

## 3.0 Legislative Framework

### 3.1 Introduction

As a renewable energy development, the Project is generally consistent with a number of international, Commonwealth, State and regional/local agreements and policies that are based around responding to climate change and the development of renewable energy infrastructure.

The Project was declared a 'coordinated project' by the Coordinator-General on the 7<sup>th</sup> June 2016 for which an EIS is required under section 26(1)(a) of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

This chapter describes how the Project is generally consistent with the range of relevant Commonwealth, State, regional and local legislation and policies. Sections 3.3 and 3.4 identify the potential permits and approvals likely to be required for the Project under both Commonwealth and State legislation.

### 3.2 International policy

#### 3.2.1 Kyoto Protocol

The United Nations Framework Convention on Climate Change (UNFCCC) provides the foundation for global action to prevent dangerous interference with the climate system, which has been detailed further through the Kyoto Protocol. Australia ratified the Kyoto Protocol on 3 December 2007. The Protocol's first commitment period started in 2008 and ended in 2012. A second commitment period was agreed on in 2012, known as the Doha Amendment to the protocol, in which 37 countries, including Australia, have binding targets.

The Project is consistent with the Australian Government's commitment to limit greenhouse gas emissions under this agreement. Further discussion of the UNFCCC Kyoto Protocol with respect to the Project is provided in Chapter 19 Sustainability and Climate Change.

#### 3.2.2 Paris Agreement

At the Paris climate conference in December 2015, 195 countries adopted the first-ever universal, legally binding global climate deal. The agreement sets out a global action plan to put the world on track to avoid dangerous climate change by limiting global warming to well below 2°C. The agreement is due to enter into force in 2020.

Governments agreed:

- A long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels
- To aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change
- On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries
- To undertake rapid reductions thereafter in accordance with the best available science.

The agreement will be deposited at the UN in New York and opened for signature for one year on 22 April 2016. The agreement will enter into force after 55 countries that account for at least 55% of global emissions have deposited their instruments of ratification.

### 3.3 Commonwealth policy and legislation

The National Strategy on Ecological Sustainable Development (NSED) was ratified by the Council of Australian Governments in 1992 in response to the signing of the Rio Declaration and Agenda 21 at the United National Commission on Economic Development. The NSED has as its goal 'development that improves the total quality of life, both now and in the future, in a way that maintains ecological processes on which life depends'.

Additionally, in order to meet the 2020 target for emissions reduction arising from Australia's ratification of the Kyoto Protocol, the Australian Government established the Renewable Energy Target (RET), a national scheme designed to reduce emissions of greenhouse gases in the electricity sector and encourage the additional

generation of electricity from sustainable and renewable sources. On 23 June 2015 the Australian Government settled on reforms to the RET.

The new target makes a commitment that 23.5% of Australia's electricity supply will come from renewable sources by 2020. The RET scheme also aims to stimulate investment in renewable energy across Australia with a target of 33,000 Gigawatt hours (GWh) of large-scale renewable energy generation by 2020.

The Project is consistent with the Australian Government's objective to increase the amount of Australia's energy supply derived from renewable sources. The NSESD and RET and their relationship to the Project are further discussed in Chapter 19 Sustainability and Climate Change.

### 3.3.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) establishes a process for environmental assessment and approval of proposed actions that have, will have or are likely to have a significant impact on Matters of National Environmental Significance (MNES) or on Commonwealth land.

MNES are outlined in the EPBC Act to include:

- The world heritage values of a declared World Heritage area
- Places of National Heritage
- The ecological character of Ramsar wetlands of international importance
- Listed migratory species
- Listed threatened species and ecological communities
- Nuclear actions
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- Water resources – protection from coal seam gas development and large coal mining operations.

According to the EPBC Act Policy Statement 1.1 – Significant Impact Guidelines (Department of the Environment 2013), a “significant impact” is an impact which is important, notable, or of consequence, having regard to its context or intensity. The likelihood of an action having a significant impact depends on the sensitivity, value, and quality of the environment affected, and on the intensity, duration, magnitude and geographic extent of the impacts. Further, a significant impact is considered “likely” if it is a real or not a remote possibility; it is not necessary for a significant impact to have greater than a 50% chance of happening.

Consideration of the potential impact of the Project on relevant MNES to the Project is provided in Chapter 12 Flora and Fauna. This assessment relates primarily to listed threatened species, threatened ecological communities and listed migratory species. Given its location, the Project is unlikely to have any impact on World Heritage areas, places of National Heritage, Ramsar wetlands, Commonwealth Marine areas or the Great Barrier Reef Marine Park. Furthermore, it does not constitute a nuclear action, coal seam gas development or coal mining operation.

A development that is likely to have a significant impact on any MNES is defined as a “controlled action” for which an assessment must be prepared under the EPBC Act.

Previous advice from the former Commonwealth Department of Environment, Water, Heritage and the Arts (DEWHA) relating to the Project (in response to three referrals submitted between 2008 – 2011) was that the Project did not constitute a controlled action. Although some Project details have altered since 2011, the Study Area is predominantly unchanged. An assessment of the significance of impacts has been revisited during the preparation of the EIS and no significant impacts to MNES were identified. Table 3.1 provides a summary of the differences between the 2011 EPBC referral Project Site and the current Project Site.

