

A6

BACKGROUND TO THE PROJECT

PLANNING AND LEGISLATION REVIEW



Sunshine Coast
COUNCIL



CONTENTS

6.1	Introduction	139
6.2	Policy context and legislative framework.....	139
6.3	Commonwealth legislation	139
6.3.1	Aboriginal and Torres Strait Islander Heritage Protection Act 1994.....	140
6.3.2	Air Navigation Act 1920.....	140
6.3.3	Air Navigation (Aircraft Engine Emissions) Regulations.....	140
6.3.4	Air Services Act 1995.....	140
6.3.5	Airspace Act 2007 and Airspace Regulations 2007.....	141
6.3.6	Aviation Transport Security Act 2004 and Aviation Transport Security Regulations 2005.....	141
6.3.7	Civil Aviation Act 1988, Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998.....	141
6.3.8	Environment Protection and Biodiversity Conservation Act 1999.....	142
6.3.9	Native Title Act 1993.....	144
6.4	Queensland legislation.....	144
6.4.1	Aboriginal Cultural Heritage Act 2003.....	144
6.4.2	Coastal Protection and Management Act 1995.....	144
6.4.3	Environmental Offsets Act 2014.....	145
6.4.4	Environmental Protection Act 1994.....	145
6.4.5	Fisheries Act 1994.....	145
6.4.6	Land Act 1994.....	146
6.4.7	Land Protection (Pest and Stock Route Management) Act 2002	146
6.4.8	Local Government Act 2009.....	146
6.4.9	Marine Parks Act 2004, Marine Parks Regulation 2006, Marine Parks (Declaration) Regulation 2006 and Marine Parks (Moreton Bay) Zoning Plan 2008.....	146
6.4.10	Native Title (Queensland) Act 1993.....	146
6.4.11	Nature Conservation Act 1992.....	146
6.4.12	Queensland Heritage Act 1992.....	147
6.4.13	State Development and Public Works Organisation Act 1971.....	147
6.4.14	Strategic Cropping Land Act 2011 and Regional Planning Interests Act 2014.....	147
6.4.15	Sustainable Planning Act 2009 and Sustainable Planning Regulation 2009.....	148
6.4.16	Transport Infrastructure Act 1994.....	148
6.4.17	Transport Operations (Marine Safety) Act 1994	148
6.4.18	Transport Operations (Marine Pollution) Act 1995.....	149
6.4.19	Vegetation Management Act 1999.....	149
6.4.20	Water Act 2000.....	149
6.5	Planning framework.....	149
6.5.1	National planning framework.....	149
6.5.2	State and regional planning framework.....	151
6.5.2.1	State Planning Policy.....	152
6.5.3	Local planning framework.....	154
6.6	Approvals required.....	163
6.6.1	Commonwealth Government approvals identified	163
6.6.2	State approvals and local planning.....	164

FIGURES

6.5a:	OLS as shown in the Sunshine Coast Planning Scheme 2014.....	156
6.5b:	Dimensions of a public safety area.....	157
6.5c:	Public safety area and safety zones as shown in the Sunshine Coast Planning Scheme 2014	158
6.5d:	Runway separation distances.....	159
6.5e:	Aviation facility sensitive areas as shown in Sunshine Coast Planning Scheme 2014	160
6.5f:	Australian Noise Exposure Forecast as shown in the Sunshine Coast Planning Scheme 2014	161
6.6a:	Summary of approvals required for the Project.....	170

TABLES

6.5a:	Building site acceptability based on ANEF zones ..	162
6.6a:	Relevant Commonwealth approvals for the Project	165
6.6b:	Relevant approvals for the construction of the runway, taxiway and aprons.....	165
6.6c:	Relevant approvals for the installation of the dredge mooring	167
6.6d:	Relevant approvals for the assembly of the dredge pipeline and installation of the sand delivery pipeline.....	168
6.6e:	Relevant approvals for dredging activities in Moreton Bay	169

6.1 INTRODUCTION

This chapter of the Environmental Impact Statement (EIS) addresses Part B Section 3.8 and Section 5.5.4 of the Terms of Reference (TOR). It describes the Commonwealth and Queensland legislation and the Commonwealth, Queensland and local government policies relevant to the Sunshine Coast Airport Expansion Project (the Project).

The Project is located in areas under the jurisdiction of the Australian Government, the Queensland Government and the Sunshine Coast Council (SCC). Approvals for various components of the Project are required under the laws relevant to each jurisdiction. This chapter also identifies the key approvals likely to be required for the Project, current at the time of writing.

6.2 POLICY CONTEXT AND LEGISLATIVE FRAMEWORK

An overview of the Commonwealth and Queensland legislative framework and Commonwealth, Queensland and local government policies relevant to the planning, approval, construction and operation of the Project is provided in this Section.

6.3 COMMONWEALTH LEGISLATION

Relevant Commonwealth legislation to the Project includes:

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1994*
- *Air Navigation Act 1920*
- *Air Navigation (Aircraft Engine Emissions) Regulations*
- *Air Services Act 1995*
- *Air Services Regulations 1995*
- *Airspace Act 2007*
- *Aviation Transport Security Act 2004*
- *Aviation Transport Security Regulations 2005*
- *Civil Aviation Act 1988*
- *Civil Aviation Regulations 1988*
- *Civil Aviation Safety Regulations 1998*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Native Title Act 1993.*

These are discussed in the context of the Project on the following pages.

6.3.1 *Aboriginal and Torres Strait Islander Heritage Protection Act 1994*

This Act provides for the preservation and protection from injury or desecration of significant areas and objects in Australia and its waters, being areas and objects that are of particular significance to Aboriginals or Torres Strait Islanders in accordance with culture and tradition. It enables the Australian Government to respond to requests by an Aboriginal or Torres Strait Islander person (or a person representing an Aboriginal or Torres Strait Islander person) to protect traditionally important areas and objects that are under threat, if it appears that relevant state or territory laws have not provided effective protection.

Relevance and/or Implications to the Project

A Cultural Heritage Management Plans (CHMP's) would be prepared for the Project in accordance with the *Queensland Aboriginal Cultural Heritage Act 2003* (see Section 6.4.1) and the design and construction is expected to be fully compliant with the requirements of the plan. This Federal Act would only become relevant if the State cultural heritage legislation was not seen to be protecting Indigenous cultural heritage. Information about the CHMP is included in Chapter B11 – Indigenous Cultural Heritage's.

6.3.2 *Air Navigation Act 1920*

The *Air Navigation Act 1920* provides for the regulation of aircraft navigation within Australian airspace. Under section 9 of the Act, the Minister may designate as an international airport an aerodrome at which facilities are available for the formalities incident to customs, immigration, quarantine and other requirements in connection with arrival in or departure from Australian territory of aircraft. Section 10 of the Act requires that international aircraft are only to land and take-off from an airport designated under section 9.

Relevance and/or Implications to the Project

In the event that the SCA seeks to provide for the arrival and departure of approved international carriers at the expanded airport, appropriate designation would be required under section 9 of the Act from the Australian Government Minister for Infrastructure and Regional Development to permit such operations.

6.3.3 *Air Navigation (Aircraft Engine Emissions) Regulations*

The Air Navigation (Aircraft Engine Emissions) Regulations are made under the *Air Navigation Act 1920*. The Regulations stipulate that an aircraft (excluding state aircraft or foreign aircraft) is not to fly in Australian airspace unless it complies with Annex 16 to the Chicago Convention. Annex 16 contains specific standards and recommended practices in regard to aircraft noise and aircraft engine emissions.

Relevance and/or Implications to the Project

Compliance with the requirements of the Regulations is the responsibility of individual aircraft operators, rather than the Sunshine Coast Airport. Therefore, there is little relevance to the Project.

6.3.4 *Air Services Act 1995*

This Act provides for the establishment, functions and powers of Airservices Australia. Under section 8 of the Act, Airservices Australia is a government-owned-corporation responsible for:

- Providing services and facilities for the purpose of Australia giving effect to the Chicago Convention and for purposes relating to the safety, regularity or efficiency of air navigation, whether in or outside Australia
- Carrying out activities to protect the environment from the effects of, and the effects associated with, the operation of aircraft, whether in or outside Australia
- Any functions prescribed by regulations in relation to the effects of, and effects associated with, the operation of aircraft, whether in or outside Australia
- Any functions conferred on it under the *Air Navigation Act 1920* or the *Aviation Transport Security Act 2004*
- Any other functions prescribed by the regulations, being functions relating to any of the matters referred to in this subsection.

The Air Services Regulations 1995 set out the functions of Airservices Australia in relation to the provision of air traffic services and its powers in connection with those services. Under Part 3 of the Regulations, air traffic services provided by Airservices Australia are:

- To facilitate the safe and efficient conduct of aircraft flights
- To facilitate the safe movement of aircraft on the manoeuvring areas of aerodromes
- To facilitate and maintain a safe, orderly and expeditious flow of air traffic
- To provide advice and information that is necessary for the safe and efficient conduct of flights
- To notify appropriate organisations about aircraft known to be, or believed to be, in need of search and rescue aid, and to appropriately assist those organisations.

Relevance and/or Implications to the Project

Airservices Australia has responsibility for:

- Airspace management
- Aeronautical information
- Aviation communications
- Radio navigation aids
- Aviation rescue and firefighting services.

Aspects of the Project relevant to the above matters (such as relocating navigation aids, changes to airspace architecture) would require assessment by Airservices Australia under the Act and associated Regulations.

6.3.5 *Airspace Act 2007* and *Airspace Regulations 2007*

The *Airspace Act 2007* establishes a head of power for the Civil Aviation Safety Authority (CASA) to regulate and administer Australian-administered airspace. The object of this Act is to ensure that Australian-administered airspace is administered and used safely, taking into account the following matters:

- Protection of the environment
- Efficient use of that airspace
- Equitable access to that airspace for all users
- National security.

Section 8 of the Act establishes the requirement for the Minister to make an Australian Airspace Policy Statement. The current Australian Airspace Policy Statement commenced on 1 July 2012. Under section 10 of the Act the Minister must review the Australian Airspace Policy Statement at least every three years.

Under section 11 of the Act, the CASA has sole responsibility for the classification and designation of all Australian-administered airspace. CASA exercises its responsibility to classify and designate airspace, and regulate the design process, through the Office of Airspace Regulation (OAR).

OAR monitors and reviews the appropriateness of the airspace and is responsible for the appropriate management of the airspace architecture, air routes and prohibited, restricted and danger areas. When the need for changes to the airspace is identified via the review process or through the submission of an airspace change proposal, the Office of Airspace Regulation Operations assesses the change in accordance with the object of the *Airspace Act 2007*, *Airspace Regulations 2007* and the Australian Airspace Policy Statement.

Relevance and/or Implications to the Project

An airspace change would be triggered due to changes to the existing airspace architecture associated with the future operation of the new runway. Therefore OAR Operations would assess the change in accordance with the *Airspace Act 2007*.

6.3.6 *Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*

The *Aviation Transport Security Act 2004* establishes a regulatory framework to safeguard against unlawful interference with aviation by establishing minimum security requirements for civil aviation in Australia by imposing obligations on persons engaged in civil aviation related activities. The Aviation Transport Security Regulations 2005 support the implementation of the Act by defining a range of matters relevant to the preparation, approval and implementation of transport security programs.

Relevance and/or Implications to the Project

As the operator of a security controlled airport, the SCC is required under the Act to have and implement a transport security program for the airport. The transport security program must set out the following:

- How the SCC would manage and coordinate aviation security activities within the airport
- How the SCC would coordinate the management of aviation security with other parties (including Commonwealth agencies) who have responsibilities for, or are connected with, aviation
- The technology, equipment and procedures to be used by the SCC to maintain aviation security
- How the SCC would respond to aviation security incidents
- The practices and procedures to be used by the SCC to protect security compliance information
- The other aviation industry participants who are covered by, or operating under, the program
- The consultation that was undertaken, in preparing the program, by the SCC with the other aviation industry participants who are covered by, or operating under, the program.

The transport security program is also required to include a map that shows the airside and landside areas, and any airside security zones and landside security zones, for the airport.

Where it is proposed to make changes to the areas or zones for the airport, a map that shows the proposed changes and program amendments proposed are required to be submitted to the Secretary of the Department of Infrastructure and Regional Development under Division 5, Part 2 of the Act.

6.3.7 *Civil Aviation Act 1988*, *Civil Aviation Regulations 1988* and *Civil Aviation Safety Regulations 1998*

The main object of the *Civil Aviation Act 1988* is to establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.

The Act (section 8) provides for the establishment of the CASA which has the function of conducting the safety regulation of the following matters, in accordance with this Act and the associated Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998:

- Civil air operations in Australian territory
- The operation of Australian aircraft outside Australian territory
- Developing and promulgating appropriate, clear and concise aviation safety standards
- Developing effective enforcement strategies to secure compliance with aviation safety standards

- Administering drug and alcohol management plans and testing covering persons who perform, or are available to perform, safety sensitive aviation activities
- Issuing certificates, licences, registrations and permits
- Conducting comprehensive aviation industry surveillance, including assessment of safety related decisions taken by industry management at all levels for their impact on aviation safety
- Conducting regular reviews of the system of civil aviation safety in order to monitor the safety performance of the aviation industry, to identify safety related trends and risk factors and to promote the development and improvement of the system
- Conducting regular and timely assessment of international safety developments.

