

*KUR-World*

# Project Approval Process

Chapter 5.0

Environmental Impact Statement



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Abbreviations used in this chapter are as follows:

| Abbreviation | Meaning   |
|--------------|---|
| CG           | Co-ordinator General  |
| DotE         | Department of the Environment                                 |
| EPBC         | Environment Protection and Biodiversity Conservation Act 1999 |
| PoD          | Plan of Development   |
| SDPWOA       | State Development and Public Works Organisation Act 1971      |



## 5.0 LEGAL AND OTHER REQUIREMENTS (PROJECT APPROVAL PROCESS)

### 5.1 Project approvals

Table 5-1 provides a summary of the approvals required to facilitate the delivery of KUR-World, considering Commonwealth, State and Local government approvals. Further discussion in relation to select approvals which are of specific relevance to the EIS is provided in the following sections of this Chapter.

**Table 5-1: KUR-World Project Approvals**

| Governing Legislation  | Approval Type   | Comments   |
|--|---|--|
| <b>Commonwealth Government</b>   |   |  |
| <i>Environment Protection and Biodiversity Conservation Act 1999</i>     | Approval to take a controlled action  | This approval is being obtained under a bilateral agreement between the Commonwealth Government and the Queensland Government as part of the assessment of the project under the <i>State Development and Public Works Organisation Act 1971</i> (refer below).                                      |
| <b>Queensland Government</b>   |   |  |
| <i>State Development and Public Works Organisation Act 1971</i>          | Coordinator-General's Report evaluating the Environmental Impact Statement  | Approval of the Coordinated Project  |
| <i>Land Act 1994</i>   | Permanent closure of road   | Closure of roads within the development site.<br><br>(Note: This approval has been obtained and has been affected such that the roads are now closed)  |
| <i>Vegetation Management Act 1999</i>                                    | Relevant purpose determination  | A relevant purpose determination may be required where a vegetation clearing application is triggered (refer below).   |
| <i>Planning Act 2016</i><br><br><i>Vegetation Management Act 1999</i>    | Development Permit for Carrying Out Operational Work for Clearing Native Vegetation                                     | Where clearing of regulated vegetation is required that is not exempt clearing work or accepted development.   |
| <i>Planning Act 2016</i><br><br><i>Environmental Protection Act 1994</i> | Development Permit for a Material Change of Use for an Environmentally Relevant Activity<br><br>Environmental Authority | Environmentally Relevant Activities relevant to KUR-World may include chemical storage, electricity generation, fuel burning, sewage treatment and water treatment.<br><br>Where the ERA is not a concurrence ERA, an application is to be made under the <i>Environmental Protection Act 1994</i> . |
| <i>Nature Conservation Act 1992</i>                                      | Protected Plant Clearing Permit   | Where involving clearing of, or within 100 metres of plants that are endangered, vulnerable or near threatened wildlife.   |
|  | Flying-fox roost management permit  | Where the disturbance of a flying-fox roost is required.   |

| Governing Legislation   | Approval Type   | Comments  |
|---|---|---|
| <i>Planning Act 2016</i><br><br><i>Water Act 2000</i>   | Development Permit for Carrying Out Operational Work for Taking or Interfering with Water   | Where involving work that is the taking of, or interference with water, where those that work are assessable development.   |
|   | Water licence   | Authority to take or interfere with (or both) water.  |
| <i>Planning Act 2016</i><br><br><i>Planning Regulation 2017</i><br><br><i>Fisheries Act 1994</i>  | Development Permit for Carrying Out Operational Work for Waterway Barrier Works   | Where involving waterway barriers works that are assessable development.<br><br>Note – for operational works involving constructing or raising waterway barrier works in fish habitats to be considered accepted development, works must meet all the relevant criteria of the Accepted development requirements for operational work that is constructing or raising waterway barrier works                                |
| <i>Aboriginal Cultural Heritage Act 2003</i>  | Cultural Heritage Management Plan   | As the project is to obtain an approval by way of the preparation of an EIS   |
| <i>Transport Infrastructure Act 1994</i>  | Road works within a state-controlled road   | Where road works are required on a state-controlled road, approval is required under the <i>Transport Infrastructure Act 1994</i> .   |
|   | Approval of vehicular access to a state-controlled road   | Where direct access is required to a state-controlled road, approval is required under the <i>Transport Infrastructure Act 1994</i> .   |
| <i>Water Supply (Safety and Reliability) Act 2008</i>   | Registration as a service provider  | Depending on the manner in which infrastructure services will be provided to the development, registration as a service provider may be required.   |
| <i>Forestry Act 1959</i>  | Authorisation for taking of quarry material (if required)   | The interference use, or removal of State-owned quarry material may require authorisation under the <i>Forestry Act 1959</i> , which provides the authority for the State to sell forest products and quarry material from forest tenures, applicable to Crown holdings and some freehold land.   |
| <p><b>Mareeba Shire Council</b></p> <p>The site is wholly located with the Mareeba Shire local government area and therefore Mareeba Shire Council is responsible for all local government approval requirements in relation to the site.</p> |   |   |
| <i>Planning Act 2016</i>  | Preliminary Approval for Material Change of Use, Reconfiguring a Lot, Carrying Out Operational Work and Carrying Out Building Work, including a Variation Approval to vary the effect of a local planning instrument. | A Preliminary Approval (including a Variation Approval) will be sought to vary the effect of the Mareeba Shire Planning Scheme 2016 by establishing an alternative town planning framework (articulated in a Plan of Development) over the development site. The alternative town planning framework will facilitate the delivery of the KUR-World project through various subsequent planning approvals (discussed below). |
|   | Development Permit for Material Change of Use   | Planning approvals for various aspects of development supporting the delivery of KUR-World will be obtained pursuant to the alternative town planning framework   |
|   | Development Permit for Reconfiguring a Lot  |   |



