance to, or in accordance with, Aboriginal tradition	The project area includes items and places of Aboriginal significance (see Chapter 17, Aboriginal Cultural Heritage)	No approvals required. However, there is a general duty to comply with the requirements of the Act	Department of the Environment, Water, Heritage and the Arts
<i>Australian Radiation Protection and Nuclear Safety Act 1998</i>	To regulate activities involving radiation, to protect the health and safety of people, and to protect the environment from the harmful effects of radiation	The Act applies to the existing operation and would apply to the proposed expansion (see Chapter 22, Health and Safety)	BHP Billiton currently holds licences under Division 2, Part 5 of the Act for controlled material, apparatus and facilities	Department of Health and Ageing
<i>Civil Aviation Act 1988 and Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998</i>	To establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation	The proposed expansion involves the operation of an airport (see Chapter 5, Description of the Proposed Expansion)	Certification or registration of the Olympic Dam airport would need to be obtained for the airport to be available for public use	Department of Infrastructure, Transport, Regional Development and Local Government
<i>Customs Act 1901 and Customs (Prohibited Exports) Regulations 1958</i>	To regulate and manage the secure import and export of goods	The Act applies to the existing operation and would apply to the proposed expansion (see Chapter 5, Description of the Proposed Expansion)	Permission would be required to export nuclear material (which includes uranium oxide or concentrate) from Australia	Department of Resources, Energy and Tourism
<i>Defence Act 1903 and Defence Force Regulations 1952</i>	To allow environmental management and control of declared public areas within Defence establishments	The proposed expansion may require an infrastructure corridor through Department of Defence land, including the Woomera Prohibited Area and Cultana Training Area (see Chapter 9, Land Use)	Permission would be required for personnel to enter or remain in a prohibited area	Department of Defence
<i>Energy Efficiency Opportunities Act 2006</i>	To improve the identification and evaluation of energy efficiency opportunities by large energy using businesses and, as a result, to encourage implementation of cost effective energy efficiency opportunities	The proposed expansion has a large energy requirement (see Chapter 5, Description of the Proposed Expansion)	Large energy using businesses are required to undertake an assessment of energy efficiency opportunities and report publicly on the outcomes of the assessment	Department of Resources, Energy and Tourism
<i>Environment Protection (Sea Dumping) Act 1981</i>	To protect the environment by regulating dumping into the sea, incineration at sea and artificial reef placements	The proposed expansion includes the movement of raw materials and product by shipping vessels through Australian waters (see Chapter 5, Description of the Proposed Expansion)	BHP Billiton may need a permit to dump or incinerate controlled material (wastes or other matter, including dredging material) in Australian waters from any vessel, aircraft or platform or into any part of the sea from an Australian vessel or aircraft	Department of the Environment, Water, Heritage and the Arts

Table 6.2 Relevant Commonwealth legislation and approvals requirements (cont'd)

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency
<i>National Electricity Law and National Electricity Rules (as applied in South Australia by the National Electricity (South Australia) Act 1996)</i>	To provide for the operation of a national electricity market	The proposed expansion involves the construction and operation of an additional electricity transmission line, a gas-fired power plant, cogeneration plant and other electrical infrastructure (such as substations, transformers and cabling) (see Chapter 5, Description of the Proposed Expansion)	BHP Billiton is to be a registered participant or hold an exemption in order to own, control or operate the proposed electricity transmission system and generation plant. BHP Billiton currently holds an exemption to be registered as a network service provider for its existing transmission system at Olympic Dam. A new or varied exemption may be required	Department for Transport, Energy and Infrastructure (South Australia)
<i>National Greenhouse and Energy Reporting Act 2007</i>	To establish a national framework for Australian corporations to report greenhouse gas emissions, reductions, removals and offsets, and energy consumption and production (from 1 July 2008)	The existing operation triggers the reporting quantity and the proposed expansion would result in an increase in the release of greenhouse gases above the trigger level	BHP Billiton would be required to report its greenhouse gas emissions, and energy production and consumption	Department of Climate Change
<i>Native Title Act 1993</i>	To recognise and protect native title	Some Aboriginal groups assert native title interests over parts of the project area (see Chapter 17, Aboriginal Cultural Heritage)	BHP Billiton has reached agreement with the three Aboriginal groups who assert native title interests over the area of the Olympic Dam mine. The agreement contemplates that an Indigenous land use agreement will be registered and, pending registration, the native title groups will co-operate in the expeditious completion of statutory processes. Specific native title procedures may be required for elements of the project (see Chapter 17, Aboriginal Cultural Heritage)	The Attorney-General's Department (except Division 6 of Part 2 and Part 11, which is administered by the Minister for Families, Community and Indigenous Affairs)
<i>Navigation Act 1912</i>	To regulate the transport of material by waterways that do not come under the jurisdiction of the states and territories	Concentrate would be transported in bulk through Australian waters by shipping vessels	Competent authority approval and Transport Schedule is required to transport concentrate	Australian Maritime Safety Authority
<i>Nuclear Non-Proliferation (Safeguards) Act 1997</i>	To ensure the non-proliferation of nuclear weapons and to establish a system of nuclear safeguards, in accordance with international agreements	The Act applies to the proposed expansion, requiring permits for possession of nuclear material, transport and establishing or modifying a facility. BHP Billiton currently holds permits under s13, 16 and 16A to possess and transport nuclear material and to establish a facility (see Chapter 5, Description of the Proposed Expansion, and Chapter 22, Health and Safety)	A permit is required to own or physically possess or transport nuclear material (any source material excluding ore or ore residue, or special fissionable material)	Department of Foreign Affairs and Trade

**Table 6.2 Relevant Commonwealth legislation and approvals requirements (cont'd)**

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency
<i>Radiocommunications Act 1992</i>	To provide for national management of the radiofrequency spectrum	The proposed expansion includes the use of the radio spectrum and operation of radiocommunications devices	A spectrum licence would be required to use parts of the radio spectrum. BHP Billiton would also need an apparatus licence to operate radiocommunications devices, unless the operation was authorised by a class licence	Department of Broadband, Communications and the Digital Economy  (Australian Communications and Media Authority)
<i>Telecommunications Act 1997</i>	To regulate telecommunications networks, customer equipment and customer cabling	The proposed expansion includes the ownership and operation of a telecommunications network	A carrier licence would be required if BHP Billiton proposed to own a network unit used to supply carriage services to the public. The Act also requires compliance with applicable standards and labelling	Department of Broadband, Communications and the Digital Economy  (Australian Communications and Media Authority)

### 6.3.3 NATIONAL POLICIES AND CODES OF PRACTICE

National policies and codes of practice have been considered in assessing the proposed expansion. A summary, rather than an exhaustive list, is presented in Table 6.3 and the subject is addressed in more detail in relevant chapters of the Draft EIS.

## 6.4 SOUTH AUSTRALIAN GOVERNMENT REQUIREMENTS

### 6.4.1 APPROVALS LEGISLATION

The two main Acts in South Australia relevant to obtaining whole-of-project approval are the *Roxby Downs (Indenture Ratification) Act 1982* (Ratification Act) and the *Development Act 1993*. Each is discussed below.

