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## 4 Planning and Legislative Framework

### 4.1 Introduction

#### 4.1.1 Purpose

The purpose of this chapter is to address the planning and legislative framework issues raised by submissions to the EIS. The EIS provided extensive information on the project description, project justification and the planning and legislative framework. The responses to the submission need to be read in light of the information provided in the EIS as well as other chapters in the Supplementary Report.

#### 4.1.2 Structure of Chapter

This chapter identifies the key issues from the submissions and responses about compliance with planning instruments and approvals required for the project. The responses are supported by **Appendix B-5** which provides more detailed responses to all of the individual issues raised by submissions.

Responses are also provided to issues raised by the Department of Infrastructure and Planning.

Significant planning issues raised by submissions included:

- non-compliance with the regional settlement pattern as identified by the Miriam Vale Shire Planning Scheme and the Wide Bay Burnett Regional Plan i.e. Hummock Hill Island is not identified as an urban or tourist area;
- provision of infrastructure i.e. impacts to State and local government infrastructure networks and future provision and maintenance;
- impacts on significant coastal dunes which are classified as areas of state significance (natural resources) and the need to demonstrate a net benefit to the state; and
- impacts on regional ecosystems which require the identification of offset areas.

### 4.2 Project Justification

Chapter 3 of the Supplementary Report provides a detailed justification for the HHI Development. The following are key aspects of the project justification.

### 4.3 Compliance with Planning Instruments

The *Integrated Planning Act 1997* (IPA) establishes the planning framework in Queensland. IPA requires planning for, and decision-making about, development to seek to achieve ecological sustainability. Ecological sustainability is defined as a balance between the protection of ecological processes, economic development and maintenance of community well-being.

HHI Development has been designed to provide a balance between:



- the protection of the ecological values of the island - the majority of the island will remain undeveloped and managed appropriately;
- the employment opportunities provided through construction and tourism operations as well as a strengthening of tourism industry in the region; and
- the establishment of a high quality, well-serviced and integrated community - the Proponent will provide all infrastructure and services required.

Planning instruments under IPA that apply to Hummock Hill Island include:

- State planning policies which express the State's position on key matters - the submissions referred to a range of State Planning Policies and the State Coastal Management Plan;
- Regional plans - the non-statutory Wide Bay Burnett Regional Plan; and
- Planning schemes - the Transitional Miriam Vale Planning Scheme and the draft Miriam Vale Planning Scheme. In February 2009, the new Miriam Vale Planning Scheme came into force to replace the Transitional Planning Scheme. The designation for Hummock Hill Island in the new planning scheme differs from the superseded (Transitional) and draft planning schemes. Gladstone Regional Council has advised that the new designation on the island is incorrect and that it will fix this error and return the Island to a 'Rural' designation.

The Wide Bay Burnett Regional Plan and the Miriam Vale Planning Scheme provide direction on the preferred regional and local settlement patterns for urban and tourism land uses. To facilitate the proposed development, the Proponent commenced the EIS process to demonstrate the need for and the appropriateness of the proposed development. The EIS also allows all relevant matters to be considered comprehensively and in an integrated fashion.

The Wide Bay Burnett Regional Plan must be considered in decision-making but does not have statutory force similar to the South East Queensland Regional Plan. The Miriam Vale area is included in the Wide Bay Burnett Regional Plan. However, the local government amalgamation process determined that Miriam Vale Shire was more closely linked to the Gladstone area rather than the Wide Bay Burnett area. This decision raises the need for the removal of the Miriam Vale area from the regional plan and the reconsideration of the preferred development pattern in the Miriam Vale area as part of the Gladstone Region.

Following the EIS process, the Proponent will seek to amend the Miriam Vale Planning Scheme through a preliminary approval material change of use application to Gladstone Regional Council. The IPA requires Development Applications to be considered on their merits. The amendments to the Planning Scheme will ensure the proposed development is consistent with the Planning Scheme.

#### ***4.3.1 New Miriam Vale Planning Scheme***

The development complies with the Desired Environmental Outcomes (DEOs) of the new Miriam Vale Planning Scheme as follows:

- **Economic development** - the proposed development will increase, strengthen and support the employment base in tourism, provide new and diverse opportunities associated with tourism,



property and construction, provide growth in the range of products for tourists and visitors, including tourism accommodation; provide employment and skill development to the local community and protecting natural resources.

- **Development Generally** - the proposed development will create a healthy safe environment for all to share, with the development containing necessary infrastructure and services to support and tourist development and the community.
- **Open Space, Natural Environment and Cultural Heritage** - the proposed development will dedicate the remaining allocation of land to open space and conservation whilst rehabilitating areas that were previously grazing land. Hummock Hill Island borders the Great Barrier Reef and the development will provide convenient public access to the high quality beaches and coastline that that is not available to the Gladstone community.
- **Community Well Being** - the proposed development will provide a quality tourist destination that is not currently available or planned in the region and provide lifestyle for a variety of income earners. It will provide opportunities for tourism, social interaction, recreation in one area.
- **Infrastructure Provision** - the proposed development will provide new and future infrastructure in a safe, efficient and equitable manner, with the Proponent will provide all necessary infrastructure for the development as well as contributions for external infrastructure so that local and State infrastructure providers are not affected. The Proponent will enter into an operation and maintenance agreement for a period of years to be agreed and until such operation and maintenance costs can be covered by income from rates and service charges applied to the developed land.

