

3. Legislation and project approvals

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3.1 Overview

This chapter addresses the requirements of Part B, Section 3.16 – 3.24 of the terms of reference (ToR) for the environmental impact statement (EIS) for the Lower Fitzroy River Infrastructure Project (Project) and provides a review of relevant Commonwealth, Queensland and local legislation and policies relevant to planning, approvals, construction and operation of the Project. Legislation and policies addressing Commonwealth and State counter-terrorism and critical infrastructure protection are addressed within confidential documents provided separately to the Coordinator-General in accordance with Part B, Section 8.17 – 8.19 of the ToR (Appendix T).

This chapter identifies the approvals for which stated conditions are sought through the EIS process. In order to do this, the relevant legislation at the Commonwealth (Section 3.2), State (Section 3.3) and local level (Section 3.5) is identified. All associated approvals are listed in Section 3.7 and stated conditions and recommendations are requested, where applicable.

Importantly, planning approval pathways for the Project comprise a Community Infrastructure Designation (CID) or a Material Change of Use (MCU). A decision on which pathway is most appropriate for the Project is yet to be made. As such, all options are presented herein as relevant to individual legislation and are discussed in detail on Section 3.7.

Power supply to the Project is discussed in Chapter 2 Project description. At Rookwood Weir, an application to Ergon Energy for power supply will be made. Further approvals associated with this work will be the responsibility of the supplier. At Eden Bann Weir, applications will be made to Ergon with regard to capacity upgrades required and will be subject to separate environmental approval. While it is identified that permits and approvals will be required with regard to resource extraction activities for construction material supplies (quarries and/or burrow pits), these will be sought separately to the EIS approval, in accordance with Commonwealth and State legislation and regulatory requirements, including under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), as necessary and applicable.

3.2 Commonwealth legislation and approvals

3.2.1 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The *Aboriginal and Torres Strait Island Heritage Protection Act 1984* (Cth) preserves and protects places and objects of particular significance to Indigenous Australians in accordance with their Indigenous traditions (DSEWPaC 2010). Indigenous cultural heritage matters relating to the Project are addressed through the implementation of Cultural Heritage Management Plans (CHMPs) developed in consultation with endorsed Aboriginal parties and approved by the former Department of Environment and Resource Management (Section 3.3.1, Chapter 17 Cultural heritage)).

3.2.2 Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act is the Commonwealth's principal piece of environmental protection legislation. Under Part 3 of the EPBC Act, a person must not take an action that has or is likely to have a significant impact on a matter of national environmental significance (MNES) unless that person can rely on an exemption, or obtains an approval from the Commonwealth Minister. An action includes a project, development, or undertaking an activity or series of activities. An action that has potential to significantly impact upon MNES is deemed to be a 'controlled action' and as such requires an approval from the Commonwealth Minister for the Environment.

In late 2009, the Project was referred to the Commonwealth Environment Minister for a decision on whether the Project required assessment and approval under the EPBC Act (Section 75). In January 2010, the Project was declared a controlled action to be assessed by EIS under Section 87 of the EPBC Act. The controlling provisions for the Project under the EPBC Act are:

- World Heritage properties (Sections 12 and 15A)
- National Heritage places (Sections 15 B and 15C)
- Listed threatened species and communities (Sections 18 and 18A)
- Listed migratory species (Sections 20 and 20A).

In June 2010, the Commonwealth Department of the Environment (DoE) issued Guidelines for an EIS for the Project that set out the requirements for the content and presentation of the EIS. As at 10 January 2014, the Project transitioned to assessment through the new bilateral assessment process executed between State and Commonwealth governments. As a result, a single EIS addresses both State ToR and Commonwealth Guidelines. The environmental impact assessment process and EIS structure are detailed in Chapter 1 Introduction.

3.2.2.1 EPBC Act Environmental Offset Policy

The purpose of the EPBC Act Environmental Offset Policy is to outline the Commonwealth Government's position on the use of environmental offsets to compensate for adverse impacts on MNES protected under the EPBC Act. Offsets seek to provide a net environmental gain through targeted actions (direct and indirect). Under the EPBC Act, environmental offsets can be used to maintain or enhance the health, diversity and productivity of the environment as it relates to MNES. However, environmental offsets do not apply where the impacts of a development are considered to be minor in nature or could reasonably be mitigated.

The term 'environmental offset' refers to measures that compensate for the residual adverse impacts of an action on the environment. Offsets provide environmental benefits to counterbalance the impacts that remain after the implementation of avoidance and mitigation measures. These remaining, unavoidable impacts are termed 'residual impacts' and offsets are only required if residual impacts are significant as defined in the Matters of National Environmental Significance - Significant impact guidelines 1.1 (DoE 2013).

As the Project is a controlled action under the EPBC Act, and where significant residual impacts on MNES occur the EPBC Act Environmental Offset Policy applies to the Project (Volume 2, Chapter 14 Offsets).

3.2.2.2 International conventions and treaties

Migratory marine bird species that travel seasonally between Australia and Northern Asia are protected by international agreements between the Australian Government and the Governments of Japan (the Japan-Australia Migratory Bird Agreement, 1974), China (the China-Australia Migratory Bird Agreement, 1986) and Korea (the Republic of Korea-Australia Migratory Bird Agreement, 2006) under the EPBC Act.

In addition, the Convention on the Conservation of Migratory Species and Wild Animals (the Bonn Convention 1979) aims to conserve terrestrial, marine and avian migratory species throughout their range. Provisions of this convention have been incorporated into the EPBC Act as a controlling provision (listed migratory species) and were triggered by the Project.

The Convention on Wetlands of International Importance (the Ramsar Convention 1971) seeks 'the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world'. Australian wetlands designated under Article 2 of the Ramsar Convention, or declared under the EPBC Act are considered to be MNES, and as such are protected under the EPBC Act through a controlling provision (wetlands of international importance). No Ramsar wetlands occur within the Project area and the controlling provision is not a trigger for the Project.

3.2.3 Great Barrier Reef Marine Park Act 1975

The *Great Barrier Reef Marine Park Act 1975* (Cth) provides a framework for the establishment, control, management and development of the Great Barrier Reef Marine Park (GBRMP). The *Great Barrier Reef Marine Park Act 1975* is administered by the Great Barrier Reef Marine Park Authority (GBRMPA). The Fitzroy River flows into the southern end of the GBRMP at Keppel Bay approximately 141 km downstream of Eden Bann Weir and approximately 265 km downstream of the proposed Rookwood Weir site. Given the considerable distance between the proposed Project area and the GBRMP, the Project will not have direct impacts on the GBRMP.

Potential indirect impacts have been considered including changes in freshwater flows and water quality impacts on aquatic ecosystems associated with the GBRMP (Chapter 7 Aquatic fauna, Chapter 9 Surface water resources and Chapter 11 Water quality).

3.2.4 National Environment Protection Council Act 1994

National Environmental Protection Measures (NEPMs) are made under the *National Environment Protection Council Act 1994* (Cth). NEPMs are a special set of national objectives designed to assist in protecting or managing particular aspects of the environment.

Implementation of NEPMs is largely handled by jurisdictional agencies at the Commonwealth and State levels of government. These jurisdictions are required to report annually to the National Environment Protection Council on the implementation of the NEPMs. In Queensland the Environmental Protection Regulation 2008 (EP Regulation) (Section 3.3.3) gives effect to, and enforces compliance with, the National Pollution Inventory NEPM.

3.2.5 Native Title Act 1993

The *Native Title Act 1993* (Cth) (NT Act) recognises the rights and interests over land and water possessed by Indigenous people in Australia under their traditional laws and customs. Through the NT Act, the Native Title Tribunal was established, and processes set out for the determination of native title rights and interests over land and water.

The objects of the NT Act are:

- To provide for the recognition and protection of native title
- To establish ways in which future dealings affecting native title may proceed, and to set standards for these dealings
- To establish a mechanism for determining claims to native title
- To provide for, or permit, the validation of past acts and intermediate acts, invalidated because of the existence of native title.

The NT Act is applicable to the Project as:

- The Project will affect lands / waters over which Native Title has not been extinguished, including the bed and banks of the Fitzroy River, and a process will be required to either suppress or extinguish Native Title
- The Project will include actions involving taking of surface water and living aquatic resources. Notification to Registered Native Title claimants will be required in relation to the granting of permits by the State which authorise the taking of any surface waters or living aquatic resources.

The Project involves construction of two weirs in the bed and banks of the Fitzroy River. A weir is a 'device for management of water flows' and as such fits within the list of facilities for service to the public to which Section 24KA of the NT Act can apply. Section 24KA allows the weirs to be constructed by suppressing Native Title rather than a means to permanently extinguish it. 'Reasonable rights' of access to the lands (the river bed and banks) are not altered, except where this may compromise safety. For example, access to the weir structures themselves would be restricted as this may be unsafe. If at any time the weir structure is removed, the suppression ends.

3.2.6 National Water Quality Management Strategy

The National Water Quality Management Strategy (NWQMS) is a joint national approach to improving water quality in Australian and New Zealand waterways. The NWQMS has been developed by the Australian and New Zealand Governments in cooperation with state and territory governments.

The main policy objective of the NWQMS is to achieve sustainable use of water resources, by protecting and enhancing their quality, while maintaining economic and social development.

The NWQMS process involves development and implementation of a management plan for each catchment, aquifer, estuary, coastal water or other water body, by community and government. These plans focus on the reduction of pollution released into coastal pollution hotspots and other aquatic ecosystems around the country. Local government, community organisations and other agencies carry out these plans using the NWQMS to protect agreed environmental values (Chapter 11 Water quality): The Water Quality Management Framework, used in the NWQMS, outlines a step-by-step process for planning, implementing and managing water quality projects.

Guidelines relevant to the Project and considered within this EIS include:

- Water quality guidelines (Chapter 11 Water quality)
 - The Australian Water Quality Guidelines, meaning the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000), prepared by the Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand
 - The National Health and Medical Research Council (2011) Australian drinking water guidelines
- Groundwater management guidelines (Chapter 10 Groundwater).