Table 3.1 MNES self-assessment summary

Criterion	Nature and extent of likely impact		
MNES	MNES assessed in the 2011 referral and the 2016 EIS	Additional MNES assessed in 2016 EIS and/or delisted since 2011	Additional Commentary
<b>World Heritage properties</b>	Not applicable.	Not applicable.	No change in assessment.
<b>National Heritage places</b>	Not applicable.	Not applicable.	No change in assessment.
<b>Wetlands of International importance</b>	The Project is not anticipated to have any impacts on the Condamine River, and therefore the Project is not expected to have any influence on the condition of the Narran Lake Nature Reserve.	The project is not anticipated to have any impacts on the Condamine River, and therefore the Project is not expected to have any influence on the condition of the Narran Lake Nature Reserve.	No change in assessment.
<b>Threatened Ecological Communities</b>	<ul style="list-style-type: none"> <li>- Semi-Evergreen Vine Thickets of the Brigalow Belt (North and South) and Nandewar Bioregions (SEVT)</li> <li>- Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)</li> <li>- White Box-Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grasses</li> <li>- Natural grasslands on basalt and fine-textured alluvial plains of northern NSW and southern Queensland</li> <li>- Weeping Myall Woodlands</li> </ul> <p>The Project will require the removal of SEVT only. The exact impact of the Project on SEVT would depend on the exact location of the turbines and the associated infrastructure (including tracks).</p>	<p>Additional communities assessed:</p> <ul style="list-style-type: none"> <li>- Coolibah - Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions</li> </ul> <p>There are no potential impacts on the additional community assessed, this Threatened Ecological Community (TEC) was not identified within the Project Study Area.</p>	The 2016 Project Site has reduced the amount of potential SEVT that may require removal in comparison to the 2011 Referral Project Site.
<b>Threatened Fauna</b>	<ul style="list-style-type: none"> <li>- Black-breasted button-quail</li> <li>- Squatter pigeon</li> <li>- Northern quoll</li> <li>- Spotted-tailed quoll</li> <li>- Grey-headed flying-fox</li> <li>- Collared delma</li> </ul>	<p>Additional species assessed:</p> <ul style="list-style-type: none"> <li>- Koala</li> <li>- Coxen's fig-parrot</li> <li>- Regent honeyeater</li> <li>- Painted honeyeater</li> <li>- Large-eared pied bat</li> </ul>	The 2016 Project Site has reduced the amount of potential SEVT and remnant vegetation (which may provide suitable habitat for threatened fauna species) that may require removal in comparison to the 2011

Criterion	Nature and extent of likely impact		
MNES	MNES assessed in the 2011 referral and the 2016 EIS	Additional MNES assessed in 2016 EIS and/or delisted since 2011	Additional Commentary
	<ul style="list-style-type: none"> <li>- South-eastern long eared bat</li> </ul> <p>No threatened fauna species were identified in field surveys. It is unlikely that the project will have a significant impact on threatened fauna species that have the potential to be found within the Study Area.</p> <p>There is a potential impact to birds and bats from the wind turbines during operation, but this is not considered to be a significant impact.</p>	<ul style="list-style-type: none"> <li>- Greater glider</li> <li>- Yakka skink</li> <li>- Dunmall's snake</li> </ul> <p>All threatened fauna species have a possible likelihood of occurrence within the Study Area with the exception of koala which is known to occur within the Study Area. The Project is unlikely to significantly impact these species. A Significance Impact Assessment of the potential impacts to koala was undertaken that determined that the Project Site did not contain habitat critical to the survival of the koala and that the Project will not adversely affect the survival of the koala or its recovery.</p>	<p>Referral Project Site.</p> <p>The maximum number of turbines within the 2016 Project Site remains the same as the 2011 Referral Project Site. There is unlikely to be a significant difference in impacts to birds and bats since the 2011 referral.</p>
<b>Threatened Flora</b>	<ul style="list-style-type: none"> <li>- Austral cornflower</li> <li>- Mt Berryman phebalium</li> <li>- Austral toadflax</li> <li>- Ooline</li> <li>- Stream clemantis</li> </ul> <p>Field surveys have not identified any flora species listed as threatened under the EPBC Act and State legislation. Potential suitable habitat for these species is limited to remnant vegetation, advanced regrowth vegetation and SEVT. Clearing within these communities may be required but will be avoided where possible.</p>	<p>Additional species assessed:</p> <ul style="list-style-type: none"> <li>- Small-leaved Denhamia</li> <li>- Satin-top grass</li> <li>- King blue-grass</li> <li>- Belson's panic</li> <li>- <i>Polianthion minutiflorum</i></li> </ul> <p>Species delisted since 2011:</p> <ul style="list-style-type: none"> <li>- Finger Panic Grass</li> <li>- Cobar Greenhood Orchid</li> </ul> <p>These additional flora species were not recorded within the Study Area during the field surveys and given that no historical records exist for the Study Area, it is considered unlikely that any important populations are present.</p>	<p>The 2016 Project Site has reduced the amount of potential SEVT and remnant vegetation (which may provide suitable habitat for threatened flora species) that may require removal in comparison to the 2011 Referral Project Site.</p>