Part 139 of the Civil Aviation Safety Regulations 1998 prescribes the requirements for aerodromes used in air transport operations including rules about the following matters:

- Certification of aerodromes and the requirements that apply to operators of certified aerodromes
- Registration of aerodromes and the requirements that apply to operators of registered aerodromes
- Reporting officer and safety inspection requirements that apply to operators of certain other aerodromes used for regular public transport operations or charter operations
- Obstacles and hazards at aerodromes
- Obligations of aerodrome operators in relation to radio communication services and rescue and firefighting services.

Relevance and/or Implications to the Project

The design for the new runway, taxiways and aprons and other operational elements of the expanded Project must be compliant with Part 139 of the Civil Aviation Safety Regulations 1998. Subpart 139H specifies the requirements for the provision of aerodrome and firefighting services which is also relevant to the future expanded SCA.

The OAR is also required to assess whether any proposal for airspace change is likely to affect the environment to a significant extent. The determination of this approval is reliant upon approved and final detailed construction specifications of the runway, and as such, would occur closer to the completion of the construction of the runway. The OAR would base their assessment on the environmental assessment contained in this EIS and a detailed Safety Case and Environmental Assessment (to be undertaken closer to the completion of the construction of the runway). Safety implications, environmental considerations, consultation, government policy, and the promotion and fostering of civil aviation would be considered in their assessment.

6.3.8 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places – defined in the EPBC Act as Matters of National Environmental Significance (MNES).

An action is required to be referred to the Commonwealth Minister for the Environment for assessment if the Proponent believes that the proposed action is likely to have a significant impact on a matter of national environmental significance.

The nine (9) matters of national environmental significance protected under the Act are:

- World heritage properties
- National heritage places
- Wetlands of international importance (listed under the Ramsar Convention)
- Listed threatened species and ecological communities
- Migratory species protected under international agreements
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mines)
- A water resource, in relation to coal seam gas development and large coal mining development.

Other matters protected under the Act include:

- The environment, where actions proposed are on, or would affect Commonwealth land and the environment
- The environment, where Commonwealth agencies are proposing to take an action.

Relevance and/or Implications to the Project

Matters of National Environmental Significance

Following its receipt and consideration of a referral by the Sunshine Coast Airport (SCA) (EPBC 2011/5823), the Australian Government determined on 7 October 2011 that the Project is a 'controlled action'. The Australian Government advised that the controlling provisions under the Act are:

- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A).

Part C of the Final Terms of Reference for the Project contains the information on Australian Government requirements, Section 2 of the TOR sets out the requirements to be addressed in the Environmental Impact Statement (EIS), in relation to MNES.

Bilateral Agreement with the Queensland Government

The Australian Government has determined that the Bilateral Agreement between the Australian and Queensland governments would apply to the preparation of the EIS. As part of the EIS process the Commonwealth Minister for the Environment will review the EIS to ensure that it addresses the requirements of the EPBC Act.

At the conclusion of the EIS process, the Commonwealth Minister for the Environment will receive a copy of the Coordinator-General's report and would take the Coordinator-General's report into account when making his approval decision under the EPBC Act. The Commonwealth Minister for the Environment's assessment would follow preparation of the Coordinator-General's report; the Minister has 30 business days after receipt of the Coordinator-General's report to decide whether or not to approve the proposal.

Matters of national environmental significance are addressed in several chapters of Volume B and Volume C of the EIS (as they relate to terrestrial, aquatic and marine ecology) and summarised in Volume E (Chapter E2). Relevant management plans are detailed in Volume E, specifically the Environmental Management Plan (EMP) and Dredge Management Plan (DMP).

Aviation Airspace Management

A separate referral (2011/6104) has been made under section 160 of the EPBC Act by CASA and Airservices Australia for the implementation of a plan for Aviation Airspace Management at the Sunshine Coast Airport.

Section 160 of the EPBC Act provides that a Commonwealth Agency (in this case CASA and Airservices Australia) must obtain and consider advice from the Commonwealth Minister for the Environment before giving an authorisation for the adoption or implementation of a plan for aviation airspace management involving aircraft operations that have, will have, or are likely to have a significant impact on the environment.

On 21 May 2012, the Commonwealth Minister for the Environment decided that the section 160 referral would be assessed by EIS. Part 3 of the Term of Reference for this EIS lists the requirements of the Australian Government relating to the section 160 referral. Airspace related impacts have been addressed in the EIS and the impacts relevant to section 160 of the EPBC Act will be assessed by the Australian Government in parallel with the process under Part 4 of the Queensland State Development and Public Works Organisation Act 1971 (SDPWO Act)

Changes to the existing airspace architecture associated with the future operation of the new runway would ultimately require an airspace change approval under the Airspace Act, 2007 and Airspace Regulations, 2007. As detailed in Chapter D2 – Airspace Architecture, the implementation of the Project results in a change in airspace classification. The approval for this airspace change is required prior to the operation of the new runway. Although approval for the airspace change for the new runway to be operational cannot be obtained until the construction of the runway

is approved and final detailed specifications are known (i.e. closer to completion of the Project), an 'agreement in principle' from Airservices Australia and CASA has been obtained. This 'agreement in principle' indicates that the projected flight path corridors and predicted airspace changes are:

- Consistent with Airservices and CASA planning requirements; and
- Appropriate for use in the preparation of this EIS and public consultation of the EIS.

To gain approval for the airspace change, advice must be obtained from the Commonwealth Minister for the Environment under section 160 of the EPBC Act. This would involve the consideration of the impacts of the Project on the environment (considered in this EIS) including noise, air, social, heritage, biodiversity and ecological sustainability issues. This assessment is based on a range of possible flight path options, approach and departure procedures and operating modes, and would provide:

- The Commonwealth Minister for the Environment with sufficient information to provide advice to Airservices Australia before it can adopt and implement any changes to airspace which may have a significant impact on the environment; and
- A basis for gaining approval for the airspace change from the Office of Airspace Regulation, CASA.

The determination of the approval for the airspace change from CASA's Office of Airspace Regulation is reliant upon approved and final detailed construction specifications of the runway, and as such, would occur closer to the completion of the construction of the runway.

The Office of Airspace Regulation would consider the environmental assessment contained in this EIS and a detailed Safety Case and Environmental Assessment (to be undertaken closer to the completion of the construction of the runway).

Transfer of Commonwealth Land to SCC

A referral under the EPBC Act (EPBC 2009/4899) was also made in relation to the transfer of ownership of a 41.8 ha piece of Commonwealth land (described as Lot 898 CG4782) located within the airport boundary from Airservices Australia to the SCRC.

The controlling provisions under the EPBC Act for that referral were sections 18, 18A (listed threatened species and communities) and 28 (Commonwealth action). The sale of this land was undertaken to enable planning for the new runway to progress. The site currently hosts the airport's navigational aids and will continue to do so until these are relocated as part of the overall Project. Airservices Australia, who operate air traffic control at the airport, will lease this land back from Council while the navigational aids remain in this location. On 30 June 2011, the Commonwealth Minister for the Environment approved the proposed action (being the sale of the Land), subject to conditions. Whilst separate to this EIS, these conditions noted that a Conservation Agreement over the remaining portion of the site, known as the Wallum Heath

Management Area, would be required. This Conservation Agreement would be informed by any conditions and management actions determined for that site through this EIS process.

6.3.9 Native Title Act 1993

The function of the *Native Title Act 1993* includes establishing a framework through which native title can be recognised, in addition to providing protection for native title rights. Proposed activities or developments that may affect native title are classed as 'future acts' under the Act. The *Native Title Act 1993* provides for the determination of native title claims, the treatment of future acts, and the requirement for consultation and/or notification of relevant native title claimants where future acts are involved. Under the Act, any past grants of freehold or certain leasehold interests are recognised as having extinguished native title if they occurred prior to certain dates. The *Native Title Act 1993* operates in conjunction with associated state legislation, such as the *Native Title (Queensland) Act 1993*.

Relevance and/or Implications to the Project

The operation and relevance of the *Native Title Act 1993* to this Project is discussed in more detail in Chapter B11 – Indigenous Cultural Heritage.

6.4 QUEENSLAND LEGISLATION

Queensland legislation relevant to the Project includes:

- *Aboriginal Cultural Heritage Act 2003*
- *Coastal Protection and Management Act 1995*
- *Environmental Offsets Act 2014*
- *Environmental Protection Act 1994*
- *Fisheries Act 1994*
- *Land Act 1994*
- *Land Protection (Pest and Stock Route Management) Act 2002*
- *Local Government Act 2009*
- *Marine Parks Act 2004*
- *Native Title (Queensland) Act 1993*
- *Nature Conservation Act 1992*
- *Queensland Heritage Act 1992*
- *State Development and Public Works Organisation Act 1971*
- *Strategic Cropping Land Act 2011 and Regional Planning Interests Act 2014*
- *Sustainable Planning Act 2009*
- *Transport Infrastructure Act 1994*
- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Marine Pollution) Act 1995*

- *Transport Security (Counter Terrorism) Act 2008*
- *Vegetation Management Act 1999*
- *Water Act 2000*.

6.4.1 Aboriginal Cultural Heritage Act 2003

Under this Act, Aboriginal cultural heritage is protected through a duty of care which requires all persons to take reasonable and practical measures to avoid harming such cultural heritage. In this regard, a duty of care guideline has been gazetted under the Act, which sets out reasonable and practical measures for ensuring that the duty of care is met.

Major aspects of the *Aboriginal Cultural Heritage Act 2003* are:

- Protection of areas and objects of traditional and customary significance, as well as areas of archaeological significance
- Recognition of the key role of traditional owners in cultural heritage matters
- Establishment of practical and flexible processes to address cultural heritage in a timely and cost efficient manner
- The replacement of cultural heritage permitting arrangements with the duty of care, the cultural heritage management planning process and other agreement based mechanisms
- Increased penalties for harming Aboriginal and Torres Strait Islander cultural heritage.

Relevance and/or Implications to the Project

Under section 87 of the *Aboriginal Cultural Heritage Act 2003*, a CHMP is or may be required in the event that an EIS is required for a project. The protection of Aboriginal cultural heritage and the CHMP's for the Project are discussed further in Chapter B11 – Indigenous Cultural Heritage and Chapter C6 – Other Considerations.

6.4.2 Coastal Protection and Management Act 1995

The *Coastal Protection and Management Act 1995* provides for the protection, conservation, rehabilitation and management of the Queensland coastal zone, including its resources and biological diversity. The Act has regard to the goal, core objectives and guiding principles of the National Strategy for Ecologically Sustainable Development in the use of the coastal zone.

The Act regulates tidal works and works carried out in the Coastal Management District. It also provides for the issuing of Allocation Notices, which permit quarry material to be removed from tidal waters, and the removal of vegetation from State coastal land.

Relevance and/or Implications to the Project

Approvals required for the Project pursuant to the *Coastal Protection and Management Act 1995* are likely to be triggered for works that are tidal works and potentially works within areas that are mapped as being within the coastal

management district. These works include dredging and establishment of the temporary dredge mooring and sand delivery pipeline. The assessment process for such approvals would be facilitated under the Integrated Development Assessment System (IDAS).

Under Chapter 2, Part 5 of the Act an allocation of quarry material would be required prior to the issue of any approval under the Act for the removal of dredged material from State land under tidal water. The allocation also deals with the placement of the material on land above the high water mark and more generally about the use of a state-owned resource including the payment of royalties to the Queensland Government.

6.4.3 *Environmental Offsets Act 2014*

The *Environmental Offsets Act 2014* (Offsets Act) was passed with amendments on 22 May 2014 and commenced on 1 July 2014. It is supported by the Environmental Offsets Regulation 2014, the Queensland Environmental Offsets Policy and the Financial Settlement Offset Calculator.

The Offsets Act introduces a new framework for environmental offsets in Queensland. Under the new framework provided by the Offsets Act, the existing five issue-specific offset policies are replaced by a single State policy governing the assessment of environmental offsets.

The Offsets Act binds all persons including the State, but is expressed not to affect or limit the functions and powers of the Coordinator-General under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

6.4.4 *Environmental Protection Act 1994*

The *Environmental Protection Act 1994* provides for the protection of 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 (i.e. ecologically sustainable development).

The following regulations and policies existing under the *Environmental Protection Act 1994* and are relevant to the Project:

- *Environmental Protection Regulation 2008*
- *Environmental Protection (Air) Policy 2008*
- *Environmental Protection (Noise) Policy 2008*
- *Environmental Protection (Water) Policy 2009*
- *Environmental Protection (Waste Management) Regulation 2000.*

The Act provides for the issuing of environmental authorities (EAs) which authorise permit holders to undertake environmentally relevant activities (ERAs).

An applicant for an EA must be a registered suitable operator (or make an application to become a registered suitable operator at the time of making the EA application).

Schedule 2 of the *Environmental Protection Regulation 2008* lists prescribed ERAs. Prescribed ERAs are industrial or intensive agricultural activities which have potential environmental risks. An EA is required to undertake prescribed ERAs. Certain prescribed ERAs are also Concurrence ERAs. In addition to an EA, Concurrence ERAs may also require a development approval under the *Sustainable Planning Act 2009* if the activity involves a material change of use.

Relevance and/or Implications to the Project

ERAs that may be part of the construction of the Project, subject to detailed design, include

- **Asphalt manufacturing (ERA 6)** – manufacturing more than 1000t of asphalt in a year
- **Extractive and screening activities (ERA 16)** – dredging a total of 1000t or more of material from the bed of naturally occurring surface waters, in a year
- **Concrete batching (ERA)** – dredging a total of 1000t or more of material fro

These ERAs are all listed as Concurrence ERAs in the *Environmental Protection Regulation 2008*.

In order to undertake these ERAs, an EA and a development approval is likely to be required.

