

CHAPTER 22

Environmental approvals



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22. Environmental approvals

This chapter provides a preliminary review of key environmental approvals and legislative requirements relevant to Brisbane Metro's construction and operation. This includes an overview of relevant Commonwealth, State and Council legislation, policies and local laws.

22.1 Commonwealth legislation

Relevant Commonwealth environmental legislation and policies to Brisbane Metro's construction and operation include:

- EPBC Act
- Aboriginal and Torres Strait Islander Heritage Protection Act
- NT Act
- NEPM including the ASC NEPM
- *National Greenhouse and Energy Reporting Act 2007* (NGER Act)
- DDA.

Other Commonwealth legislation may also be relevant to Brisbane Metro. These have been considered as part of the broader Brisbane Metro development, although are not considered as part of this review of environmental approvals and legislative requirements.

22.1.1 Environment Protection and Biodiversity Conservation Act

The EPBC Act is the Australian Government's central piece of environmental legislation and is administered through the DEE. The EPBC Act provides the legal framework to protect and manage MNES. There are currently nine MNES protected under the EPBC Act, namely:

- world heritage properties
- national heritage places
- wetlands of international importance (Ramsar wetlands)
- nationally listed threatened species and ecological communities
- listed migratory species
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development.

The EPBC Act provides that a person proposing to take an action that the person thinks may be a 'controlled action' must refer the proposal to the Minister for Environment and Energy (the Minister). A controlled action is an action that is likely to have a significant impact on:

- a MNES
- the environment on Commonwealth land (even if taken outside of Commonwealth land)
- the environment anywhere if the action is undertaken by the Commonwealth.

Should the Minister determine that the action is a controlled action, approval under the EPBC Act is required. If a referral is made to the Minister, and the Minister determines that the action is not a controlled action, the action requires no further assessment or approval under the EPBC Act (providing it is carried out in accordance with the referral). Brisbane Metro is unlikely to have a significant impact on any MNES on the basis of environmental assessments undertaken to date. Chapter 12 indicates that Brisbane Metro is not expected to

result in significant impacts to EPBC Act listed flora and fauna species or threatened ecosystems. Further, Brisbane Metro is not expected to significantly impact the environment on any Commonwealth land.

The EPBC Act also establishes the National heritage list and the Commonwealth heritage list. The Commonwealth heritage list is a list of properties owned or controlled by the Commonwealth that have been assessed as having significant heritage value. Any proposed actions on Commonwealth heritage listed places must be assessed for their impact on the heritage values of the place in accordance with the EPBC Act and the *Significant impact guidelines 1.2 – Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies*. The guidelines require the proponent to undertake a self-assessment process to decide whether or not the action is likely to have a significant impact on the environment, including the heritage value of places. If an action is likely to have a significant impact on the environment, an EPBC Act referral must be prepared and submitted to the Minister for consideration.

One heritage place listed on the Commonwealth heritage list, located near the Brisbane Metro alignment is Victoria Barracks. As indicated in Chapter 16, potential impacts on Victoria Barracks are highly unlikely due to minimal proposed works for Brisbane Metro in this area (e.g. line marking for metro turnaround and layover). The National heritage list is a list of places with outstanding heritage value to Australia. Any proposed actions on National heritage listed places must be assessed for their impact on the heritage values of the place in accordance with the EPBC Act and the *Significant impact guidelines 1.1 – Management of National Environmental Significance*. The guidelines require the proponent to undertake a self-assessment process to decide whether or not the action is likely to have a significant impact on a MNES, including the national heritage value of places. If an action is likely to have a significant impact on a MNES, an EPBC Act referral must be prepared and submitted to the Australian Government Minister for the Environment for consideration. No National heritage listed places are located near the Brisbane Metro alignment.

The Register of the National Estate was formerly compiled as a record of Australia's natural, cultural and Aboriginal heritage places worth keeping for the future. The Register of the National Estate was frozen on 19 February 2007, and no new places have been added or removed since that time. References to the Register of the National Estate were removed from the EPBC Act in February 2012. The Register of the National Estate is maintained on a non-statutory basis as a publicly available archive.