#### Roxby Downs (Indenture Ratification) Act 1982

The Ratification Act was passed by the South Australian Parliament in 1982 and amended in 1996, 1997 and 2001. The Act provides statutory authority for an agreement (Indenture) between BHP Billiton and the State of South Australia. The Indenture establishes the legal framework for existing and future operations at Olympic Dam and defines the roles and responsibilities of the South Australian Government and BHP Billiton.

The Indenture provides a stable contractual framework which on the one hand gives BHP Billiton confidence to take the very significant investment decisions required, and on the other hand ensures the continuation, under a well-defined and monitored legal regime, of a safe and environmentally acceptable operation capable of providing major economic benefits to South Australia and Australia.

The Indenture is an existing long-term contract governing the Olympic Dam project, but is likely to require amendments to accommodate the expanded project configuration and higher production rates. Amendments are to come before the South Australian Parliament for consideration.

In parallel with its obligations under the Indenture, BHP Billiton is required to comply with all laws necessary to ensure the Olympic Dam operation is conducted in a safe and environmentally acceptable manner. BHP Billiton reports extensively and publicly on environmental and other issues and it regularly consents to information being released in response to freedom of information applications. The government monitors compliance in accordance with laws and regularly discusses regulatory issues with operational management.

#### Development Act 1993

The *Development Act 1993* and associated Regulations set out the procedures by which different forms of development are assessed in South Australia. Part 4, Division 2 of the Act relates to the assessment process for major developments or projects (Major Development process).

Under the provisions of the Indenture, the South Australian Minister for Mineral Resources Development is able to apply, in relation to development activities in certain core project areas, the provisions of the *Development Act 1993* contained in the Major Development process. The Major Development process is modified by the Indenture as it applies to the expansion. For example, the Minister for Mineral Resources Development adopts the role of the Development Assessment Commission in developing the issues paper and guidelines, and will be responsible for making a decision under that process.

The Minister declared on 15 September 2005 that the Major Development process applied to certain aspects of the proposed expansion. The Minister subsequently determined that an EIS should be prepared, in parallel with the Australian Government EPBC Act process. Section 46B of the *Development Act 1993* relates to the EIS process and requires an assessment of the project's consistency with relevant local and state government policies and legislation.

Table 6.3 Relevant national policies and codes of practice

Title	Purpose/Objective	Relevance to the project
ARPANSA Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing 2005 <sup>1</sup>	To protect workers, members of the public and the environment from harmful effects of radiation exposure, arising from mining or mineral processing and from the waste resulting from these activities	Applies to the existing operation and would apply to the proposed expansion (see Chapter 22, Health and Safety)
ARPANSA Code of Practice for the Safe Transport of Radioactive Material 2008 <sup>1</sup>	To establish consistent requirements for the transport of radioactive material by road, rail and waterways in Australia	Applies to the existing operation and would apply to the proposed expansion (see Chapter 22, Health and Safety)
Intergovernmental Agreement on the Environment 1990	To unify Australian and state and territory governments' regulations and processes relating to environmental matters, through the development of complementary legislation, regulations and guidelines	The proposed expansion requires the Australian, South Australian and Northern Territory governments' approval, and a joint assessment process is in place
National Environment Protection Measures (NEPMs) – Ambient Air Quality, National Pollutant Inventory, Movement of Controlled Waste, Used Packaging Materials, Assessment of Site Contamination, Diesel Vehicle Emissions and Air Toxics	NEPMs are broad framework-setting statutory instruments which outline agreed national objectives for protecting or managing particular aspects of the environment	Relevant to the existing operation and proposed expansion (see Chapters 5, Description of the Proposed Expansion, and 13, Greenhouse Gas and Air Quality)
National Strategy for Ecologically Sustainable Development 1992	To develop and maintain ecological processes on which life depends. Specific objectives related to mining include ensuring mine sites are rehabilitated and managed in accordance with appropriate standards	The principles of ESD are relevant to the existing operation and the proposed expansion. Specific requirements of the ESD guiding principles are discussed in Chapter 25, Cumulative Effects, and Appendix E2
National Greenhouse and Energy Reporting System (NGERS)	To establish national mandatory reporting requirements (under the <i>Greenhouse and Energy Reporting Act 2007</i> ) for greenhouse gas emissions, reductions, removals and offsets, and energy consumed and produced. The NGERS framework is also the basis of the Australian Emissions Trading Scheme (now called the Carbon Pollution Reduction Scheme)	The operation of the proposed expansion and associated infrastructure would result in greenhouse gas emissions. Measures to reduce emissions and balance net outcomes are discussed in Chapter 13, Greenhouse Gas and Air Quality
National Waste Minimisation and Recycling Strategy	To manage waste within Australia with particular emphasis on waste reduction, recycling and reuse	Wastes would be generated and their management for the proposed expansion is addressed in Chapter 5, Description of the Proposed Expansion
National Water Quality Management Strategy and National Water Initiative	To achieve sustainable use of the nation's water resources by protecting and enhancing their quality and to improve water management while maintaining economic and social development	Relevant to the water supply options for the proposed expansion (see Chapter 4, Project Alternatives)
National Strategy for the Conservation of Australia's Biological Diversity	To protect biological diversity and maintain ecological processes and systems	The proposed expansion requires the clearing of vegetation and has the potential to have an impact on individual animals and plants. Measures developed to protect biological diversity and compensate for required losses are discussed in Chapters 15, Terrestrial Ecology, and 16, Marine Environment
National Framework for the Management and Monitoring of Australia's Native Vegetation	To reverse the long-term decline in native vegetation, conserve and restore native vegetation, and retain, enhance and improve the condition of existing native vegetation	The proposed expansion would require the clearance of native vegetation. Measures to reduce the impact of the proposed expansion and compensate for vegetation clearance are discussed in Chapter 15, Terrestrial Ecology

<sup>1</sup> The ARPANSA Codes are also adopted under South Australian legislation – *Roxby Downs (Indenture Ratification) Act 1982* and *Radiation Protection and Control Act 1982*.

The Major Development process under the Indenture does not apply to development outside of the core project areas referred to above. The Minister for Urban Development and Planning (currently the same person as the Minister for Mineral Resources Development) declared on 21 August 2008 that the Major Development process under the *Development Act 1993* applied to certain aspects of the proposed expansion outside of these core project areas. The EIS Guidelines, with minor amendments, have been adopted by the Development Assessment Commission for these purposes (see Appendix A2).

#### 6.4.2 OTHER LEGISLATION

In addition to the Indenture, the Ratification Act and the *Development Act 1993*, and subject to the terms of these Acts and the Indenture, other South Australian legislation considered to be of relevance to the proposed expansion, and its purpose and objectives, is summarised in Table 6.4. The legislation is addressed in relevant chapters of the Draft EIS as highlighted in the table.

In addition to requiring project approval, BHP Billiton's activities may require other approvals under South Australian legislation. BHP Billiton currently holds various permits and licences authorising its current operation at Olympic Dam. Where applicable, these existing approvals would be extended to cover the activities that would continue with the proposed expansion. New approvals may be required to cover activities not currently undertaken at Olympic Dam or where extending the existing approvals is not appropriate.

