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5. PLANNING AND LAND USE

5.1. Land acquisition process and buffer area arrangements

SDRC is managing the land acquisition process for properties impacted by the inundation area and/or the buffer area. The decision as to full or partial acquisition is based on the degree of impact caused by the inundation area and/or the buffer area. The DNRM prefer that whole properties are acquired where possible, so as not to create smaller lots with limited viability for existing or future agricultural land uses. The aim of full acquisitions is to allow for the portions of two or more properties not impacted by the inundation area to be amalgamated in accordance with the *Southern Downs Regional Council Planning Scheme* (Planning Scheme) to create viable property areas for agricultural land uses. If partial acquisition of properties is considered, it would be due to the remaining land area being viable for the existing land use to continue.

There are a number of mechanisms available for SDRC to acquire the affected properties, details of these processes are provided in Section 1.7.

A number of submissions requested clarification of the process of acquisition of land impacted by Emu Swamp Dam and the use of land within the buffer area. Submitters suggested that the inundation area and buffer area will result in a loss of viable agricultural land and cause negative economic impacts to landholders. Some landholders wish to retain ownership of their land up to the inundation level and have the buffer area designated as a wildlife refuge encumbrance, known in Queensland as a Nature Refuge.

Land within the buffer area would be acquired by the SDRC for the Project and be reserved for ecological purposes. It is intended that the buffer area around the inundation area would become a Nature Refuge wherein land uses will be limited for the main purpose of protecting the water quality within Emu Swamp Dam and maintaining ecological connectivity around the dam. Nature Refuge Agreements will be negotiated between the Department of Environment and Heritage Protection (EHP) and the SDRC. Intensive agricultural industry is generally prohibited in Nature Refuges and existing cropping and grazing activities are not unsupported.

Intensive agricultural industry would also be unsupported within the catchment of Emu Swamp Dam to protect water quality of water storages and this is controlled by the Planning Scheme. Planning Scheme provisions relating to the protection of water quality are provided in Section 5.3.

The creation of smaller lots as a result of the realignment to Stalling Lane is not supported by the DNRM as existing agricultural land uses would no longer be viable. These smaller lots will be amalgamated in accordance with the Planning Scheme to form viable areas for agricultural activities and land uses. Section 5.3.2 outlines the relevant Planning Scheme requirements for amalgamating and reconfiguring lots.