22.1.2 Aboriginal and Torres Strait Islander Heritage Protection Act

The purpose of the Aboriginal and Torres Strait Islander Heritage Protection Act is the preservation, and protection from injury or desecration, of areas and objects in Australia and Australian waters that are of particular significance to Indigenous peoples. Under the Aboriginal and Torres Strait Islander Heritage Protection Act, where the Minister is satisfied there is a significant Aboriginal area or object that is under threat of injury or desecration, the Minister may make binding declarations containing provisions relating to the protection of the area or object. The Minister will generally not make a declaration (and must revoke an existing declaration) if satisfied that State law provides adequate provision for the protection of the area or object.

22.1.3 Native Title Act

The NT Act recognises and protects native title and provides that native title cannot be extinguished contrary to the NT Act and makes provision for how acts that may affect native title rights and interests can be done validly. The National Native Title Tribunal is an Australian Government agency set up under the NT Act. The tribunal mediates native title claims under the direction of the Federal Court of Australia and maintains the:

- National Native Title Register
- Register of Native Title Claim
- Schedule of Native Title applications
- Register of Aboriginal land use agreements.

Brisbane Metro is within the area subject to the Jagera People #2 and Turrbal People native title determination (QCD2015/001) (Jagera and Turrbal Determination). As indicated in Chapter 15, native title does not exist in the determination area. The terms of the Jagera and Turrbal Determination means that the study area does not include any land or waters in relation to which native title may continue to exist. Separate appeals against the

Jagera and Turrbal Determination were lodged on behalf of the Jagera People #2 and the Turrbal People. In July 2017, the Full Court of the Federal Court dismissed the appeals and upheld the original determination.

22.1.4 National Environmental Protection (Assessment of Site Contamination) Measure

The National Environmental Protection Council, in co-operation with environmental health agencies, prepared national guidelines for contaminated land matters in the ASC NEPM. The purpose of the ASC NEPM is to establish a nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, contaminated land auditors, land owners, developers and industry. The ASC NEPM contains two schedules:

- Schedule A, which identifies the recommended process for the assessment of site contamination, indicating guiding principles to be applied
- Schedule B, which identifies eleven general guidelines for the assessment of site contamination, including outlines for investigation levels, field activities and health and ecological risk assessments.

The key element applicable from the ASC NEPM is the nomination of investigation levels (i.e. contaminant concentrations) for the assessment of the risk to human health from potential contaminants) and the generic investigation process to be employed. The ASC NEPM suggests a staged approach to undertaking environmental assessment of a site, which includes:

- Stage 1 – preliminary environmental site assessment
- Stage 2 – detailed site investigation
- Stage 3 – site-specific risk assessment
- Stage 4 – implementation of agreed remediation plan, site management plan and undertaking remediation and validation sampling.

22.1.5 National Greenhouse and Energy Reporting Act

The NGER Act establishes a national framework for corporations to report greenhouse gas emissions, reductions, removals and offsets and energy consumption and production. The NGER Act applies to corporation activities from 1 July 2008. Any activities being undertaken within or after 2010-2011 are required to report if they exceed annual production of 50 kilotonnes in CO₂-equivalent of greenhouse gas emitted or if they consume or produce 200 terajoules of energy. If required, greenhouse gas emissions associated with Brisbane Metro will be reported as a part of Council's current reporting requirements under the NGER Act.

22.2 State legislation

State legislation and policy relevant to Brisbane Metro includes:

- ACH Act
- *Biosecurity Act 2014* (Biosecurity Act)
- *City of Brisbane Act 2010* (City of Brisbane Act)
- *Coastal Protection and Management Act 1995* (Coastal Protection and Management Act)
- ED Act
- EO Act
- EP Act
- Fisheries Act 1994 (Fisheries Act)
- NC Act
- Planning Act
- QH Act
- SBC Act
- SDPWO Act
- TI Act
- VM Act.

22.2.1 Aboriginal Cultural Heritage Act

The ACH Act prescribes a duty of care that requires all persons to take reasonable and practicable measures to prevent harm to Aboriginal or Torres Strait Islander cultural heritage. Failure to comply with the cultural heritage

duty of care is an offence. The Act creates further offences constituted by unlawfully harming, excavating, relocating, taking away or possessing Aboriginal cultural heritage.

It is mandatory that a CHMP be prepared and approved when an EIS is required for a project. Even where an EIS is not required, a proponent may voluntarily develop and have approved a CHMP to assist with managing ongoing cultural heritage issues.