6.4.5 *Fisheries Act 1994*

The *Fisheries Act 1994* provides for the management, use, development and protection of fisheries resources and fish habitats, the management of aquaculture activities and helping to prevent shark attacks. The main purpose of the Act is the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to apply and balance the principles of ecologically sustainable development and promote ecologically sustainable development.

Relevance and/or Implications to the Project

Through various Fish Habitat Management Operational Policies declared under the *Fisheries Act 1994*, the Department of Agriculture is responsible for ensuring the conservation and management of fisheries important to the State by ensuring the continued use of fisheries resources (including fish, marine plants and other fish habitats) occurs in a sustainable manner by adopting a strategic approach to maintain and enhance fish habitats in Queensland. Marine-based works required for the Project, include capital dredging, establishment of the temporary dredge mooring and sand delivery pipeline.

Development approval may be required, including for operational work for constructing or raising waterway barrier works or for the removal, destruction or damage of marine plants. These aspects are discussed in Chapter B10 – Marine Ecology and Chapter C4 – Marine Ecology.

6.4.6 *Land Act 1994*

The *Land Act 1994* provides a framework for the allocation of state land as either leasehold, freehold or other tenure. Permits may be required under this Act for the occupation of a reserve, road or unallocated state land. The Act also regulates the opening and closing of state and local roads and land dealings relating to changes in land tenure.

Relevance and/or Implications to the Project

Sections of Marcoola Beach are designated as a road reserve. The placement of temporary pipelines and associated infrastructure may necessitate a temporary road closure or permit to occupy.

6.4.7 *Land Protection (Pest and Stock Route Management) Act 2002*

The *Land Protection (Pest and Stock Route Management) Act 2002* provides for the management of particular pests on land and the management of the stock route network.

Relevance and/or Implications to the Project

Section 77 of the Act, provides that a landowner must take reasonable steps to keep land free from 'declared' plants and animals. During Project infrastructure construction activities, an environmental management plan would be implemented, which would include management techniques to address weed eradication and prevention of weed transportation. During construction the proponent would take reasonable steps to limit the transportation of declared pests.

6.4.8 *Local Government Act 2009*

The *Local Government Act 2009* provides a legal framework for an effective, efficient, sustainable and accountable system of local government. It recognises a jurisdiction sufficient to allow a local government to do anything that is necessary or convenient for the good rule and government of its area. Part of the functioning of local government under the Act, is the power to make local laws and subordinate local laws with regard to a range of matters.

This Act also enables the SCC to form the business unit which operates the Sunshine Coast Airport.

Relevance and/or Implications to the Project

Relevant local laws and subordinate local laws adopted by the SCC would need to be considered in regard to the construction and future operation stages of the Project. Relevant local laws are discussed in Section A6.5.3.

6.4.9 *Marine Parks Act 2004, Marine Parks Regulation 2006, Marine Parks (Declaration) Regulation 2006 and Marine Parks (Moreton Bay) Zoning Plan 2008*

The *Marine Parks Act 2004* supports the conservation of the marine environment. The Act provides for the declaration and establishment of marine parks and associated zoning and management plans. It further recognises cultural,

economic, environmental and social relationships within marine parks and surrounding areas.

The Marine Parks Regulation 2006, in accordance with the Act, includes provisions relating to the zoning and objectives for those areas within marine parks, regulations associated with entry, use and the type of activities permitted within marine parks and review rights. Specific to the Project, the Regulation and Zoning Plan declare the zoning and protection of the Moreton Bay Marine Park.

Relevance and/or Implications to the Project

The proposed sand extraction at the Spitfire Channel Realignment Area is situated within the Moreton Bay Marine Park (General Use Zone) and would require the issue of a marine park permit under the Act.

6.4.10 *Native Title (Queensland) Act 1993*

The *Native Title (Queensland) Act 1993*, in association with the *Native Title Act 1993* (Cth), provides a mechanism to validate past acts, and intermediate period acts, invalidated because of the existence of native title and to confirm certain rights; and to ensure that Queensland law is consistent with standards set by the *Native Title Act 1993* (Cth) for future dealings affecting native title.

Relevance and/or Implications to the Project

The relevance of the *Native Title (Queensland) Act 1993* as applied to this Project is discussed in more detail in Chapter B11 – Indigenous Cultural Heritage and Chapter C6 – Other Considerations.

6.4.11 *Nature Conservation Act 1992*

The *Nature Conservation Act 1992* (NC Act) provides for the identification, protection and management of Queensland's protected flora and fauna. The management and regulations within the NC Act are administered by the Department of Environment and Heritage Protection (DEHP).

The NC Act provides that a person must not take a protected plant that is in the wild other than under:

- A conservation plan applicable to the plant;
- A licence, permit or other authority issued or given under a regulation; or
- An exemption under a regulation.

A protected plant clearing permit may be obtained under the Nature Conservation (Wildlife Management) Regulation 2006 to take a protected plant.

In a high-risk area, a clearing permit will generally only be required for clearing endangered, vulnerable and near threatened plants (EVNT plants). If a flora survey identifies that EVNT plants are not present or can be avoided by 100 m, the clearing activity may be exempt from a permit.

In an area other than a high risk area, a clearing permit is only required where the proponent knows of the presence of an EVNT plant and that plant will be impacted by the clearing.

The NC Act defines 'protected plant' as a plant that is prescribed as threatened (extinct, endangered or vulnerable), near threatened or least concern (i.e. common) wildlife. This definition covers all Australian native plants in Queensland.

Approval is required under the NC Act to take (which includes to injure or harm) a protected animal. The NC Act defines 'protected animal' as an animal that is prescribed under the NC Act as threatened, near threatened or least concern wildlife.

Relevance and/or Implications to the Project

The Project area is mapped within the high risk area and the project will result in impact to EVNT plants (Mount Emu Sheoak) and vegetation within 100m of EVNT plants. A clearing permit under the NC Act will be required for this clearing.

Further detail on these requirements is included in Chapter B7 – Terrestrial Flora, Chapter B8 – Terrestrial Fauna, Chapter B9 – Aquatic Ecology, Chapter B10 – Marine Ecology and Chapter C4 – Marine Ecology.

6.4.12 Queensland Heritage Act 1992

The *Queensland Heritage Act 1992* provides for the conservation of Queensland's cultural heritage for the benefit of the community and future generations through:

- Establishing the Queensland Heritage Council
- Keeping the Queensland Heritage Register
- Keeping local heritage registers
- Regulating, in conjunction with other legislation, development affecting the cultural heritage significance of Queensland heritage places
- Providing for heritage agreements to encourage appropriate management of Queensland heritage places
- Providing for appropriate enforcement powers to help protect Queensland's cultural heritage.

Under the Act, it is an offence to interfere with (i.e. damage or destroy) a protected area, an archaeological artefact or shipwreck.

The Act also sets out the assessment requirements for any development applications for development in or on a listed heritage place.

Relevance and/or Implications to the Project

A study has been undertaken to identify cultural heritage issues within the Project area. No sites listed on the Queensland heritage register were identified within the Project area. The findings from the study, together with recommendations regarding the issues identified, are detailed in Chapter B12 – Non-Indigenous Cultural Heritage and Chapter C6 – Other Considerations.

6.4.13 State Development and Public Works Organisation Act 1971

The SDPWO Act, amongst other things, establishes the framework for environmental assessment of coordinated projects in Queensland, identifying an environmental impact assessment process and its relationship with other Queensland legislation.

The environmental impact assessment process under the Act is one of the processes accredited under the bilateral agreement between the Australian and Queensland Governments for the environmental assessment of projects which trigger the controlled action provisions of the EPBC Act.

Relevance and/or Implications to the Project

On 24 October 2011, the Queensland Coordinator-General declared the Project to be a 'coordinated project' requiring an environmental impact assessment under section 26(1)(a) of the Act. This declaration initiated the statutory environmental impact assessment process under part 4 of the Act, which requires the proponent to prepare an EIS for the Project.

On completion of the EIS and the provision of any supplementary information, the Coordinator-General would prepare an evaluation report. This report may make recommendations and state and impose conditions for implementation of the Project.

6.4.14 Strategic Cropping Land Act 2011 and Regional Planning Interests Act 2014

The *Strategic Cropping Land Act 2011* (SCL Act) provided for the:

- Protection of land that is highly suitable for cropping
- Management of the impacts of development on that land
- Preservation of the productive capacity of that land for future generations.

The SCL Act was repealed upon commencement of the *Regional Planning Interests Act 2014* (RPI Act) on 13 June 2014.

Under the RPI Act, an approval is required when a resource activity or regulated activity is proposed in an area of regional interest. The RPI Act identifies four areas of regional interest:

- Priority agricultural areas
- Priority living areas
- Strategic environmental areas
- Strategic cropping areas (formerly Strategic cropping land).

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 be prescribed under a regulation for the area.

Certain regulated activities in some areas of regional interest will be exempt from requiring an approval under the RPI Act, for example, pre-existing regulated activities.

Relevance and/or Implications to the Project

The Project does not involve resource activities or regulated activities as defined by the RPI Act. Further, according to mapping prepared by the Queensland Government, none of the land within the Project site is designated as strategic cropping land. There are areas adjacent to the airport mapped as strategic cropping land or potential strategic cropping land. The relevance of these areas is discussed in Chapter B2 – Land Use and Tenure.

6.4.15 Sustainable Planning Act 2009 and Sustainable Planning Regulation 2009

The *Sustainable Planning Act 2009* (SPA) and the associated Sustainable Planning Regulation 2009 (SPR) form the foundation of Queensland's planning and development legislation, by setting a framework to integrate planning and development assessment so that development and its effects are managed in a way that is ecologically sustainable. The purpose of SPA is to achieve ecological sustainability by:

- Managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes
- Managing the effects of development on the environment, including managing the use of premises
- Continuing the coordination and integration of planning at the local, regional and State levels.

The State Development Assessment Provisions (SDAP) set out the matters of interest to the State for development assessment, where the chief executive administering the SPA, being the Director-General of the Department of State Development, Infrastructure and Planning (DSDIP), is responsible for assessing or deciding development applications. The SDAP is prescribed in the SPR, and contains the matters the chief executive may have regard to when assessing a development application as either an assessment manager or a referral agency.

Under section 7 of the Act, development includes making a material change of use, reconfiguring a lot and the carrying out of operational, building and plumbing and drainage work. Under SPA, all development is exempt unless it is self-assessable, compliance assessable, assessable or prohibited development. Development that is made assessable (e.g. under the SPR or local government planning scheme) must not be carried out without a development permit.

On 1 July 2013, the Queensland Government launched the State Assessment and Referral Agency (SARA). SPA was amended in November 2012 to give effect to SARA. SARA makes the DSDIP the single lodgement and assessment point for all development applications where the state has a jurisdiction under SPA.

Relevance and/or Implications to the Project

Development that is assessable development under the Sunshine Coast Planning Scheme 2014, may require approval under SPA. The Sunshine Coast Planning Scheme 2014 commenced on 21 May 2014, replacing the Maroochy Plan 2000. Development which may be assessable under the Sunshine Coast Planning Scheme is discussed in Section 6.5.3 below.

Development may also be made assessable under Schedule 3 of the SPR and require approval under SPA (for example, development approval for an environmentally relevant activity). A list of development approvals which may be required for the Project is included in the table in Section 6.6.2.

6.4.16 Transport Infrastructure Act 1994

The *Transport Infrastructure Act 1994* establishes the framework under which roads of State significance referred to as "state controlled roads" are planned and managed. Under the Act, approval from the Chief Executive of the Department of Transport and Main Roads (TMR) is required to carry out road works or interfere with a state-controlled road. David Low Way and Sunshine Motorway are state-controlled roads.

Relevance and/or Implications to the Project

In accordance with section 50 of the Act, a road corridor permit would be required for any ancillary works and encroachments in a State-controlled road. The installation of the sand delivery pipeline under David Low Way would therefore trigger the need for a road corridor permit.

Further, it is possible as part of the proposed airport expansion that approval(s) may be required under the following section(s) of the Act:

- Section 33 – approval of the chief executive for carrying out road works on a State-controlled road
- Section 62 – approval of an access between a particular property and a State-controlled road.

6.4.17 Transport Operations (Marine Safety) Act 1994

The *Transport Operations (Marine Safety) Act 1994* establishes a system under which Maritime Safety Queensland (MSQ) can effectively plan and efficiently manage marine safety and related marine operational issues.

Relevance and/or Implications to the Project

The dredging contractor would be responsible for ensuring that the operation of its vessel in Queensland waters is consistent with the purpose of the Act and meets the requirements of MSQ.

6.4.18 Transport Operations (Marine Pollution) Act 1995

The overall purpose of this Act is to protect Queensland's marine and coastal environment by minimising deliberate and negligent discharges of ship-sourced pollutants into coastal waters.

Relevance and/or Implications to the Project

The dredging contractor would be responsible for ensuring that the operation of its vessel in Queensland waters is consistent with the purpose of the Act and does not discharge any pollutants into the waters which are an offence under the Act.

6.4.19 Vegetation Management Act 1999

The *Vegetation Management Act 1999* (VM Act) regulates the clearing of vegetation in Queensland in a way that allows for sustainable land use.

The purpose of the VM Act is to regulate the clearing of vegetation in a way that:

- Conserves remnant vegetation that is a Regional Ecosystem (RE) which are endangered, of concern or least concern
- Conserves vegetation in declared areas
- Ensures clearing does not cause land degradation
- Prevents the loss biodiversity
- Maintains ecological processes
- Reduces greenhouse gas emissions
- Allows for sustainable land use.