During the detailed design phase of the project, the types of activities and/or processes to be undertaken would be refined. At that time the specific approvals required, and the responsibility (whether of BHP Billiton, or its contractors) for obtaining those approvals would be determined. Applications for necessary approvals would be discussed with, and submitted to, the relevant government agencies at the appropriate stage of the proposed expansion.

The list of approvals and legislative requirements identified in Table 6.4 is indicative, rather than exhaustive, of the types of approvals that may be required as part of the expansion. A description of the approval processes has not been included as in most cases the process generally requires an application to be lodged for assessment and decision, leading to a permit or licence. In many instances BHP Billiton would be able to apply for approvals through the process specified in Clause 7 of the Indenture.

#### 6.4.3 POLICIES, STRATEGIES AND GUIDELINES

Table 6.5 provides a summary of the purpose and objectives of South Australian policies, strategies and guidelines that are considered to be most relevant to the proposed expansion. This is not intended to be a comprehensive list. The table also identifies the relevance of the policy, strategy or guideline to the proposed expansion and refers to the chapter of the Draft EIS where these issues are addressed.

## 6.5 NORTHERN TERRITORY GOVERNMENT REQUIREMENTS

### 6.5.1 APPROVALS LEGISLATION

The *Environmental Assessment Act* and the Environmental Assessment Administrative Procedures form the basis of the Northern Territory environmental impact assessment process. The primary purpose of the assessment process is to provide for appropriate examination of proposed development projects. BHP Billiton submitted a Notice of Intent to the Northern Territory Government on 4 June 2008 to satisfy the first step in the environmental assessment process. The Northern Territory Minister for Natural Resources, Environment and Heritage determined that the proposed development was environmentally significant and decided that the level of assessment required was an EIS. The Northern Territory Government *Guidelines for Preparation of an Environmental Impact Statement, Olympic Dam Expansion (NT Transport Option) Project* are provided in Appendix A3.

The Darwin Port Corporation is responsible for managing and operating the Port of Darwin in accordance with the powers and functions defined in the *Darwin Port Corporation Act* and by-laws. The Northern Territory Minister for Natural Resources, Environment and Heritage will assess those components of the expansion project relevant to the Northern Territory and decide whether those activities can proceed on environmental grounds. The Northern Territory Transport and Infrastructure Minister is responsible for approving development at the Port of Darwin.

### 6.5.2 OTHER LEGISLATION

The proposal would be undertaken in accordance with relevant Northern Territory Government legislation. Table 6.6 provides an indicative, but not exhaustive, list of the relevant Acts. During the detailed design phase of the project, the types of activities and/or processes to be undertaken would be refined. At that time the specific approvals required, and the responsibility (whether of BHP Billiton, or its contractors) for obtaining those approvals would be determined. Applications for necessary activity approvals would be discussed with, and submitted to, the relevant government agencies at the appropriate stage of the proposed works for assessment and decision, leading to a permit or licence.

Table 6.4 Relevant South Australian legislation and approvals requirements

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency <sup>1</sup>
<i>Aboriginal Heritage Act 1979</i>	To protect and preserve Aboriginal heritage from activities undertaken within the Stuart Shelf Area	The project area includes items and places of Aboriginal heritage (see Chapter 17, Aboriginal Cultural Heritage)	Permission is required to enter or use a protected area, excavate land to explore for Aboriginal heritage, or remove, sell or interfere with an item of Aboriginal heritage	Department of the Premier and Cabinet
<i>Aboriginal Heritage Act 1988</i>	To protect and preserve Aboriginal heritage from activities undertaken outside the Stuart Shelf Area	The project area includes items and places of Aboriginal heritage (see Chapter 17, Aboriginal Cultural Heritage)	Permission is required to access, search or excavate land for the purpose of uncovering an Aboriginal site, object or remains, damage, disturb or interfere with an Aboriginal object or remains, or sell or dispose of an Aboriginal object or remove it from the state	Department of the Premier and Cabinet
<i>Adelaide Dolphin Sanctuary Act 2005</i>	To protect the dolphin population of the Port Adelaide River estuary and Barker Inlet and its natural habitat	Additional port facilities would be located at Outer Harbor (see Chapters 5, Description of the Proposed Expansion, and 16, Marine Environment)	No approval is required. However, all reasonable measures are to be taken to prevent or minimise harm to the sanctuary through actions or activities	Department for Environment and Heritage
<i>Climate Change and Greenhouse Emissions Reduction Act 2007</i>	To assist in achieving ecologically sustainable development in the State by addressing issues associated with climate change, in particular through the reduction of greenhouse gas emissions and an increase in renewable energy	The proposed expansion has a large energy requirement (see Chapter 5, Description of the Proposed Expansion) and would adopt energy efficiency measures and, where practicable, use renewable energy sources	No approval is required. However, BHP Billiton may enter into a sectorial agreement with the State for the purpose of recognising, promoting or facilitating strategies to meet targets set under this Act	Department of the Premier and Cabinet (Sustainability and Climate Change Division)
<i>Crown Lands Act 1929</i>	To manage and regulate Crown lands	The proposed expansion traverses areas of Crown land or land held under licence from the Crown (see Chapter 9, Land Use). The Indenture provides for land allocation under the Crown Lands Act (lease, licence or freehold)	Approval is required to surrender or transfer a Crown lease, or to grant an easement over Crown land or land held under licence from the Crown	Department for Environment and Heritage
<i>Dangerous Substances Act 1979 and Dangerous Substances Regulations 2002 and Road Transport Reform (Dangerous Goods) Regulations 1997 (Commonwealth) (as amended by Dangerous Substances Regulations 2002)</i>	To regulate the keeping, handling, transporting and the conveyance, use, disposal and quality of dangerous substances	There is a wide variety of circumstances in which dangerous substances (such as diesel, fuel oil and LPG) would be used during the expansion project. Dangerous substances would also be transported via the gas pipeline. Chapter 5, Description of the Proposed Expansion, discusses the management of hazardous materials	A licence may be required to keep certain prescribed dangerous substances in any premises, or to transport certain prescribed dangerous substances. A licence would also be required to transport dangerous substances by road (including a licence to drive a vehicle for the transport of dangerous substances)	Department of the Premier and Cabinet (Safe Work SA)