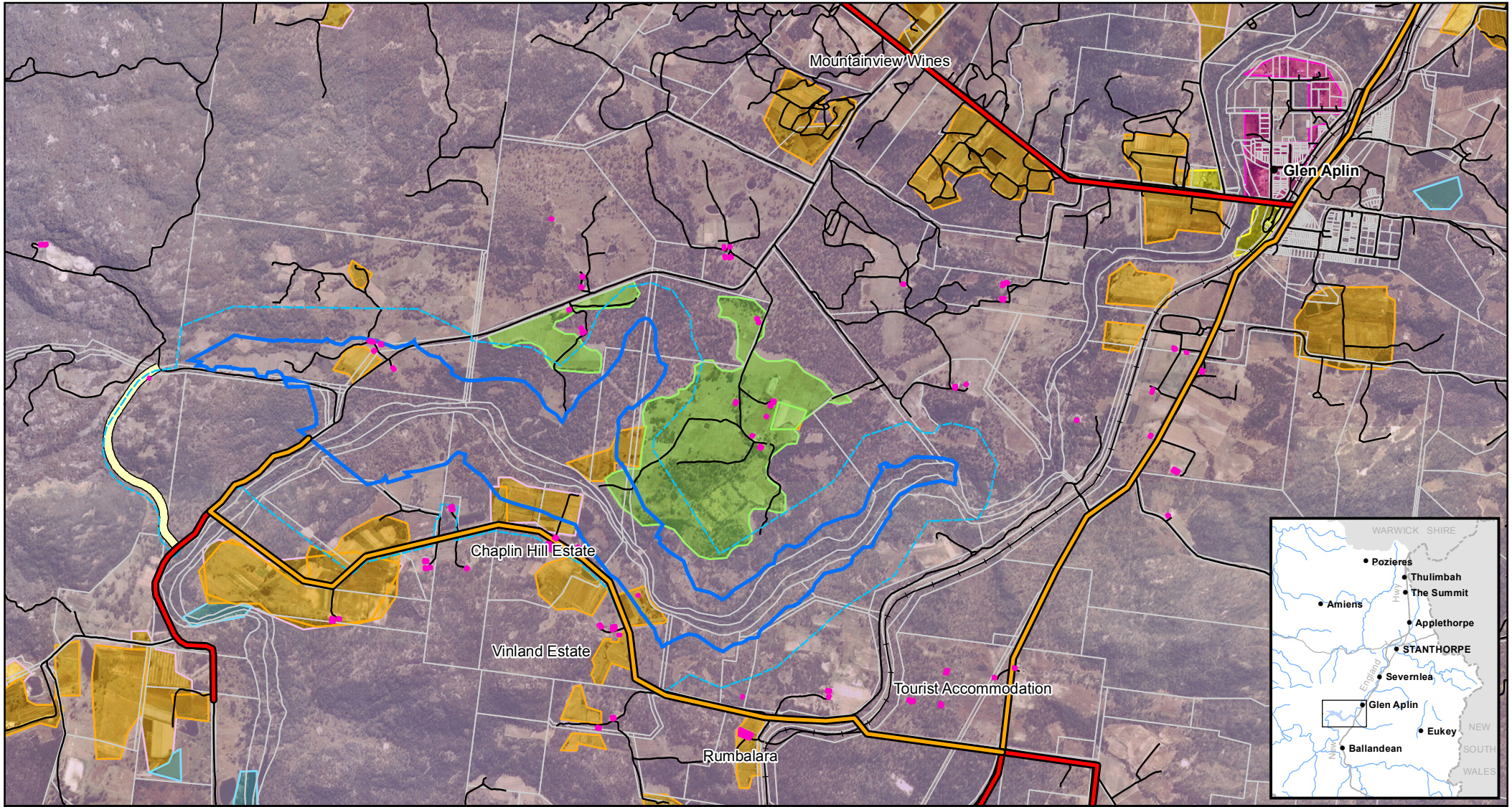
5.2. Mapping of vineyards and cultivation areas in the catchment area

A submission requested that:

- Vinland Estate be correctly located and labelled on Figure 5-1 of the EIS; and
- cultivation areas on Lot 6 on SP223919 and Lot 7 on RP222897 impacted by the inundation area are added in Figure 5-1 of the EIS as these are currently not shown.

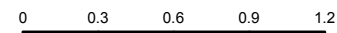
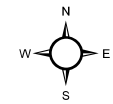
Vinland Estate has been correctly located and labelled in Figure 5-1. Areas of cultivation on Lot 6 on SP223919 and Lot 7 on RP222897 not shown on Figure 5-1 of the EIS have been added and are shown in Figure 5-1.

I:\GEMV\2\Projects\QED06732\Spatial\ArcGIS\Figures\PLANNING\FIGURE05_1_Planning_LandUseWithinInundationAreaAndSurrounds_130920.mxd Produced: 1/11/2013



LEGEND

- | | | |
|-----------------------|------------------------------|--------------------------------------------|
| ● Town Names | — Stalling Lane Access | Land Use |
| — Railway | - - - Buffer Area | ■ Grazing |
| — Road/Track | — Full Supply Level 738m AHD | ■ Natural Environments / Other Minimal Use |
| — Urban Pipeline | ■ House/shed | ■ Horticulture |
| — Irrigation Pipeline | □ Cadastral Boundaries | ■ Residential |
| | | ■ Services |
| | | ■ Water / Reservoir / Dam |



Scale - 1:30,000

Projection: GDA94 MGA56

**EMU SWAMP DAM
SUPPLEMENTARY REPORT**

**Figure 5-1
Land Use Within the
Inundation Area and Surrounds**



5.3. Southern Downs Regional Council Planning Scheme

The *Stanthorpe Shire Council Planning Scheme* (SSC Planning Scheme) was the local planning instrument in force at the time of writing the EIS. This has now been superseded by the *Southern Downs Regional Council Planning Scheme*, which came into effect on 14 August 2012.