Criterion	Nature and extent of likely impact		
MNES	MNES assessed in the 2011 referral and the 2016 EIS	Additional MNES assessed in 2016 EIS and/or delisted since 2011	Additional Commentary
<b>Migratory Species</b>	<ul style="list-style-type: none"> <li>- Fork-tailed swift</li> <li>- White-throated needletail</li> <li>- Black-faced Monarch</li> <li>- Satin Flycatcher</li> <li>- Rufous Fantail</li> <li>- Latham's snipe</li> </ul> <p>No threatened migratory species were identified in field surveys. It is unlikely that the Project will have a significant impact on threatened migratory species that have the potential to be found within the Study Area.</p>	<p>Additional species assessed:</p> <ul style="list-style-type: none"> <li>- Oriental cuckoo</li> <li>- Spectacled monarch</li> <li>- Yellow Wagtail</li> <li>- Osprey</li> </ul> <p>Species delisted since 2011:</p> <ul style="list-style-type: none"> <li>- Rainbow Bee-eater</li> <li>- White-bellied Sea-eagle</li> <li>- Great Egret</li> <li>- Cattle Egret</li> <li>- Painted Snipe</li> </ul> <p>These additional species were not recorded during field surveys. The habitat within the Study Area is unlikely to be deemed important habitat and is unlikely to disrupt the lifecycle of the species. The Project is considered unlikely to have a significant impact on these species.</p>	No change in assessment outcome.
<b>Great Barrier Reef Marine Park</b>	Not applicable	Not applicable	No change in assessment outcome.
<b>Nuclear action</b>	Not applicable	Not applicable	No change in assessment outcome.
<b>Commonwealth marine areas</b>	Not applicable	Not applicable	No change in assessment outcome.
<b>Water resources in relation to coal seam gas development and large coal mining development</b>	Not applicable	Not applicable	No change in assessment outcome.

It is noted that as a result of not being a controlled action, the Commonwealth Environmental Offsets Policy (DSEWPAC, 2012) does not apply for MNES at this stage.

### 3.3.2 Native Title Act 1993

The *Native Title Act 1993* (NT Act) was introduced to address the implications of the Mabo High Court decision, which dismissed the notion of “terra nullius” and recognised the prior rights of indigenous Australians as being similar to those of indigenous groups in other parts of the world. The NT Act set up a process through which indigenous Australian groups can lay claim to pre-existing ownership (native title) rights over areas in Australia and the Torres Strait.

Native title claims are then assessed by the National Native Title Tribunal, which makes a decision on the merits of the claim, and (depending on the decision) may place the claim on the National Native Title Register. Successful native title claims are required to exhibit:

- That the Indigenous group has maintained a traditional connection with the land since 1788
- That the interests of the Indigenous group have not been “extinguished” by inconsistent acts (for example, the granting of freehold title).

The Study Area is currently subject to two active Native Title Claims (National Native Title Tribunal) as listed in Table 3.2.

**Table 3.2 Native Title Claims**

Claimant	Date	Status	Tribunal Number	Federal Court Number
Wulli Wulli People #2	23/09/2011	Active	QC2011/005	QUD311/2011
Wakka Wakka People #3	12/12/2011	Active	QC2011/010	QUD621/2011

Spanning a number of allotments, the Study Area includes freehold, easement and reserve land. As required under the Queensland Government Native Title Work Procedures, land tenure and native title assessments will need to be conducted for each allotment, reserve or waterway. Any activities on allotments where native title has not been extinguished will need to be assessed as potential ‘future acts’ (that is, acts which may impact on native title holders’ rights to land or water) and appropriate measures implemented if required.

## 3.4 State legislation

Development of the Project will be undertaken subject to the requirements of State legislation. The following sections describe the potential State triggers and approval requirements for the Project.

### 3.4.1 State Development and Public Works Organisation Act 1971

The SDPWO Act provides for state planning and development through a coordinated system of public works organisation, for environment coordination and of related purposes to facilitate large projects in Queensland. The Project was declared a ‘coordinated project’ by the Coordinator-General on the 7<sup>th</sup> June 2016 for which an EIS is required under section 26(1)(a) of the SDPWO Act.

The objective of the EIS is to ensure that all relevant environmental, social and economic impacts of the Project are identified and assessed; and to recommend mitigation measures to avoid and minimise adverse impacts.

The EIS is prepared in accordance with the Terms of Reference (ToR) which sets out the general and specific matters the Project proponent must address when preparing the EIS. The draft ToR was made available for public consultation between 10 June and 11 July 2016, with a final ToR released on 29 July 2016.

The public and state government advisory agencies are invited to make submissions on the draft EIS. Information on how to make a submission on the Project’s draft EIS is provided in Chapter 1 Introduction.

At the end of environmental impact assessment process for an EIS, the Coordinator-General releases an evaluation report recommending any conditions to be imposed on an approval for the Project or recommending the an approval for the Project be refused.

### 3.4.2 Electricity Act 1994

Section 12(3)(a) of the *Electricity Act 1994* defines “operating works” for a generation entity as the generating plant, fuel stocks, electrical and other property used for generating electricity or connecting supply to a transmission grid or supply network. Section 25 of the *Electricity Act 1994* defines a generation entity as “...a person who holds a generation authority”. A generation authority authorises its holder to connect its generating plant to a transmission grid or supply network.