The vegetation management framework within the VM Act is supported by RE mapping, which maps areas of regulated vegetation. Regulated vegetation includes remnant RE, regrowth RE on leasehold land for agriculture or grazing and State land, vegetation subject to an offset or declaration, and regrowth watercourse vegetation in Great Barrier Reef Catchments. The regulated vegetation map shows that remnant vegetation is present within the Project area. All mapped regrowth vegetation within the Project area is on freehold land and is not regulated by the VM Act.

Relevance and/or Implications to the Project

Permits to clear vegetation are required unless exemptions apply under the SPR. Under Schedule 24 Part 1(8) of the SPR, the clearing of vegetation for any aspect of development for core airport infrastructure on airport land is exempt from requiring a development permit to clear native vegetation.

In the event a development permit is required for clearing native vegetation, an application can only be made if it is for a 'relevant purpose'. Pursuant of Section 22A(2)(a) of the VM Act, a project declared to be a coordinated project under the SDPWO Act is a 'relevant purpose'.

6.4.20 Water Act 2000

The *Water Act 2000* provides that all rights to the use, flow and control of water in Queensland are vested in the State. The Act also provides for:

- An efficient use and sustainable management framework for the planning, allocation and use of water resources
- A regulatory framework for service providers covering asset management, customer standards, and dam safety
- A framework for the establishment and operation of water authorities that provides for efficiency, governance, accountability and community involvement
- The regulation of works and other activities undertaken in watercourses.

Relevance and/or Implications to the Project

A number of lower order watercourses are located within the boundaries of the Project area. Under section 266 of the *Water Act 2000*, works that involve, excavating or placing fill in a watercourse, lake or spring requires approval (i.e. a riverine protection permit). For the Project, the placement of fill within the defined extent of any watercourse would require a riverine protection permit, unless an exemption applies.

6.5 PLANNING FRAMEWORK

A number of existing national, state, regional and local plans and policies provide further planning direction for the use of land and development in the study area.

6.5.1 National planning framework

At a national level, policy is directed to the protection of operational airspace from inappropriate development.

National Aviation Policy White Paper: Flight Path to the Future

The White Paper sets out the Australian Government's long-term policy objectives for the aviation industry. Looking forward to 2030 and beyond, the Government's goal is a vibrant aviation industry that, through its major contribution to economic activity and our quality of life, builds a stronger, fairer Australia. It details:

- The important role aviation performs in supporting broader economic, trade and social outcomes
- The regulatory framework the Australian Government maintains to keep the industry safe and secure
- The importance of continued investment and protection of aviation infrastructure and reforms to planning arrangements at Australia's major airports
- The importance of minimising aviation's negative impacts on the environment and communities.

Through the White Paper, the Australian Government recognises that well-planned, efficiently operating, modern airports are important national and community assets and

outlines the need for airport operators to continue investing and developing as demand for air travel and on-airport services grow. At the same time, the Government recognises the concerns of many about the need for more detail and transparency in airport development and the effects of increased aviation activity on communities close to airports.

Relevance and/or Implications to the Project

The Project is an important upgrade which would enable the airport to operate efficiently and safely into the future. The preceding master planning and the current EIS reflect a high level of transparency in the development of the airport and the consideration of the effects of both its construction and operation on the broader community, all of which is consistent with the Australian Government's policy objectives including:

- **Making safety the number one priority** – The proposal improves the safety of the travelling public and the surrounding community by replacing the current runway (18/36), which currently operating under a dispensation to CASA's requirements, due to runway width. SCC would build a new runway (13/31) that is fully compliant with CASA requirements, relocates the public safety area for the main runway and reduces the number of dwellings within the ANEF 20 noise contour.
- **Ensuring an efficient aviation industry that supports growth in tourism and trade** – Tourism is the number one industry on the Sunshine Coast, and is the fifth largest contributor to national export earnings. The ongoing development of this industry is critical to the future prosperity of the region. Importantly, the proposed new runway would enable direct connections to more destinations, including the rapidly expanding markets in South East Asia.

Education is the fourth largest export earner for the national economy (17 per cent in 2008-09). SCA's Master Plan would allow the local education and training sector to grow by expanding existing flying and aircraft maintenance training services. Currently SCA hosts a number of local organisations that provide these services for domestic and international students – contributing significantly to the local and national economy.

- **Addressing the shortage of pilots, aircraft engineers and air traffic controllers** – Integral to SCA's Master Plan is the on-going development of flight training facilities. This includes organisations providing services in both flying training and aircraft engineering to domestic and international students. The Project would further support the growth of the aviation skills base in South East Queensland (SEQ) and the broader national and international aviation industry.
- **Dealing with planning issues around airports in an integrated and considered way** – The proposed new runway is part of an extensive project to redevelop SCA to maximise its efficiency by accommodating projected future growth in travel demand, minimising the impacts upon the surrounding community, providing

for the development of aviation support industries and addressing the challenges of climate change.

The Project incorporates analysis of the social, economic, environmental impacts and opportunities arising from the redevelopment of the airport both within the airport precinct and the Sunshine Coast region.

- **Promoting a proper dialogue between airports and the communities around them on issues such as the impact of aircraft noise** – SCA's Master Plan has been the subject of extensive community consultation and had strong community support when it was released. The SCC has established a SCA Community Aviation Forum to facilitate the on-going involvement of the local community in the Project and the management of the airport.
- **Giving proper consideration to the importance of air freight to regional businesses, our export industries and our economic performance** – The proposed new Runway 13/31 would enable direct flights to destinations within South East Asia offering the scope to open new export markets for both primary producers and the tourism industries on the Sunshine Coast.
- **Establishing an air traffic management plan which enables better long-term and timely investment by government agencies and industry and addresses civil and military aviation requirements** – Currently one per cent of scheduled regular public transport (RPT) arrivals at the Sunshine Coast are diverted to Brisbane due the operational limitations of the existing runway. This imposes costs upon operators and is inconvenient for passengers. It is also noted that the existing SCA runway is of very limited utility in its capacity to act as an emergency alternate destination for RPT traffic into both Brisbane and the Gold Coast meaning that this traffic currently has to carry enough fuel to reach Rockhampton with a consequent payload reduction for these flights.

The proposed new runway would provide greater flexibility in the management of RPT traffic in the Brisbane basin particularly when adverse weather events often impact upon both Brisbane and the Gold Coast simultaneously. SCA's Master Plan is also in line with other airports in the greater SEQ region (Amberley, Gold Coast, Brisbane, and Archerfield). SCA initiated the establishment of a planning group which involves all of these airports and the aviation regulatory bodies (CASA and Airservices Australia) to ensure the efficient planning and use of the region's air space.
- **Ensuring that a vibrant general aviation industry is able to prosper as the nurturing ground for future commercial pilots and aviation workers** – The new north-west / south-east Runway 13/31 is part of a larger redevelopment proposal for SCA which is intended to be the catalyst for the ongoing growth of the aviation industry in the region.

- **Addressing climate change, a focal point of transport policy for this and future generations** – The current runway and terminal building have an immunity to flood events up to and including the one per cent annual exceedence probability (AEP) storm event. The combined effects of rising sea-levels and greater storm intensity arising from predicted climate change would result in this level of immunity being compromised in the future. The redevelopment of SCA provides an opportunity to build climate change resilience into the region's transport infrastructure. This is further discussed in Chapter B5 – Flooding.

Australian Airspace Policy Statement 2012

The Australian Airspace Policy Statement 2012 (AAPS) is made pursuant to Part 2 of the *Airspace Act 2007*. The AAPS provides guidance to CASA, as the airspace regulator, on the administration of airspace as a national resource. The AAPS is also intended to provide guidance for the aviation industry and other aviation agencies.

The APPS sets out that the administration of Australian airspace shall:

- Be in the best interests of Australia
- Consider the current and future needs of the Australian aviation industry
- Adopt proven international best practice airspace systems adapted to benefit Australia's aviation environment
- Take advantage of advances in technology wherever practicable.

Relevance and/or Implications to the Project

The OAR within CASA oversees the Australian Airspace Policy Statement 2012. Proposed changes to airspace associated with the proposed new runway would be managed by the OAR under the *Airspace Act 2007*. This policy statement would provide additional guidance regarding proposed airspace changes.

National Airports Safeguarding Framework

The purpose of the National Airports Safeguarding Framework (NASF) is to enhance the current and future safety, viability and growth of aviation operations at Australian airports, by supporting and enabling:

- The implementation of best practice in relation to land use assessment and decision making in the vicinity of airports
- Assurance of community safety and amenity near airports
- Better understanding and recognition of aviation safety requirements and aircraft noise impacts in land use and related planning decisions
- The provision of greater certainty and clarity for developers and land owners

- Improvements to regulatory certainty and efficiency
- The publication and dissemination of information on best practice in land use and related planning that supports the safe and efficient operation of airports.

The NASF provides the opportunity to drive improvements in planning outcomes consistently across all jurisdictions, and to improve the safety and viability of operations at all Australian airports. It also supports the integration and coordination of on-site and off-site planning relating to airport operations.

The NASF is built around the following seven principles:

1. The safety, efficiency and operational integrity of airports should be protected by all governments, recognising their economic, defence and social significance.
2. Airports, governments and local communities should share responsibility to ensure that airport planning is integrated with local and regional planning.
3. Governments at all levels should align land use planning and building requirements in the vicinity of airports.
4. Land use planning processes should balance and protect both airport/aviation operations and community safety and amenity expectations.
5. Governments will protect operational airspace around airports in the interests of both aviation and community safety
6. Strategic and statutory planning frameworks should address aircraft noise by applying a comprehensive suite of noise measures.
7. Airports should work with governments to provide comprehensive and understandable information to local communities on their operations concerning noise impacts and airspace requirements.

Relevance and/or Implications to the Project

Planning and development of the SCA would need to be undertaken within the bounds of the NASF. Current Federal, State and Local Government planning legislation and policies are consistent with the framework and would guide development that fits within the NASF.

6.5.2 State and regional planning framework

At a state and regional level, planning is directed by:

- The SPA, which provides the legislative framework for planning and development within Queensland (the relevance of the Act is discussed in Section 6.4.15 of this Report)
- The State Planning Policy, which defines matters of State interest
- Queensland Coastal Management Plan
- Marine Parks (Moreton Bay) Zoning Plan 2008
- Moreton Bay Sand Extraction Study and Strategy 2005

- South East Queensland Regional Plan 2009 – 2031 which identifies the regional planning context for SEQ, including areas of growth and development.

6.5.2.1 State Planning Policy

The State Planning Policy (SPP) commenced in December 2013. The SPP outlines the Queensland Government's position in regard to planning matters of State significance. There are 16 state interests which are divided into five categories, being liveable communities and housing, economic growth, environment and heritage, hazards and safety and infrastructure.

State interests relevant to the Project include:

- Development and construction
- Tourism
- Biodiversity
- Coastal environment
- Cultural heritage
- Extractive Resources
- Water quality
- Emissions and hazardous activities
- Natural hazards
- State transport infrastructure
- Strategic airports and aviation facilities.

Where an inconsistency exists between the SPP and a planning scheme, the SPP prevails to the extent of the inconsistency. The SPP applies to the assessment of certain development applications (identified in Part E of the SPP), to the extent that the SPP has not been identified as being appropriately integrated in the Planning Scheme. The Minister has identified that the State Planning Policy is reflected in the Sunshine Coast Planning Scheme 2014.

The SPP will therefore not be directly relevant in the assessment of any development applications for the Project.

Queensland Coastal Management Plan

The Coastal Management Plan commenced on 18 March 2014. It is made under the *Coastal Protection and Management Act 1995*. The Coastal Management Plan provides non-regulatory policy guidance to coastal land managers. Key management policies dealt with by the plan include:

- Maintaining coastal landforms and physical coastal processes
- Conserving nature
- Maintaining access to coastal resources for indigenous cultural activities
- Maintaining or enhancing public access
- Management planning
- Knowledge sharing and community engagement.

Whilst the Coastal Management Plan is relevant to decisions about management activities and managing coastal resources on public coastal land, it does not address land-use planning or development regulated under SPA.

Relevance and/or Implications to the Project

Works associated with the dredge pipeline would impact some areas of the coast in the vicinity of the airport. The Coastal Management Plan provides guidelines to appropriately manage coastal lands. However, as noted above, it does address land-use planning or development regulated under SPA.

Marine Parks (Moreton Bay) Zoning Plan 2008

State marine parks, including the Moreton Bay Marine Park, declared under the *Marine Parks Act 2004* and the associated Marine Parks Regulations 2006 are managed in accordance with a zoning plan which identifies the different zones within the park, the objectives for each zone and list the activities that are unrestricted, allowed with a permit or prohibited. As well as the various zones, a zoning plan may also designate specific locations where special management rules apply.

The *Marine Parks (Moreton Bay) Zoning Plan 2008* applies to the Moreton Bay Marine Park as described in Schedule 1 of the *Marine Parks (Declaration) Regulation 2006*. The Plan divides the Marine Park area into several categories of zones, which define particular use and conservation/protection areas for the regulation of activities.

Relevance and/or Implications to the Project

The seabed at the Spitfire Channel Realignment Area is unallocated State Land (not subject to a lease) and the area is designated as a General Use Zone under the Marine Parks (Moreton Bay) Zoning Plan 2008. The management intent or 'purpose' of the General Use Zone is to provide for the general use and public enjoyment of the zone in ways that are consistent with the conservation of the marine park. Sand extraction activities are works that require permission under the zoning plan to occur in the General Use Zone and a marine park permit would be required under the *Marine Parks Act 2004*.