**Table 6.4 Relevant South Australian legislation and approvals requirements (cont'd)**

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency'
<i>Electricity Act 1996 and Electricity (General) Regulations 1997</i>	To regulate the electricity supply industry and to provide for the development of safety and technical standards for electrical installations	The proposed expansion may involve the construction and operation of an additional electricity transmission line, a gas-fired power plant, cogeneration plant and other electrical infrastructure (such as substations, transformers and cabling) (see Chapter 5, Description of the Proposed Expansion)	New licences, or a variation of an existing licence, may be required to operate the transmission line and generate electricity (from an on-site gas power station and cogeneration plant) as well as approval to carry out work near electrical infrastructure that is not already approved under BHP Billiton's existing Safety, Reliability, Maintenance and Technical Management Plan	Essential Services Commission of South Australia (ESCOSA)
<i>Environment Protection Act 1993</i>	To protect the environment, promote the principles of ecologically sustainable development and ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment, having regard to the principles of ecologically sustainable development (ESD). To establish the South Australian Environment Protection Authority and define its functions and powers	The proposed expansion involves undertaking prescribed activities of environmental significance (PAES) listed in Schedule 1 of the Act. Examples of PAES likely to be undertaken by BHP Billiton include metallurgical works and mineral works. Relevant sections of the Draft EIS discuss measures to protect the environment and promote the principles of ESD (see Chapter 25, Cumulative Effects, and Appendix E2)	An environmental authorisation (in the form of a licence), or an exemption from the requirement to obtain authorisation, may be required to undertake a PAES. A works approval to construct or alter a building or structure or install or alter plant or equipment, for use for a PAES, may also be required. A works approval may not be required where the works are carried out for the purpose of a PAES in relation to which BHP Billiton already has a licence under the Act	Environment Protection Authority
<i>Environment Protection (Air Quality) Policy 1994</i>	The main objective of this policy is to protect air quality and reduce the emission of air pollutants	The proposed expansion would result in air emissions from fuel burning equipment and industrial plant	BHP Billiton is to conform to air quality criteria specified in Schedule 1 of the policy unless it obtains an exemption from the obligation to meet the provisions of the policy. BHP Billiton would also have to conform to general obligations regarding emissions of air pollutants	Environment Protection Authority
<i>Environment Protection (Noise) Policy 2007</i>	To protect and improve the quality of the environment while allowing social and economic development	Relevant to several aspects of the proposed expansion (see Chapters 5, Description of the Proposed Expansion, and 14, Noise and Vibration)	No licence would be required. However as an occupier of non-domestic premises, BHP Billiton is not to cause or permit excessive noise to be emitted from the premises	Environment Protection Authority

Table 6.4 Relevant South Australian legislation and approvals requirements (cont'd)

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency'
<i>Environment Protection (Water Quality) Policy 2003</i>	The main objective of this policy is to achieve the sustainable management of waters, by protecting or enhancing water quality while allowing economic and social development	Relevant to several aspects of the proposed expansion (see Chapters 5, Description of the Proposed Expansion; 11, Surface Water; 12, Groundwater; and 16, Marine Environment)	BHP Billiton is to conform to water quality criteria specified in the policy unless it obtains an exemption from the obligation to meet the criteria by establishing an 'attenuation zone' (in relation to underground waters) or 'mixing zone' (in relation to surface waters). BHP Billiton would also have to conform to general obligations to avoid the discharge of waste into waters and to not cause environmental harm by discharging a pollutant into waters	Environment Protection Authority
<i>Explosives Act 1936 and Explosives Regulations 1996 and Explosives (Security Sensitive Substances) Regulations 2006</i>	To regulate and control the manufacture, carriage, use and storage of explosives (including security sensitive substances such as ammonium nitrate)	The proposed expansion would require the use of explosives for mining operations in the open pit (see Chapter 5, Description of the Proposed Expansion)	BHP Billiton would need licences or permits to import, purchase, sell or supply, mix, use or dispose of, manufacture, and to carry or keep explosives on premises or in a magazine	Department of the Premier and Cabinet (Safe Work SA)
<i>Gas Act 1997 and Gas Regulations 1997</i>	To ensure the safe and efficient installation and maintenance of gas supply infrastructure, as well as competition in supply	The proposed expansion may include a gas-fired power plant and would include a cogeneration plant (see Chapter 5, Description of the Proposed Expansion)	BHP Billiton would need a licence to operate a gas distribution system and approval to carry out work near gas infrastructure	Department for Transport, Energy and Infrastructure
<i>Heritage Places Act 1993</i>	To identify, record and conserve places and objects of non-Aboriginal heritage significance, and to establish the South Australian Heritage Council	The project area includes items of non-Aboriginal heritage significance. An assessment of non-Aboriginal heritage has been undertaken and is discussed in Chapter 18, Non-Aboriginal Cultural Heritage	A permit would be required under Part 5 to excavate or disturb places or remove items from a State Heritage Place	Department for Environment and Heritage (South Australian Heritage Council)
<i>Highways Act 1926</i>	To control the construction, maintenance and improvement of highways	Sections of the proposed linear infrastructure would need to cross public roads (see Chapter 5, Description of the Proposed Expansion)	BHP Billiton would need approval to install infrastructure under public roads, outside of a municipality	Department for Transport, Energy and Infrastructure
<i>Local Government Act 1999</i>	To promote an appropriate system of local government that is accountable to the local community and contributes to ensuring the appropriate services and facilities are provided to that community	The proposed expansion would require changes to structures, services and vegetation in relation to roads in the municipality of Roxby Downs	Approval would be needed to alter, or to construct, change or remove structures or services in, on, across, under or over a public road within the municipality of Roxby Downs, or plant, interfere with or remove vegetation from such a road	Department of Treasury and Finance
<i>Marine Parks Act 2007 (proclaimed 22 May 2008)</i>	To provide a framework for the dedication, zoning and management of the State's marine parks. There are 19 marine parks proposed for South Australia's coastal waters under the Act	Upper Spencer Gulf is identified as one of the 19 proposed marine parks and the proposed expansion would undertake works in the gulf (see Chapter 5, Description of the Proposed Expansion)	No requirements at this time. Management zones and special purpose areas have not yet been defined for the proposed marine parks	Department for Environment and Heritage

**Table 6.4 Relevant South Australian legislation and approvals requirements**

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency <sup>1</sup>
<i>Mines and Works Inspection Act 1920 and Mines and Works Inspection Regulations 1998</i>	To provide for the regulation and inspection of mines and works	Applies to the existing operation and would apply to the proposed expansion (Chapters 5, Description of the Proposed Expansion, and 22, Health and Safety)	BHP Billiton is to comply with regulations in relation to the inspection of mines and works, and has a duty to facilitate inspections	Department of Primary Industries and Resources
<i>National Parks and Wildlife Act 1972</i>	To protect habitat and wildlife by establishing parks and reserves (both on land and in state waters) and provide for the use of wildlife through a system of permits allowing certain actions involving native species	National parks and reserves exist within the EIS Study Area. DEH has recently proposed reclassifying parks/reserves to permit some activities associated with mining in reserves (Chapters 9, Land Use; Chapter 15, Terrestrial Ecology; and Chapter 16, Marine Environment)	A permit may be required to take native plants, which includes removing or damaging native plants; or take protected animals or the eggs of protected animals, which includes killing or injuring animals	Department for Environment and Heritage
<i>Native Title (South Australia) Act 1994</i>	To recognise and protect native title	Some Aboriginal groups assert native title interests over parts of the project area (see Chapter 17, Aboriginal Cultural Heritage)	BHP Billiton has reached agreement with the three Aboriginal groups who assert native title interests over the area of the Olympic Dam mine. The agreement contemplates that an Indigenous land use agreement will be registered and, pending registration, the native title groups will co-operate in the expeditious completion of statutory processes. Specific native title procedures may be required for elements of the project (see Chapter 17, Aboriginal Cultural Heritage)	Department of Justice
<i>Natural Resource Management Act 2004</i>	To promote sustainable and integrated management of the state's natural resources and to protect the state's natural resources	Relevant to the proposed expansion due to the use of and potential impact on natural resources (Chapters 5, Description of the Proposed Expansion; 11, Surface Water; 12, Groundwater; 15, Terrestrial Ecology; and 16, Marine Environment)	A licence or permit may be required to drill a well for water exploration purposes. A permit would also be required to move or keep specified plants or animals within a control area	Department of Water, Land and Biodiversity Conservation
<i>Native Vegetation Act 1991 and Native Vegetation Regulations 2003</i>	To provide incentives and assistance to landowners to preserve and enhance native vegetation, and to control the clearance of native vegetation. Establishes the Native Vegetation Council (NVC) and Native Vegetation Fund	The proposed expansion would require the clearing of native vegetation. Significant environmental benefit (SEB) measures are proposed for this clearance (Chapter 15, Terrestrial Ecology)	Consent would be required to clear native vegetation unless the relevant clearing activity met the criteria for an exemption under the Regulations. Most exemptions require an approved management plan to establish a significant environmental benefit	Department of Water, Land and Biodiversity Conservation (Native Vegetation Council)
<i>Occupational Health, Safety and Welfare Act 1986 and Occupational Health, Safety and Welfare Regulations 1995</i>	To provide for the health, safety and welfare of persons at work and eliminate risks	The health and safety aspects of the proposed expansion are discussed in Chapter 22, Health and Safety	No approvals are required (however, notice is required to carry out certain activities). BHP Billiton would have a duty to ensure that the workplace is safe and that employees and the public are safe from injury and risks to health	Department of the Premier and Cabinet (Safe Work SA)