| Governing Legislation                                    | Approval Type  | Comments  |
|--|--|---|
|  | Development Permit for Carrying Out Operational Work | established under the Variation Approval (or otherwise under the planning scheme).            |
|  | Preliminary Approval for Carrying Out Building Work  |   |
| <b>Private Certifier</b>                                 |  |   |
| <i>Planning Act 2016</i><br><br><i>Building Act 1975</i> | Development Permit for Carrying Out Building Work    | Building approvals will be sought for all buildings and structures associated with KUR-World. |

## 5.2 Coordinated Project

KUR-World has been declared a coordinated project by The Coordinator-General ('the CG') pursuant to Section 26(1)(a) of the *State Development and Public Works Organisation Act 1971* ('the SDPWOA'). This Environmental Impact Statement (EIS) has been prepared in accordance with Section 32 of the SDPWOA to support the CG's assessment of KUR-World under the SDPWOA.

Substantive issues addressed within the EIS are subject to Queensland legislation particular to each issue. The relevant legislation and matters to address the legislation is described within each chapter.

## 5.3 Environment Protection and Biodiversity Conservation Act 1999

Notification was provided by the Australian Government, Department of the Environment ('the DotE') on 27 June 2016 that it considered that KUR-World represented a controlled action for which assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* ('the EPBCA') is applicable.

On 20 July 2016, the DotE advised that the assessment of KUR-World under the EPBCA could be undertaken by way of bilateral agreement with the Queensland Government.

## 5.4 Preliminary Approval and Variation Approval

Whilst KUR-World has been declared a coordinated project, as discussed in Section 5.2, it is still subject to the approval processes provided for by the *Planning Act 2016* ('the PA'), as modified by the SDPWOA. Upon receipt of approval from the CG, a development application will be made to Mareeba Shire Council ('Council') comprising a Variation Request, to vary the effect of the *Mareeba Shire Council Planning Scheme 2016*<sup>1</sup> ('the planning scheme') in relation to KUR-World. The manner in which the effect of the planning scheme will be sought to be varied is documented in the Proponent's proposed Draft Plan of Development ('Draft PoD'), provided as Appendix 2B. The Draft PoD designates alternative categories of development and/or assessment and new or altered assessment benchmarks for development that is a Material Change of Use, Reconfiguring a Lot, Carrying Out Building Work and Carrying Out Operational Work for KUR-World. The Proponent intends to receive a Preliminary Approval, including a Variation Approval, which will provide for the Draft PoD to apply in place of the planning scheme in relation to development for KUR-World.

<sup>1</sup> The planning scheme is discussed in greater detail in Section 6.3 of the EIS  
KUR-World Environmental Impact Statement



The abovementioned development application will be assessed in accordance with the framework established under the PA. An approval provided by the CG in relation to a coordinated project is taken to be a referral agency response, under Section 37(1)(d) of the SDPWOA, for the purposes of the development application. As part of the CGs assessment of the coordinated project, state interests will be considered. The State Planning Policy and the Far North Queensland Regional Plan are also reflected in the planning scheme, against which (amongst other things) Council will undertake its assessment of the application.

In accordance with Section 37(1)(a) of the SDPWOA, a properly made submission about the draft EIS or any subsequent information that is subject to public notification as part of the coordinated project process, is also taken to be a properly made submission for the purposes of the abovementioned development application. A person who makes a properly made submission in relation to a development application may appeal to the Planning and Environment Court against any decision in relation to the development application, within the bounds of the appeal rights afforded under the PA.

The Draft POD may be changed, after it is approved, under Section 78 of the PA, by way of a change application made to Council.