Moreton Bay Sand Extraction Study

In 1999/2000, the State Government initiated the *Moreton Bay Sand Extraction Study* to examine the environmental, social and economic impacts of increasing sand extraction from Moreton Bay and explore possible alternative sources of fine sand. The research findings were compiled into individual reports and were summarised in the *Moreton Bay Sand Extraction Study: Summary of Findings*.

The Study was undertaken in two principal phases. The first was a comprehensive review of all available information related to sand extraction both within Moreton Bay and from land based sources, and sought to identify both the current state of knowledge and identify data gaps.

Based on this work, five separate specialist investigations were subsequently undertaken in phase two of the Study including:

- Economic analysis of sand extraction from marine and land-based sources in SEQ
- Sediment geochemistry processes within the northern Moreton Bay sand banks and potential impacts to water quality
- Benthic fauna and fisheries
- Indigenous cultural heritage
- Tidal current and wave penetration numerical modelling of northern Moreton Bay.

Overall, the scientific studies indicated that large-scale sand extraction in northern Moreton Bay was highly unlikely to result in major environmental impacts. A scientific panel, established under the auspices of the Moreton Bay Waterways and Catchments Partnership, assessed key scientific reports making up the *Moreton Bay Sand Extraction Study*. The expert panel endorsed the scientific integrity of the reports, noting that the scientific studies indicated no major environmental impacts would be expected for the sand extraction scenarios considered in the Study.

A Sand Extraction Strategy was completed by the Queensland Government in late 2004 to coincide with the release of the Study. The Strategy defines a coordinated approach for sand to be extracted from northern Moreton Bay to address regional demand for sand. In particular, the Strategy set out that from a total available sand resource in Moreton Bay of approximately 3,770 M m³, the Queensland Government has made a decision that over the next 20 years it would support:

- Extraction of up to 40 M m³ (less than 1.1 per cent of the total sand resource) of sand for development of Australia TradeCoast projects, including the expansion of the Brisbane Airport and the Port of Brisbane
- Extraction of up to 20 M m³ (less than 0.6 per cent of the total sand resource) of sand for use within the construction sector
- Locating the majority of future sand extraction to supplement a major shipping channel straightening project in the northern part of Moreton Bay
- In addition to sand extraction to supplement channel straightening, increased sand extraction would be allowed in the Middle Banks area of the bay (subject to environmental impact) with priority to be given to the Brisbane Airport Corporation.

Relevance and/or Implications to the Project

The 1.1 M m³ volume of sand sought for the Project would be in addition to the 60 M m³ of sand allocated by the Queensland Government under the Moreton Bay Sand Extraction Strategy (2006). Accordingly, the TOR for the EIS outlines requirements for a cumulative assessment of additional sand extraction from the Bay.

This cumulative assessment is presented in Chapter A3 – Options and Alternatives.

South East Queensland Regional Plan 2009-2031

The South East Queensland Regional Plan 2009-2031 (SEQRP) is the pre-eminent regional planning document for SEQ. It has statutory force, in accordance with the SPA and provides a strategic planning framework for the sustainable management of growth and development for the region to 2031 and beyond. As the Project has been declared a coordinated project under the SDPWO Act the regulatory provisions of the Regional Plan do not apply, but the SEQRP still provides a relevant framework for strategic planning.

The SEQRP outlines a regional vision for SEQ that is supported by nine strategic directions that aim to achieve the preferred pattern of development for the region. Supporting the regional vision, the SEQRP identifies a regional land use pattern which provides a spatial context for both the strategic direction and the regulatory provision of the SEQRP.

Relevance and/or Implications to the Project

SEQRP forecasts that more than 170,000 additional people will call the Sunshine Coast home by 2031 and that the region will need almost 100,000 new dwellings to house these new residents. The Plan states that employment growth and diversification is also required to avoid a jobs shortfall by 2013. The SEQRP states that the Sunshine Coast seeks a diversified, viable, interdependent and self-sufficient urban and rural economic base that maximises local job creation and employment options, and builds economic strength and resilience. Innovation, knowledge-based and creative industries, research and development, health, tourism and sport are all essential to the Sunshine Coast's economic development.

SCA is listed in the SEQRP as a key enterprise employment area for the Sunshine Coast. The SEQRP also notes that the airport and its associated aviation enterprise contribute to economic diversity and employment on the Sunshine Coast. The plan goes further to describe the airport precinct as a specialist aviation and aerospace opportunity area and one of SEQ's major existing and expanding specialist locations. The SEQRP states that these specialist locations will help to create a diverse economy and employment growth.

Other relevant policies contained in the SEQRP include:

- Air and noise policies focused on separating noise creating activities from sensitive land uses
- Ensuring development on the coast or in tidal areas does not increase the risk of shoreline erosion to adjacent areas of coastline
- Social policies focused on incorporating social and community input into land use and infrastructure planning decisions
- Policies to support the development of a diverse regional economy especially through the enterprise opportunities the airport provides

- Infrastructure development policies that use infrastructure to support regional growth as outlined in the SEQRP
- Policies that address waterway health and the need to ensure that development doesn't adversely impact on local waterways
- Policies to address flood risk, including the potential impact of climate change on flood levels
- Policies that support the development of regional airport as significant economic and social links for regional communities.

The development of the SCA is supported by the SEQRP as an activity to both provide for a growing demand for aviation services on the Sunshine Coast and a significant opportunity to diversify the regional's economy and bring jobs to the Sunshine Coast.

6.5.3 Local planning framework

At a local level, land use and development within the study area is guided by:

- The Sunshine Coast Planning Scheme 2014, which came into force on 21 May 2014
- SCC local laws, which govern and regulate certain activities within the local government area such as parking, noise and vegetation management
- SCC strategic planning documentation.

Sunshine Coast Planning Scheme 2014

The Project land is located within the Sunshine Coast local government area. The Sunshine Coast Planning Scheme 2014 (the Planning Scheme) commenced on 21 May 2014 and is the planning scheme for the whole local government area. The Planning Scheme replaced the previous Maroochy Plan 2000.

Relevance and/or Implications to the Project

The Planning Scheme recognises that the SCA provides regional, national and international aviation and related services and describes the Sunshine Coast Airport as a "game changer project" (Planning Scheme at 3.2.2).

In terms of airports and aviation facilities, it is a specific outcome of the Planning Scheme that the SCA "continues to develop as a significant passenger air transport facility servicing regional, national and international markets" (Planning Scheme at 3.5.9.1). Further, in relation to economic development, a strategic outcome of the Planning Scheme is that the SCA provide "an expanded range of aviation, aerospace, business, tourism, and employment opportunities which promote the region, attract investment and support tourism on the Sunshine Coast (Planning Scheme at 3.4.1(p)).

Development that is made assessable development under the Planning Scheme will require a development approval under SPA.

Under the Planning Scheme, the majority of the SCA land is designated within the Community Facilities Zone and is annotated as being for "Air Services".

The Planning Scheme provides that a material change of use within the Community Facilities Zone is exempt development where the use is "annotated on a Communities facilities zone" and located on land that is owned or controlled by SCC (so long as the use is not for a renewable energy facility or utility installation (major facility)).

Air Services is defined as premises used for any of the following:

- The arrival and departure of aircraft
- The housing, servicing, refuelling, maintenance and repair of aircraft
- The assembly and dispersal of passengers and goods on or from an aircraft
- Any ancillary activities directly serving the needs of passengers and visitors to the use
- Associated training and educational facilities
- Aviation facilities (being navigation, communication or surveillance installations provided to assist the safe and efficient movement of aircraft, whether located on or off airport premises).

As a consequence, a material change of use for Air Services completed within these areas will be exempt development under the Planning Scheme and will not require a development approval under SPA.

The Planning Scheme provides that operational work, that is filling or excavation, on land owned or controlled by SCC and undertaken for, or on behalf of SCC, is exempt development.

Relevantly, the Planning Scheme provides that operational work that involves vegetation clearing is also exempt development where the clearing is:

- Undertaken by or on behalf of SCC on SCC owned or controlled land included within the Community Facilities Zone
- Reasonably necessary for carrying out work that is authorised or required under legislation or a local law
- In accordance with a current development approval.

Development that is proposed to be undertaken outside of the Community Facilities Zone (for example, for the assembly of the dredge pipeline and installation of the sand delivery pipeline), may be assessable development under the Planning Scheme and require development approval under SPA.

All of the Project activities with the exception of the temporary sand pump pipeline from Mean High Water Mark (MHW) to the eastern edge of David Low Way (DLW) are located within the Community Facilities "airport" Zone. It is noted that DLW is "unzoned" like most roads under the scheme. The beach from DLW to MHW is zoned Environmental Management and Conservation zone.

These approvals are listed in the table contained in **Section 6.6.2.**

Sunshine Coast Regional Council local laws

The following local and subordinate laws have been adopted by SCC for the governance of the Sunshine Coast Regional Council local government area.

- Local Law No 1 – Administration
- Subordinate Local Law No 1 – Administration
- Local Law No 2 – Animal Management
- Subordinate Local Law No 2 – Animal Management
- Local Law No 3 – Community Health and Environmental Management 2011
- Subordinate Local Law No 3 – Community Health and Environmental Management 2011
- Local Law No 4 – Local Government Controlled Areas, Facilities, Infrastructure and Roads 2011
- Subordinate Local Law No 4 – Local Government Controlled Areas, Facilities, Infrastructure and Roads 2011
- Local Law No 5 – Parking 2011
- Subordinate Local Law No 5 – Parking 2011
- Local Law No 6 – Bathing Reserves 2011
- Subordinate Local Law No 6 – Bathing Reserves 2011.

Relevance and/or Implications to the Project

Local law 1 provides that an approval from SCC is required for a “prescribed activity” listed in Schedule 2 of the local law. There are no listed prescribed activities relevant to the Project. Therefore approval would not be required to be obtained under the local law for the Project.

Local law 4 provides for the regulation of access to and activities carried out in SCC controlled areas, facilities, and infrastructure, including roads. The local law will be relevant to the extent it prohibits and restricts certain activities on a road.

Local law 5 complements the parking provisions outlined in the *Transport Operations Road Use Management Act 1995* (TORUM Act) and provides for SCC’s implementation of the powers authorised under the TORUM Act. For example, the local law provides restrictions on the parking of heavy vehicles on a road. These requirements will be relevant to the Project, particularly during the construction phase.

Planning provisions for development in the vicinity of the airport

The protection of the airport’s operational efficiency and the various communication/navigation facilities associated with the airport required by the SPP are reflected in the Planning Scheme within the airport environs overlay code.

The airport environs overlay code applies to assessable development subject to the airport environs overlay and identified as requiring assessment against the airport environs overlay code by the tables of assessment in Part 5 of the Planning Scheme.

The purpose of the airport environs overlay code is to maintain and enhance the safety and operational efficiency of airports and aviation facilities and avoid land use conflicts. The purpose of the code is to be achieved through the following overall outcomes:

- Development maintains the operational efficiency of airports and enhances the safety of aircraft operating within an airport’s operational airspace (which includes the areas and vertical dimensions of an airport’s obstacle limitation surface – see following section)
- Development protects aviation facilities, including navigation, communication and surveillance facilities, from incompatible land uses, buildings, structures and works
- Development ensures that sensitive land uses are not adversely impacted by aircraft noise or groundside operations
- Development ensures that the risk of public safety being compromised by incidents in the take-off and landing phases of aircraft operations is minimised.

The code provides assessment criteria for assessable development. Performance outcomes and acceptable outcomes are set out for obstructions and hazards, aircraft noise and public safety areas.

Obstacle limitation surface (OLS)

The OLS, which is identified in the Airport Environs Overlay Maps in the Planning Scheme, identifies areas around the SCA which are to be kept free of obstructions or potential hazards to aircraft.

The airport environs overlay code regulates the height of vegetation, structures, cranes, and other construction equipment to ensure the take-off and approach flight paths are free of physical obstacles. The Planning scheme policy for the airport environs overlay code provides advice about achieving outcomes in the airport environs overlay code, including in relation to OLS.

The OLS is included in the Planning Scheme as shown in **Figure 6.5a**.

Public safety areas

Public safety areas are defined in the Planning Scheme as areas immediately beyond the end of a runway that have a relatively high risk should there be an aircraft incident. The public safety area for the SCA is shown on the Airport Environs Overlay Maps in the Planning Scheme.

The airport environs overlay code seeks, as an overall outcome that development ensures that the risk of public safety being compromised by incidents in the take-off and landing phases of aircraft operations is minimised. The code includes as a Performance Outcome (PO7) that development within the public safety areas located at the end of airport runways avoids:

- A significant increase in the number of people living, working or congregating in those areas
- The use or storage of hazardous materials.

Sunshine Coast Council

Sunshine Coast Planning Scheme 2014
Sunshine Coast Airport

Airport Environs Overlay Map Sunshine Coast Airport (ii)

Land Subject to Airport Environs Overlay
— Obstacle Limitation Surface (OLS)

Other Elements
 ■ Declared Master Planned Area (see Part 10 - Other Plans)
 ■ Land within Development Control Plan 1 - Kawana Waters which is the subject of the Kawana Waters Development Agreement (see Section 1.2 - Planning Scheme Components)
 ■ Priority Development Area (subject to the Economic Development Act 2012)
 ■ DCDB 28 January 2013 © State Government

Disclaimer
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Note — Overlays provide a trigger for consideration of an overlay issue to be verified by further on-site investigations.
 Note — In certain circumstances pre-existing development approvals may override the operation of an overlay.