Table 6.4 Relevant South Australian legislation and approvals requirements (cont'd)

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency'
<i>Pastoral Land Management and Conservation Act 1989</i>	To provide for the management and conservation of pastoral land, including the monitoring, prevention of harm and rehabilitation of this land	The proposed expansion would require the use of pastoral land for linear infrastructure	BHP Billiton would need approval to use pastoral land for other than pastoral purposes	Department of Water, Land and Biodiversity Conservation
<i>Petroleum Act 2000</i>	To provide a regulatory system for the exploration, recovery and movement (through transmission pipelines) of petroleum and other resources to which the Act applies. This also includes minimising environmental damage and ensuring secure supply	The proposed expansion may include a gas supply pipeline (Chapter 5, Description of the Proposed Expansion)	BHP Billiton holds a preliminary survey licence which would require renewal. A pipeline licence would be required to construct and/or operate a pipeline carrying petroleum or other regulated substances	Department of Primary Industries and Resources
<i>Petroleum Products Regulation Act 1995</i>	To regulate activities involving or related to petroleum products	The proposed expansion may include a gas supply pipeline (Chapter 5, Description of the Proposed Expansion)	A licence would be required to store or convey petroleum products or be involved in activities related to petroleum products (see <i>Dangerous Substances Act 1979</i> )	Department of Treasury and Finance
<i>Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 1995</i>	To protect, improve and promote public and environmental health and establish the Public and Environmental Health Council	The proposed expansion would require an expanded sewage treatment plant at Roxby Downs (see Chapter 5, Description of the Proposed Expansion)	Roxby Downs Council would require approval under the Regulations to install/alter or construct a fixture, fitting, appliance, plant or process associated with a system that collects, treats or disposes of human, commercial or industrial waste	Department of Health
<i>Radiation Protection and Control Act 1982 and Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003</i>	To control activities related to radioactive substances and radiation apparatus, and protect the environment and the health and safety of people from the harmful effects of radiation	Applies to the existing operation and would apply to the proposed expansion (Chapters 5, Description of the Proposed Expansion, and 22, Health and Safety)	A licence would be required to carry out operations for the mining and milling of radioactive ores and for persons operating ionising radiation apparatus or non-ionising radiation apparatus of a prescribed class. The regulations require compliance with the <i>Code of Practice for the Safe Transport of Radioactive Material 2008 (Commonwealth)</i> (see Table 6.3). This may require the preparation of a new Radiation Management Plan or Radioactive Waste Management Plan (or amendment to a part of such plans)	Environment Protection Authority

**Table 6.4 Relevant South Australian legislation and approvals requirements (cont'd)**

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency <sup>1</sup>
<i>Rail Safety Act 2007</i>	To make provision for rail safety and other rail matters that form part of a system of nationally consistent rail safety laws	The proposed expansion includes development of a railway, intermodal road/rail facility and associated rail infrastructure (see Chapter 5, Description of the Proposed Expansion), with safety issues discussed in Chapter 22, Health and Safety	Accreditation to carry out, or cause or permit the carrying out of, railway operations. The accreditation process requires the owners and operators of railways to have adequate safety measures in place. The Act requires compliance with the Australian Rail Safety Standard. BHP Billiton would need to be accredited in relation to the proposed railway and intermodal transit facility	Department for Transport, Energy and Infrastructure (Safety Regulations Division)
<i>Railways (Operations and Access) Act 1997</i>	To promote an efficient rail transport system and to provide for the operation of railways and access to railway services on fair commercial terms	The proposed expansion includes development of a railway (see Chapter 5, Description of the Proposed Expansion)	Written consent is needed to install and operate traffic control devices	Department for Transport, Energy and Infrastructure
<i>Road Traffic Act 1961</i>	To consolidate and amend certain enactments relating to road traffic; and for other purposes	The proposed expansion would require the transport of over-dimensional loads to Olympic Dam, particularly during the construction phase	BHP Billiton may require an oversize or overmass vehicle exemption and/or restricted access approval in respect to heavy vehicles	Department for Transport, Energy and Infrastructure
<i>Roads (Opening and Closing) Act 1991</i>	To provide for the opening and closing of roads	BHP Billiton would need to close some roads, including parts of the Borefield Road to be realigned (see Chapter 5, Description of the Proposed Expansion). New public roads in Roxby Downs may also be opened	The Act provides a mechanism for the opening and closing of roads. One method provided for involves an order by the Governor to open or close a road in conjunction with a major development authorisation under the <i>Development Act 1993</i> . Roads may also be opened or closed by other means provided for in the Act and other Acts. For example, a road may be dedicated as a public road under the terms of the Indenture	Department for Transport, Energy and Infrastructure

<sup>1</sup> This is the government agency primarily responsible for the relevant Act. However, BHP Billiton is, in most cases, able to apply for required approvals using the process in clause 7 of the Indenture.