3.3 Queensland legislation

3.3.1 Aboriginal Cultural Heritage Act 2003

The main purpose of the *Aboriginal Cultural Heritage Act 2003* (Qld) (ACH Act) is to 'provide effective recognition, protection and conservation of Aboriginal cultural heritage' (Section 5 of the ACH Act). A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the 'cultural heritage duty of care') (Section 23 (1)). The Project has the potential to disturb items of Aboriginal cultural heritage significance. Cultural heritage investigations have been undertaken as part of the Project EIS and potential impacts of the Project on cultural heritage values will be appropriately avoided or mitigated through implementation of CHMPs.

As part of the Project, CHMPs have been prepared and approved by the former Department of Environment and Resource Management and the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA) for the following Aboriginal parties (Chapter 17 Cultural heritage):

- Jetimarla People
- Gangulu People
- Ghungalu and Kangoulu People (combined CHMP)
- Darumbal People.

3.3.2 Disaster Management Act 2003

One of the main objectives of the *Disaster Management Act 2003* (Qld) is to mitigate the potential adverse effects of an event. This is achieved primarily by establishing disaster management groups and plans for the State, disaster districts and local government areas (LGAs). In the Project study area the Rockhampton Regional Council Local Disaster Management Plan – Version 3 (2009) and Livingstone Shire Council Local Disaster Management Plan (2014) have been prepared to ensure compliance with the *Disaster Management Act 2003* (Qld). The plans identify roles and responsibilities and response measures for incidents and events that have the potential to cause harm, damage and or disruption and must be considered in the Project's emergency response planning (Chapter 20 Hazard and risk).

3.3.3 Environmental Offsets Act 2014

On 1 July 2014, a new environmental offsets framework was introduced in Queensland replacing former offset policies. State offset requirements of the Project have been assessed with reference to this new framework which includes the following:

- *Environmental Offsets Act 2014* (Qld) (EO Act)
- Environmental Offsets Regulation 2014 (EO Regulation)
- Queensland Environmental Offsets Policy Version 1.0. (EO Policy) (DEHP 2014)

The key purpose of the EO Act is to counterbalance the significant residual impacts of particular activities on prescribed environmental matters through the use of environmental offsets. This is to be achieved primarily by:

- Establishing a framework for environmental offsets

- Recognising the level of protection given to prescribed environmental matters under other legislation
- Providing for national, State and local matters of environmental significance to be prescribed environmental matters for the purpose of the EO Act
- Coordinating the implementation of the framework in conjunction with other legislation.

Under Section 8 of the EO Act, a significant residual impact is generally defined as an adverse impact, whether direct or indirect, of a prescribed activity on all or part of a prescribed environmental matter that remains, or is likely to remain (temporarily or permanently) despite on-site mitigation measures for the prescribed activity and is, or is likely to be, significant.

Under Section 9 of the EO Act, a prescribed activity is an activity that is the subject of an authority under another Act for which an offset condition may be imposed and that is prescribed under a regulation as defined in Schedule 1 of the EO Regulation. In relation to the Project, prescribed activities are described in Table 3-1.

Table 3-1 Project prescribed activities

Queensland authority ¹ type	Prescribed activity (Schedule 1, EO Regulation)
Development permit for a material change of use	Prescribed environmentally relevant activity (ERA) (item 2) - ERA 16 Extractive and screening activities
	Prescribed ERA (item 2) - ERA 16 Extractive and screening activities
	Prescribed ERA (item 2) - ERA 8 Chemical storage (diesel, etc.)
	Prescribed ERA (item 2) - ERA 47 Timber milling and woodchipping
	Development for which an offset may be required under the State Planning Policy (SPP) (DSDIP 2013: Part E (item 7(c)))
Development permit for operational works for constructing or raising waterway barrier works	Development for which an environmental offset may be required under the State development assessment provisions (SDAP) Module 5 (item 6(b))
Permit to clear native plants	Taking a protected plant under a clearing permit (item 5)

A prescribed environmental matter is any of the following:

- A matter of national environmental significance as defined under the Commonwealth EPBC Act
- A matter of State environmental significance (MSES) as identified in the EO Regulation
- A matter of local environmental significance as identified by a local planning instrument.

Prescribed environmental matters are detailed in Chapter 22 Offsets for the Project.

Under the EO Act, an administering agency may impose an offset condition on an authority if a prescribed activity will, or is likely to, have a significant residual impact on a prescribed environmental matter and all reasonable on-site mitigation measures for the prescribed activity have been, or will be, undertaken. For threatened species listed under State and Commonwealth

¹ 'Authority' under the EO Act means an agreement under another Act or a licence, permit or other authority under the other Act – Schedule 2, EO Act.

legislation the Commonwealth Matters of National Environmental Significance Significant impact guidelines 1.1 (DoE 2013) have been adopted for the assessment of the significance of residual impacts on MSES for the Project (Volume 2, Chapter 10 Threatened species and ecological communities; Volume 2, Chapter 14 Offsets). For State-listed threatened species the Queensland Environmental Offsets Policy Significant Residual Impact Guideline (DEHP 2014) was adopted for the assessment of the significance of residual impacts on MSES (Chapter 6 Flora, Chapter 7 Aquatic ecology, Chapter 8 Terrestrial fauna and Chapter 22 Offsets).

The new Queensland EO Policy provides a single, whole-of-government policy for environmental related offsets in Queensland. The purpose of the EO Policy is to provide a decision-support tool to enable consistent assessment by administering agencies of offset proposals provided by authority holders to satisfy offset conditions.

The EO Policy replaces the following offset policies:

- Queensland Government Environmental Offsets Policy (2008)
- Marine Fish Habitat Offsets Policy (version FHMOP005.2)
- Policy for Vegetation Management Offsets (2011)
- Queensland Biodiversity Offset Policy (2011)
- Offsets for Net Gain in Koala Habitat in South East Queensland Policy (2010).

Under Section 14 of the EO Act, offsets can only be required if residual impacts constitute a significant residual impact as defined under Section 8 of the Act.

Under the policy, an environmental offset must meet the following seven principles:

- Offsets will not replace or undermine existing environmental standards or regulatory requirements, or be used to allow development in areas otherwise prohibited through legislation or policy
- Environmental impacts must first be avoided, then minimised, before considering the use of offsets for any remaining impact
- Offsets must achieve a conservation outcome that achieves an equivalent environmental outcome
- Offsets must provide environmental values as similar as possible to those being lost
- Offset provision must minimise the time-lag between the impact and delivery of the offset
- Offsets must provide additional protection to environmental values at risk, or additional management actions to improve environmental values
- Where legal security is required, offsets must be legally secured for the duration of the impact on the prescribed environmental matter.

Environmental offsets are described in detail in Chapter 22 Offsets.

3.3.4 Environmental Protection Act 1994

The *Environmental Protection Act 1994* (Qld) (EP Act) aims to 'protect Queensland's environment, while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development)' (Section 3 EP Act). The EP Act is administered by the Department of Environment and Heritage Protection (DEHP).

Sections 319 through to 320G of the EP Act note that all persons have a duty of care to the environment. Therefore, it is not permissible to cause environmental harm whilst undertaking any activity, unless all reasonable and practical means are taken to minimise that harm. Under the EP Act anyone undertaking an activity that may cause environmental harm must comply with the EP Act's general duty of care and approval is required for the following:

- Activities that could cause actual or potential environmental harm via the generation of emissions or through carrying out the activity
- ERAs
- Activities likely to cause land contamination (notifiable activities recorded on the Environmental Management Register)
- All other notifiable activities listed in Schedule 3 of the EP Act.

Schedule 2 of the EP Regulation lists various activities for which a MCU Development Application for an ERA is prescribed.

While not included in the draft EIS for assessment (and subject to separate environmental approval) the Project will trigger ERA 16 for extractive and screening activities. This will include:

- 1(a) dredging a total of 1000 t or more of material from the bed of naturally occurring surface waters, in a year
- 1(b) extracting, other than by dredging, a total of 5000 t or more of material, in a year, from an area
- 1(c) screening 5000 t or more of material, in a year.

Other ERAs may be triggered by the Project, including but not limited to:

- ERA 8 Chemical storage
- ERA 47 Timber milling and woodchipping
- ERA 50 Bulk material handling.

Part 8 of the EP Act deals with managing contaminated land. From the desktop contamination assessment undertaken for the Project it is not expected that Project activities will require notification (Chapter 5 Land). However the proponent will advise DEHP if notifiable activities are to occur within the Project area and subject to Section 424 of the EP Act, if any removal of contaminated land is required as part of Project works, a permit for removal and treatment or disposal of contaminated soils will be obtained.

3.3.4.1 Greentape reduction

The Queensland Government has implemented changes to the EP Act and EP Regulation in order to streamline and fast track certain environmental approvals. These changes commenced on the 31 March 2013 and are set out in the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* (Qld).

The amendments under the EP Act have enabled eligible ERAs to be made as a standard application. To be an eligible ERA, eligibility criteria must be in effect for the activity.

DEHP has developed eligibility criteria and standard conditions for a number of prescribed ERAs, of which ERA 16 (2(a), 3(a), 3(b) and 3 (c)) – Extractive and screening activities is one. Eligibility

criteria and standard conditions will be reviewed once resource extraction sites have been confirmed.

3.3.4.2 Environmental protection policies

Chapter 2 of the EP Act identifies environmental protection policies (EPPs) which have been developed for the purposes of protecting and enhancing environmental values. EPPs may be made with regard to the environment or anything that affects, or may affect, the environment. The EP Act outlines the scope and content for preparing EPPs to protect Queensland's environment. It should be noted that all subordinate legislation to the EP Act, such as the EPPs, binds all persons.

Essentially, EPPs are the means of implementing the objectives of the EP Act by identifying the following:

- Background environmental quality standards
- Emissions standards
- Monitoring procedures and requirements.

The EPPs provide a policy framework for the determination of appropriate conditions for development permits for MCU for ERAs. EPPs are legally enforceable (EP Act Section 25(3)). Where relevant to particular environmental impacts, the matters required to be considered or procedures to be followed under the EPPs have been addressed in this draft EIS.

The following EPPs have been released to date and are applicable to the Project:

- Environmental Protection (Noise) Policy 2008 (Chapter 14 Noise and vibration)
- Environmental Protection (Air) Policy 2008 (Chapter 12 Air quality)
- Environmental Protection (Water) Policy 2009 (Chapter 11 Water quality).

3.3.5 Fire and Emergency Services Act 1990

The *Fire and Emergency Services Act 1990* (Qld) provides for the prevention of and response to fires and certain other incidents endangering persons, property or the environment. To this end the Act establishes the Queensland Fire and Rescue Service and defines the powers of fire officers and the commissioner. The Act also establishes obligations for the occupier of a building to maintain fire safety.