Geocentric Datum of Australia 1994 (GDA94)

Approx Scale @ A3 1:123,417
 0 1,100 2,200 4,400 6,600 Metres

The dimensions of a public safety area are shown in **Figure 6.5b** and are applied to each end of the runway. The Public Safety area and safety zones as shown in Sunshine Coast Planning Scheme 2014 are shown in **Figure 6.5c**. Further information about the Public Safety Area associated with the proposed new runway is provided in Chapter B2 – Land Use and Tenure.

Runway separation distances

Separation distances are identified within three, six, eight, and thirteen kilometres of the SCA as shown in **Figure 6.5d**. The airport environs overlay code regulates development within these areas to ensure that uses do not attract significant numbers of birds or bats; involve lighting which could distract, confuse, or interfere with aircraft pilot's vision; or involve the emission of gaseous plumes, smoke, dust, steam or ash.

Aviation facility sensitive areas

Aviation facility sensitive areas are defined in the Planning Scheme as areas around an aviation facility that are sensitive to development including physical obstructions, competing radio transmissions or significant electromagnetic emissions.

Aviation facility sensitive areas are identified as shown in **Figure 6.5e**. The airport environs overlay code regulates the siting of development in relation to these aviation facilities, and the height and bulk of structures in these areas to ensure that development does not interfere with navigation and communication facilities.

Existing and possible future noise affected areas

Noise affected areas are identified using the Australian Noise Exposure Forecast (ANEF) for the current runway (Runway 18/36). ANEF (shown in **Figure 6.5f**) is a land use planning tool developed to provide a forecast of aircraft noise levels used predominantly by local councils to make land use planning decisions as they provide guidance on the acceptability of development within these ANEF contours. ANEF is defined in the Planning Scheme as a single number index (shown as a series of contours on an Airport Environs Overlay Map) that predicts for a particular future year the cumulative exposure to aircraft noise likely to be experienced by communities near airports during a specified time period.

See Chapter D3 – Aircraft Noise, for details about the ANEF.

Figure 6.5b: Dimensions of a public safety area

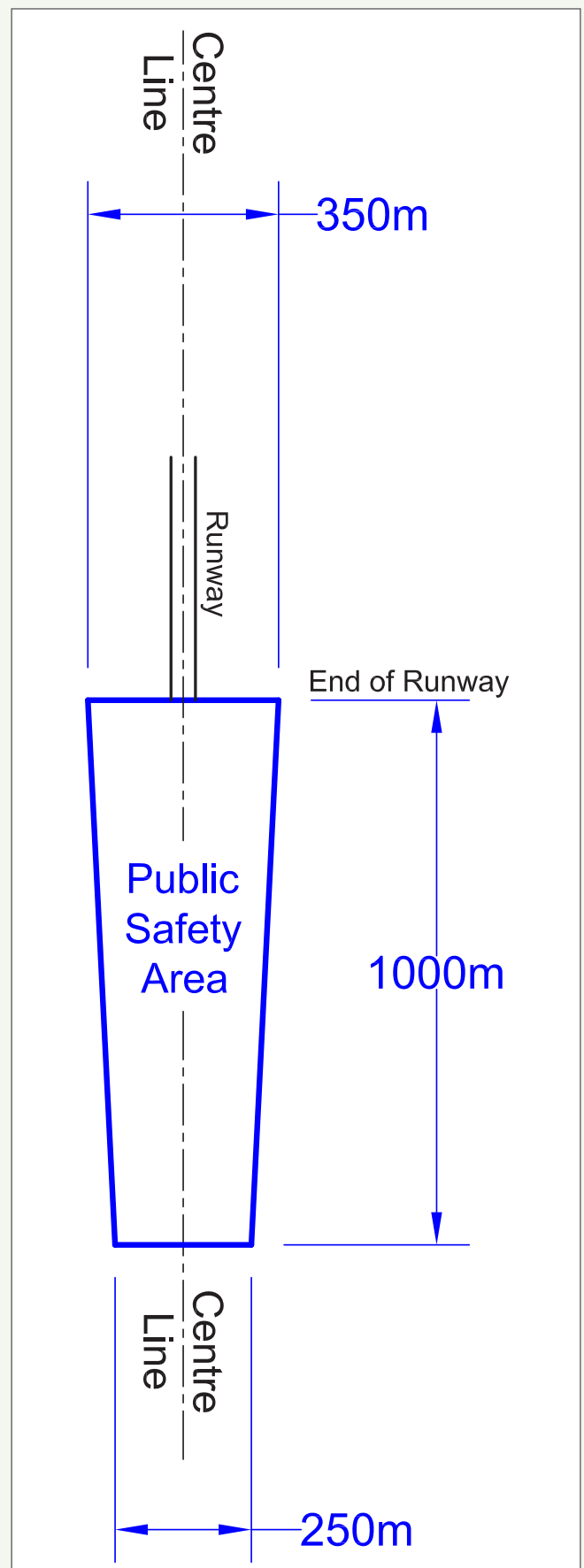


Figure 6.5c: Public safety area and safety zones as shown in the Sunshine Coast Planning Scheme 2014

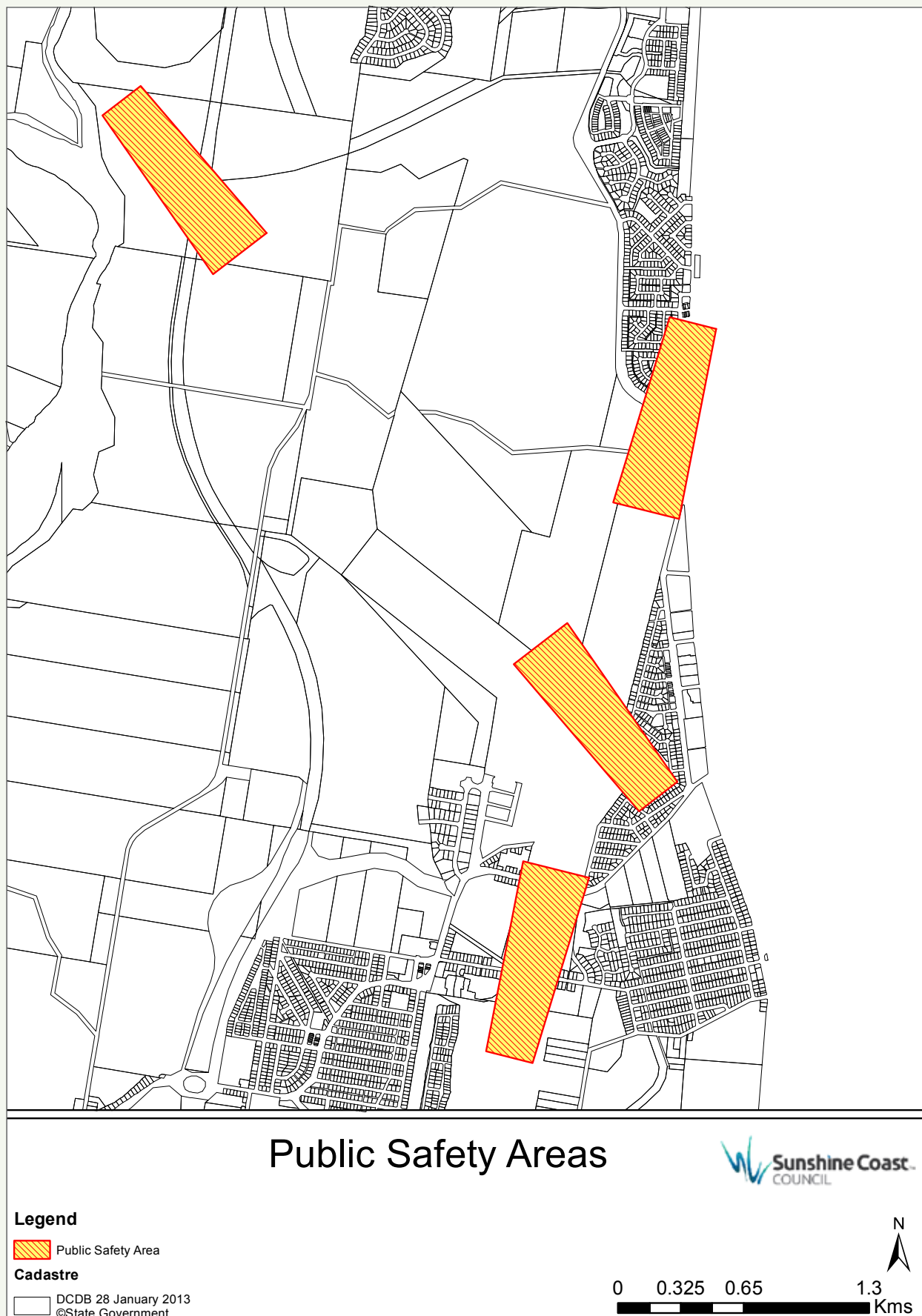


Figure 6.5d: Runway separation distances

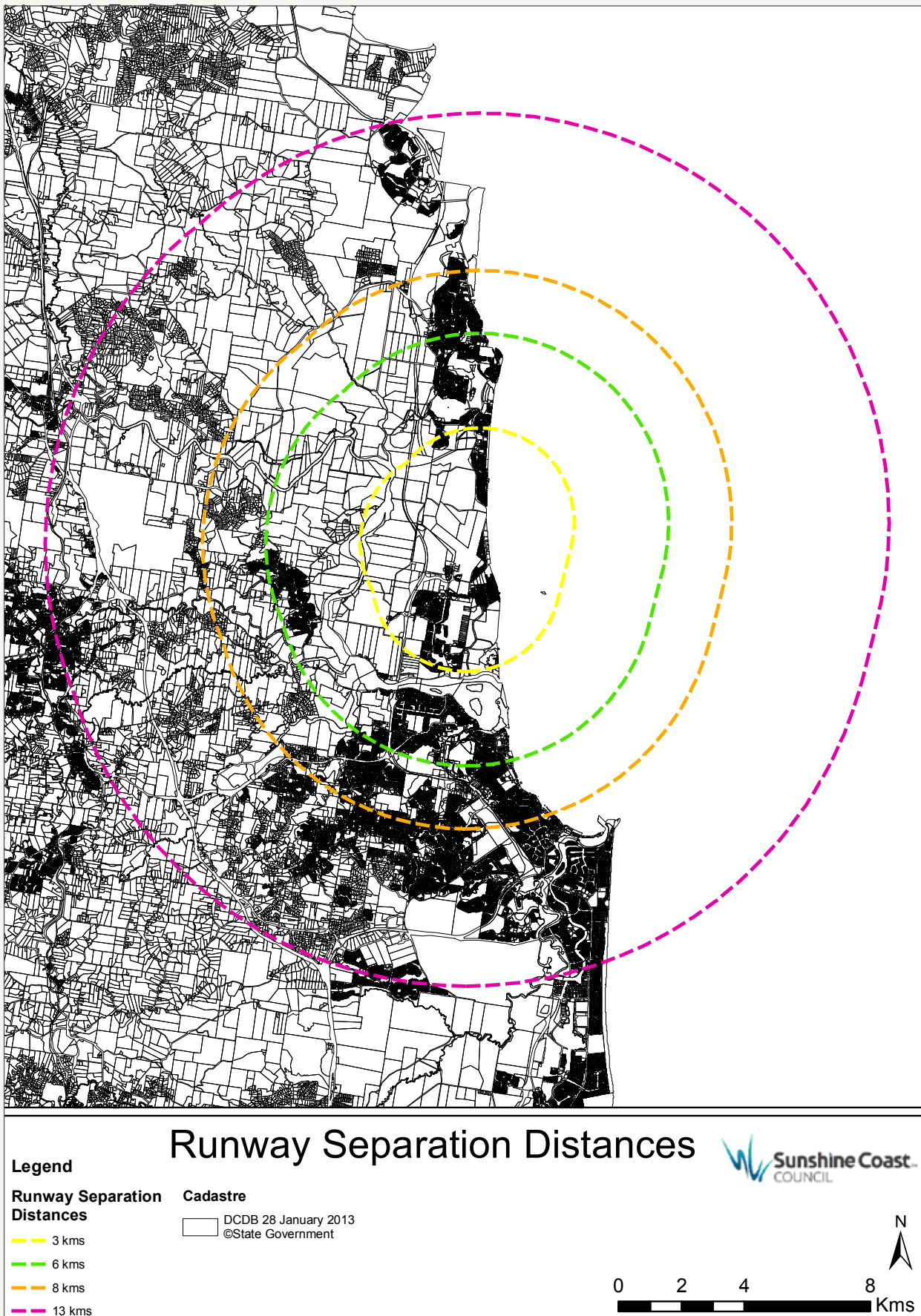


Figure 6.5e: Aviation facility sensitive areas as shown in Sunshine Coast Planning Scheme 2014