22.2.2 Biosecurity Act

The Biosecurity Act provides the framework for a biosecurity system for Queensland to minimise biosecurity risks and facilitate responses to impacts on biosecurity issues. The Biosecurity Act aligns the responses to biosecurity risks in Queensland with national and international obligations. Plants and animals that pose a risk to the economy, agricultural and tourism industries and the environment can be declared under the Biosecurity Act and must be managed in accordance with the level of risk associated with the pest plant or animal. The Biosecurity Act enforces a 'general biosecurity obligation' on everyone. The general biosecurity obligation requires all persons to be responsible for the management of biosecurity risks under their control that they should reasonable be aware of. The Biosecurity Act categorises weeds and outlines management obligations which be implemented, if required, through the construction phase of Brisbane Metro.

22.2.3 City of Brisbane Act

Local laws for Council are administered under the City of Brisbane Act and provide Council with the powers to make and enforce any local law that is necessary or convenient for the good rule and local government of Brisbane. Local laws that may be relevant to Brisbane Metro include:

- *Health, Safety and Amenity Local Law 2009*, which contains provisions to protect standards of community health and safety, including the regulation of vehicle maintenance on public roads
- *Heavy and Long Vehicle Parking Local Law 1999*, which regulates the parking of heavy and long vehicles on local roads near residential land
- NALL, which regulates the indiscriminate clearing of vegetation, the control of hazardous vegetation and the management of pest vegetation
- *Public Land and Council Assets Local Law 2014*, which regulates activities carried out in public parks, open spaces, bushland, conservation areas, malls in Brisbane city, roads and other Council assets; protect Council assets and provides consent to undertake certain activities.

NALL is relevant to vegetation within the study area. It aims to protect and manage the biodiversity values of the city, as well as preserving the landscape character of the city and landforms such as waterways, wetlands, bushlands, ridgelines and steep slopes. It is intended to complement the provisions of City Plan.

NALL identifies four conservation categories:

- Council vegetation (i.e. vegetation within a Council-controlled road reserve, garden or trees, gardens or other vegetation in any park or other land or premises owned or occupied by Council)
- waterway and wetland vegetation
- significant urban vegetation
- significant native vegetation.

NALL also provides a mechanism for the control of hazardous vegetation and the control of pest vegetation.

A permit under NALL is required to carry out work on protected vegetation. Certain exemptions apply to protected vegetation located within property boundaries and for emergency situations. Apart from emergency situations, the exemptions do not apply to work of any kind on the following types of protected vegetation:

- significant landscape trees (part of the significant urban vegetation category)
- trees protected by a vegetation protection order
- heritage trees

- tidal vegetation (primarily mangroves).

22.2.4 Coastal Protection and Management Act

The Coastal Protection and Management Act provides for the protection, conservation, rehabilitation and management of the coastal zone, including its resources and biological diversity, and ensures decisions about land use and development safeguard life and property from the threat of coastal hazards. The Brisbane Metro study area includes a number of tidal waterways and approval under the Coastal Protection and Management Act and the Planning Act may be required for works within the coastal zone.

22.2.5 Economic Development Act

The ED Act provides for areas to be declared as a PDA. UDAs declared under the repealed Urban Land Development Authority Act are also considered PDAs under the ED Act. Twenty-eight sites across Queensland have been declared PDAs, of which the Woolloongabba PDA, the Queen's Wharf Brisbane PDA, Herston Quarter PDA and Bowen Hills PDA are located near Brisbane Metro. Further information on the PDAs near Brisbane Metro is provided in Chapter 13.

22.2.6 Environmental Offsets Act

The EO Act provides for environmental offsets to counterbalance significant residual impacts of particular activities on particular matters of National, State or local environmental significance. Offsets can be required under various legislation, including:

- Coastal Protection and Management Act
- EP Act
- Fisheries Act
- Planning Act
- NC Act.

The *Environmental Offset Regulations 2014* set out the matters of State environmental significance (MSES). An offset may be required if an action is likely to result in a significant residual impact to a MSES. MSES include:

- regulated vegetation including endangered and of concern RE, RE with wetlands, RE within a prescribed distance from a watercourse and RE connectivity
- essential habitat
- endangered species (flora and fauna)
- vulnerable species (flora and fauna)
- wetlands and watercourses
- items under the Fisheries Act including marine plants, fish habitat area and fish passages.