Submissions requested clarification on the following issues in relation to the Planning Scheme and the anticipated amendments to the SSC Planning Scheme at the time of writing the EIS:

- how Emu Swamp Dam satisfies the Desired Environmental Outcomes (DEOs) of the SSC Planning Scheme as this was not demonstrated in the EIS;
- water quality protection measures proposed as part of amendments to the SSC Planning Scheme for land use outside of the buffer area, but within the Granite Belt catchment and the likely restrictions on this land; and
- the strategy of the Planning Scheme in protecting capability and suitability of subdivided or reconfigured land.

5.3.1. *Desired Environmental Outcomes*

The Planning Scheme contains a Strategic Intent that serve the same purpose as DEOs under the repealed SSC Planning Scheme. It is considered that an assessment of Emu Swamp Dam against the Strategic Intent of the Planning Scheme will satisfy the requirements of the submission requesting clarification of how Emu Swamp Dam is consistent with the DEOs of the SSC Planning Scheme. This assessment is provided in Table 5.1.

Table 5.1 Assessment of Emu Swamp Dam against Strategic Intent of Planning Scheme

| Theme | Strategic Intent | Relationship to Emu Swamp Dam |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Comprehensive, identifiable communities | The Southern Downs Region has a unique role in early settlement and history of Queensland, it has a strong multi-cultural society and a climate and topography, which sets it apart from the rest of the State. It is recognised that a sense of place is valuable because it contributes to an understanding of who we are and where we come from and also contributes to our sense of identity as individuals and our sense of belonging to a community. This plan provides for recognition, celebration and protection of the heritage and of the diversity in the urban areas in the Southern Downs and establishes Warwick, Stanthorpe, Allora and Killarney and the existing villages as places to live, work and do business. Each centre has a distinct identity and together they provide a wide variety of lifestyles and community character. These existing centres will contain all new urban and rural residential development. | Emu Swamp Dam will provide security of the agricultural sector of Stanthorpe and allow for continued growth of the town. The dam will support existing activities and therefore the heritage, history and character of the Stanthorpe area. |

| Theme | Strategic Intent | Relationship to Emu Swamp Dam |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Safe, healthy communities | The residential areas will provide vibrant, pleasant places to live where there is a mix of highly compatible land uses that all contribute to residential enjoyment. Safe and healthy communities will be supported by attention to crime prevention through urban design and by provision of suitable, accessible areas for physical activity and exercise. Strong community links will be encouraged through good urban design that provides for networks and connections including active transport. | Emu Swamp Dam will support the growth of Stanthorpe and this would allow opportunities for the establishment of new land uses and development. New development would spur new urban design principles in the town and create opportunities for active transport connections. |
| Vibrant centres | The central business areas of Warwick and Stanthorpe are the primary centres. They are the focus for business and have a crucial role in generating employment, activity, retail facilities and services for the whole Southern Downs Region. The central business areas of Allora and Killarney are secondary centres providing for district catchments. They provide a sense of community as well as convenient services and facilities for the towns and surrounding rural area. These existing established centres will contain all centre uses and activities including large supermarkets, department stores and shopping centres. | Emu Swamp Dam will directly support the economy of Stanthorpe through the provision of improved water security. This will allow for growth of the town, generating employment and business opportunities, as well as strengthening existing businesses. |
| Rural production | Rural industries contribute to the economy, character and identity and food security of the Southern Downs. Land used for rural production will be protected from further fragmentation and from urban and rural residential encroachment. Diversification and the introduction of innovative farming techniques will be encouraged wherever this can be achieved with positive environmental and social impacts. | Emu Swamp Dam will directly support the agricultural sector and rural industries of Stanthorpe, providing improved water security. The dam will inundate some areas of viable agricultural land, however, this impact is considered to be offset by the benefit of improved water security to the region. |
| Landscape and environment | <p>The landscape is characterised by its wooded hillsides, rivers and floodplains, extensive areas of cultivation, orchards and vineyards, grazing lands, dense forest and rocky outcrops. The residents of the region value this diverse landscape as it contributes significantly to their sense of place and identity and to the scenic beauty of the area. As well as supporting rural production the non-urban areas support environmental, recreational, cultural and scenic functions and will be protected from urban and rural residential development.</p> <p>The natural environment is highly valued by residents and visitors. The Southern Downs is at the top of both the Condamine and Border Rivers catchments and hugs the rugged mountainous areas of the Great Dividing Range and Border Ranges. It is recognised that there is rich diversity in the natural environment and significant areas are protected by State and Federal legislation. The environment will be respected and protected by all new development.</p> | <p>Emu Swamp Dam will result in changes to the visual environment, but will be consistent in nature to existing dams in the region.</p> <p>Emu Swamp Dam will support the agricultural sector through improved water security. Despite initial negative impacts to properties within the inundation area, it is considered that once established, Emu Swamp Dam will contribute positively to the scenic beauty of the area.</p> <p>All significant vegetation impacted by the dam will be offset appropriately in accordance with relevant environmental legislation. All activities required for construction of Emu Swamp Dam will have appropriate environmental permits and licences to manage impacts on the environment.</p> |