## 5.5 Development Permits

The provisions of the PoD provide that subsequent development approvals, each providing a Development Permit, will be required for Material Change of Use, Reconfiguring a Lot, Carrying Out Building Work and Carrying Out Operational Work aspects of KUR-World as relevant. Development applications will be lodged with Council to seek the required Development Permits, aligned to the staging of the project outlined in the Project Description (Chapter 4). Further detail in relation to approval requirements is provided in the Draft PoD in Appendix 2B.

Any development application that seeks a Development Permit under the Plan of Development that is subject to Impact Assessment will be publicly notified. During the public notification period, public submissions may be made. A person who makes a properly made submission in relation to a development application is afforded appeal rights in the Planning and Environment Court in relation to any decision on the development application.

## 5.6 The Assessment Process

The diagram below (Figure 5-1), provides an outline of the EIS assessment process.



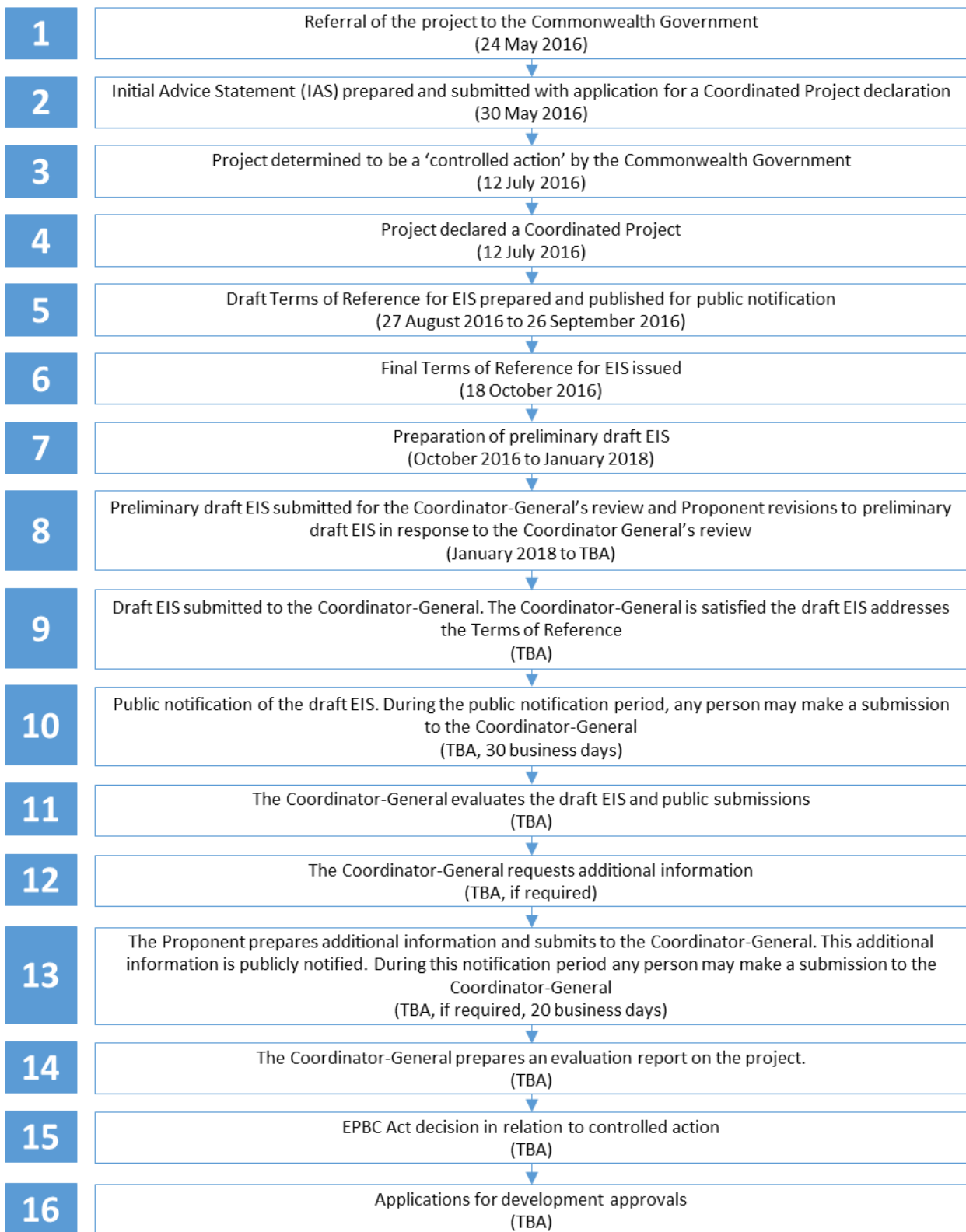


Figure 5-1: The EIS Process Flowchart