Under the Act, the commissioner has the power to give notice to a person requiring information regarding the storage of dangerous goods and/or the preparation of an off-site emergency plan. Dangerous goods under the Act are those defined under the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code) (Commonwealth of Australia, 2007).

An assessment of the storage and transport of hazardous substances (including those listed in the ADG Code) during the construction and operation of the Project is provided in Chapter 20 Hazard and risk. Storage and transport of dangerous goods will be undertaken in accordance with the ADG Code and emergency management plans as incorporated into the Project EMP (Chapter 23).

3.3.6 Fisheries Act 1994

The main purpose of the *Fisheries Act 1994* (Qld) (Fisheries Act) is to provide for the use, conservation and enhancement of the community fisheries resources and fish habitats. The Fisheries Act and the Fisheries Regulation 2008 are administered by the Department of Agriculture and Fisheries (DAF) (previously the Department of Agriculture, Forestry and Fisheries (DAFF)). Augmentation and construction of weirs has the potential to inhibit the upstream and downstream movement of fish species. The Fisheries Act also allows for the declaration of Fish Habitat Areas such as the Fitzroy River Fish Habitat Area (FHA) (plan number FHA-072) located downstream of the Fitzroy Barrage (Chapter 7 Existing environment). In accordance with the Fisheries Act, construction of the following Project components will require approval to undertake waterway barrier works as part of the development permit:

- The augmentation of Eden Bann Weir and construction of Rookwood Weir on the Fitzroy River
- The construction of bridges on the Fitzroy and Mackenzie rivers
- The installation of culverts at Hanrahan Crossing on the Fitzroy River
- The upgrade of Thirsty Creek Road including installation of culverts on Gogango Creek

The provision of fish passage is an integral part of the waterway barrier works approval and has been and will be considered during Project design. While no marine or declared fish habitat is expected to be impacted by the Project, conditions imposed on a fisheries development approval may include environmental offset conditions (Chapter 22 Offsets).

Where applicable (for example on Thirsty Creek) minor works associated with road upgrades and the installation of culvert crossings will be undertaken in accordance with the Code for self-assessable development - Minor waterway barrier works Part 3: culvert crossings (code number WWBW01) (Fisheries Queensland 2013a). Construction of coffer dams on the Fitzroy River will be undertaken in accordance with the Code for self-assessable development – Temporary waterway barrier works (code number WWBW02) (Fisheries Queensland 2013b).

3.3.7 Forestry Act 1959

The purpose of the *Forestry Act 1959* (Qld) (Forestry Act) is to provide for:

- Forest reservations
- Management, silvicultural treatment and protection of State forests
- 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.

Approximately 4 ha of the Aricia State Forest (a Defined Forest Area [RTNRR0004] on Lot SF114 FTY861) (DAFF 2012a) will be directly impacted by the Eden Bann Weir impoundment. In the order of 9 ha and up to 40 ha in total of other State land (RTNRDU002 on Lot 27 PN258) (DAFF 2012b) will be directly impacted by the Rookwood Weir impoundment at Stage 1 and Stage 2, respectively.

Clearing of vegetation from within the impoundment is not proposed, however opportunities for harvesting of forest product will be discussed with DAF. Possible timber salvage opportunities of State-owned timber on the following State forest and other State lands have been recognised within the Project footprint at Eden Bann Weir (Lot SF114 FTY861, Lot 19 PN371, Lot 17 LI50

and Lot 16 LI309) and the proposed Rookwood Weir (Lot 9 PN405, Lot 37 PN536 and Lot 27 PN258). Where salvage harvesting is not undertaken, compensation pursuant to the Forestry Act will be required.

Interference with State-owned forest products and/or quarry material (getting, destroying, taking, accessing, sampling, dredging or removing) requires DAF authorisation under the Forestry Act and the necessary permits will be obtained as applicable prior to impoundment. Authorisations are required for the taking of State-owned quarry material for both onsite and offsite resources. A permit to search will be obtained to investigate the location, extent, nature and/or quantity of quarry material within the Project resource extraction areas where the quarry material is owned by the State and administered under the Forestry Act.

The Project would not impact on key resource areas as detailed in Chapter 5 Land. While it is unlikely that the Project will source material from commercial quarry operators, the proponent will ensure that any quarry operators engaged for Project hold appropriate permits and approvals.

3.3.8 Health Act 1937

The Health (Drugs and Poisons) Regulation 1996, as subordinate legislation to the *Health Act 1937* (Qld), is applicable to the provision of first aid facilities at each construction site. Compliance will be required with the regulation in relation to who delivers first aid services and how drugs and poisons are to be stored and managed at each construction site.

3.3.9 Land Protection (Pest and Stock Route Management) Act 2002

The purpose of the *Land Protection (Pest and Stock Route Management) Act 2002* (Qld) (LP Act) is to provide for pest management and for land and stock route network management. A stock route is defined as a road reserve or road corridor, generally in the width of 60 to 1,600 m that is used for the purposes of walking and agisting or stock grazing. Unlike a road reserve, stock routes do not have a separate title or tenure and once a stock route's declaration is removed, it remains a road but is no longer referred to as a stock route (DERM 2012). Stock routes are managed by the relevant local governments.

Based on Department of Natural Resources and Mines (DNRM) 2010 data, no stock routes intersect or are located near the Fitzroy River. It has been identified that there is one stock route crossing the Mackenzie River and one stock route crossing the Dawson River near the upstream inundation extent of Rookwood Weir Stage 2 development, namely:

- Stock Route M420DUAR02 crosses the Mackenzie River at approximately 336 km AMTD²
- Stock Route U413DUAR01 crosses the Dawson River at approximately 16 km AMTD.

Under the LP Act, certain declared pest species carry a responsibility for owners of land where those species are present.

An assessment of Project impacts on these stock routes is provided in Chapter 5 Land. Management of declared pests is discussed in Chapter 6 Flora and a weed management plan is included in Chapter 23 Environmental management plan.

² AMTD refers to the Adopted Middle Thread Distance, the distance measured along the middle of a watercourse, from the mouth or junction.

3.3.10 Land Act 1994

The *Land Act 1994* (Qld) (Land Act) requires land administered under the Land Act to be managed for the benefit of the people of Queensland on the basis of the following principles: sustainability, evaluation, development, community purpose, protection, consultation and administration. The Land Act deals with land tenure and land leases and is applicable to the Project. Relevant provisions of the Land Act will be applicable in dealings related to obtaining new tenure over or reconfiguring parcels of land required for establishment of the Project (Chapter 5 Land).

3.3.11 Local Government Act 2009

The purpose of the *Local Government Act 2009* (Qld) (LG Act) is to provide for:

- (a) *the way in which a local government is constituted and the nature and extent of its responsibilities and powers; and*
- (b) *a system of local government in Queensland that is accountable, effective, efficient and sustainable.*

The LG Act empowers the local councils relevant to the Project, the Rockhampton Regional Council (RRC), Central Highlands Regional Council (CHRC) and Woorabinda Aboriginal Shire Council (WASC), to make and enforce local laws (Section 3.5). Further, the Local Government (De-amalgamation Implementation) Regulation 2013 implements the de-amalgamation of RRC. As at 1 January 2014 the Project area also cover parts of the Livingstone Shire Council (LSC) LGA.

3.3.12 Marine Parks Act 2004

The main purpose of the *Marine Parks Act 2004* (Qld) is to provide for the protection of the marine environment. The *Marine Parks Act 2004* allows for the declaration of state marine parks (for example, the Great Barrier Reef Coast Marine Park (GBR Coast MP) and the establishment of zones, designated areas and highly protected areas within marine parks. The Fitzroy River flows into the southern end of the GBR Coast MP at Keppel Bay approximately 141 km downstream of Eden Bann Weir and approximately 265 km downstream of the proposed Rookwood Weir. Given the considerable distance between the proposed Project area and the GBR Coast MP, the Project will not have direct impacts on the GBR Coast MP.

Potential indirect impacts have been considered including changes in freshwater flows and water quality impacts on aquatic ecosystems associated with the GBR Coast MP (Chapter 7 Aquatic fauna, Chapter 9 Surface water resources and Chapter 11 Water quality)

3.3.13 Nature Conservation Act 1992

The *Nature Conservation Act 1992* (Qld) (NC Act) is administered by DEHP. Pursuant to Section 73(a) of the NC Act, DEHP is required to conserve wildlife and its values to:

- Ensure the survival and natural development of the wildlife in the wild
- Conserve the biological diversity of the wildlife to the greatest possible extent
- Identify, reduce or remove, the effects of threatening processes relating to the wildlife
- Identify the wildlife's critical habitat and conserve it to the greatest possible extent.

Under the NC Act, any activity that has or may have the potential to impact on wildlife in an area, may be seen as a threatening process and will be referred to DEHP as part of the Development Approval process. In particular, the effect of the Project on endangered, vulnerable, or rare wildlife, or the habitat on which that wildlife depends, will be of interest to DEHP in regard to their obligations under Section 73 of the NC Act.

Under Section 89 of the NC Act, a licence, permit or authority (issued under the NC Act), or an exemption is required to 'take' protected plants. This relates to almost all native plants within Queensland. The Nature Conservation (Wildlife Management) Regulation 2006 outlines how clearing permits, licences and exemptions can be issued to take protected plants.

3.3.13.1 Nature Conservation (Wildlife Management) Regulation 2006

Pursuant to Section 332 of the Nature Conservation (Wildlife Management) Regulation 2006, any activity that will 'tamper' (i.e. remove, damage, impair, degrade, etc.) with the confirmed breeding place of a native animal (that is endangered, vulnerable, near threatened or least concern wildlife) requires authorisation under a Damage Mitigation Permit. For larger impacts, and particularly where potential breeding places of endangered, vulnerable, near threatened or least concern species, or essential habitat for these species, is involved, a Species Management Program will be required rather than a Damage Mitigation Permit. Confirmed breeding places of native fauna necessary for a Damage Mitigation Permit can be identified through detailed pre-clearing surveys.

Impacts of the Project on protected wildlife habitat for endangered, vulnerable and special least concern species under the NC Act may require to be offset in accordance with the EO Act (Section 3.3.3).