| Theme | Strategic Intent | Relationship to Emu Swamp Dam |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Industrial development | The Warwick Industrial Estate is a major employment hub in the Southern Downs, it can be serviced with all urban services and contains adequate land for some industrial expansion for the future. The Stanthorpe Industrial Estate, while smaller than the Warwick estate provides an important service and employment role in the southern part of the region. The integrity of the industrial estates will be protected from encroachment from sensitive uses. | Emu Swamp Dam will provide improved water security in Stanthorpe, allowing growth of the town. This includes the industrial sector. |
| Infrastructure and services | Appropriate infrastructure is required to support future development. Council will continue to service and where necessary and possible upgrade existing infrastructure in the existing urban areas. Infrastructure required for new development areas will be, in most cases, the responsibility of the developer. | It has been identified that Emu Swamp Dam is necessary infrastructure to support future development and growth of Stanthorpe. |

It is considered that Emu Swamp Dam is consistent with the Strategic Intent of the Planning Scheme.

5.3.2. Water Quality Protection Measures

Emu Swamp Dam was not specifically considered in the drafting of the SDRC Planning Scheme which replaced the SSC Planning Scheme. It was recommended in Section 5.3.1.2 of the EIS that water quality protection measures specific to the dam be applied to properties in the dam's catchment as part of amendments or drafting of the new Planning Scheme, however, these were not taken forward.

The Planning Scheme does include provisions to protect catchment areas of existing dams, including Leslie Dam, Connelly Dam, Storm King Dam, Glenlyon Dam and Beehive Dam. This is achieved through the Water Resource Catchments Overlay Code which applies to all new development and land uses located within the 'water resource catchments overlay' mapping. Existing dams are mapped on the water resource catchments overlay mapping under the Planning Scheme. The assessment criteria of the Water Resource Catchment Overlay Code are identified in Table 5-2.

Table 5-2 : Water Resource Catchment Overlay Code

| Performance Outcomes | Acceptable Outcomes |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Water quality and quantity | |
| <p>PO1 Development does not have adverse effects on the quality or quantity of water entering Storm King Dam, Leslie Dam, Glenlyon Dam, Connelly Dam, Beehive Dam or any proposed dam for urban water or other community use.</p> | <p>AO1 There is no acceptable outcome identified.</p> |
| Buffering to dams and water courses | |
| <p>PO2 The buffering and filtering function of the riparian area adjacent to the dams and the water courses feeding the dams is maintained or improved.</p> | <p>AO2 (a) No development occurs within 400 m of the FSL or flood margin reserve, whichever will provide the greatest distance from the water edge of the dam. (b) No use is established within 100 m of the high bank of any waterway within the overlay area and the riparian vegetation is maintained.</p> |
| Scenic amenity of dams | |
| <p>PO3 The scenic amenity of the dams, foreshores and immediate surrounds are maintained or improved including views from the dam and to the dam when viewed from any public area or road.</p> | <p>AO3 There is no acceptable outcome identified.</p> |
| Use | |
| <p>PO4 Development within the catchment does not include uses that could impact on the water quality including intensive animal industries and industrial uses.</p> | <p>AO4 There is no acceptable outcome identified.</p> |

It is recommended that should Emu Swamp Dam be approved to proceed, the Planning Scheme be amended to include the dam, specifically mapped on the water resource catchments overlay and referenced in the Water Resource Catchment Overlay Code.