Table 6.5 Relevant South Australian Government policies, strategies and guidelines

Title	Purpose/Objective	Relevance to the project
South Australia's Strategic Plan 2007 and Strategic Infrastructure Plan 2005–06	Objectives include growing prosperity, improving well-being, attaining sustainability, fostering creativity and innovation, building communities, expanding opportunity, guiding new infrastructure investment and development, and improving management	The Strategic Plan and Strategic Infrastructure Plan require the construction of additional infrastructure in Outback areas and would lead to significantly increased exports. Infrastructure proposed for the expansion is described in Chapter 5, Description of the Proposed Expansion. The contribution of the proposed expansion to the objectives of the Strategic Plan is provided in Chapter 21, Economic Assessment, and Appendix D
Planning Strategy for Regional South Australia 2003 (as amended at December 2007)	Sets out the South Australian Government's broad vision for land use and development for regional planning areas of the state	The Regional Strategy for SA, and specific objectives for the Outback and Upper Spencer Gulf areas, require additional infrastructure and employment opportunities, and improved access to community and education services (see Chapters 9, Land Use, and 19, Social Environment). The contribution of the proposed expansion to the objectives of the Regional Strategy is provided in Appendix G1
Guidelines for a Native Vegetation Significant Environmental Benefit Policy for the clearance of native vegetation associated with the minerals and petroleum industry, 2005	To inform people of changes to the law with respect to the clearance of native vegetation under the <i>Native Vegetation Act 1991</i> (NVA) and new government policies	Relevant to the clearance of native vegetation and addressed in Chapter 15, Terrestrial Ecology
Living Coast Strategy 2004	To protect and manage South Australia's coastal areas, estuaries and marine ecosystems for their conservation and sustainable use	The Strategy identifies the South Australian Government's objectives for coastal, estuarine and marine environments and proposals for addressing those objectives. It would be most relevant to the construction and operation of the proposed desalination plant and landing facility but also relates generally to any expansion activity affecting coastal, estuarine and/or marine environments (see Chapter 16, Marine Environment)
Natural Resources Management Plan 2006	To manage and protect South Australia's natural resources	Relevant in relation to water, pest management, communities, and landscape forming part of the expansion project (see Chapters 11, Surface Water; 15, Terrestrial Ecology; 19, Social Environment; and 20, Visual Amenity, respectively)

**Table 6.6 Relevant Northern Territory legislation and approvals requirements**

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency
<i>Crown Lands Act</i>	To manage and regulate Crown lands	Some of the proposed infrastructure at the Port of Darwin may be located on Crown land	A Crown lease or licence may be required if development is to be on land owned by the Crown	Department of Planning and Infrastructure (Land Administration Division)
<i>Dangerous Goods Act, Dangerous Goods Regulations, Dangerous Goods (Road and Rail Transport) Act 2003 and Dangerous Goods (Road and Rail Transport) Regulations</i>	To provide for the safe storage, handling and transport of certain dangerous goods	Dangerous goods may be handled, stored and used at the Port facility. Chapter 5, Description of the Proposed Expansion, discusses the management of hazardous materials	BHP Billiton would require a licence to keep or convey certain dangerous goods in excess of relevant prescribed amounts.  In addition, BHP Billiton would require a licence to transport dangerous goods by road or rail, or specific licences to import, manufacture, sell, purchase, store or possess explosives	Department of Justice (NT WorkSafe)
<i>Darwin Port Corporation Act, Port By-Laws and Darwin Port (Handling and Transport of Dangerous Cargoes) By-Laws</i>	To provide for the establishment of the Darwin Port Corporation for the control and management of the Port of Darwin, and for related purposes	The proposed expansion includes the use of the Port of Darwin for the export of uranium oxide and concentrate. Chapter 5 provides a description of the proposed port facilities	BHP Billiton would require the consent of the Darwin Port Corporation to build infrastructure having its foundations below the high water mark in the Port of Darwin  BHP Billiton would need to ensure that any stevedores it used at the port held a licence from the Darwin Port Corporation to conduct a stevedoring business at the Port of Darwin  BHP Billiton would comply with Australian Standard AS 3846-2005 in relation to the handling and transport of dangerous cargoes in port areas, adopted by the Darwin Port Corporation in relation to the Port of Darwin	Darwin Port Corporation
<i>Fisheries Act</i>	To manage the aquatic resources of the Territory in accordance with the principles of ecologically sustainable development, and to ensure appropriate protection of fish and fish habitat	The proposed expansion involves the construction and operation of facilities within the Port of Darwin (see Chapter 5, Description of the Proposed Expansion)	A permit would be required if fish or aquatic life were to be stunned, injured, killed or detrimentally affected by the proposed activities	Department of Regional Development, Primary Industries, Fisheries and Resources
<i>Heritage Conservation Act, Northern Territory Aboriginal Sacred Sites Act</i>	Provides for the protection of archaeological places and sites, and objects of prehistoric, historic, social, scientific or aesthetic value	Not applicable as all footprint areas would be on previously disturbed land (see Chapter 5, Description of the Proposed Expansion, and Appendix E4)	No specific requirements. However, if archaeological places or items are discovered, these would need to be reported and a permit obtained for any work on, or removal of, heritage sites and items	Department of Natural Resources, Environment, The Arts and Sport Minister for Indigenous Policy (Heritage Advisory Council)
<i>Northern Territory Rail Safety Act</i>	To develop, implement, monitor and continuously improve a rail safety administration and regulation regime promoting safe railway ownership and operation in the Territory	The proposed expansion includes construction of a rail loop/spur at East Arm to extend from the existing rail line, and rail operations (see Chapter 5, Description of the Proposed Expansion, and Appendix E4)	Rail safety accreditation would be sought prior to owning railway infrastructure and/or operating rolling stock in the Territory	Department of Planning and Infrastructure

Table 6.6 Relevant Northern Territory legislation and approvals requirements (cont'd)

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency
<i>Planning Act</i>	To plan the use and development of land contained within designated planning areas (which may or may not be subject to a planning instrument) and to all other freehold land	Land at the Port of Darwin would be required to be developed for the storage and handling facilities needed for the export of concentrate (see Chapter 5, Description of the Proposed Expansion, and Appendix E4)	An application would be made to the Development Consent Authority for consent to develop land	Department of Planning and Infrastructure
<i>Public Health Act and Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations</i>	To maintain public health	The development of land at the Port of Darwin has the potential to contribute to the ponding of stormwater that may create a mosquito breeding habitat	No approval required. However, as an occupier of land BHP Billiton would have a general duty to prevent the establishment of areas that could act as mosquito breeding places	Department of Health and Families
<i>Radiation Protection Act 2004 (not yet commenced)</i>	To provide for the protection of people and the environment from the possible harmful effects of radiation through the safe control of the use of all radiation sources	The proposed expansion would include the transport, storage and handling of radioactive uranium oxide and concentrate (see Chapter 5, Description of the Proposed Expansion)	Requires a licence to possess uranium oxide and concentrate, in accordance with the <i>Code of Practice for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing 2005 (Commonwealth)</i> (see Table 6.3)	Department of Health and Families (Environmental Health Program)
<i>Radiation (Safety Control) Act</i>	To make provision for the control, regulation, possession, use and transport of radioactive substances and radiation apparatus	The proposed expansion would include the transport, storage and handling of radioactive uranium oxide and concentrate (see Chapter 5, Description of the Proposed Expansion)	Requires a licence to possess uranium oxide and concentrate, in accordance with the <i>Code of Practice for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing 2005 (Commonwealth)</i> (see Table 6.3)	Department of Health and Families
<i>Radioactive Ores and Concentrates (Packaging and Transport) Act</i>	To make provision for the safe packaging, storage and transport of radioactive ores and concentrates	The existing Olympic Dam operation holds a licence under the Act for the transport of uranium oxide through the Port of Darwin. The proposed expansion would include the transport, storage and handling of radioactive concentrate (see Chapter 5, Description of the Proposed Expansion)	Requires a licence for the transport of radioactive material (section 13(a)) and to authorise the storage of radioactive material on licenced premises (section 13(b))	Department of Justice (NT WorkSafe)
<i>Soil Conservation and Land Utilization Act</i>	For landholders/developers to make provision for the prevention of soil erosion and for the conservation and reclamation of soil	Soil disturbance would occur during site preparation for the construction of facilities at the Port of Darwin (see Chapter 5, Description of the Proposed Expansion, and 10, Topography and Soils)	No approvals required. However, BHP Billiton would have a general duty to prevent and manage soil erosion	Department of Natural Resources, Environment, The Arts and Sport
<i>Territory Parks and Wildlife Conservation Act</i>	To make provision for the study, protection, conservation and sustainable utilisation of wildlife. This includes declaration and control of feral animals	The proposed expansion would involve the movement of material into and out of the Port of Darwin which has the potential to introduce pest or feral species	No approval required. However, BHP Billiton would have a general duty to prevent the introduction of pest/feral species and, if declared by the Minister, to control feral animals and pests	Department of Natural Resources, Environment, The Arts and Sport