22.2.7 Environment Protection Act

The EP Act, and subordinate legislation, is the primary legislation in place to protect Queensland's environment while allowing for development that improves the total quality of life in a way that maintains the ecological processes on which life depends (ecologically sustainable development). The EP Act contains a general environmental duty requiring all persons to take all reasonable and practicable measures to prevent or minimise environmental harm. The EP Act is administered by the DES.

Environmentally Relevant Activities

The carrying out of any prescribed ERAs identified in Schedule 2 of the Environmental Protection Regulation (e.g. regulated waste storage, chemical storage, cement manufacturing) requires authorisation by way of an

environmental authority. Further, any ERAs which are concurrence ERAs are also regulated through the Planning Act (refer section 22.2.10).

Contaminated land

Contaminated land intercepted by Brisbane Metro (refer to Chapter 7) will need to be managed in accordance with the EP Act. Preparation of a site suitability statement for the development of the new underground Cultural Centre station stating that it is suitable for the purposes of Brisbane Metro may be required. In accordance with the requirements of the EP Act, a suitably qualified person (i.e. a professional with qualifications and experience to assess contaminated land and ensure that risks to human health and the environment have been appropriately managed) will be engaged to:

- conduct any site investigations and site investigation reports
- prepare any validation reports
- prepare any draft site management plans or draft amendments of site management plans.

State-appointed Environmental Auditors for contaminated land may also need to be appointed to independently evaluate contaminated land investigation documents prepared by suitably qualified person and certify that the document meets the regulatory requirements. Guidance for compliance with subsection 389(1) and 389(2) of the EP Act is addressed in *'Module 5: Contaminated Land Investigation Documents, Auditor Certification and Compliance Assessment'*. An approved auditor is required to certify contaminated land reports prior to lodgement to DES where a statutory decision is required (i.e. removal from EMR, site management plan lodgement) as evidence that any contamination has been suitably managed or remediated.

Environmental nuisance

The EP Act also includes provisions for managing environmental nuisance, including prescribing noise standards for construction work. TMR has developed a transport noise management code of practice, which has been gazetted under the EP Act to comply with the general environmental duty in relation to noise pollution. Construction and operation of the Brisbane Metro will need to be undertaken in compliance with the EP Act.

22.2.8 Fisheries Act

The Fisheries Act provides for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that balances and promotes ecologically sustainable development. The Brisbane Metro study area contains a number of tidal waterways. Approval under the Fisheries Act is required where fisheries resources and fish habitats such as marine plants, may be damaged.

22.2.9 Nature Conservation Act

The NC Act and associated regulations, provide for the conservation of nature, including declaration and management of protected areas, protection of wildlife and habitat, and the sustainable use of native wildlife and areas. Under the NC Act, it is an offence to take protected flora and fauna, unless the person is authorised, or the taking is authorised under a licence or permit or under a conservation plan to do so. Under the NC Act, 'take' is defined as to gather, pluck, cut, pull up, destroy, dig up, fell, remove, or injure a plant or any part of a plant or hunt, shoot, kill, wound, kill, poison, net, snare, spear, trap, dredge for, bring ashore, or aboard a boat, pursue, lure, injure or harm an animal.

The *Nature Conservation (Wildlife) Regulation 2006* (Wildlife Regulation) lists plants and animals considered or presumed extinct, endangered, vulnerable, near threatened, least concern, internationals and prohibited. It is an offence under the Wildlife Regulation to tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring, without reasonable excuse. The offence does not arise where the removal or tampering of an animal's breeding place is part of an approved species management program for animals of the same species, or if a person holds a damage mitigation permit for the animal and the permit authorises the tampering.

22.2.10 Planning Act

The Planning Act is the primary legislation regulating development in Queensland. It sets the framework for the preparation and implementation of the SPP, regional plans, local government planning schemes and development assessment. The Planning Act is supported by the *Planning Regulation 2017*

The Planning Act regulates the following types of development, including:

- carrying out building work
- carrying out plumbing or drainage work
- carrying out operational work
- reconfiguration of a lot
- making a material change of use of premise.

Brisbane Metro is located within the Brisbane LGA. The relevant planning scheme is the City Plan. Generally, the development of Brisbane Metro falls within the following categories of development that the Planning Regulation prescribes as being exempt from requiring approvals under the local government planning scheme:

- development for the construction of transport infrastructure, provided the infrastructure is 'government supported transport infrastructure'
- development that is for the use of, or for the maintenance, repair or upgrading of transport infrastructure
- development that is adjacent to transport infrastructure and is ancillary to the use, maintenance, repair or upgrading of the infrastructure.