5.3.3. Scope for amalgamation and subdivision of affected lots

The Planning Scheme does not support the subdivision of rural lots that will negatively impact on the productivity and viability of agricultural land uses. As such, there is scope under the Planning Scheme for rural lots affected by Emu Swamp Dam to be amalgamated to continue viable agricultural land uses. The land acquisition approach taken by SDRC will be in accordance with the Planning Scheme.

Emu Swamp Dam is located within the Granite Belt and Granite Hills Precincts within the Rural Zone under the Planning Scheme. The Planning Scheme states that one of the purposes of the Rural Zone Code is to protect agricultural land from alienation or diminished productivity. It contains provisions that encourage amalgamation of lots that would promote agricultural land uses and these are identified in Table 5-3. The Planning Scheme also contains a Reconfiguring a Lot Code, which applies general provisions to amalgamations, subdivisions and boundary realignments of properties.

Table 5-3 : Planning Scheme provisions supporting the creation of viable agricultural lots

| Performance Outcomes | Acceptable Outcomes |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>PO11 Reconfiguring a lot results in lots that reflect the capability and sustainability of land for agricultural or pastoral purposes. Where a site has low capability for rural purposes lots must be larger to reflect the reduced rural capability. Reconfiguring a lot also allows for coordinated land management and results in a more sustainable use of the rural land resource.</p> <p>Except where new lots result from the rearrangement of the boundaries of existing lots, the minimum lot size in the Granite Belt Precinct is 100 ha and 500 ha in the Granite Hills Precinct.</p> | <p>AO11 There is no acceptable outcome identified.</p> |
| <p>PO12 Rearrangement of the boundaries of existing lots which are located adjacent to each other:</p> <ul style="list-style-type: none"> (a) Results in a more sustainable rural land resource; (b) Does not lead to increased fragmentation of rural land; (c) Does not increase the potential for conflict between rural and non-rural land uses; (d) Allows for coordinated land management (including ensuring water resources and the land to be irrigated are on the same lot); (e) Avoids hazards (such as bushfire prone areas); and (f) Results in improved environmental outcomes. | <p>AO12</p> <ul style="list-style-type: none"> (a) The number of new lots including the balance area is equal to or less than the total number of original lots. (b) The lots that are to be rearranged are each greater than 4,000 m² and can be used in their current form for a dwelling house in accordance with the Assessment criteria in this planning scheme (except for the provision of existing legal and practical road access). (c) A lot <ul style="list-style-type: none"> (i) With an area of less than 4,000 m²; or (ii) That cannot currently be used for a dwelling house in accordance with the relevant planning scheme codes; or (iii) That physically cannot be used for development; may be amalgamated with other lots but will not be counted in the total number of original lots as referred to in (a) above. (d) The new lots have an area of at least 2 ha. (e) All lots with an area of less than 4 ha are located on the least productive portion of the site. (f) Building envelopes of at least 400 m² can be provided on all lots. The building envelope: <ul style="list-style-type: none"> (i) Excludes land which has remnant vegetation and includes appropriate firebreak setbacks; and (ii) Excludes land which is located within 200 m of a watercourse; and (iii) Complies with the setbacks required for a dwelling house in accordance with the Assessment criteria in this planning scheme. (g) Where possible new lots with an area of less than 4 ha are located to form a logical extension of an existing community. |

SDRC will confirm which lots will be partially acquired and identify opportunities for amalgamation of lots in accordance with the Planning Scheme to allow for viable agricultural land uses to continue.

5.4. Satisfaction of the overriding need definition of SPP 1/92

Submissions identified that the EIS did not adequately address the overriding need and alternative location principles of *State Planning Policy 1/92: Development and the Conservation of Agricultural Land* (SPP 1/92) in relation to the impacts of Emu Swamp Dam on Good Quality Agricultural Land (GOAL). On 18 December 2012, SPP 1/92 lapsed and is no longer a statutory planning policy in Queensland. However, for the purposes of this assessment, SPP 1/92 has been considered.

Section 5.2.4 of the EIS identified the inundation area impacts on Class A, B and D GOAL and these affected areas will no longer be available for agricultural uses. As per SPP 1/92, development on GOAL may only be supported where there is an 'overriding need' for the development in terms of public benefit and no other site is suitable for the particular purpose.