**Table 6.6 Relevant Northern Territory legislation and approvals requirements (cont'd)**

Act	Purpose/Objective	Relevance to the project	Approvals and legislative requirements	Administering agency
<i>Waste Management and Pollution Control Act and Waste Management and Pollution Control (Administration) Regulations</i>	To provide for the protection of the environment through encouragement of effective waste management and pollution prevention and control practices. The objective of the Act is to facilitate the implementation of national environment protection measures made under the <i>National Environment Protection Council (Northern Territory) Act</i>	The proposed expansion would involve construction and operation of storage and handling facilities for the export of uranium oxide and concentrate at the Port of Darwin (see Chapter 5, Description of the Proposed Expansion)	BHP Billiton would have a general environmental duty to prevent or minimise pollution (air, water and soil), to reduce waste and to notify of incidents causing, or threatening to cause, pollution  An environmental protection approval would be required if the proposed activities generated and required disposal of wastes listed in Schedule 2 of the Regulations	Department of Natural Resources, Environment, The Arts and Sport
<i>Water Act</i>	To provide for the investigation, use, control, protection, management and administration of water resources in the Territory	Relevant to several aspects of the proposed expansion (see Chapters 5, Description of the Proposed Expansion; 11, Surface Water; 12, Groundwater; 16, Marine Environment; and Appendix E4)	A licence or permit would be required if BHP Billiton needed to take or use surface water or groundwater	Department of Natural Resources, Environment, The Arts and Sport
<i>Weeds Management Act 2001</i>	To protect the Territory's economy, community, industry and environment from the adverse impact of weeds	The construction activities and the movement of materials into and out of the Port of Darwin have the potential to introduce weed species (see Chapter 15, Terrestrial Ecology, and Appendix E4)	Landholders are to take all reasonable measures to prevent their land being infested with a declared weed, to notify an officer of the presence of the declared weed and, if a declared weed exists on their property, comply with a weed management plan relating to the weed	Department of Natural Resources, Environment, The Arts and Sport
<i>Workplace Health and Safety Act 2007 and Workplace Health and Safety Regulations</i>	To promote occupational health and safety in the Territory	The health and safety aspects of the proposed expansion are discussed in Chapter 22, Health and Safety	BHP Billiton would have a duty to ensure that the workplace was safe and that employees and the public were safe from injury and risks to health. A licence would need to be obtained to perform certain work (Schedule 3)  BHP Billiton would need to notify the Work Health Authority (NT WorkSafe) if it proposed to undertake certain notifiable work (Schedule 5). BHP Billiton may also need to register certain items of plant (Schedule 1)	Department of Justice (NT WorkSafe)

## 6.6 LOCAL GOVERNMENT REQUIREMENTS – SOUTH AUSTRALIA

Development Plans have been defined for each council area and for areas described as land not within a council area, under the provisions of the *Development Act 1993*. Development Plans identify the desired character for different parts of the council area concerned, as well as the types of development preferred, and the criteria against which development applications would be assessed. The plans cover a range of environmental, social, cultural and economic matters and provide a local policy framework for development, as well as the detail for assessment of individual development applications.

Each Development Plan contains objectives and principles of development control for the council area. In Development Plans with designated zones such as residential, industrial and environmental protection, specific objectives and principles of development control have been developed for each zone.

Components of the proposed expansion are located in several council areas and in areas described as land not within a council area (see Figure 6.1). The Development Plans relevant to the proposed expansion and an assessment against the intent and objectives of these plans for each of the project components is provided in Appendix G2. The key outcomes of this assessment are provided below.

The *Development Act 1993* does not have general application to development activities within core project areas including the Special Mining Lease (SML), and areas that BHP Billiton owns, occupies or is entitled to tenure over, which are required for the transport, supply or provision of petroleum, electricity or water for the project. However, most major development activities related to the proposed expansion are within the scope of the Major Development processes (see Section 6.4.1). Local authority approval is not involved in this process, but the Minister for Mineral Resources Development, or other relevant decision makers, will have regard to the provisions of the relevant Development Plans and the Building Rules (the Building Code of Australia and the South Australian Housing Code). Where possible, Development Plans that apply to the proposed expansion may be amended (through the Plan Amendment process) so as not to prevent or unduly hinder the proposed development and to provide a long-term planning policy framework against which future development proposals can be assessed.

### Roxby Downs (Municipality) Development Plan

The proposed expansion of the Roxby Downs town is subject to the Roxby Downs (Municipality) Development Plan (consolidated 1 November 2007). The relevant objectives within the plan include specific requirements relating to the form of development, waste disposal (landfill), telecommunications facilities, sustainable development, native vegetation and the use of renewable energy. Principles of development control are also described in detail in the plan, including building height, orientation and stormwater control.

The objectives and principles of development control have been considered in the development of the Draft Master Plan for Roxby Downs (see Chapter 5, Description of the Proposed Expansion and Appendix F4). The proposed town expansion has been designed to be consistent with the objectives and principles of development control in the Roxby Downs Development Plan, in particular:

- Objective 1 – development in accordance with the structure plans (Master Plan) for the Municipality and the town of Roxby Downs
- Objective 3 – provision of areas for future urban development to permit the orderly growth of the township
- Objective 6 – provision of recreation, cultural and social activities associated with the town centre, and education facilities
- Objective 10 – protection and/or re-establishment of the natural environment in parklands and landscape areas, to provide open space for recreation in large and small reserves and as a natural buffer against wind and dust.

While the Draft Master Plan has been developed to be compatible with the existing town, it has also recognised the future needs of the town. The Roxby Downs (Municipality) Development Plan would need to be revised (through the Plan Amendment process) to reflect the growth of the town, as expressed in the Draft Master Plan. Planning policy changes would be required to ensure that new development would be compliant. The public consultation process for the Roxby Downs Municipality Development Plan Amendment is being conducted concurrently with consultation on the Draft EIS, and would be subsequently authorised if a decision to proceed with the project was made.