Notwithstanding these exemptions, planning approvals may be required for specific aspects of Brisbane Metro. They are required prior to the commencement of relevant works, and may include approvals for the following activities:

- operational works that are tidal works
- development on or adjoining a Queensland heritage place
- material change of use for any ERAs that are identified as concurrence ERAs, which could include:
 - ERA 8: Chemical storage
 - ERA 41: Cement manufacturing
 - ERA 63: Sewerage treatment
 - ERA 64: Water treatment
- removing or damaging marine plants, if required for construction
- constructing or raising waterway barrier works.

Some parts of the study area are also subject to alternative planning controls to the Planning Act, including:

- Woolloongabba PDA, Queen's Wharf Brisbane PDA and Herston Quarter PDA which are subject to the ED Act (refer to section 22.2.5)
- Queensland Children's Hospital State SDA under the SDPWO Act
- South Bank Corporation Area Approved Development Plan under the SBC Act.

Some sections of the study area, such as the UQ and the RBWH, are subject to Infrastructure Designations (formerly Community Infrastructure Designations) under the Planning Act.

22.2.11 Queensland Heritage Act

The QH Act provides for the protection and conservation of Queensland's non-Indigenous historical cultural heritage. The Act is administered by the DES. Development of heritage places is regulated through the Planning Act. The QH Act establishes a framework for identifying and protecting heritage places by:

- establishing the Queensland Heritage Council as an independent statutory authority
- maintaining the Queensland Heritage Register including State heritage places and archaeological places
- keeping local heritage registers, including a process for local government to determine local heritage places
- regulating development of heritage places through the Planning Act
- providing for heritage agreements to encourage appropriate management of heritage places
- providing enforcement powers to protect cultural heritage.

The Queensland Heritage Register is a list of places of cultural heritage significance to Queensland to be protected for present and future generations. Two categories of heritage places are listed on the Queensland Heritage Register:

- State heritage place
- Protected areas.

Places listed on the Queensland Heritage Register are described in Chapter 16. Development on, and in some cases adjoining, a Queensland heritage place will generally require approval under the Planning Act unless an exemption certificate has been issued. There are two types of exemption certificates under the QH Act.

- General Exemption Certificate, which does not require an application. Most minor work and maintenance needed to keep a place in operational condition is approved under the General Exemption Certificate which applies to all places entered on the Queensland heritage register.
- Exemption Certificate, which requires application directly to the DES. Exemption Certificates are mostly used to approve simple projects or work that does not have a detrimental impact on the cultural heritage significance of a Queensland heritage place not covered by a General Exemption Certificate.

The QH Act also includes provisions for liturgical purposes, however this is not relevant to the Brisbane Metro.

Development approval is also required under the Planning Act for a material change of use of premises on land adjoining a Queensland heritage place, unless the development meets one of a number of criteria. These include:

- the material change of use is carried out more than 75 metres from the boundary of the Queensland heritage place
- all buildings and structures, other than dwelling houses, constructed as part of the material change of use have a height of less than 3.5 metres.

Under Part 9 of the QH Act, a person must report to the DES if they discover an archaeological artefact that is an important source of information about an aspect of Queensland's history. Archaeological artefacts include any relic or other remains located above, on, or below the present land surface, or found in State waters, that relate to past human behaviour. Once a report has been made, the discovery cannot be disturbed for at least 20 working days following the provision of notice to the DES, unless permission is given by the DES. The DES assesses the discovery to determine if it is an important source of information about Queensland's history. Information the potential for archaeological artefacts in the study area is provided in Chapter 16.

Under Part 11 of the QH Act, local councils must identify, prepare and maintain a list of places of local heritage significance. Places of local heritage significance are listed within the Council Planning Scheme. A place is considered to be of local significance if its heritage values do not 'contribute significantly to our understanding of

the wider pattern and evolution of Queensland's history and heritage'¹. City Plan includes the City Plan heritage register, which contain places and precincts of cultural heritage significance at a local level, and places of natural significance. All places contained in the City Plan heritage register require the City Plan's Heritage Place Code to be applied when an application for development is made. Although development approvals are not required for the development of government-supported infrastructure on local heritage places, potential impacts on these places have been assessed and further information on local heritage places within the study area is included in Chapter 16.