In accordance with the *Planning Guidelines: The Identification of Good Quality Agricultural Land* (former Department of Primary Industries (DPI), 1993), overriding need for the proposed development can be demonstrated through one or more of the following:

- there are significant direct and indirect employment benefits (i.e. on-site and flow-on benefits);
- there are significant local or regional economic benefits in terms of growing a State industry;
- there are significant economic benefits to the State as a whole in terms of growing a State industry; and
- major infrastructure with specific siting / location requirements.

Chapter 2 of the EIS provided a description of the need for Emu Swamp Dam and Chapter 14 of the EIS included an assessment of the impacts of the dam on the local, regional and State economy. The assessment stated that the current water demand for Stanthorpe already exceeds the average annual yield of Storm King Dam. If Emu Swamp Dam does not proceed, Stanthorpe town would have to cap and reduce its current level of growth to achieve water security. This would negatively impact the economy of Stanthorpe. Emu Swamp Dam would provide security of water supply to the agricultural sector and support ongoing agricultural land uses and areas of GOAL within the SDRC area as well as provide for population growth, industry and commercial sectors in Stanthorpe. Table 5-4 addresses the above criteria to justify that Emu Swamp Dam satisfies the overriding need definition.

Table 5-4 Satisfaction of GOAL overriding need criteria

| Overriding Need Criteria | Response |
|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| There are significant direct and indirect employment benefits (i.e. on-site and flow-on benefits) | <p>Directly creates 32 new jobs within the SDRC region and 96 new jobs in Queensland during the construction phase.</p> <p>Directly creates 157 new jobs within the SDRC region during the operation phase</p> <p>Indirect employment opportunities would also be created through the purchase of raw materials and equipment for construction and general flow-on effects to local and regional economies, such as accommodation and retail. Operation of Emu Swamp Dam would indirectly contribute new employment opportunities in the agricultural, industrial, commercial and tourism sectors within the Stanthorpe region, including the construction industry to support urban growth.</p> |
| There are significant local or regional economic benefits in terms of growing a State industry | <p>Ongoing economic benefits of the Project include \$23.8 million in value-added or Gross Regional Product (GRP) within the SDRC region.</p> <p>The increase in water availability will allow growth in the residential and industrial sectors of Stanthorpe and will assist in strengthening and continuing the agricultural sector in the region, a key component of the economy of the SDRC area.</p> |
| There are significant economic benefits to the State as a whole in terms of growing a State industry | <p>Ongoing economic benefits of the Project include \$23.8 million in value-added or Gross Regional Product (GRP) for Queensland. Irrigation water has potential to increase economic output and contribute to the objective of doubling Queensland's food production by 2040.</p> <p>There are a range of fruits and vegetables grown in the Stanthorpe area that are distributed throughout Queensland and Australia, including apples, pears, stone fruit, lettuce, cauliflower, cabbage, capsicum and tomatoes. There is also a well-established wine producing industry. Emu Swamp Dam will directly benefit these industries by providing improved water security, a more sustainable economy (especially through periods of extended droughts) and more reliable agricultural yields during summer production. Droughts have been a constant threat to the agricultural industry for many years.</p> <p>The declaration of Emu Swamp Dam as a "significant Project for which an EIS is required" by the Coordinator-General pursuant to section 26(1)(a) of the <i>State Development and Public Works Organisation Act 1971 (Qld)</i> (SDPWO Act) confirms the strategically important nature of the dam to the State of Queensland.</p> |
| Major infrastructure with specific siting / location requirements | <p>Investigations into the need for additional water supplies on the Granite Belt have been long standing and various options have been investigated since at least 1980.</p> <p>These investigations into the most suitable option for an additional water supply within the SDRC area have identified that Emu Swamp Dam has the most suitable yield to deliver urban and irrigation water at a suitable cost of construction. The alignment of the pipelines associated with Emu Swamp Dam will predominantly follow existing road reserves to minimise impacts to land uses.</p> |

An overriding need for Emu Swamp Dam has been identified based on the public benefits outlined in Table 5-4. As Emu Swamp is the most suitable location for the provision of water storage infrastructure in the region and the support it will provide to the agricultural sector and areas of GOAL, the loss of GOAL as a result of the dam is justified in terms of the SPP 1/92.