As a first step in revising the Roxby Downs (Municipality) Development Plan, the Minister for Planning and Urban Development initiated the Roxby Downs Town Centre Plan Amendment, brought into operation on an interim basis and placed on public exhibition during April to June 2007 (see Department of Planning and Local Government website for Roxby Downs (Municipality), Town Centre Zone, Plan Amendment Report by the Minister, March 2007). This Plan Amendment affects development within the Town Centre of Roxby Downs, creating a single Town Centre Zone that is divided into a number of Policy Areas. The Plan Amendment was approved on 1 November 2007.

In addition to the town expansion, sections of the proposed linear infrastructure (rail line, water supply pipeline and electricity transmission line) traverse the Buffer Zone and Rural Landscape Zone of the Roxby Downs (Municipality) Development Plan. Where practicable, the linear infrastructure has been located within the existing designated services corridor to ensure consistency with the objectives of these zones. Further assessment against the objectives and principles of development control for these zones is provided in Appendix G2.



### Land Not Within a Council Area (Eyre, Far North, Riverland and Whyalla) Development Plan

The Land Not Within a Council Area (Eyre, Far North, Riverland and Whyalla) Development Plan (consolidated 14 August 2008) covers much of South Australia, including the expanded SML, Hiltaba Village, airport and parts of the gas pipeline corridor options and southern infrastructure corridors (see Figure 6.1). All of these proposed project components are located within the Remote Areas Zone, the objectives of which include:

- Objective 1 – a zone representing the remote areas of the state suited to pastoral, conservation, mining and remote townships, settlements and Aboriginal lands
- Objective 2 – a zone recognising the associated Aboriginal and non-Aboriginal cultural significance of the region, including remote townships and settlements, places of heritage significance and established pastoral, grazing and farming activities
- Objective 5 – development of the zone to reflect the sustained growth in mining, petroleum exploration and related activities, recognising the significance of mineral deposits throughout the region.

The principles of development control for land use within this zone identifies airfields, industry in association with mining, prescribed mining activities and remote townships and settlements as accepted forms of development. Further assessment against the objectives and principles of development control for this zone is provided in Appendix G2.

### Land Not Within a Council Area (Flinders) Development Plan

The proposed gas supply pipeline, water supply pipeline and electricity transmission line traverse land within the Pastoral Zone of the Land Not Within a Council Area (Flinders) Development Plan (consolidated 25 September 2003). The objectives of the Pastoral Zone relate to the grazing of livestock and the preservation of the natural environment and character of the zone. The proposed infrastructure components are not identified as complying or non-complying forms of development in this zone (see Appendix G2) and there are no specific objectives or principles of development control that apply to their construction and operation. The Olympic Dam Draft EM Program and HSEC Management Plan (see Chapter 24, Environmental Management Framework) would incorporate management measures to minimise potential environmental impacts and thus promote consistency with the broad objectives of the Development Plan.

### Port Augusta (City) Development Plan

The proposed transmission line, water supply pipeline, access corridor, landing facility and Port Augusta pre-assembly yard would be located within the area governed by the Port Augusta (City) Development Plan (consolidated 28 August 2003). There are no specific objectives or principles of development control related to these infrastructure types. However, policies in the Development Plan provide a broad framework for development.

The proposed infrastructure corridors pass through six defined zones and an assessment against each of these is provided in Appendix G2.

Locating the proposed linear infrastructure adjacent to existing infrastructure corridors assists in retaining the existing development form of the area. The proposed landing facility and access corridor are not compatible with the Coastal Conservation Zone. However they have been sited and designed to minimise potential environmental, social and visual impacts (see Chapters 16, Marine Environment; 19, Social Environment; and 20, Visual Amenity, respectively).

### Whyalla (City) Development Plan

The Whyalla (City) Development Plan (consolidated 20 March 2008) applies to the proposed desalination plant at Point Lowly, the intake and outfall pipes, intake sump, pump station, water supply pipeline and electricity transmission line (from the Cultana substation to the desalination plant).

The proposed desalination plant is on land zoned as Industry (Port) and aligns with the objectives for this zone. The design and operation of the proposed desalination plant is consistent with the intent of the principles of development control, and further assessment against the objectives and principles of development control for this zone is provided in Appendix G2.

The infrastructure associated with the proposed desalination plant (intake sump, pump station, intake and outfall pipes, water supply pipeline and electricity transmission line) pass through five defined zones and an assessment against each of these is provided in Appendix G2.

### Port Adelaide Enfield (City) Development Plan

The Port Adelaide Enfield (City) Development Plan (consolidated 17 January 2008) applies at the site of the existing port facilities and the existing rail line. These facilities are located within an area zoned as General Industrial (2) with the objectives being to accommodate primarily general industries with light industry and associated activities, as well as to enhance the zone through quality development and redevelopment to create an attractive and well planned industrial area.

While the location of the proposed port facilities has not yet been finalised, it is anticipated that existing facilities would continue to be used where possible, whether they are owned by BHP Billiton or a third party, and so would comply with the Development Plan. A new bulk sulphur off-loading and storage facility would also be required at Outer Harbor in an area zoned as Industry (Port). This facility would conform to the objectives of this zone and an assessment against the objectives is provided in Appendix G2.

### Other Development Plans

The existing rail line from Port Adelaide to Pimba traverses six council areas and is affected by the following council Development Plans:

- Mount Remarkable (District Council) Development Plan
- Port Pirie (Regional Council) Development Plan
- Wakefield (Regional Council) Development Plan
- Mallala (District Council) Development Plan
- Playford (City) Development Plan
- Salisbury (City) Development Plan.

Other than increased use of the existing rail line, no alteration is proposed to the existing infrastructure and, as such, the operation of the rail line would remain consistent with the current objectives and principles of development control expressed in these Development Plans.

## 6.7 LOCAL GOVERNMENT REQUIREMENTS – NORTHERN TERRITORY

### Port of Darwin

As part of the proposed expansion, BHP Billiton would propose to store and handle concentrate at the Port of Darwin (East Arm) prior to export. It would be expected that additional land reclamation would occur as part of the ongoing development at East Arm and that this land would support the new infrastructure to be built by or for BHP Billiton, including a storage shed and bulk materials loading facility.

BHP Billiton facilities are likely to be built within the East Arm 'future facilities' area, currently zoned 'Industry – development' in the Northern Territory Planning Scheme for East Arm. Other future facilities at East Arm include berth extensions, bulk materials stockpile areas, marine industry support facilities and reclaimed hardstand.

The proposed use of the Port of Darwin to export uranium oxide and to store, handle and export concentrate is consistent with the East Arm Draft Masterplan (see Appendix G2 for further details).

### Local government areas

The existing Alice Springs–Darwin railway corridor, which would be used to transport concentrate and uranium oxide from Olympic Dam to the Port of Darwin, traverses the following Northern Territory local government areas:

- MacDonnell Shire
- Municipality of Alice Springs
- Central Desert Shire
- Barkly Shire
- Roper Gulf Shire
- Municipality of Katherine
- Victoria Daly Shire
- Top End Shire
- Municipality of Palmerston
- Municipality of Darwin.

Other than increased use of the existing rail line, no alteration is proposed to the existing infrastructure and, as such, the operation of the rail line would remain consistent with the current requirements.