3.3.14 Queensland Heritage Act 1992

The *Queensland Heritage Act 1992* (Qld) provides for the conservation of Queensland's cultural heritage for the benefit of the community and future generations. The *Queensland Heritage Act 1992* establishes the Queensland Heritage Register and under the Act penalties may apply for damage to a place or items that have been entered on the Queensland Heritage Register. There are no places currently listed on the Queensland Heritage Register in or within close proximity to the Project development footprints or impoundments. The cultural heritage assessment undertaken for the Project (Chapter 17 Cultural heritage) did not identify any eligible places of State heritage significance to be entered in the Queensland Heritage register.

3.3.15 Regional Planning Interests Act 2014

The *Regional Planning Interests Act 2014* (Qld) (RPI Act) and the Regional Planning Interests Regulation 2014 (RPI Regulation) commenced on 13 June 2014. The RPI Act identifies and protects areas of Queensland that are of regional interest as defined under the RPI Act:

- Priority agricultural areas (PAAs)
- Priority living areas (PLAs)
- Strategic cropping areas (SCAs)
- Strategic environmental areas (SEAs)

No PAAs, PLAs or SEAs are present within the Project area.

SCAs are defined as areas shown on strategic cropping land trigger maps. Strategic cropping land was identified using trigger maps published by the former DERM in 2012 (and checked

against updated Departmental SCA mapping in August 2014). Mapping shows that the Project is located within the Central Highlands Isaac strategic cropping criteria sub-zone of the Western Cropping criteria zone. There are no strategic cropping protection areas within the vicinity of the Project. Potential strategic cropping trigger areas are mapped along the Fitzroy, Mackenzie and Dawson rivers and within weir and associated activity footprints as discussed in Chapter 5 Land.

However, it is not considered that the Project comprises a regulated activity in relation to SCA and does therefore not require a regional interests development approval. The RPI Act defines activities with the potential to impact on areas of regional interest as resource activities or regulated activities. A regulated activity for an area of regional interest is an activity likely to have a widespread and irreversible impact on the area of regional interest and is prescribed under a regulation for the area. The RPI Regulation does not prescribe regulated activities in relation to SCAs.

3.3.16 State Development and Public Works Organisation Act 1971

The purpose of the *State Development Public Works Organisation Act 1971* (Qld) (SDPWO Act) is to provide for 'State planning and development through a coordinated system of public works organisation, for environmental assessment, and for related purposes' (Section 1 SDPWO Act).

An Initial Advice Statement (IAS) for the Project was lodged with the Office of the Coordinator-General to seek 'significant project' declaration under Section 26 (1) of the SDPWO Act. On 6 May 2011, the Coordinator-General declared the Project to be a 'significant project' (now a 'coordinated project') for which an EIS is required pursuant to Section 26 (1) (a) of the SDPWO Act. This declaration was based on the Project information presented within the IAS, applicable Commonwealth, State and local government requirements, level of investment, the Project's strategic significance and infrastructure impacts

As identified in Section 3.2.2, the Project has also been declared a 'controlled action' under the EPBC Act requiring assessment through an EIS. The Project will therefore require approval for both State matters and MNES. As at 10 January 2014, the Project transitioned to assessment through the new bilateral assessment process. A single EIS addresses both State ToR and Commonwealth Guidelines (Chapter 1 Introduction).

3.3.16.1 Statewide water program of works

A program of works, made under Sections 17-23 of the SDPWO Act, is defined as a plan of works for the carrying out of works by the Coordinator-General or by a local body (or other person permitted) required to carry out the works under an SDPWO Act.

In 2007, a statewide water program of works was established under the SDPWO Act to facilitate the development of water infrastructure projects at a time of widespread drought in Queensland. In June 2011, the program of works was amended following drought-breaking rains. In 2012, administrative responsibility for the program of works was transferred to the Department of State Development, Infrastructure and Planning and the Coordinator-General made further amendments to remove projects for which a program of works was no longer required (DSDIP 2012a).

While the original program of works included eight projects, the amended 2012 program of works covered only the following projects:

- Fitzroy to Gladstone Pipeline

- Lower Fitzroy River Infrastructure Project (Rockwood Weir and Eden Bann Weir raising)
- Nathan Dam.

An end date of the 30 June 2013 was allocated to the program of works for the above projects (including the Project) (Chapter 1 Introduction) as the program of works was established to facilitate the development of water infrastructure projects through to business case stage, and this has either occurred or the Program of Works is no longer required to complete the works.

3.3.16.2 Private infrastructure facility

Under the SDPWO Act, the proponents may apply to the Coordinator-General for approval as a 'private infrastructure facility' (PIF).

If a facility is approved as a PIF, the proponents must negotiate with the registered owner of the land and/or native title holder to purchase the land needed for the facility and/or enter into an indigenous land use agreement (as applicable).

If these negotiations are unsuccessful, the Coordinator-General may, on behalf of the proponent, compulsorily acquire the land in question.

Prior to lodgement of a PIF application, the proponent must complete an environmental impact assessment (amongst other things) in accordance with relevant Queensland and/or Commonwealth legislation.

The draft EIS is considered to satisfy this requirement and can be used to inform and support a PIF application.

3.3.17 Public Health Act 2005

The purpose of the *Public Health Act 2005* is to protect and promote the health of the Queensland public. The Project facilities will be constructed and managed in accordance with *the Public Health Act 2005*. This includes how water for human consumption is intended to be supplied, stored, treated and monitored.

3.3.18 Sustainable Planning Act 2009

The SP Act provides a streamlined approach to development assessment in Queensland. The aim of the SP Act is to achieve sustainable planning outcomes through:

- Managing the process by which development takes place
- Managing the effects of development on the environment
- Coordinating and integrating local, regional and state planning (DSDIP 2012b).

Development is defined under the SP Act as any of the following:

- Carrying out building work*
- Carrying out plumbing or drainage work*
- Carrying out operational work*
- Reconfiguring a lot*
- Making a material change of use of premises.*

The SP Act establishes the Integrated Development Assessment System (IDAS), a framework for assessment of development applications. IDAS integrates the requirements for development

assessment under the following acts: ACH Act, *Coastal Protection and Management Act 1995* (Qld), EP Act, LP Act, Land Act, LG Act, *Queensland Heritage Act 1992* (Qld), *Transport Infrastructure Act 1994* (Qld) (TI Act), *Vegetation Management Act 1999* (Qld) (VM Act) and the Water Act.

The Project is considered to meet the definition of 'Other Community Infrastructure' under Part 2 of Schedule 2 of the SP Regulation and as such is afforded a number of exemptions referred to within this chapter.

3.3.18.1 State Assessment and Referral Agency

The State Assessment and Referral Agency (SARA) forms part of the Queensland Government's planning reforms and provides a coordinated whole-of government approach to state assessment by creating a central point for development applications, resulting in one application and one response.

SARA coordinates:

- A single agency lodgement and assessment point for development applications, where the state has a jurisdiction
- Decision making to ensure no 'unreasonable' requirements are imposed on applicants.

Development approvals sought for the Project will be lodged with and coordinated by SARA.

3.3.18.2 State Planning Policy

The SPP identifies the State's interests in planning and development and how they must be dealt with in planning schemes, council development assessment processes and in designating land for community infrastructure. The SPP came into effect on 2 December 2013 and replaces the multiple policies previously in existence.

The SPP defines the State's interests as follows:

- Housing and liveable communities
 - Amenity and community wellbeing
 - Land development and housing supply
- Economic growth
 - Agriculture
 - Development and construction
 - Mining and extractive resources
 - Tourism industry
- Environment and heritage
 - Biodiversity
 - Coastal environment
 - Cultural heritage
 - Healthy waters
- Hazards and safety
 - Air, noise and other emissions
 - Hazardous materials and developments

- Natural hazards
- Transport and infrastructure
 - State infrastructure and services
 - State transport infrastructure and networks
 - Strategic airports and aviation facilities
 - Strategic ports
 - Water supply catchments and infrastructure.

The SPP applies to the Project because the SPP is applicable to:

- Designation of land for community infrastructure by the Minister of land for community infrastructure under Chapter 5 of the SP Act
- The assessment of development applications by the chief executive responsible for administering the SP Act.

The SPP also defines MSES as the following natural values and areas:

- Protected areas under the NC Act. No protected areas are located within the Project area
- Marine parks and land within a 'marine national park', 'conservation park', scientific research', 'preservation' or 'buffer' zone under the *Marine Parks Act 2004* (Qld). The GBRMP and GBR Coast MP are located downstream of the Project area
- Areas within declared FHAs that are management A or B areas under the Fisheries Regulation 2008. The Fitzroy River FHA downstream of the Project area is a management A area declared FHA (Chapter 7 Aquatic ecology)
- Threatened wildlife under the NC Act and special least concern animals under the Nature Conservation (Wildlife) Regulation 2006. Threatened wildlife is discussed in Chapter 6 Flora, Chapter 7 Aquatic ecology and Chapter 8 Terrestrial fauna
- Regulated vegetation under the VM Act. Regulated vegetation is discussed in Chapter 6 Flora and detailed in Appendix H
- High preservation areas of wild river areas under the *Wild Rivers Act 2005* (Qld). There are no wild river areas within the Project area
- Wetlands in a wetland protection area or wetlands of high ecological significance as discussed in Chapter 7 Aquatic ecology and Chapter 9 Surface water resources
- Wetlands and watercourses in high ecological value waters as discussed in Chapter 11 Water quality
- Legally secured offset sites. There are no known legally secured offset sites within the Project footprint.

3.3.18.3 State development and assessment provisions

The State Development Assessment Provisions (SDAP) are prescribed in the SP Regulation and is a statutory instrument made under the SP Act. SDAP has effect throughout the State for development applications where the chief executive administering the SP Act is the assessment manager or a referral agency. The SDAP is not applied by local government in the assessment of development applications.

The SDAP contains the matters the chief executive may have in regard to assessing a development application as either an assessment manager or a referral agency.

Applicants are required to prepare a response to the relevant state codes contained within the SDAP. The state codes relevant to the Project are identified in Table 3-2.