Sections 178 to 185 the *Electricity Act 1994* deals with the application, issue and surrender of generation authorities. Specifically, section 178 states that the regulator (that is the Chief Executive of the Department of Energy and Water Supply (DEWS)) can issue a generation authority for a particular generating plant (whether it is constructed or not). The Project will be the generating plant used for the generation of electricity and connection to the Western Downs to Halys 275 kilovolt (kV) transmission line that intersects the Project Site. AGL will obtain a generation authority from the DEWS prior to undertaking detailed design and commencing construction of the Project.

For the development of the Project, AGL is a generation entity and the wind farm is the generation plant.

### 3.4.3 Sustainable Planning Act 2009

The *Sustainable Planning Act 2009* (SP Act) was enacted in December 2009, and together with the Sustainable Planning Regulation 2009 (SP Regulation), is the primary piece of legislation that guides the planning approval process in Queensland. The SP Act oversees the preparation of local government planning schemes, structure and master plans and the designation of community infrastructure. The SP Act also directs the Integrated Development Assessment System (IDAS), which integrates a range of approval requirements previously dealt with under a variety of State legislation.

The Project will require approvals from the Western Downs and South Burnett Regional Councils and the Department of Local Government, Infrastructure and Planning (DILGP) under the SP Act. An assessment of the Project in relation to the relevant planning schemes is provided in Chapter 11 Land Use and Planning.

As outlined above, the Project was declared a ‘coordinated project’ by the Coordinator-General on the 7<sup>th</sup> June 2016 for which an EIS is required under section 26(1)(a) of the SDPWO Act. Where the Project is declared a ‘coordinated project’, the coordinated project process replaces the information and referral and notification stages of the IDAS process under the SP Act. The decision stage commences when the Coordinator-General's evaluation report on the EIS is provided to the relevant assessment manager.

### 3.4.4 Environmental Offsets Act 2014

On 1 July 2014, a new environmental offsets framework was introduced in Queensland, streamlining environmental offsets by providing an outcome-based approach to offsets,. The framework includes:

- The Environmental Offsets Act 2014
- The Environmental Offsets Regulation 2014
- The Queensland Environmental Offsets Policy 2016

An environmental offset may be required as a condition of approval where, following consideration of avoidance and mitigation measures, the activity is likely to result in a significant residual impact on prescribed environmental matters.

Consideration of environmental offsets for the Project are provided in Appendix E, Volume 3 of the EIS.

### 3.4.5 Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003

With reference to sections 23(1) of the *Aboriginal Cultural Heritage Act 2003* (ACH Act) and the *Torres Strait Islander Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal and Torres Strait Islander cultural heritage, which is implied to be the cultural heritage duty of care. A search of the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) database returned the following Aboriginal Parties for the Study Area:

- Barunggam People - Western portion of the Study Area
- Western Wakka Wakka People (Team McLeod) - Northwestern portion of Study Area
- Western Wakka Wakka People (Team Beattie) - Northwestern portion of Study Area

- Wulli Wulli People #2 - Eastern portion of Study Area.

A further search of the DATSIP database will be undertaken prior to construction to identify any changes to the relevant Aboriginal Parties for the Study Area. A Cultural Heritage Management Plan under Part 7 of the ACH Act will be developed and negotiated for the Project.

#### **3.4.6 Regional Planning Interests Act 2014**

The *Regional Planning Interests Act 2014* (RPI Act) identifies and protects areas of Queensland that are of regional interest. The RPI Act seeks to manage the impact and support coexistence of resource activities and other regulated activities in areas of regional interest (Department of Infrastructure, Local government and Planning 2015).

The strategic cropping area (SCA) is an area of regional interest under the RPI Act. The RPI Act restricts certain resource activities from being carried out within a SCA. Resource activities include any activity for which a resource authority is required. As the proposed wind farm is not classified as a resource activity a regional interests development approval (RIDA) is not required. There are no other implications for the Project in regards to the SCA or the RPI Act.

#### **3.4.7 Other State legislation**

It is important to note that in accordance with Schedule 3 of the SP Regulation, there may be State approvals required for a range of activities associated with the development of the Project. The exact details of these likely approvals cannot be determined until further Project information is available at the detailed design stage.

The *Forestry Act 1959* provides for forest reservations, the management silvicultural treatment and protection of State forests, and the sale and disposal of forest products and quarry material, the property of the Crown on State forests, timber reserves and on other lands; and for other purposes. The Project will not impact State forests or State owned forest resources. This act is therefore not applicable to the Project.

Table 3.3 provides a summary of other potentially applicable State legislation including potential approvals, licensing and permit requirements for the Project. Figure 3.1 illustrates the key approvals and where there will be opportunities in the relevant application processes for public comment.