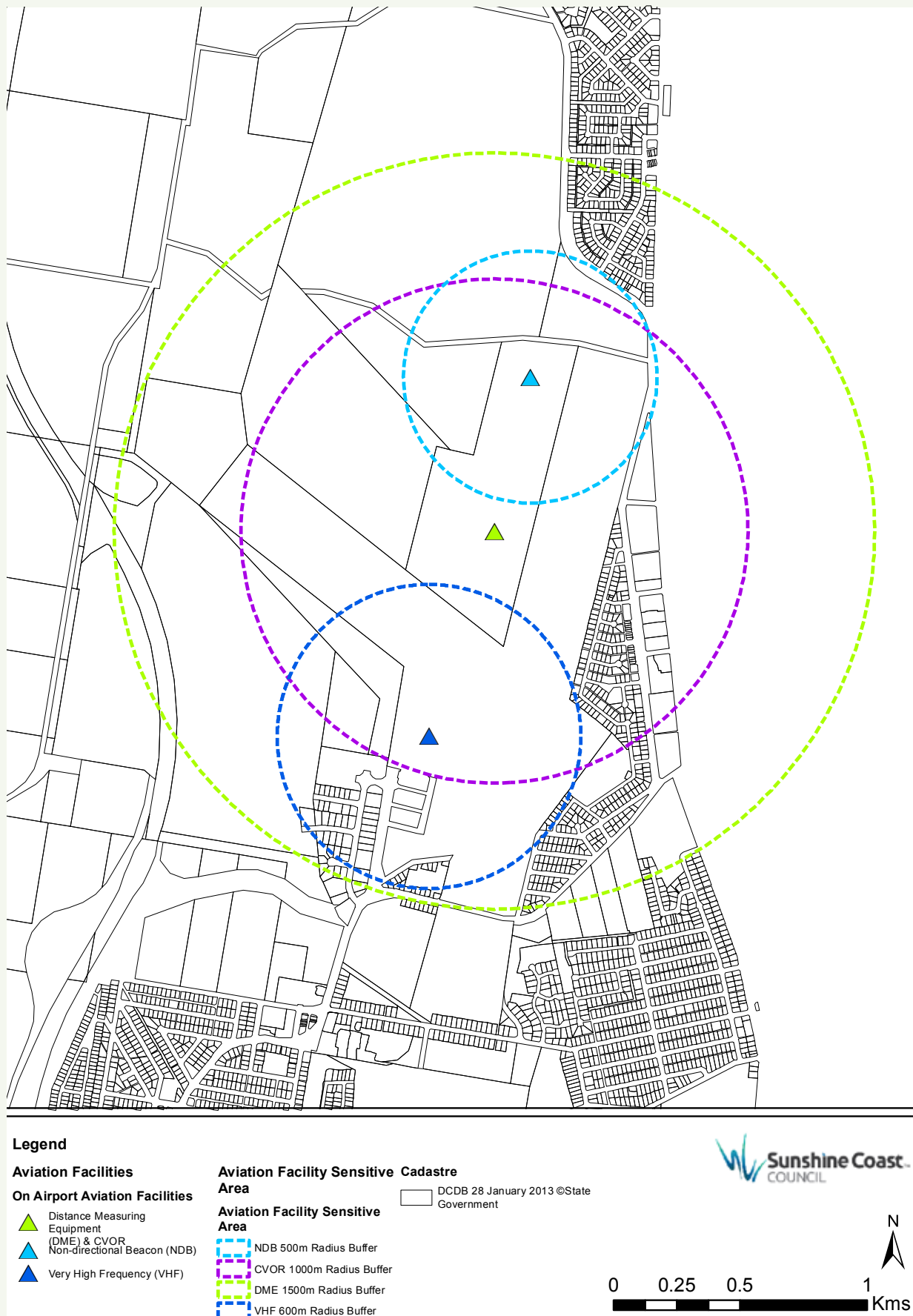
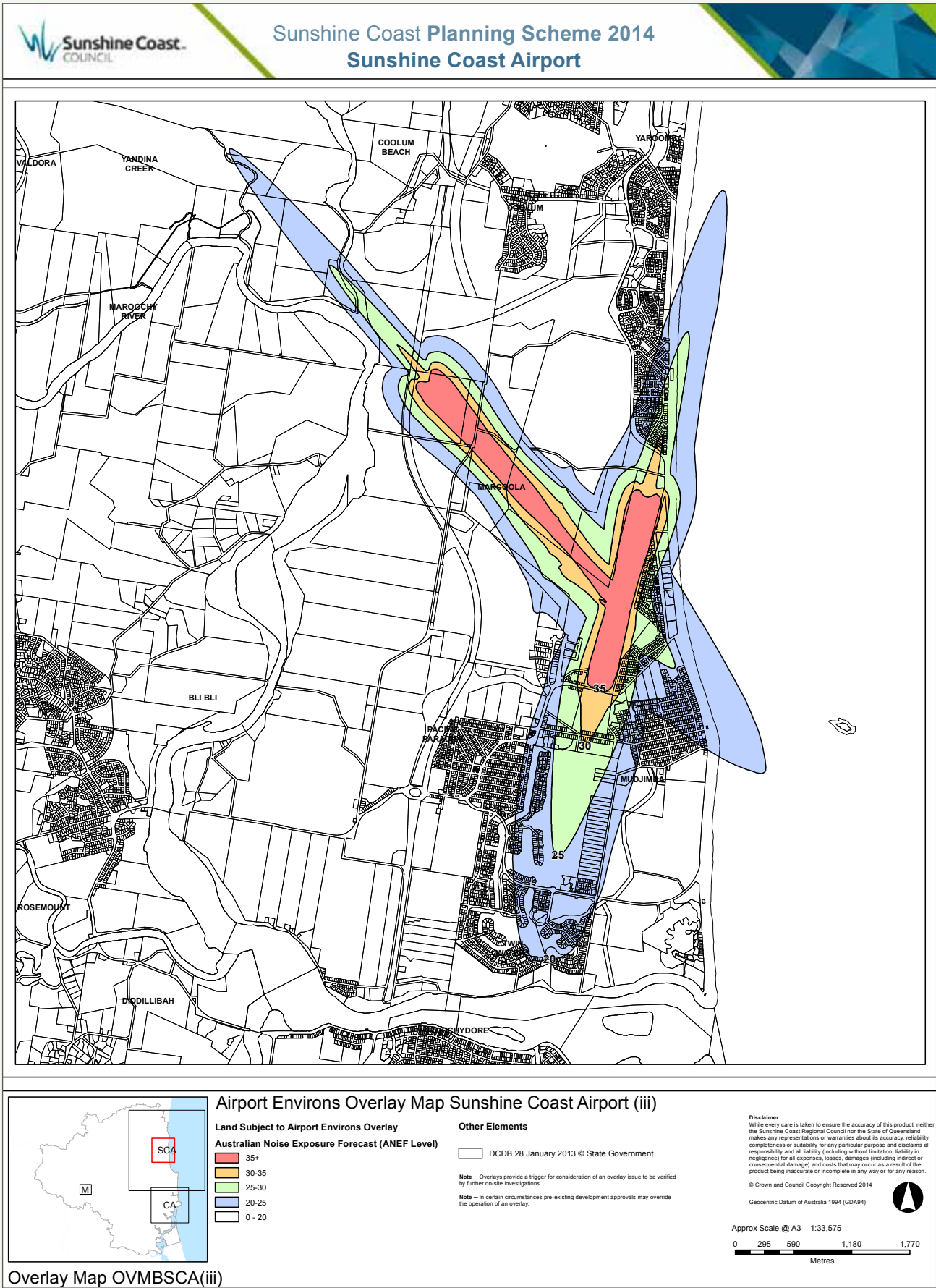


Figure 6.5f: Australian Noise Exposure Forecast as shown in the Sunshine Coast Planning Scheme 2014



Consistent with Australian Standard 2021-2000 Acoustics– Aircraft noise intrusion– Building siting and construction (the Australian Standard 2021), the airport environs overlay code regulates the development of uses within the various ANEF zones to ensure that uses that are sensitive to noise interference or nuisance are not located in areas exposed to frequent and high levels of noise, and where necessary, provide effective noise attenuation measures to ensure its occupants are not exposed to unacceptable levels of noise.

As shown in **Table 6.5a**, the Australian Standard 2021 identifies areas that are acceptable and conditionally acceptable for various developments. Where located in a conditionally acceptable zone, the development would need to include measures to mitigate the impacts of the noise nuisance onto its users.

The airport environs overlay code includes requirements for development within certain ANEF contours. For particular types of development within specified ANEF contours, the code can require that development be designed and constructed to attenuate aircraft noise in accordance with the Australian Standard 2021.

Other SCC strategic policies and strategies

The SCC has a number of policies and strategies that recognise the importance of the airport to the region. These include:

- **Airport Master Plan 2007** – Prepared in 2007, this document is the basis of the proposal to develop the new east-west Runway 13/31 and terminal facilities. The Plan was publicly exhibited and has broad community support. A key feature of the Master Plan is the re-alignment of the runway to reduce the noise, health and safety impacts of airport operations upon the surrounding community.
- **Regional Economic Development Strategy (2013 – 2033)** – This document promotes major infrastructure developments that can stimulate the emergence of new sectors or the growth of existing sectors such as that proposed under the Airport Master Plan and the important opportunities to strengthen the economy of our region.
- **Climate Change and Peak Oil Strategy (2010- 2020)** – This strategy notes the need for the SCC to review the vulnerability of infrastructure to the effects of climate change. The new north-west / south-east Runway 13/31 and airport redevelopment present an opportunity to build climate change resilience into the airport.
- **Sustainable Transport Strategy (2011 – 2013)** – This strategy sets out the options to be explored to meet the future transport needs of the Sunshine Coast. The strategy notes that the SCA is a key transport node for the region. The following policy directions for aviation are established in the strategy:
 - The tourism and travel functions of the SCA and the amenity of surrounding communities are protected and the impacts of air travel are managed
 - General aviation is accommodated in an appropriately located and designed aerodrome
 - Renewable alternative propulsion systems to service the aviation industry are encouraged
 - Reduce or offset emissions of greenhouse gases produced by aviation and tourism industries.
- **Social Infrastructure Strategy (2011)** – This strategy includes the Sunshine Coast as social infrastructure facility in the Marcoola – Twin Waters – Pacific Paradise – Mudjimba area.

Table 6.5a: Building site acceptability based on ANEF zones (Source: Table 2.1 AS2021)

Building type	ANEF zone of site		
	Acceptable	Conditionally acceptable	Unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF	20 to 25 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

- **Sunshine Coast growth management position paper–**

This policy document was prepared by SCC in 2008 to aid in the review of the SEQRP. The preparation of this policy was founded upon a number of principles, including:

- Support urban and rural economies in building a diversified, viable, interdependent and self-sufficient regional economic base that maximises job creation and employment options and builds economic strength and resilience
- Facilitate new and revitalised business, industry, tourism and enterprise activities as a major focus for innovation, investment and local job opportunity
- SCC support for the nomination of SCA as a specialist activity centre under the Regional Plan. Specific strategies in this document include:
 - SCA will continue to grow and contribute to employment and economic diversity in the region
 - SCA plays an important role in the regional economy so the protection of its operations will continue and opportunities for aviation-based activities and diversification of employment will be supported in the planning scheme
 - SCA is protected as the major air transport facility in the region and priority is given to the preparation of a local structure plan within SCC's planning scheme
 - The transport system is visitor friendly and adaptable for peak holiday periods so that the Sunshine Coast remains competitive as a tourist destination.

Sunshine Coast Airport

The airport operates within the relevant local, State and Federal Government legislation as laid out in this section. In addition to these, the airport itself has a Fly Neighbourly Agreement (FNA). This is a voluntary code of practice negotiated between aircraft operators and communities or authorities that have an interest in reducing the disturbance caused by aircraft within a particular area. It may include limitation on heights, frequency and areas of operation. The contents of a FNA must be consistent with the requirements of the Civil Aviation Regulations 1988. SCA has a FNA in place with the majority of aircraft companies who use SCA voluntarily signing the agreement.

The SCA Master Plan intends to guide decisions regarding future development at the SCA. The Master Plan identifies the construction of a new runway as a long term (2020) development objective for the airport. The new runway would facilitate new international routes and support the region's economic growth. The construction of the new runway and associated work is the subject of this EIS.

6.6

APPROVALS REQUIRED

This section identifies the likely approvals required for the construction and operation of the Project.

6.6.1 Commonwealth Government approvals identified

The approvals required for the Project from the Commonwealth relate to the potential impacts the Project may have on Matters of National Environmental Significance. The approvals required include approval of the relevant 'controlled action' under the EPBC Act. Advice is also required from the Minister pursuant to s160 of the EPBC Act in relation to the authorisation of a plan for aviation airspace management.

Approval of the relevant "controlled action"

The Australian Government determined on 7 October 2011 that the Project is a 'controlled action' under the EPBC Act due to the likely potential impacts on matters of national environmental significance (MNES) (EPBC 2011/5823). As a consequence, the Project requires approval under the EPBC Act.

The Australian Government advised that the controlling provisions under the Act are:

- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A).

The Australian Government has determined that an EIS is the appropriate assessment method, with the process to be conducted in a bilateral agreement between the Australian and Queensland Governments. The EIS will be conducted under part 4 of the SDPWO Act and will meet the impact assessment requirements of both the Commonwealth and Queensland legislation. The Project will require approval from the Commonwealth Minister for Environment under the EPBC Act before it can proceed.

Airspace change approvals

Changes to the existing airspace architecture associated with the future operation of the new runway (see **Section 6.1.1**) would require an airspace change approval under the *Airspace Act 2007* and Airspace Regulations 2007. As detailed in Chapter D2 – Airspace Architecture, the completion of the Project would result in a change in airspace classification. This approval is required prior to the operation of the new runway.

Although approval for the airspace change for the new runway to be operational cannot be obtained until the construction of the runway is approved and final detailed specification are known (i.e. closer to completion of the Project), an ‘agreement in principle’ from Airservices Australia and CASA has been obtained. This ‘agreement in principle’ indicates that the projected flight path corridors and predicted airspace changes are:

- Consistent with Airservices and CASA planning requirements
- Appropriate for use in the preparation of this EIS and public consultation of the EIS.