#### ***4.3.2 Regional Settlement Pattern***

This proposal is for a tourism community in an area which is not currently identified for urban or tourist development by the regional plan and the planning scheme. The Proponent acknowledges the proposal is inconsistent with the current regional settlement pattern. However, the Proponent has identified significant grounds for amending the regional settlement pattern to incorporate the appropriate development of Hummock Hill Island. These include:

- there are no similar opportunities for tourism development between Agnes Water and north of Curtis Island and this proposal provides a different tourism experience compared to other tourism centres;
- Hummock Hill Island is well located for a major tourism destination being adjacent to Gladstone which is a major, rapidly expanding industrial city. The regional settlement pattern does not provide sufficient tourism opportunities for current and future residents, and the workforce required to support the massive industrial and mining developments at Gladstone and inland. Opportunities to promote the region to interstate and international tourists are also limited;
- the proposed tourist facilities will increase the size and diversity of the tourism industry of the region thereby creating jobs and increasing tourism's contribution to the regional and State economy;



- Hummock Hill Island borders the Great Barrier Reef and the development will provide convenient public access to the high quality beaches and coastline that that is not available to the Gladstone community. There are no existing tourism and recreational facilities in the region similar to, or of the same standard, as the proposed tourism development;
- the former Miriam Vale Shire Council approved a residential development for Hummock Hill Island initially in the mid 1990s and again in 1999;
- the State Government has granted a Special Lease over Hummock Hill Island which accommodates development of Hummock Hill Island; and
- there are people living in the rural areas of the mainland near Hummock Hill Island with very limited access to community, public emergency or commercial services or facilities. The HHI Development will provide these facilities that are not available in the nearby mainland communities.

Protection of Hummock Hill Island for other purposes is not appropriate as the island:

- is not good quality agricultural land and cannot support viable rural activities;
- has been degraded by past grazing activities, particularly the location of the development; and
- sand mining activities would have significant impacts to physical and environmental values of the island and surrounding areas.

These issues are further addressed in **Appendix B-5**.

#### ***4.3.3 Infrastructure Provision***

Infrastructure that is required to support the development includes roads and drainage, bridges, water supply, wastewater, power supply and community infrastructure. The Proponent will provide all necessary infrastructure for the development as well as contributions for external infrastructure so that local and State infrastructure providers are not affected.

The Proponent proposes to enter into an operation and maintenance agreement with the Gladstone Regional Council to maintain and operate the service infrastructure for a period of years to be agreed and until such operation and maintenance costs can be covered by income from rates and service charges applied to the developed land. This period is likely to occur 12 years after commencement of development of Hummock Hill Island.

HHI Development is expected to deliver a range of community facilities which will be accessible to residents of Hummock Hill Island and adjoining communities, who currently lack easy access to these facilities. The community facilities will include a medical centre, emergency services, a public bus service, and a range of recreational facilities. The establishment of these facilities will be developed by the Proponent and then maintained and operated or subsidised by the Proponent until the costs of operation are matched by income from either local government rates and levies or from commercial operation of the facility.

The Proponent has already conducted extensive discussions with Gladstone Regional Council and other infrastructure providers. Residents in the rural areas of the mainland near HHI have very



limited access to community, public emergency or commercial services or facilities. The HHI Development will provide these necessary services to these neighbouring residents.

With regard to the environmental impacts from the provision of the infrastructure, the EIS and Supplementary Report demonstrate that major impacts have been avoided or otherwise minimised through mitigation strategies.

#### ***4.3.4 Significant Coastal Dunes***

Dunes are within the Special Lease area that is proposed to be developed. These dunes were considered by DERM to be significant coastal dunes which are also areas of state significance (natural resources) under the State Coastal Management Plan. The State and local planning instruments seek to protect these dune systems from development unless a 'net benefit to the state' can be demonstrated.

It remains the view of the Proponent that the dune systems do not satisfy the criteria set out by the State Coastal Management Plan (refer to **Chapter 12** of the Supplementary Report). The dunes have been used for agriculture in the past and evidence of this use is the presence of fencelines, stockyards and tree stumps.

The proposed development, apart from the boat ramp, bridge, pedestrian access on elevated walkways to the northern beaches and water infrastructure, is to be located outside the coastal management district which is also the erosion prone area. The cost-benefit analysis indicated that the HHI Development will have a net benefit to the State i.e. the overarching value of the development to the State is greater than the value of the impacts to the affected dune system and the ecological value that the dune system provides.

A summary of the cost-benefit analysis is provided in **Chapter 15** of the Supplementary Report. The cost-benefit analysis demonstrates that the development has a net benefit to the state.