Table 3.3 Table of potential approvals for the construction and operation of the Project

Item	Approval required	Legislative assessment trigger	Applicable assessment manager	Applicable level of assessment	Relevant assessment provisions	How EIS informs the relevant application	Comments
1	Owner's consent for development applications	<i>Sustainable Planning Act 2009</i> , Section 263	Dependant on land tenure (Department of Natural Resources and Mines (DNRM))	Not Applicable	For State land appropriate tenure is obtained and demonstrated to the applicable assessment manager	Owner's consent for all required development applications will need to be obtained.	Owner's consent required for development applications to be deemed 'properly made' under the <i>Sustainable Planning Act 2009</i> (Qld).
2	Development permit for material change of use for wind farm	Sustainable Planning Regulation 2009 (Qld), Schedule 3, Part 1, Table 2, Item 11 Sustainable Planning Regulation 2009 (Qld), Schedule 24, Part 1, Item 1(1)(a) referral to DNRM for clearing of native vegetation	Department of Infrastructure, Local Government and Planning (DILGP)	Code Assessable	The relevant provisions of the State Development Assessment Provisions including (Module 20 - Wind Farm State Code, Module 8- Native Vegetation Clearing State Code) State Planning Regulatory Provisions Relevant Regional Plan State Planning Policies	The EIS addresses the relevant assessment provisions. The decision stage for the application starts when the Coordinator-General (CG) gives the assessment manager a copy of the CG's report for the EIS.	Application includes proposed ancillary substation and clearing native vegetation. Code assessable if all wind turbines for the wind farm are at least 1,500m from a sensitive land use on a non-host lot; or 1 or more wind turbines for the wind farm are less than 1,500m from a sensitive land use on a non-host lot and the owner of the non-host lot has, by deed, agreed to the turbines being less than 1,500m from the sensitive land use.
3	Development permit for operational works and/ or water licence for taking and interfering with water	Sustainable Planning Regulation 2009 (Qld), Schedule 3, Table 4, Item 3 <i>Water Act 2000</i> , Section 204	DILGP/ DNRM	Code Assessment for Development Application (DA) No relevant level of assessment	DA requirements The relevant provisions of the State Development Assessment Provisions (Module 7 –Sustainable Management of Water Resources State Code) State Planning	An application for operational works and/ or water licence for taking and interfering with water will need to be obtained prior to work commencing.	A watercourse determination request can be lodged with DNRM to confirm the status of the water features affected by temporary and/or permanent works. If the features are determined to not be watercourses as per the <i>Water Act 2000</i> , then the works can

Item	Approval required	Legislative assessment trigger	Applicable assessment manager	Applicable level of assessment	Relevant assessment provisions	How EIS informs the relevant application	Comments
				for water licence	Regulatory Provisions Relevant Regional Plan State Planning Policies A relevant temporary local planning instrument A relevant preliminary approval to which section 242 applies The relevant planning scheme Water License requirements: Description and location of land Reason for interference Details of proposed activity Source and location of water Water requirements (where applicable)		be undertaken without the need for a notification, development approval or licence as it is outside DNRM's jurisdiction. Where the water features are deemed watercourses under the <i>Water Act 2000</i> and compliance with the applicable exemption/self-assessable development requirements cannot be met, a development application and/or water licence will be required.
4	Development permit for a material change of use for environmentally relevant activity 16 for extractive and screening activities)	Sustainable Planning Regulation 2009 (Qld), Schedule 3, Table 2, Item 1 Environmental Protection Regulation 2008, Schedule 2, Part 4, Item 16	DILGP	Code Assessment	The relevant provisions of the State Development Assessment Provisions (Module 4 – Concurrence Environmentally Relevant Activity State Code) State Planning Regulatory Provisions Relevant Regional Plan	An application for relevant ERA's will be submitted by the constructing contractor prior to construction commencing.	Activities that would require an ERA would ultimately depend on the final procurement of the constructing contractor. For example, materials for construction may fully use extracted on-site materials or fully use materials from registered off-site quarries or a combination of both. The relevant ERA for the Project may therefore be

Item	Approval required	Legislative assessment trigger	Applicable assessment manager	Applicable level of assessment	Relevant assessment provisions	How EIS informs the relevant application	Comments
					State Planning Policies A relevant temporary local planning instrument A relevant preliminary approval to which section 242 applies Relevant planning scheme		environmentally relevant activity 16 -extractive and screening activities.
5	Development permit for operational works for waterway barrier work	Sustainable Planning Regulation 2009 (Qld), Schedule 3, Table 4, Item 6	DILGP	Code Assessment	If not in accordance with the self-assessable code, a development permit will be required prior to the commencement of construction activities within a waterway. The relevant provisions of the State Development Assessment Provisions (Module 5.2– Constructing or raising waterway barrier works in fish habitats state code) State Planning Regulatory Provisions Relevant Regional Plan State Planning Policies A relevant temporary local planning instrument A relevant preliminary approval to which	This EIS identifies the potential need for waterway barrier works to facilitate new crossings. The exact details of the approval cannot be determined until further Project information is available at the detailed design stage.	Operational work that is the constructing or raising of waterway barrier works, other than operational work that is self-assessable development under part 2 or carried out on premises to which structure plan arrangements apply. Compliance with self-assessable code for minor waterway barrier works part 3: culvert crossings (WWBW01 April 2013) – for culverts Compliance with Self-assessable code for temporary waterway barrier works (WWBW02 April 2013) – For temporary barriers across Waterway Barrier Works Waterways (i.e. diversions).