Table 3-2 Applicable SDAP codes

Development	Module	Code
Material change of use for an ERA	Module 4 : ERA	4.1. Concurrence environmentally relevant activity state code
Operational work for Water — taking or interfering with	Module 7: Water resources	7.1 Sustainable management of water resources state code
Operational work Watercourse or lake - removal of quarry material	Module 7: Water resources	7.2 Removal of quarry material state code
Operational work for Waterway barrier works —constructing or raising -	Module 5: Fisheries resources	5.2 Constructing or raising waterway barrier works in fish habitats state code
Material change of use Contaminated land	Module 12: Contaminated land	12.1 Contaminated land state code
Operational work for Particular dams	Module 16: Particular dams	16.1 Referable dams state code
All aspects of development on State-controlled road	Module 18: State transport infrastructure protection	18.1 Buildings and structures state code 18.2 Filling and excavation state code 18.3 Stormwater and drainage impacts on state transport infrastructure state code
	Module 19: State transport network functionality	19.1 Access to state-controlled road state code 19.3 Transport infrastructure and network design state code

3.3.18.4 Resource entitlements

Resource entitlements are required from the State government regarding land which is defined as a State Resource under the SP Regulation. Where a development application is to be assessed in accordance with the SP Act, evidence is required that the chief executive of the agency/department responsible for the resource is satisfied the development is consistent with an allocation of, or an entitlement to, the resource.

There are number of State Resources applicable to the Project, including but not limited to:

- Leasehold land
- Land that is Unallocated State Land
- Land that is State Controlled Road
- Land that is road (other than State controlled) or is stock route
- Land that is State Forest
- Water taken or interfered with under the Water Act.

Under the *Sustainable Planning and Other Legislation Amendment Act (No.2) 2012* (Qld), the Queensland government has removed the requirement for evidence of the resource entitlement to be submitted with applications. This change will enable the proponent to apply for resource entitlement prior to, concurrently with, or following the development application process.

3.3.18.5 Community Infrastructure Designation

As discussed in Section 3.7, a number of planning approval pathways are available to the Project. One of which is the designation of land by a Minister or local government for the Project as a CID in accordance with Chapter 5 of the SP Act. In order for this process to be undertaken, the development must satisfy a public benefit test and be defined as Community Infrastructure within Schedule 2 of the SP Regulation. Water cycle management infrastructure has been defined as Community Infrastructure in Schedule 2 Part 2 of the SP Regulation. The Minister or local government must be satisfied that the community infrastructure will:

- (a) *Facilitate the implementation of legislation and policies about environmental protection or ecological sustainability; or*
- (b) *Facilitate the efficient allocation of resources; or*
- (c) *Satisfy statutory requirements or budgetary commitments of the State or local government for the supply of community infrastructure; or*
- (d) *Satisfy the community's expectations for the efficient and timely supply of the infrastructure.*

Given that the Project seeks to provide regional water security, it is expected that the Project would satisfy a public benefit test.

Should a CID be sought for the Project, the CID assessment process will be informed and supported by the EIS. If the Project is granted CID by the Minister or local government, the development will not require approval under the relevant local government planning schemes nor need to meet any scheme requirements. In general, this process facilitates the efficient provision of community infrastructure at the time work needs to commence. Notwithstanding, State level and regulatory requirements continue to apply, including building and environmental management legislation.

3.3.19 Tobacco and Other Smoking Products Act 1998

The objective of the *Tobacco and Other Smoking Products Act 1998* (Qld) is to improve the health of members of the public by reducing their exposure to tobacco and other smoking products. As both construction sites will have enclosed spaces and will likely have designated outdoor eating areas, appropriate measures will need to be implemented to ensure smoking is monitored and prohibited where required in accordance with the *Tobacco and Other Smoking Products Act 1998*.

3.3.20 Transport Infrastructure Act 1994

The object of the TI Act is to provide a regime that allows for and encourages effective integrated planning and efficient management of a system of transport infrastructure (Section 2, TI Act).

The TI Act applies to the Project with regard to the following:

- Relevant permits for interference with State-controlled roads, 'common areas' and road corridor permits

- Oversized load permits to transport heavy machinery and oversized loads on the road network.

Chapter 16 Transport provides details on the traffic impact assessment undertaken for the Project with commitment to develop further traffic and road use management plans as necessary.

3.3.21 Vegetation Management Act 1999

The VM Act, in conjunction with the SP Act, regulates the clearing of native vegetation, excluding grasses and tidal/marine vegetation. Under the SP Act, operational work that is the clearing of native vegetation is to be assessed against the purposes of the VM Act. DNRM administers the VM Act and assesses any clearing required for against the relevant regional ongoing clearing code, unless an exemption applies.

In order to be able to lodge an IDAS Development Approval application to clear mapped remnant vegetation, it must be established that the proposed development is a 'relevant purpose' under the VM Act. Clearing is considered to be for a 'relevant purpose' if it is for a project declared significant under section 26 of the SDPWO Act. As described in Section 3.3.16, the Project was declared a significant project in May 2011 and is therefore considered to be a 'relevant purpose' under the VM Act.

It is noted that under Schedule 24 of the SP Regulation community infrastructure mentioned in Schedule 2 of the SP Regulation (Section 3.3.18) is considered exempt development (not assessable under Schedule 3, Part 1, Table 4, Item 1) for clearing of native vegetation. This exemption includes the Project as it is considered 'water cycle management infrastructure' under the SP Regulation. Therefore the clearing of native vegetation is considered exempt development for the Project and will not require approval or assessment against the Brigalow Belt and New England Tablelands bioregion state code. If the Project scope changes or if the proponents do not apply the exemption, the Project may trigger the need for an approval under the VM Act.

3.3.22 Waste Reduction and Recycling Act 2011

The *Waste Reduction and Recycling Act 2011* (Qld) (WRR Act) aims to encourage proper use of resources by improving ways of reducing and dealing with waste. The WRR Act repeals the Environmental Protection (Waste Management) Policy 2000. The objects of the WRR Act are to:

- Promote waste avoidance and reduction, and resource recovery and efficiency actions
- Reduce the consumption of natural resources and minimise the disposal of waste by encouraging waste avoidance and the recovery, re-use and recycling of waste
- Minimise the overall impact of waste generation and disposal
- Ensure a shared responsibility between government, business and industry and the community in waste management and resource recovery
- Support and implement national frameworks, objectives and priorities for waste management and resource recovery.

The principles of the WRR Act have been considered in identifying waste management options and best practice waste management strategies for the Project (Chapter 15 Waste).

3.3.22.1 Waste Reduction and Recycling Regulation 2011

The Waste Reduction and Recycling Regulation 2011 is subordinate legislation under the WRR Act and provides greater detail on the new legislative framework. The key provisions of the Waste Reduction and Recycling Regulation 2011 include:

- Fees for applications under the WRR Act
- Information on the management of used packaging materials
- Details of who is required to plan and report about waste management.

The Industry Waste Levy was repealed effective 30 June 2012.

3.3.23 Water Act 2000

The Water Act provides for the sustainable management of water and other resources, and the establishment and operation of water authorities. It is the overarching legislation which sets out how surface and ground water resources are to be preserved and shared among users. Water related development is regulated by the Water Act in parallel to the SP Act.

3.3.23.1 Water Resource (Fitzroy Basin) Plan 2011

Water resource plans (WRPs) are prescribed under the Water Act to meet the challenges of maintaining river health and groundwater reserves. Catchment specific WRPs set out the strategic framework for the allocation and sustainable management of water. Each WRP has a 10-year life. As subordinate legislation, WRPs are the legal templates specifying the outcomes and strategies used to address the full range of social, economic and environmental goals for each plan area.

The Water Resource (Fitzroy Basin) Plan 2011 (Fitzroy WRP) was first issued in 1999, and revised in 2011.

The purpose of the Fitzroy WRP is to:

- Define the availability of water in the plan area
- Provide a framework for sustainably managing water and the taking of water
- Identify priorities and mechanisms for dealing with future water requirements
- Provide a framework for establishing water allocations
- Provide a framework for reversing, where practicable, degradation in natural ecosystems
- Regulate the taking of overland flow water
- Regulate the taking of groundwater.

The Fitzroy WRP seeks to achieve the following outcomes for sustainable management of water:

- General outcomes, including providing for existing water use and the continued use of existing overland flow and groundwater works, protecting the probability of taking water under a water allocation, supporting water-related cultural values, providing for future water requirements, promoting water use efficiency and providing a flow regime that supports good water quality and values
- Specific surface water and groundwater outcomes include making water available through future water infrastructure projects in the Isaac Connors, Upper and Lower Dawson and

Fitzroy subcatchments to support demand for surface water from sectors such as mining, industry, agriculture and urban uses

- General ecological outcomes such as minimising changes to natural flow variability, maintaining flows for river connectivity, maintaining freshwater delivery to estuaries of watercourses and the Great Barrier Reef Lagoon, promoting an improved understanding of how flows affect ecosystem health, supporting surface water and groundwater interactions and supporting groundwater dependent ecosystems
- Specific ecological outcomes that relate to the protection of flows and groundwater levels which support ecological assets and ecosystem functions.

The Fitzroy WRP further defines performance indicators such as environmental flow objectives (EFOs) and water allocation security objectives (WASOs). The EFOs and WASOs are used to measure the achievement of surface water outcomes and are defined as follows:

- EFOs are the flows necessary to sustain a healthy environment
- WASOs are the performance water users can expect from their allocations.

The Project will be required to meet the specified EFOs and WASOs as discussed in Chapter 9 Surface water resources.

Further, the Fitzroy WRP identifies unallocated water reserves potentially available for consumptive use without compromising EFOs and WASOs. Unallocated water reserves can be made available from strategic reserves, strategic water infrastructure reserves and general reserves. The Fitzroy WRP identifies that a nominal volume of 76,000 ML is available for water infrastructure on the Fitzroy River (such as the Project) as supplemented water from the strategic water infrastructure reserve.

3.3.23.2 Fitzroy Basin Resource Operations Plan

A resource operations plan (ROP) is used to implement strategies laid out in the corresponding WRP. The ROP achieves the objectives in the WRP by defining the rules that guide the management and allocation of water. A resource operations licence (ROL) is then granted under s.108 of the Water Act in accordance with the ROP and includes information on the licence holder, the ROP to which the licence relates, the water infrastructure, such as dams and weirs, covered by the licence, and any conditions that the holder of the licence must comply with, including operating arrangements and water supply requirements

The Fitzroy Basin Resource Operations Plan (Fitzroy ROP) defines the rules that guide the allocation and management of water to achieve the objectives set out in the Fitzroy WRP (Chapter 9 Surface water resources).