To gain approval for the airspace change, advice must be obtained from the Commonwealth Minister for the Environment under section 160 of the EPBC Act. This would involve the consideration of the environmental impacts of the Project (considered in this EIS) including noise, air, social, heritage, biodiversity and ecological sustainability issues. This assessment is based on a range of possible flight path options, approach and departure procedures and operating modes, and would provide:

- The Commonwealth Minister for the Environment with sufficient information to provide advice to Airservices Australia before it can adopt and implement any changes to airspace which may have a significant impact on the environment and
- A basis for gaining approval for the airspace change from the Office of Airspace Regulation, CASA.

Once approval of the controlled action under the EPBC Act is obtained, approval for the airspace change from CASA’s Office of Airspace Regulation can be sought. The determination of this approval is reliant upon approved and final detailed construction specifications of the runway, and as such, would occur closer to the completion of the construction of the runway.

The Office of Airspace Regulation would base their assessment on the environmental assessment contained in this EIS and a detailed Safety Case and Environmental Assessment (to be undertaken closer to the completion of the construction of the runway). Safety implications, environmental considerations, consultation, government policy, and the promotion and fostering of civil aviation would be considered in their assessment.

6.6.2 State approvals and local planning

This section identifies the approvals required for the Project from the Queensland Government and SCC based on the reference design developed as part of this EIS. Whilst many of the State and Local government approvals relate to specific components of the Project, the following State Government approvals are required for the whole of the Project and are required prior to obtaining other State and Local government approvals and commencing any works:

- Assessment of the EIS under the SDPWO Act. The Coordinator General’s report on the evaluation of the EIS will also be assessed by the Australian Government due to the potential impacts on MNES and changes to the management of airspace management
- Under the *Aboriginal Cultural Heritage Act 2003*, a CHMP is required for projects requiring an EIS. CHMP’s will address both the land and marine based aspects of the Project (as per **section 6.4.1**).

Various state and local approvals are also required for temporary and permanent works and construction associated with the reference design of the Project.

Commonwealth, State and local approvals for the Project are presented as follows:

- Commonwealth approvals (**Table 6.6a**)
- Construction of the runway, taxiway, and aprons (**Table 6.6b**)
- Installation of dredge mooring (**Table 6.6c**)
- Installation of sand delivery pipeline (**Table 6.6d**)
- Dredging activities in Moreton Bay (**Table 6.6e**).

Figure 6.6a summarises the key approvals required for the various stages of the Project. (see **tables 6.6a-e**)

Table 6.6a: Relevant Commonwealth approvals for the Project

Approval	Legislation	Approval Agency
Approval under sections 130(1) and 133 of the EPBC Act for a controlled action	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>	Department of Environment
Advice from the Minister pursuant to section 160 of the EPBC Act regarding the authorisation of a plan for aviation place management by CASA and Airservices Australia.	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>	Department of Environment
Further approvals will be required from CASA and Airservices Australia regarding the change to airspace (see Section A6.6.1)	<i>Air Services Act 1995</i> <i>Civil Aviation Act 1988</i>	CASA Airservices Australia

Table 6.6b: Relevant approvals for the construction of the runway, taxiway and aprons.

Approval	Legislation	Approval Agency
Development Approval for Building Work Building work that is carried out by a local government is self-assessable development and therefore does not require a development approval under SPA. However, building work carried must still comply with the relevant provisions of the Building Code of Australia and the Queensland Development Code.	<i>Sustainable Planning Act 2009</i> <i>Building Act 1975</i>	Private Certifier
Disposal Permit for the removal and disposal of contaminated soil from sites listed on the Contaminated Land Register (CLR) and Environmental Management Register (EMR)	<i>Environmental Protection Act 1994</i>	Department of Environment and Heritage Protection
Registration as a suitable operator for the carrying out of an Environmentally Relevant Activity SCC is registered as a suitable operator.	<i>Environmental Protection Act 1994</i> <i>Environmental Protection Regulation 2008</i>	Department of Environment and Heritage Protection
Environmental Authority to carry out an Environmentally Relevant Activity (ERA 6(1) – Asphalt Manufacturing) For manufacturing in a year more than 1000t of asphalt. ERA 6(1) is listed as a Concurrence ERA and to carry out the ERA will also require a development approval if the ERA involves a material change of use. See row below.	<i>Environmental Protection Act 1994</i> <i>Environmental Protection Regulation 2008</i>	Department of Environment and Heritage Protection
Development permit for a material change of use of an Environmentally Relevant Activity (ERA 6(1))	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i>	Department of State Development, Infrastructure and Planning
Environmental Authority to carry out an Environmentally Relevant Activity (ERA 16(3)(a) – Extractive and Screening Activities) For screening 5000t to 100000t of material in a year. ERA 16(3)(a) is not listed as a concurrence ERA.	<i>Environmental Protection Act 1994</i> <i>Environmental Protection Regulation 2008</i>	Department of Environment and Heritage Protection

Approval	Legislation	Approval Agency
<p>Environmental Authority to carry out an Environmentally Relevant Activity (ERA 50 (1)(a) – Bulk Material Handling) for loading or unloading minerals at a rate of 100t or more a day.</p> <p>Environmental Authority to carry out an Environmentally Relevant Activity (ERA 50 (1)(b) – Bulk Material Handling) for stockpiling 50000t or more of minerals.</p> <p>ERA 50(1)(a) and ERA 50(1)(b) are each listed as a concurrence ERA and to carry out the ERA will also require a development approval if the ERA involves a material change of use. See row below.</p>	<p><i>Environmental Protection Act 1994</i></p> <p><i>Environmental Protection Regulation 2008</i></p>	<p>Department of Environment and Heritage Protection</p>
<p>Development permit for a material change of use of an Environmentally Relevant Activity (ERA 50(1)(a))</p> <p>Development permit for a material change of use of an Environmentally Relevant Activity (ERA 50(1)(b))</p>	<p><i>Sustainable Planning Act 2009</i></p> <p><i>Sustainable Planning Regulation 2009</i></p>	<p>Chief Executive of the Department of State Development, Infrastructure and Planning</p>
<p>Protected plant clearing permit to take a protected plant, other than in a protected area, unless an exemption applies.</p> <p>The Project area is mapped within the high risk area and the project will result in impact to EVNT plants (Mount Emu Sheoak) and vegetation within 100m of EVNT plants. A clearing permit under the NC Act will be required for this clearing.</p>	<p><i>Nature Conservation Act 1992</i></p> <p><i>Nature Conservation (Administration) Regulation 2006</i></p> <p><i>Nature Conservation (Wildlife) Regulation 2006</i></p>	<p>Department of Environment and Heritage Protection</p>
<p>Rehabilitation Permit (Spotter Catcher) for individuals who catch fauna during construction</p>	<p><i>Nature Conservation Act 1992</i></p>	<p>Department of Environment and Heritage Protection</p>
<p>Species Management Program to tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring</p>	<p><i>Nature Conservation Act 1992</i></p>	<p>Department of Environment and Heritage Protection</p>
<p>Approval to take (which includes to injure or harm) a protected animal</p>	<p><i>Nature Conservation Act 1992</i></p> <p><i>Nature Conservation (Administration) Regulation 2006</i></p> <p><i>Nature Conservation (Wildlife) Regulation 2006</i></p>	<p>Department of Environment and Heritage Protection</p>
<p>Road Corridor Permit may be required to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.</p> <p>“Ancillary works and encroachments” include removing trees and clearing.</p>	<p><i>Transport Infrastructure Act 1994</i></p>	<p>Department of Transport and Main Roads</p>
<p>Approval from the chief executive of DTMR will be required to carry out road works or to interfere with a State-controlled road.</p> <p>Relevant to proposed vehicle access to/from Sunshine Motorway.</p>	<p><i>Transport Infrastructure Act 1994</i></p>	<p>Department of Transport and Main Roads</p>
<p>Traffic Control Permit required for construction works within the Sunshine Motorway that that may interfere with traffic flow</p>	<p><i>Transport Infrastructure Act 1994</i></p>	<p>Department of Transport and Main Roads</p>

Approval	Legislation	Approval Agency
Development Permit for operational work (that is tidal works)	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Coastal Protection and Management Act 1995</i>	Chief Executive of the Department of State Development, Infrastructure and Planning
Riverine protection permit would be required to excavate or place fill within a watercourse, lake or spring	<i>Water Act 2000</i>	Department of Natural Resources and Mines
Water Licence to take and interfere with the flow of water.	<i>Water Act 2000</i>	Department of Natural Resources and Mines

Table 6.6c: Relevant approvals for the installation of the dredge mooring

Approval	Legislation	Approval Agency
Development Permit for operational work (that is tidal works) Installation of dredge mooring	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Coastal Protection and Management Act 1995</i>	Chief Executive of the Department of State Development, Infrastructure and Planning
Development Permit for operational work (that is removal, destruction or damage of marine plants) Removing, destroying, or damaging a marine plant as part of the installation of the dredge mooring	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Fisheries Act 1994</i>	Chief Executive of the Department of State Development, Infrastructure and Planning
Development Permit for operational work (that is tidal works) (for the installation of dredge mooring)	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Coastal Protection and Management Act 1995</i>	Chief Executive of the Department of State Development, Infrastructure and Planning
Development Permit for operational work that is the removal, destruction or removal of a marine plant, unless authorised under a development permit for a material change of use.	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Fisheries Act 1994</i>	Chief Executive of the Department of State Development, Infrastructure and Planning

Table 6.6d: Relevant approvals for the assembly of the dredge pipeline and installation of the sand delivery pipeline

Approval	Legislation	Approval Agency
Development Permit for operational work (that is tidal works) Installation of sand delivery pipeline below high water mark	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Coastal Protection and Management Act 1995</i>	Chief Executive of the Department of State Development, Infrastructure and Planning
Development Permit for operational work (that is interfering with quarry material as defined under the <i>Coastal Protection and Management Act 1995</i> on State coastal land above high-water mark and completely or partly within a coastal management district) Installation of sand delivery pipeline (via excavation and directional drilling through sand dunes) (for works on State Coastal Land e.g. reserves within the coastal management district)	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Coastal Protection and Management Act 1995</i>	Chief Executive of the Department of State Development, Infrastructure and Planning
Approval to damage vegetation on State coastal land	<i>Coastal Protection and Management Act 1995</i>	Department of Environment and Heritage Protection
Development Permit for operational work (that is removing or interfering with coastal dunes on land, other than State coastal land, that is in an erosion prone area as defined in the <i>Coastal Protection and Management Act 1995</i> and above high-water mark and completely or partly within a coastal management district) Installation of sand delivery pipeline (via excavation and directional drilling through sand dunes) (for works on freehold or leasehold land within the erosion prone area)	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Coastal Protection and Management Act 1995</i>	Department of Environment and Heritage Protection
Road Corridor Permit required to conduct ancillary works and encroachments on a State-controlled road Installation of sand delivery pipeline in David Low Way	<i>Transport Infrastructure Act 1994</i>	Department of Transport and Main Roads
If a road is to be temporarily or permanently closed, an application for permanent or temporary road closure will be required.	<i>Land Act 1994</i> <i>Transport Operations (Road Use Management Act) 1995</i>	
Permit to Occupy required to occupy unallocated State land, a reserve or a road For sand delivery pipeline (Marcoola beach is designated as a road reserve/ esplanade)	<i>Land Act 1994</i>	Department of Natural Resources and Mines
Development Permit for operational work that is the removal, destruction or removal of a marine plant, unless authorised under a development permit for a material change of use.	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Fisheries Act 1994</i>	Chief Executive of the Department of State Development, Infrastructure and Planning
Approvals for development assessable under the Planning Scheme. Development within the Community Facilities Zone is exempt development where the airport use is “annotated on a Communities facilities zone” map and located on land that is owned or controlled by SCC	<i>Sustainable Planning Act 2009</i> <i>Sunshine Coast Planning Scheme 2014</i>	Local Government

Table 6.6e: Relevant approvals for dredging activities in Moreton Bay

Approval	Legislation	Approval Agency
Allocation of Quarry Material Removal of quarry material in tidal water Permit for dredging in a Marine Park	<i>Coastal Protection and Management Act 1995</i> <i>Moreton Bay Marine Parks Act 2004</i>	Department of Environment and Heritage Protection
Development Permit for operational work (that is tidal works) Dredging works in tidal water	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Coastal Protection and Management Act 1995</i>	Department of Environment and Heritage Protection
Environmental Authority to undertake a prescribed Environmentally Relevant Activity (ERA 16(1)) For dredging a total of 100t or more of material from the bed of naturally occurring surface waters in a year ERA 16(1) is also listed as a concurrence ERA – see row below	<i>Environmental Protection Act 1994</i> <i>Environmental Protection Regulation 2008</i>	Department of Environment and Heritage Protection
Development permit for a material change of use of an Environmentally Relevant Activity (ERA 16(1))	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i>	Department of Environment and Heritage Protection
Registration as a suitable operator for the carrying out of an Environmentally Relevant Activity (ERA 16(1))	<i>Environmental Protection Act 1994</i> <i>Environmental Protection Regulation 2008</i>	Department of Environment and Heritage Protection
Development Permit for operational work (that is removal, destruction or damage of marine plants) Removing, destroying, or damaging a marine plant as part of dredging activities	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Fisheries Act 1994</i>	Department of Agriculture, Fisheries and Forestry
Development approval for operational work for constructing or raising waterway barrier works, unless the works fall within an exemption in which case they may be self-assessable.	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Fisheries Act 1994</i>	Chief Executive of the Department of State Development, Infrastructure and Planning

Figure 6.6a: Summary of approvals required for the Project