Item	Approval required	Legislative assessment trigger	Applicable assessment manager	Applicable level of assessment	Relevant assessment provisions	How EIS informs the relevant application	Comments
					section 242 applies Relevant planning scheme		
6	Development permit for reconfiguring a lot	Kingaroy Shire IPA Planning Scheme, Part 3, Division 2, table 3B Sustainable Planning Regulation 2009 (Qld), Schedule 7, Table 2 relevant referral agency (where applicable)	South Burnett Regional Council	Code Assessment	Applicable codes within the Kingaroy Shire IPA Planning Scheme State Planning Regulatory Provisions Wide Bay Burnett Regional Plan State Planning Policies Temporary local planning instrument A preliminary approval to which section 242 applies The relevant provisions of the State Development Assessment Provisions trigger under Schedule 7, Table 2)	A development application will be required for the reconfiguration of a lot.	If the proponent enters into a landholder agreement (as it is with the wind turbines) reconfiguration of a lot will not be necessary. Applicable planning scheme to be determined at time of lodgement.
		Draft South Burnett Planning Scheme, Table 5.6.1 Sustainable Planning Regulation 2009 (Qld), Schedule 7, Table 2 relevant referral agency (where applicable)	South Burnett Regional Council	Impact Assessment	The South Burnett Planning Scheme State Planning Regulatory Provisions Wide Bay Burnett Regional Plan State Planning Policies Temporary local planning instrument A preliminary approval to which section 242		

Item	Approval required	Legislative assessment trigger	Applicable assessment manager	Applicable level of assessment	Relevant assessment provisions	How EIS informs the relevant application	Comments
					applies The relevant provisions of the State Development Assessment Provisions trigger under Schedule 7, Table 2		
7	Development permit for operational works for excavation and/or filling	Draft South Burnett Planning Scheme, Part 5, Table 5.8.1	South Burnett Regional Council	Code Assessment	Self- assessment Carry out a self-assessment to make sure proposal complies with the relevant code. Code Assessment: Applicable codes within the relevant planning scheme State Planning Regulatory Provisions Wide Bay Burnett Regional Plan State Planning Policies Temporary local planning instrument A preliminary approval to which section 242 applies	As assessment against the relevant local planning scheme will need to be undertaken once the extent of excavation and/filling works have been finalised during the detailed design of the Project.	Applicable Local Plan and Overlay levels of assessment need to be confirmed at the detailed design phase to determine if impact assessment is required.
		Kingaroy Shire IPA Planning Scheme, Part 3, Division 2, Table 3B	South Burnett Regional Council	Self - assessment or Code Assessment			
		Planning Scheme for Wambo Shire, Part 4, Table 4.1.2 (4)	Western Down Regional Council	Self - assessment or Code Assessment			
		Draft Western Downs Planning Scheme	Western Down Regional Council	Self - assessment or Code Assessment			
8	Development permit for building work	Sustainable Planning Regulation 2009 (Qld), Schedule 3, Part 1, Table 1, Item 1	Private Certifier	Code Assessable	The relevant provisions of the following, as they apply under the <i>Building Act 1975</i> (Qld), Chapter 4, Part 1, Division 1: <i>The Building Act</i> (Qld), chapters 3 and 4;	The relevant assessment provisions of the Building Code of Australia will need to be addressed following detailed design.	

Item	Approval required	Legislative assessment trigger	Applicable assessment manager	Applicable level of assessment	Relevant assessment provisions	How EIS informs the relevant application	Comments
					Any local law or local planning instrument that the division allows to apply to the assessment; - Note Sustainable Planning Regulation 2009 (Qld), Schedule 4 exemption; The Queensland Development Code; The Building Code of Australia.		
9	Self- Assessable Building Works	Building work made self-assessable or exempt under the Sustainable Planning Regulation 2009 (Qld), Schedule 3, Part 2, Table 1, Item 2	Not Applicable	Self-Assessment/ Exempt Development	Self-Assessment <i>Building Act 1975</i> (Qld), Section 21 Exempt Development Building Regulation 2006, Schedule 2	The relevant assessment provisions of the Building Code of Australia will need to be complied with.	
10	Compliance assessment for plumbing, drainage and on site sewerage work	<i>Plumbing and Drainage Act 2002</i> (Qld), Section 85, 86 and 86A	Applicable Regional Council	Compliance Assessment	Standard Plumbing and Drainage Regulation 2003	The relevant assessment provisions of assessment criteria described under the Standard Plumbing and Drainage Regulation 2003 will need to be addressed following detailed design.	Requires confirmation that the proposal will be connected to local government infrastructure for plumbing and drainage during the detailed design phase