3.3.23.3 Permits and licences

A development permit is required under the Water Act for operational work which is taking or interfering with water in a watercourse, lake or spring. This will apply to the construction of the weirs. A water permit is required to authorise taking water for a temporary purpose, such as construction. Dewatering of foundations may also require a permit for taking or interfering with groundwater.

A riverine protection permit may be required under the Water Act to excavate or place fill in a watercourse where works cannot meet the 'Riverine protection permit exemption requirements'.

Minor works such as road augmentations and culvert installations that occur within watercourses may also be exempt if able to meet the exemption requirements.

Sand, gravel and rock are proposed to be extracted from the Fitzroy River immediately downstream of the Eden Bann Weir and upstream of the Rookwood Weir. Where material is to be used for productive purposes or does not meet the 'Riverine protection permit exemption requirements', the extraction would trigger a requirement for a quarry material allocation notice for the removal of quarry material in a watercourse under the Water Act. A development permit would also then be required for the removal of quarry material (dredging) in a watercourse. It is unlikely that the extraction of material will meet the exemption requirements.

3.3.24 Water Supply (Safety and Reliability) Act 2008

The *Water Supply (Safety and Reliability) Act 2008* (Qld) (WSSR Act) is administered by the Department of Energy and Water Supply (DEWS) and aims to strengthen the safety and reliability of Queensland's water supply and contains regulatory provisions relating to:

- Infrastructure management and service provision by water and sewerage service providers
- Supply of drinking water by water service providers
- Production and supply of recycled water
- Dam safety including dam failure risk assessment and flood mitigation plans.

A referable dam is a dam that would put a population at risk in the event of failure. A dam is considered referable if the safety of two or more people would be at risk should the dam fail. This is identified by conducting a failure impact assessment to determine if the subject dam has a Category 1 or Category 2 failure impact rating and is as such identified as a referable dam under the provisions of the WSSR Act. The following guidelines apply to referable dams under the WSSR Act:

- Guidelines on Acceptable Flood Capacity for Water Dams (DEWS 2013)
- Guidelines for Failure Impact Assessment of Water Dams (DERM 2010)
- Queensland Dam Safety Management Guidelines (DNRM 2002).

Pursuant to Schedule 3, Part 1, Table 4 (4) of the SP Regulation, operational works involving construction of a dam or works carried out in relation to a dam is assessable development if, because of the work, the dam must be failure impact assessed.

A failure impact assessment has been undertaken for the Project (Chapter 20 Hazard and risk). The results of the assessment show that the estimated incremental population at risk due to a breach of a raised Eden Bann Weir is greater than two for all scenarios considered. Therefore, the raised Eden Bann Weir has a minimum Category 1 failure impact rating and is a referable dam.

The results of the failure impact assessment for the Rookwood Weir show that none of the properties identified as being potentially at risk are expected to be flooded by either the no-failure or the breach scenarios considered. As the present estimate of incremental population at risk is less than two, the proposed weir does not have a failure impact rating. As such, the proposed weir is not referable. However, this assessment will be reviewed at five year intervals to determine whether any activities or the establishment of any permanent population takes place that may affect the population at risk should the Rookwood Weir be constructed. Although Rookwood Weir

was not determined to be a referable dam, it will still be constructed to the required standards of a referable dam.

3.3.25 Work Health and Safety Act 2011

The *Dangerous Goods Safety Management Act 2001* (Qld) was replaced by the *Work Health and Safety Act 2011* (Qld) (WHS Act) in January 2012. The WHS Act is administered by the Department of Justice and Attorney-General and regulates dangerous goods and major hazard facilities within Queensland.

Under Section 348 of the Work Health and Safety Regulation 2011 (WHS Regulation), a person conducting a business or undertaking must submit a notification if hazardous chemicals in excess of manifest quantities prescribed in column 5 of Schedule 11 of the WHS Regulation are used, stored or handled at a workplace. Under Section 536 of the WHS Regulation, the operator of a facility storing or handling Schedule 15 chemicals in quantities that may exceed ten per cent of the prescribed quantity must submit a notification

An assessment of the storage of hazardous substances during the construction and operation of the Project is provided in Chapter 20 Hazard and risk. The appropriate notification will be made where any of these substances exceed the thresholds under the WHS Act.

3.4 Regional plans and strategies

3.4.1 Central Queensland Regional Water Supply Strategy

The Central Queensland Regional Water Supply Strategy (CQRWSS) (DNRW 2006) was initiated through the Central Queensland Regional Water Supply Study in response to prolonged severe drought that identified the need for a regional, whole-of-government approach to enable that water supply challenges could be efficiently addressed.

Specifically the CQRWSS addresses the following issues:

- Urban growth and industrial development is continuing, particularly in the Lower Fitzroy and Gladstone areas, and mining development in the Bowen and Surat Coal Basins
- Entitlements in some existing water supply systems in the region are at or approaching full usage
- Some existing water supply schemes are performing below water users' requirements
- Based on projections of water demands to meet urban, industrial, coal mining and agriculture requirements from 2005–20, supply shortfalls are predicted throughout much of the region.

The CQRWSS provides an adaptive long-term statement that outlines equitable and timely solutions for future water supply needs for urban, industrial, mining and agricultural uses in the central Queensland region. The CQRWSS aims to achieve sustainable allocation and best use of water through adoption of the following hierarchical principles:

- Facilitating the highest value and best use of water through trading of existing secure and well specified water entitlements
- Promoting efficient use of water, for example, by improving demand management and by recycling water
- Where demands cannot be met through the above measures, and where unallocated water is available, by the development of additional water supply sources.

The CQRWSS identified that the short to medium term urban and industrial needs of the Lower Mackenzie-Fitzroy sub-region that cannot be met by trading and/or efficiency measures are expected to be met by the raising of Eden Bann Weir and/or construction of a weir at Rookwood on the Fitzroy River in Central Queensland (Chapter 1 Introduction).

3.4.2 Central Queensland Regional Plan

On 14 October 2013, the Central Queensland Regional Plan (CQRP) (DSDIP 2012c) was approved. Five local government areas fall within the Central Queensland region and are included in the CQRP. Local government areas directly affected by the Project include the CHRC, RRC, LSC and the WASC.

The purpose of the CQRP is to identify the State's interests in land use planning for the region. Specifically, the plan identifies:

- Regional outcomes for the region
- Regional policies for achieving the regional outcomes
- The State's intent for the future spatial structure of the region, including PAAs, PLAs and priority outcomes for infrastructure.

The CQRP identifies the Fitzroy River catchment as a significant asset for the Central Queensland region. It enables, via development of water capture, storage and distribution infrastructure, significant volumes of suitably reliable water to be supplied for industrial, agricultural and urban use.

The CQRP predicts that demand for water is expected to increase in the Central Queensland region due to:

- Ongoing population growth, in particular the key regional centres of Gladstone and Rockhampton
- Small towns or work camps with a significant influx of workers associated with the resource industry
- Mining activities such as dust suppression and coal washing
- Increases in agricultural production to support the government's target of doubling of food production by 2040.

Water resource and water supply planning are undertaken through a number of statutory and other processes (for example the Water Act, Fitzroy WRP, Fitzroy ROP and the CQRWSS) and while recognised in the CQRP are not specifically addressed. However, the CQRP priority outcomes sought for water infrastructure are, through public and private sector investment, to improve water access by addressing increasing demands from industry, agriculture and population growth and to achieve appropriate security and reliability of water supplies.

3.5 Local planning schemes

3.5.1 Overview

The required works for the Project and their associated impacts will affect following local government areas of the RRC, LSC, CHRC and WASC.

The planning schemes used to determine the level of assessment for the Project are derived from former shire council areas which are now amalgamated into the larger regional councils. RRC was formed by an amalgamation of Livingstone, Rockhampton, Mt Morgan and Fitzroy local

government areas. In March 2013, LSC commenced de-amalgamation from RRC and was officially operational as at 1 January 2014. The CHRC is comprised of the former Daringa, Bauhinia, Emerald and Peak Downs Shire Councils. The planning schemes for each of these former shire councils have yet to be amalgamated. The commencement date for the WASC planning scheme was 1 September 2014.

The proposed site for Rookwood Weir lies within the former Fitzroy Shire Council local government area and, until such time as an amalgamated planning scheme is prepared, will be assessed against the provisions of the Fitzroy Planning Scheme 2005.

The section of the Fitzroy River affected by the Eden Bann Weir raising acts as a boundary for the LSC and former Fitzroy Shire Council local government areas. As a result, the raising of the Eden Bann Weir will be subject to assessment under both the Fitzroy Planning Scheme 2005 and the Livingstone Planning Scheme 2005.

Impoundment associated with Rookwood Weir will extend along the Fitzroy River and into the Mackenzie and Dawson Rivers. The western bank of the Mackenzie and Dawson rivers are within the CHRC area, specifically the former Daringa Shire Council area and will be subject to assessment against the Daringa Shire Planning Scheme 2007. Sections of impoundment impact on WASC areas and will be subject to the WASC Planning Scheme 2014.

As described in Section 3.3.18.5, should a CID be sought and granted for the Project, the development will not require approval under the relevant local government planning schemes nor need to meet any scheme requirements.

3.5.2 Fitzroy Shire Planning Scheme 2005

An analysis of zone mapping contained with the Fitzroy Shire Planning Scheme 2005 identifies that the sites for both the Eden Bann Weir and Rookwood Weir are contained within the Rural Zone. The Rural Zone Code regulates new uses and works in relation to: their impacts on the natural values of the environment; separation distances between incompatible land uses; and their scale and location.

Part 4, Division 1 of the Fitzroy Shire Planning Scheme 2005 provides the assessment tables for the Rural Zone in addition to the relevant Code. Ongoing discussions with RRC have provided confirmation that 'supply of water' under 'Public Facility – Operational' is the most appropriate definition for the Project under the Fitzroy Planning Scheme. An examination of Table 4.1.1 (1) – Assessment Categories and Relevant Assessment Criteria for the Rural Zone – Making a Material Change of Use demonstrates that the proposed weirs are considered to be exempt from assessment under the Fitzroy Shire Planning Scheme 2005 (Table 3-3).