22.2.12 South Bank Corporation Act

Brisbane Metro is located within the South Bank Corporation Area. Development approval is required under the SBC Act for development that occurs within this area and is assessable pursuant to the South Bank Corporation Area Approved Development Plan. The *South Bank Corporation Approved Development Plan* may need to be amended prior to seeking the development approval to ensure the development is consistent with the Approved Development Plan.

22.2.13 State Development and Public Works Organisation Act

The SDPWO Act gives the Coordinator-General powers to (among other things) manage major infrastructure projects and declare a project as a 'coordinated project'; and coordinate the environmental impact assessment of a project. In accordance with section 26 of the SDPWO Act, the Coordinator-General may:

- declare a project to be a coordinated project for which an EIS is required; or
- declare a project to be a coordinated project for which an impact assessment report is required.

An application for a declaration under section 26(1) of the SDPWO Act has not been made for Brisbane Metro.

The SDPWO Act also provides for the declaration of areas as a SDA. As indicated in section 22.2.5, Brisbane Metro is located within the Queensland Children's Hospital SDA. An approval is required from the Coordinator-General for any development in the SDA that is made assessable pursuant to the development scheme of the SDA. This may include works associated with the Mater Hill station modification or temporary construction worksites.

22.2.14 Transport Infrastructure Act

The TI Act aims to provide a regime that allows for, and encourages, effective integrated planning and efficient management of a system of transport infrastructure. The Brisbane Metro alignment includes the South East Busway, Inner Northern Busway and Eastern Busway, which are defined as busway land under the TI Act. Requirements under the TI Act include approvals to:

- carry out road works on, or to interfere with a State-controlled road or its operation
- interfere with a railway
- interfere with or carry out works on busway transport infrastructure.

22.2.15 Vegetation Management Act

The purpose of the VM Act is to regulate the clearing of vegetation to preserve remnant vegetation, vegetation in areas of high nature conservation value and areas vulnerable to land degradation. The VM Act also ensures that clearing does not cause land degradation, maintains or increases biodiversity, maintains ecological processes and allows for ecologically sustainable land use. The purpose of the VM Act is currently supported by the *State Policy for Vegetation Management*², which sets out the outcomes for vegetation management and the actions the Government proposes to achieve the outcomes of the VM Act.

¹ Environmental Protection Agency (2006) Using the criteria: a methodology, Cultural Heritage Branch, Queensland Government

² DNRM (2013) State Policy for Vegetation Management, Queensland Government, Brisbane

Approval to clear vegetation protected under the VM Act, is regulated through the Planning Act, although the clearing of vegetation for the construction of government supported transport infrastructure is exempt under the Planning Regulation. As such, it is unlikely that a permit for clearing will be required.

22.3 Approval summary

Key approvals that are likely to be required for Brisbane Metro under Queensland Government environment and planning legislation are summarised in Table 22.1. This list of possible approvals will need to be reviewed and confirmed through the detailed design phase and following more detailed environmental investigations.

Other approvals that may need consideration as the concept design is refined include:

- development permit for operational works for the removal, destruction or damage of marine plants under the Fisheries Act and Planning Act
- development permit for operational works for constructing or raising waterway barrier works.

Impacts on MNES have not been identified and therefore an approval under the EPBC Act is not identified as being required. Council may choose to lodge a referral to the DEE seeking a formal decision that the project is not a controlled action.

Other regulatory requirements include the following:

- While an EIS is not being prepared for Brisbane Metro, Council may choose to prepare a CHMP under the ACH Act to assist with managing cultural heritage issues.
- If a contaminated land investigation is required under the EP Act for sites listed on the EMR or CLR, an audit or evaluation of contaminated land investigation documents will be required.