Item	Approval required	Legislative assessment trigger	Applicable assessment manager	Applicable level of assessment	Relevant assessment provisions	How EIS informs the relevant application	Comments
11	Cultural Heritage Management Plan (CHMP)	<i>Aboriginal Cultural Heritage Act 2003</i> (Qld), Part 7	Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP)	Not Applicable	Divisions 3 to 7 of Part 7 of the <i>Aboriginal Cultural Heritage Act 2003</i> (Qld)	A CHMP is compulsory where an EIS is required.	A CHMP is being developed and negotiated for the Project.
12	Compliance with <i>Aboriginal Cultural Heritage Act 2003</i> Duty of Care Guidelines	<i>Aboriginal Cultural Heritage Act 2003</i> , Section 28	DATSIP	Not Applicable	Demonstration of compliance with <i>Aboriginal Cultural Heritage Act 2003</i> Duty of Care Guidelines	Provided the land user is compliant with the approved CHMP, the proponent has certainty that they are acting lawfully under the legislation and that they are meeting their cultural heritage duty of care.	-
13	Protected plant clearing permit	<i>Nature Conservation Act 1992</i> (Qld), Section 89	Department of Environment and Heritage Protection (DEHP)	Not Applicable	A clearing permit is only required if the area is not identified as high risk and the proponent is aware, or becomes aware, before the clearing commences that there are EVNT plants within the area being cleared or within 100m of the area being cleared	This EIS confirms that the flora survey trigger map does not identify any high risk areas within the Project Site.	-
14	Damage mitigation permit and/or a species management plan.	Nature Conservation (Wildlife Management) Regulation 2006,	DEHP	Not Applicable	Demonstrate real need to take wildlife and mitigation measures to damage caused	This EIS confirms that a fauna construction management plan will be submitted to DEHP to obtain an approved	-

Item	Approval required	Legislative assessment trigger	Applicable assessment manager	Applicable level of assessment	Relevant assessment provisions	How EIS informs the relevant application	Comments
		Section 332(1) and Section 332(4)				Species Management Plan for Least Concern fauna.	
15	Riverine Protection Permit	<i>Water Act 2000</i> , Part 8, Section 266	DNRM	Applicable	If not in accordance with the exemption requirements, a Riverine Protection Permit will be required prior to the commencement of construction activities within a watercourse. The application must include the written consent of the registered owners of land— (a) wholly containing the length of the watercourse in which the activity is to take place or the part of the lake or spring where the activity is to take place; or (b) adjoining the watercourse, lake or spring where the activity is to take place.	This EIS identifies the potential need for a riverine protection permit for works within a watercourse. The exact details of the approval cannot be determined until further Project information is available at the detailed design stage	No approval is required if the works are undertaken in accordance with the document entitled 'Riverine protection permit exemption requirements', produced by DNRM in 2013 (WSS/2013/726, Version 1.01). The exemption requirements apply to landholders and occupiers of the land. Qualification under these exemption requirements will depend on the tenure or sublease arrangements for the subject land.