Table 3-3 Level of assessment – Fitzroy Shire

Assessment categories and relevant assessment criteria for the Rural Zone – Making a Material Change of Use		
Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant criteria
Public facility – operational	Exempt	N/A

3.5.3 Livingstone Shire Planning Scheme 2005

Under the Livingstone Shire Planning Scheme 2005, the proposed site for the Eden Bann Weir is situated within the Rural Zone. The Rural Zone contains agricultural land and land not required to satisfy expected urban growth. The purpose of the Rural Zone Code is the achievement of the overall outcomes sought for the Rural Zone which includes the protection of land used for rural activities, land with productive capacity and large tracts of bushland identified as having significant environmental values.

The proposed development of a weir is classed as a 'Major Utility' under the Livingstone Shire Planning Scheme 2005. Division 2 of the Livingstone Shire Planning Scheme 2005 provides assessment tables for the Rural Zone in addition to the Rural Zone Code. Analysis of Table 3A – Material Change of Use highlights that the proposed Eden Bann Weir triggers impact assessment as the defined use of 'Major Utility' is not a listed use within the zone's assessment table (Table 3-4).

Discussions held with RRC (during the period of amalgamation) confirmed the most appropriate definition under the Livingstone Shire Planning Scheme is 'Major Utility'. As a consequence Council also confirmed that this use will trigger impact assessment within the Rural Zone.

Table 3-4 Level of assessment – Livingstone Shire

Column 1 Defined purpose	Column 2 Assessment category	Column 3 Assessment criteria
(b) If for: - a purpose not listed in (a) above or not defined in this planning scheme:		
All	Impact assessable All circumstances	N/A

3.5.4 Duaringa Shire Planning Scheme 2007

Under the Duaringa Shire Planning Scheme 2007, the areas affected by inundation fall within the Rural Zone.

The appropriate use for the inundation resulting from the associated weir development is defined Part 2, Division 1 of the Duaringa Shire Council Planning Scheme 2007 as 'Public Facility – Operational'. Part 4, Division 1 of the Duaringa Shire Planning Scheme 2007 provides assessment tables for uses within the Rural Zone. The proposed use of a Public Facility – Operational does not trigger assessment and is considered to be exempt development within the Rural Zone (Table 3-5).

Discussions held with Central Highlands Regional Council have provided confirmation that Public Facilities – Operational is the most appropriate use under the Duaringa Planning Scheme resulting in the Project being exempt from development assessment.

Table 3-5 Level of assessment – Duaringa Shire

Column 1 Defined purpose	Column 2 Assessment category	Column 3 Assessment criteria
Public facilities – operational	Exempt	N/A

3.5.5 Woorabinda Aboriginal Shire Council Planning Scheme 2014

Under the WASC Planning Scheme 2014, the areas affected by inundation fall within the Rural Zone.

Use definitions are defined within Schedule 1 Definitions; of the WASC Planning Scheme 2014, and it is our understanding that the appropriate use for the inundation resulting from the associated weir development would be defined as a 'utility installation'.

A utility installation includes: *'premises used to provide the public with the following services: supply of water, hydraulic power, electricity or gas; sewerage or drainage services; transport services including road, rail or water; waste management facilities; network infrastructure. The use includes maintenance and storage depots and other facilities for the operation of the use'*.

Section 5.5 of the WASC Planning Scheme 2014 provides the level of assessment for material change of use applications. The proposed use of a 'utility installation' within the rural zone does not trigger assessment and is considered to be exempt development within the Rural Zone (Table 3-5). However if the use is not considered a utility installation by Council, the use would be determined to be undefined and trigger impact assessment.

Table 3-6 Level of assessment – WASC

Column 1 Defined purpose	Column 2 Assessment category	Column 3 Assessment criteria
Utility Installation	Exempt	N/A
Undefined use	Impact Assessment	The Planning Scheme

3.6 Local laws

3.6.1 Rockhampton Regional Council and Livingstone Shire Council

3.6.1.1 Local Law No. 1 (Administration) 2011

Local Law No. 1 (Administration) 2011 provides the legal and procedural framework for the administration, implementation and enforcement of the local government's local laws. Part 1 of Schedule 2 defines prescribed activities, for which the LG Act (Section 3.3.11) authorises the RRC to grant an approval. Criteria for the granting of approval for prescribed activities are determined in subordinate local laws under Local Law No. 1 (Administration) 2011. Relevant subordinate local laws include:

- Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011
- Subordinate Local Law No. 1.16 (Carrying Out Works on a road or interfering with a Road or its Operation) 2011.

The Project includes a new access road and augmentation at river crossings on local government roads. An approval under this local law is applicable to the Project.

3.6.1.2 Local Law No. 3 (Community and Environmental Management) 2011

Local Law No. 3 (Community and Environmental Management) 2011 aims to protect the environment, and public health, safety and amenity. The purpose of the law is achieved by eliminating or reducing risks and threats resulting from:

- (a) *Inadequate protection against animal and plant pests; and*
- (b) *Vegetation overgrowth; and*
- (c) *Visual pollution resulting from accumulation of objects and materials; and*
- (d) *Fires and fire hazards not regulated by State law; and*
- (e) *Community safety hazards; and*
- (f) *Noise that exceeds noise standards.*

The Project will be required to comply with the law and with any notice issued under it.

Provisions around control of pest species do not apply to those declared under the LP Act (Section 3.3.8). Weed management will be undertaken in accordance with relevant local government strategies and plans including the RRC Draft Pest Management Plan 2012-2016 and the CHRC Pest Management Plan 2012. It is expected that this strategy will be in accordance with Local Law No. 3 (Community and Environmental Management) 2011.

Parts 5 and 6 of the local law regulate community safety hazards and noise standards defined in subordinate local laws under Local Law No. 3 (Community and Environmental Management) 2011. It is not expected the Project will comprise a community safety hazard and currently no noise standards are prescribed under Schedule 5 of this subordinate local law.

3.6.2 Central Highlands Regional Council

3.6.2.1 Local Law No. 1 (Administration) 2012

The purpose of this local law is to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters. Matters include the consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities.

The prescribed activities as specified under Schedule 2 of Local Law No. 1 (Administration) 2012 relevant to the Project include the alteration or improvement to local government controlled areas and roads. The Project includes the alternation and/or improvements to local roads. Therefore an approval under this local law may be applicable to the Project.

3.6.2.2 Local Law No. 3 (Community and Environmental Management) 2012

The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.

The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from:

- (a) *Inadequate protection against animal and plant pests; and*
- (b) *Vegetation overgrowth; and*
- (c) *Visual pollution resulting from accumulation of objects and materials; and*
- (d) *Fires and fire hazards not regulated by State law; and*
- (e) *Community safety hazards; and*
- (f) *Noise that exceeds noise standards.*

The Project will be required to comply with the law and with any notice issued under it.

Provisions around control of pest species do not apply to those declared under the LP Act (Section 3.3.8). Weed management will be undertaken in accordance with relevant local government strategies and plans including the Rockhampton Regional Council Draft Pest Management Plan 2012-2016 and the Central Highlands Regional Council Pest Management Plan 2012. It is expected that this strategy will be in accordance with Local Law No. 3 (Community and Environmental Management) 2011.

Parts 5 and 6 of the local law regulate community safety hazards and noise standards defined in subordinate local laws under Local Law No. 3 (Community and Environmental Management) 2011. It is not expected the Project will comprise a community safety hazard and currently no noise standards are prescribed under Schedule 5 of this subordinate local law.

3.6.3 Woorabinda Aboriginal Shire Council

3.6.3.1 Local Law No. 1 - (Administration) 2011

The purpose of this local law is to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters. Matters include the consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities.

The prescribed activities as specified under Schedule 2 of Local Law No. 1 (Administration) 2012 relevant to the Project includes alteration or improvement to local government controlled areas and roads. The Project includes the alternation and/or improvements to local roads. Therefore an approval under this local law may be applicable to the Project.

3.6.3.2 Local Law No. 3 - (Community and Environmental Management) 2011

The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.

The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from:

- (a) Inadequate protection against animal and plant pests; and*
- (b) Vegetation overgrowth; and*
- (c) Visual pollution resulting from accumulation of objects and materials; and*
- (d) Fires and fire hazards not regulated by State law; and*
- (e) Community safety hazards; and*
- (f) Noise that exceeds noise standards.*

The Project will be required to comply with the law and with any notice issued under it.

Provisions around control of pest species do not apply to those declared under the LP Act (Section 3.3.8). Weed management will be undertaken in accordance with relevant local government strategies and plans.

Parts 5 and 6 of the local law regulate community safety hazards and noise standards defined in subordinate local laws under Local Law No. 3 (Community and Environmental

Management) 2011. It is not expected the Project will comprise a community safety hazard and currently no noise standards are prescribed under Schedule 5 of this subordinate local law.

3.6.3.3 Local Law No. 7 - (Indigenous Community Land Management) 2011

The purpose of this local law is to enable local governments that have jurisdiction over trust areas under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* to regulate the use of these areas

The purpose is to be achieved by providing for:

- (a) The authorisation of persons to enter, be in or live in the trust area, complementing the provisions of the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, part 6; and*
- (b) The regulation of scientific research within the trust area; and*
- (c) The designation and management of camping sites within the trust area; and*
- (d) The designation and regulation of the use of parks and reserves within the local government's area.*

This local law will apply to the Project in regards to land and vehicle access on Council land.

3.6.3.4 By-Law No. 4 (Control of Nuisances)

The objects of By-Law No. 4 (Control of Nuisances) are to protect the environment, and public health, safety and convenience, by eliminating or reducing nuisances resulting from -

- (a) Activities in public places; and*
- (b) Excessive noise; and*
- (c) The threat of injury; and*
- (d) Smoke, other atmospheric pollutants, and wind-borne materials; and*
- (e) Vegetation overgrowth; and*
- (f) Visual pollution resulting from unsightly accumulations of objects and materials.*

The Project will need to comply with the provisions of this By-law. This local law will especially apply to air and noise emissions during construction. As outlined in Section 3.3.3, the Project will need to comply with the EPPs for noise and air. It is expected that compliance with these EPPs will be in accordance with By-Law No. 4.

3.7 Project approvals

There are a number of potential approvals pathways at State level available for the Project, namely:

- Option 1 All Approvals: seek all relevant development approvals, including a MCU under the relevant local planning scheme and approvals under the SP Act, building and environmental management legislation. These development applications would be submitted once the EIS approval is received
- Option 2 CID: seek a CID at the discretion of the Minister administering the SP Act or a local government. The application for a CID would be supported by the EIS and if CID is granted the development will not require approval under the relevant local government planning

schemes nor need to meet any scheme requirements. However, State level and regulatory requirements continue to apply, including building and environmental management legislation.