#### ***4.3.5 Regional Ecosystems***

In order to minimise impacts to endangered and of concern regional ecosystems the Proponent has:

- committed to reach an offset agreement; and
- reconfigured the HHI Development footprint to reduce the area of endangered and of concern regional ecosystems within the development footprint.

Further detail on vegetation offsets is provided in **Chapter 12** of the Supplementary Report. The Proponent has identified areas of non-remnant vegetation to satisfy the Policy for Vegetation Management Offsets. The offset areas will be maintained, protected and enhanced through a management contract between the Proponent and an appropriate environmental management company. The offset areas will continue to be managed until the areas reach remnant status.

The Proponent proposes to have the undeveloped parts of the island (84% - which includes the undeveloped parts of special lease area and Unallocated State Land) declared as Nature Refuge and



protected under a formal agreement with the government agencies. The HHI Development boundary will be fenced and have a barrier to prevent vehicular access and uncontrolled pedestrian access to the Nature Refuge. The conserved areas will be maintained, protected and enhanced through a management contract between the Proponent and an appropriate environmental management company who will also be contracted to manage the offset areas. The Proponent propose the Gladstone Regional Council impose a special area environmental levy on land owners to cover the cost of these environmental services.

Human settlement and activity within and surrounding areas of environmental significance can be effectively managed to protect the environmental values of these areas. Substantial tourist activity on Fraser Island and the Central Eastern Rainforest Reserves is actively and effectively managed by a range of State Agencies. It is intended that the environmental management company will have a similar role.

#### **4.4 Approvals and Legislation**

Issues were raised about approvals required for the HHI Development as well as the lease which forms the basis for the development.

##### ***4.4.1 Approvals***

To ensure accuracy, an updated list of approvals is provided in **Appendix B-5**. Responses to specific approval and legislative issues are also provided.

##### ***4.4.2 Special Lease***

Both the State and local Government have supported the concept of development on Hummock Hill Island through the provision of a Special Lease and the granting of previous development approvals.

The Goss State Government undertook a strategic planning exercise that examined coastal areas of the region in terms of future use of mineral sands deposits, conservation values and tourism. The Special Lease for Hummock Hill Island was created in 1991 by the State Government following regionally based land use negotiations between mineral sand mining interests and State agencies. This process created National and Conservation Parks in the region with areas of high conservation value such as Byfield, Curtis Island, Wild Cattle Island, Rodds Peninsula, Eurimbula and Deepwater National Parks and Bustard Head Conservation Park.

Remaining areas in the region such as Hummock Hill Island and Middle Island were considered to have lower conservation values and also considered to have suitable opportunities for either mining or tourism. Hummock Hill Island was identified as having the appropriate characteristics for tourism and the Special Lease referred to development of the Island for business, industrial, commercial, residential, tourist and recreational purposes.

Therefore within a regional perspective, the Special Lease was granted with the understanding that Hummock Hill Island represented the best coastal tourism opportunity in the region.



There have been decisions by the local government to support development of Hummock Hill Island for tourism related developments, including:

- mid-1990s - Miriam Vale Shire Council granted development approval for 5,000 residential lots, a marina, two golf courses and a hotel/convention centre; and
- 1999 - Miriam Vale Shire Council granted hotel resort, caravan park, two golf courses, low and medium density residential, commercial, science/technological precincts to support a satellite launching facility.

The current proposal is far smaller and less intrusive than any of the previous proposals and will be a sustainable development from a social, economic and environmental perspective. HHI Development is consistent with the intent of the Special Lease and set against a background of recent development approvals for projects of a similar nature on Hummock Hill Island.

Gladstone Regional Council has reviewed the proposed HHI Development and indicated support for the development of a tourism industry on Hummock Hill Island.

Responses to specific tenure issues are provided in **Appendix B-5**.

#### **4.5 Conclusion**

The proposed Hummock Hill Island development will provide significant economic, social and environmental benefits to the region. In particular it will enhance the tourism industry in a region where there are significant environmental features and a growing residential and working population but limited tourism opportunities.

HHI development is inconsistent with the regional settlement pattern and that is why the Proponent has undertaken an EIS process to demonstrate its appropriateness and benefits. The regional settlement pattern does not provide adequate and diverse tourism opportunities for the residents, workers and visitors. The Project assists to address this shortcoming of the regional settlement pattern. The Project Justification provides further demonstration of the merits of the proposed development.

Following the EIS, an application will be made to amend the Miriam Vale Planning Scheme to address any inconsistencies. The Proponent will work closely with Gladstone Regional Council to ensure the best possible outcome.

Modifications have been made to the Plan of Development to minimise impacts to dunes and regional ecosystems. As impacts cannot be totally avoided, a cost benefit analysis has demonstrated that the development has a net benefit to the state. The Proponent is committed to provide an offset for impacts on regional ecosystems in accordance with the DERM's Policy for Vegetation Management Offsets.

State and local authorities will not be adversely affected by having to provide infrastructure to the development. The Proponent will enter into an infrastructure agreement to provide the necessary infrastructure and undertake maintenance for an agreed period. Once the development is





established, Gladstone Regional Council will receive rate income which will accommodate long term local infrastructure operation and maintenance costs.