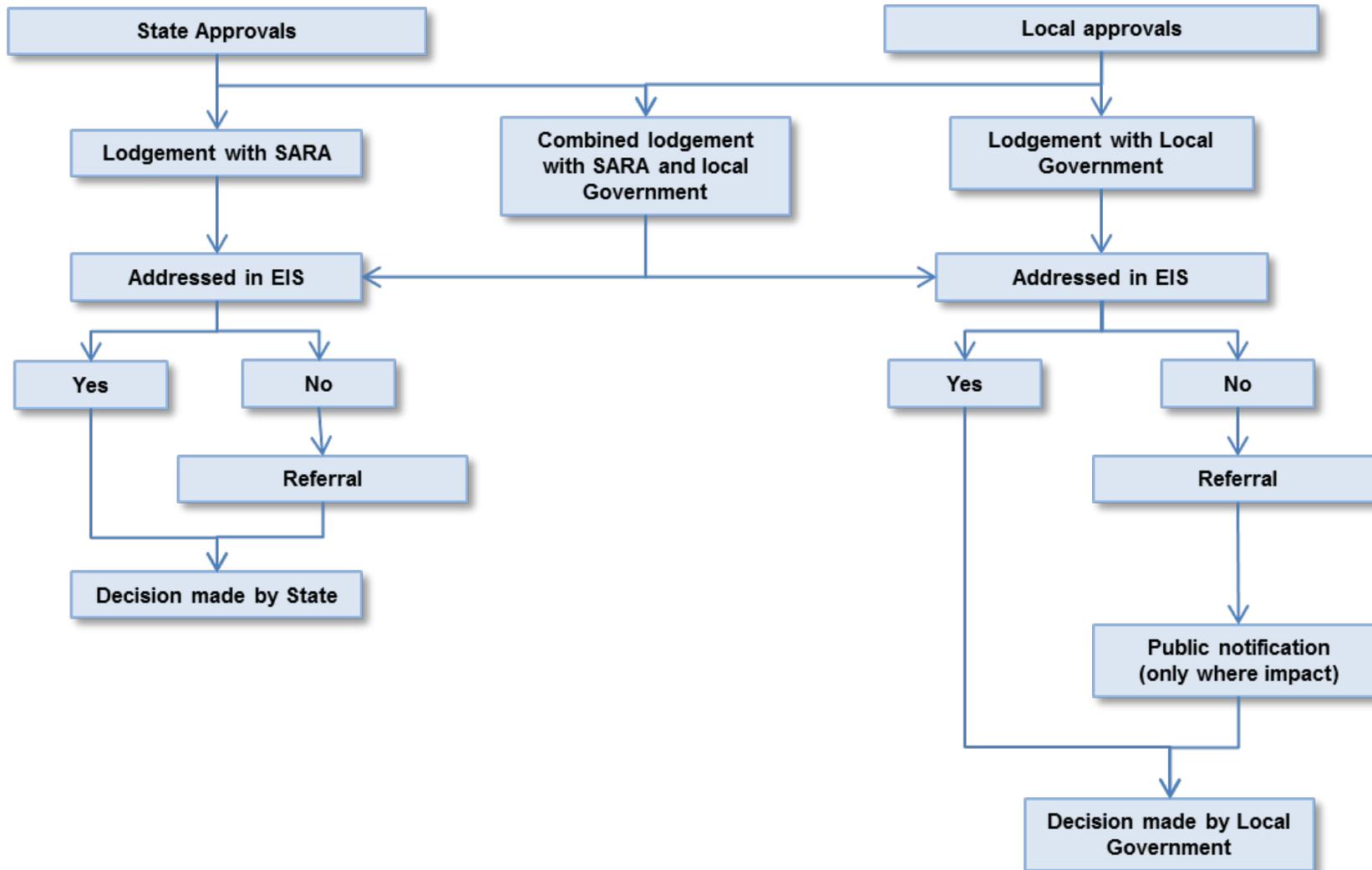


Figure 3.1 Key approvals

### 3.5 Plans and policies

The Project Site is subject to a range of State Interests expressed in the Queensland State Planning Policy. The Project Site is also subject to regional planning frameworks (such as the Wide Bay Burnett Regional Plan, Darling Downs Regional Plan and the Surat Basin Regional Planning Framework – Non-Statutory) and local planning schemes (Draft Western Downs Regional Council Planning Scheme, Wambo Shire Planning Scheme and Kingaroy Planning Scheme). These identify land use and planning objectives on a more site-specific basis.

These planning instruments contain objectives around ecologically sustainable development and the generation of renewable energy. The Project is generally consistent with these objectives and will facilitate the ongoing use of the land for rural purposes (see Chapter 11 Land Use and Planning for a detailed discussion of the Project in relation to the regional and local planning instruments).

### 3.6 Queensland Wind Farm State Code and supporting Planning Guideline

The Queensland Wind Farm State Code and supporting Planning Guideline came into effect on 22 July 2016. It provides a consistent, coordinated, whole-of-government approach to the assessment and regulation of wind farm development across Queensland. The code and guideline will facilitate quality renewable energy outcomes whilst protecting communities from any adverse impacts as a result of wind farm development.

The Queensland Wind Farm State Code and supporting Planning Guideline will support the role of DILGP, via the State Assessment and Referral Agency (SARA), as the assessment manager for all wind farm proposals in Queensland. As a result, responsibility for assessing wind farm developments will shift from local governments to the State.

The purpose of the Queensland Wind Farm State Code is to protect individuals, communities and the environment from adverse impacts as a result of the construction, operations and decommissioning of wind farm development.

The Queensland Wind Farm Planning Guideline assists applicants in preparing development applications for wind farm proposals and to provide assistance in responding to performance outcomes and acceptable outcomes of the Queensland Wind Farm State Code. It provides guidance in relation to required technical assessments and suggested further reading/information.

The EIS has been developed to be consistent with the Queensland Wind Farm State Code and supporting Planning Guideline.

### 3.7 Draft National Wind Farm Development Guidelines

The DNWFDG were released by the Environment Protection and Heritage Council (EPHC) in July 2010. The DNWFDG are non-statutory and are intended to provide guidance to decision makers about the potential impacts of wind farm development, and the methodologies that should be adopted when undertaking environmental impact assessments (as part of a planning approval process) for wind farm developments.

The DNWFDG have been borne from recognition that reporting requirements for wind farms presently differ significantly throughout Australia, and that some consistency in approach is required for the environmental assessment procedures between states. A Working Group was established by the EPHC consisting of Commonwealth and State Government agencies, the Planning and Local Government Minister's Council, and a number of expert consultants to draft the DNWFDG.

The DNWFDG in conjunction with the Queensland Wind Farm State Code and supporting Planning Guideline provides as a useful tool for project stakeholders – including relevant agencies, local councils, landowners and the general community to help inform stakeholders about project assessment and reporting requirements.

The 2011 Senate Community Affairs Reference Committee tabled its report into the social and economic impacts of rural wind farms. The report made specific recommendations on updating the DNWFDG. In the Australian Government's response it was indicated that it did not support this recommendation. The Australian Government stated that:

*"...jurisdictions have developed, or are currently developing, planning application, assessment and approval processes within their own planning frameworks to manage community concerns about wind farm developments such as turbine noise, shadow flicker, electromagnetic interference and impacts on*

*landscapes and wildlife. The EPHC Standing Committee therefore has decided to cease further development of the Guidelines.”*

It was noted by the Australian Government that the DNWFDG remain a valuable reference document for industry and planning authorities. Given the limited extent of previous wind farm developments within Queensland, the DNWFDG provide a nationally recognised benchmark for assessment of the Project.

### **3.8 Summary**

This chapter has described Commonwealth and State legislation and policies and local government planning schemes of relevance to the Project. The resulting consideration (necessary permits and approvals) for the Project have also been identified. The relationship of the EIS investigations with respect to nationally recognised policy guidance has also been discussed.

As a renewable energy project, the Project will be developed in accordance with applicable Commonwealth and State legislation and will seek to achieve the outcomes sought by various international, national, regional and local policies.