Further, the Coordinator-General through the SDPWO Act can approve a project as a PIF and can facilitate the taking of land for a private infrastructure facility. This option will also give powers to the Coordinator-General to compulsory acquire land and temporary enter private land to undertake works. The EIS can be used to inform the designation.

Regardless of the State approvals pathway option used for the Project, approval from the Commonwealth of the controlled action is required.

Table 3-7 provides a summary of the approvals that may be triggered for the Project. Table 3-8 provides an overview of the likely Project approvals triggered under each approval pathway option.

Table 3-7 Approvals summary

Approval	Why it applies	When/how it applies	Relevant legislation	Approving authority	Conditions sought in Coordinator-General's report
Commonwealth					
Approval of controlled action	<p>The Project is a controlled action under the EPBC Act. The controlling provisions are:</p> <ul style="list-style-type: none"> World Heritage properties (Sections 12 and 15A) National Heritage places (Sections 15 B and 15C) Listed threatened species and communities (Sections 18 and 18A) Listed migratory species (Sections 20 and 20A). 	Prior to development	EPBC Act	DoE	Not applicable
State IDAS					
MCU	If a CID is not sought or granted for the Project, a MCU Development Approval can be applied for. The proposed Eden Bann Weir triggers a MCU. The proposed Rookwood Weir is exempt development.	Post EIS (during detailed design)	Livingstone Shire Planning Scheme 2005	RRC / LSC	Recommended
MCU for an ERA	The Project includes activities defined as ERAs. These are to be determined prior to lodgement.	Subject to separate environmental assessment and approval (prior to construction)	EP Act, SP Act and SP Regulation 2009	DEHP / SARA	Not applicable
Operational works for clearing of native vegetation	The clearing of native vegetation for the Project is exempt development and will not require approval.	Exempt	VM Act and SP Act	DNRM / SARA	Not applicable
Operational works for a referable dam	The Eden Bann Weir is classed as a referable dam.	Post EIS (during detailed design)	Water Act and SP Regulation	DEWS / SARA	Recommended
Operational works for constructing or raising waterway barrier works	A development permit for waterway barrier works is required for the Rookwood and Eden Bann Weir construction, bridges at Glenroy, Riverslea and Foleyvale crossings, Hanrahan Crossing upgrade and Thirsty Creek Road upgrade.	Post EIS (during detailed design)	Fisheries Act, SP Act and SP Regulation	DAF / SARA	Recommended

Approval	Why it applies	When/how it applies	Relevant legislation	Approving authority	Conditions sought in Coordinator-General's report
Development permit for the removal of quarry material (dredging) in a watercourse	A development permit is required for the removal of quarry material from a watercourse if an allocation notice is required under the Water Act.	Subject to separate environmental assessment and approval (prior to construction)	Water Act, SP Act and SP Regulation	DNRM / SARA	Not applicable
Operational works for taking or interfering with water from a watercourse, lake or spring	A development permit is required for weir and bridge construction.	Post EIS (prior to operation)	Water Act, SP Regulation	DNRM / SARA	Stated
Reconfiguration of a lot	A development permit is required for obtaining new tenure over or reconfiguring parcels of land.	Post EIS (prior to operation)	Land Act; SP Act and SP Regulation	Regional Council	Not applicable
Building works	Development application for building works requiring assessment against the <i>Building Act 1975</i> (Qld) (Building Act) and assessable against a planning scheme.	Post EIS (prior to construction)	Building Act, SP Act and SP Regulation	Regional Council	Not applicable
State Non IDAS					
Coordinated Project Declaration	The Project has been declared a 'coordinated project' under the SDPWO Act, requiring an EIS.	Prior to issue of any and all state approvals	SDPWO Act	Department of State Development (DSD)	Yes
CHMPs	The Project has the potential to disturb items of Aboriginal cultural heritage significance. CHMPs for the Project have been approved.	Parallel to EIS	ACH Act	DATSIMA	Not applicable
CID	Land may be designated for community infrastructure under a planning scheme, in which case the works will be exempt development under the relevant planning schemes.	Post EIS (during detailed design) and prior to any other State approvals	SP Act 2009 and SP Regulation	Department of Infrastructure, Local Government and Planning	Not applicable
PIF	If a private entity was designated to deliver the Project.	Post EIS	SDPWO Act	DSD	Not applicable

Approval	Why it applies	When/how it applies	Relevant legislation	Approving authority	Conditions sought in Coordinator-General's report
Evidence of a resource entitlement (no longer required to be submitted with applications).	There are number of State Resources applicable to the Project.	Post-EIS	SP Act, Land Act, Water Act and TI Act	Applicable government department	Not applicable
Water permit	Water will be taken on a temporary basis during the construction of the Project.	Post EIS (during detailed design)	Water Act, Fitzroy ROP	DNRM / SARA	Recommended
Water licence	A water licence will be required to take water through the operation of the Project.	Post EIS (prior to operation)	Water Act, Fitzroy ROP	DNRM / SARA	Recommended
Riverine protection permit	A permit is required to excavate, place fill or destroy vegetation in a watercourse, unless such works are otherwise authorised or exempt.	Post EIS (prior to construction)	Water Act	DNRM / SARA	Recommended
Permit to clear native plants	A licence, permit or authority (issued under the <i>Nature Conservation Act 1992</i>), or an exemption is required to 'take' protected plants. This relates to almost all native plants within Queensland.	Post-EIS	NC Act	DEHP	Recommended
Damage mitigation permit	In the event that the Project tampers with a confirmed breeding place of a native animal (that is endangered, vulnerable, near threatened or least concern wildlife).	Post EIS	Nature Conservation (Wildlife Management) Regulation 2006	DEHP	Not applicable
Species management program	For large impacts, particularly where potential breeding places of endangered, vulnerable, near threatened or least concern species, or essential habitat for these species, is involved, a Species Management Program will be required.	Post EIS	Nature Conservation (Wildlife Management) Regulation 2006	DEHP	Imposed
Sales permit for quarry material and/or timber	A sales permit may be required for use of forest products or quarry material.	Post EIS	Forestry Act	DAF	Not applicable
Quarry material allocation notice	An allocation notice is required for the removal of quarry material in a watercourse or other State land.	Post EIS	Water Act, SP Act and SP Regulation	DNRM	Not applicable

Approval	Why it applies	When/how it applies	Relevant legislation	Approving authority	Conditions sought in Coordinator-General's report
Failure impact assessment	A Failure Impact Assessment must be undertaken prior to submission of the operational works application for a referable dam.	Post EIS	WSSR Act	DEWS	Not applicable
Disposal permit to remove and treat or dispose of contaminated soil from land on the Environmental Management Register or Contaminated Land Register	A disposal permit will be required if contaminated soil is to be removed from site.	Post EIS	EP Act	DEHP	Not applicable
Road corridor permit	A road corridor permit to construct, maintain, operate or conduct ancillary works and encroachments on a state controlled road is required for the Project.	Post EIS	TI Act	DTMR / SARA	Recommended
Oversized load permit	For heavy machinery and oversized loads to be transported on the road network.	Ad hoc during construction	TI Act	Queensland Police Service	Not applicable
Approval for carrying out works on a road or interfering with a road or its operation	Road upgrade works to local government controlled roads for road upgrades and improvements.	Post EIS	LG Act Local Law No. 1 (Administration) 2011	Regional councils	Recommended
Flammable and combustible liquids licence	Storage of flammable and combustible liquids on site.	Post EIS	WHS Act	Department of Justice and Attorney-General	Not applicable
Notification if hazardous chemicals in excess of manifest quantities or Major Hazard Facility	Storage of hazardous substances may exceed thresholds.	Post EIS	WHS Act	Department of Justice and Attorney-General	Not applicable
Amendment to Fitzroy ROP	An amendment is required to include the operation of the Rookwood Weir and raised Eden Bann Weir.	Post EIS	Water Act	DNRM	Recommended

Approval	Why it applies	When/how it applies	Relevant legislation	Approving authority	Conditions sought in Coordinator-General's report
ROL	A ROL is required to authorise the interference with water necessary to operate the infrastructure. An interim ROL may be required prior to the Fitzroy ROP	Post EIS	Water Act	DNRM	Recommended
Building works	Development application for building works requiring assessment against the Building Act.	Post EIS	Building Act	Private certifier	Not applicable

Table 3-8 Approval pathway options

Approval	Option 1 – All approvals	Option 2 - CID
State IDAS		
MCU	Yes	No
MCU for an ERA	Yes	Yes
Operational works for clearing of native vegetation	No	No
Operational works for a referable dam	Yes	Yes
Operational works for constructing or raising waterway barrier works	Yes	Yes
Development permit for the removal of quarry material (dredging) in a watercourse	Yes	Yes
Operational works for taking or interfering with water from a watercourse, lake or spring	Yes	Yes
Reconfiguration of a lot	Yes	No
Building works (SP Act)	Yes	No
State non-IDAS		
Coordinated Project declaration	Yes	Yes
CHMP	Yes	Yes
CID	Not applicable	Yes
PIF	Not applicable	Not applicable
Evidence of a resource entitlement	Yes	Yes
Water permit	Yes	Yes
Water licence	Yes	Yes
Riverine protection permit	Yes	Yes
Permit to clear native plants	Yes	Yes
Damage mitigation permit	Yes	Yes
Species management program	Yes	Yes
Sales permit for quarry material and/or timber	Yes	Yes
Quarry material allocation notice	Yes	Yes
Failure impact assessment	Yes	Yes
Disposal permit to remove and treat or dispose of contaminated soil from land on the Environmental Management Register or Contaminated Land Register	Yes	Yes
Road corridor permit	Yes	Yes
Oversized load permit	Yes	Yes

Approval	Option 1 – All approvals	Option 2 - CID
Approval for carrying out works on a road or interfering with a road or its operation	Yes	Yes
Flammable and combustible liquids licence	Yes	Yes
Notification if hazardous chemicals in excess of manifest quantities or Major Hazard Facility	Yes	Yes
Amendment to Fitzroy ROP	Yes	Yes
ROL	Yes	Yes
Building works	Yes	Yes