Table 22.1: Key environmental approvals

Permit/approval	Legislation	Assessment manager	Trigger	Relevant aspect of Brisbane Metro	Timing
Development Permit for Operational works for tidal works	Planning Act Coastal Protection and Management Act	Council	Undertaking prescribed tidal work – tidal work includes works in, on or above land under tidal water	Likely to be required for works at Victoria Bridge/North Quay as the Brisbane River is a tidal waterway	Prior to commencing tidal works
Development Permit for a Material change of use of premises for a concurrence ERA	Planning Act EP Act	Chief Executive, DSDMIP	Undertaking an activity that is identified as being a concurrence ERA under the EP Act. ERAs could include: <ul style="list-style-type: none"> • ERA 8 Chemical storage • ERA 41 Cement manufacturing • ERA 63 Sewage treatment • ERA 64 Water treatment. Environmental Authority for the concurrence ERAs would be required prior to their commencement.	May be required for construction	Prior to undertaking any ERA
Development permit for a Material change of use of premises on contaminated land	Planning Act EP Act	Chief Executive, DSDMIP	A material change of use of premises is assessable development if— <p>(a) all or part of the premises are on—</p> <p>(i) the contaminated land register; or</p> <p>(ii) the environmental management register; and</p> <p>(b) the premises are not being used for a sensitive land use; and</p> <p>(c) the material change of use involves—</p> <p>(i) a sensitive land use; or</p> <p>(ii) a commercial use involving an accessible underground facility, including, for example, a basement car park, workshop or office; and</p> <p>(d) neither the contaminated land register nor the environmental management register state that the premises are suitable for the proposed use in</p>	Sites listed on the EMR or CLR	Prior to commencing works

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Draft Design Report

Permit/approval	Legislation	Assessment manager	Trigger	Relevant aspect of Brisbane Metro	Timing
			accordance with a site suitability statement for the premises.		
Development on a Queensland heritage place	Planning Act QH Act	Chief Executive, DSDMIP	Development on a Queensland heritage place, unless an exemption certificate has been issued. Exemption certificates can generally be obtained for works that only affect the heritage values of a place in a minor way (refer to section 22.2.11)	Works on and adjacent to Queensland heritage places at: <ul style="list-style-type: none"> Cultural Centre precinct (South Brisbane railway station, and Queensland Cultural Centre) Adelaide Street (Early Streets of Brisbane, City Hall). 	Prior to any development occurring on a Queensland heritage place
Development Permit for reconfiguring a lot	Planning Act City Plan	Council	May be required for volumetric subdivision for the proposed Brisbane Metro stations	Where new or modified allotment boundaries are required.	Prior to commencing works
Amendment of the Approved Development Plan and Development Approval for assessable development within the South Bank Corporation Area	SBC Act	Council	Amendment of the Approved Development Plan may be required to ensure use is consistent Development for Brisbane Metro within the South Bank Corporation Area may require approval under the SBC Act	Works within the South Bank Corporation Area including on 125 Grey Street	Prior to commencing works
SDA approval	SDPWO Act	Coordinator General	Development within the Queensland Children's Hospital SDA	Mater Hill station modification works and construction worksite	Prior to commencing works within the Queensland Children's Hospital SDA
Disposal Permit (section 424)	EP Act	Chief Executive, DES	Required for the removal and treatment or disposal of contaminated soil removed from a property listed on the EMR or CLR	Sites listed on the EMR or CLR	Prior to commencing works
Agreement of the Chief Executive to carry out road works on, or to interfere with the operation of, State-controlled roads (section 33/section 50)	TI Act	Chief Executive, TMR	Required for any works that impact on the road structure or the intended operation of a State -controlled road	Locations where works interfere with State -controlled roads (e.g. Pacific Motorway)	Prior to commencing works

Permit/approval	Legislation	Assessment manager	Trigger	Relevant aspect of Brisbane Metro	Timing
Approval of railway manager to interfere with a railway (section 255)	TI Act	Railway manager	Any works that impact on the railway or the intended operation of the railway	Locations where works interfere with the existing railway network (e.g. Cultural Centre precinct, possibly Buranda, Boggo Road, and Roma Street)	Prior to impacting the existing railway network
Approval of Chief Executive to interfere with or carry out works on busway transport infrastructure	TI Act	Chief Executive, TMR	Any works that impact on busway transport infrastructure unless authorised under another Act or the works are for construction, maintenance or operation of a road permitted under TI Act	Brisbane Metro would require works to the South East Busway, Inner Northern Busway and Eastern Busway	Prior to impacting the existing busway network
Licence in relation to busway land (S303AB)	TI Act	Chief Executive, TMR	The construction, maintenance or operation of anything on busway land	Brisbane Metro would use the South East Busway, Inner Northern Busway and Eastern Busway	Prior to impacting the existing busway network
NALL permit	NALL	Council	Work on protected vegetation	Clearing of trees protected under the NALL, including at Griffith University and the CBD	Prior to clearing vegetation