

3. Planning and approvals

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3.1 Overview

This chapter outlines relevant legislation and planning policies as part of the assessment of impacts on matters of national environmental significance (MNES) for the Lower Fitzroy River Infrastructure Project (Project). This includes overarching approval requirements, water management legislation, regional plans and local planning schemes. The information provided in the chapter addresses the requirements of Part C, Section 1.65 of the terms of reference (ToR) for the environmental impact statement (EIS) in relation to planning policies and statutory controls.

3.2 Overarching approvals

In 2007, a State wide water program of works was established under the *State Development Public Works Organisation Act 1971* (Qld) (SDPWO Act). The program of works was established to facilitate the development of water infrastructure projects at a time of widespread drought in Queensland (DSDIP 2012a). Through the program of works the Coordinator-General nominated the Gladstone Area Water Board and SunWater Limited as the Proponent for the Lower Fitzroy River Infrastructure Project. An end date of the 30 June 2013 was allocated to the program of works as the prescribed water infrastructure projects had either been developed to business case stage or the program of works was no longer required to complete the works.

In late 2009, the Project was referred to the Commonwealth Environment Minister for a decision on whether the Project required assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). Under Part 3 of the EPBC Act, a person must not take an action that has or is likely to have a significant impact on a MNES unless that person can rely on an exemption, or obtains an approval from the Commonwealth Minister. An action that has potential to significantly impact upon MNES is deemed to be a 'controlled action' and as such requires an approval from the Commonwealth Minister for the Environment.

The Project was declared a 'controlled action' to be assessed by EIS on 7 January 2010. The controlling provisions for the Project under the EPBC Act are:

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

In June 2010, the Commonwealth Department of the Environment issued Guidelines for an Environmental Impact Statement for the Project that set out the requirements for the content and presentation of the EIS.

In late 2010, an Initial Advice Statement for the Project was lodged with the Office of the Coordinator General to seek 'significant project' declaration under Section 26 (1) of the SDPWO Act. On 6 May 2011, the Office of the Coordinator-General declared the Project to be a 'significant project' (now a 'coordinated project') for which an EIS is required pursuant to section 26 (1) (a) of the SDPWO Act. This declaration was based on the Project information presented within the Initial Advice Statement, applicable Commonwealth, State and local government requirements, level of investment, the Project's strategic significance and infrastructure impacts.

As at 10 January 2014, the Project transitioned to assessment through the new bilateral assessment process executed between State and Commonwealth governments. As a

consequence, a single EIS has been prepared to address both State and Commonwealth requirements. The EIS structure is detailed in Chapter 1 Description of the action.

3.3 Water management legislation

The *Water Act 2000* (Qld) (*Water Act*) provides for the sustainable management of water and other resources, and the establishment and operation of water authorities. It is the overarching legislation which sets out how surface and ground water resources are to be preserved and shared among users.

Water Resource Plans (WRPs) are subordinate legislation to the *Water Act*, and they set out the strategic framework for how water is allocated to users and the environment. Each river system can have its own WRP. The Water Resource (Fitzroy Basin) Plan 2011 (Fitzroy WRP) was first issued in 2004, and was revised in 2011. The purpose of the plan is to:

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

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

- General outcomes, including providing for existing water use and the continued use of existing overland flow and groundwater works, protecting the probability of taking water under a water allocation, supporting water-related cultural values, providing for future water requirements, promoting water use efficiency and providing a flow regime that supports good water quality and values
- Specific surface water and groundwater outcomes include making water available through future water infrastructure projects in the Isaac Connors, Upper and Lower Dawson and Fitzroy subcatchments to support demand for surface water from sectors such as mining, industry, agriculture and urban uses
- General ecological outcomes such as minimising changes to natural flow variability, maintaining flows for river connectivity, maintaining freshwater delivery to estuaries of watercourses and the Great Barrier Reef Lagoon, promoting an improved understanding of how flows affect ecosystem health, supporting surface water and groundwater interactions and supporting groundwater dependent ecosystems
- Specific ecological outcomes that relate to the protection of flows and groundwater levels which support ecological assets and ecosystem functions.

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

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

The Project will be required to meet the specified EFOs and WASOs.

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

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

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

3.4 International conventions and treaties

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

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

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

3.5 Water Quality Guidelines for the Great Barrier Reef Marine Park

The Great Barrier Reef is a World Heritage Area (GBRWHA) and a multiple use Marine Park (GBRMP) with values including aquatic ecosystems, primary industry, recreation and aesthetics, and cultural and spiritual values.

While the Project area and/or associated activities are not within the GBRWHA or the GBRMP, the Fitzroy Basin is designated as a Great Barrier Reef Catchment Area under the *Great Barrier Reef Protection Amendment Act 2009* (Qld). The Reef Water Quality Protection Plan 2013 (Reef Plan) is a collaborative program of coordinated projects and partnerships designed to improve the

quality of water in the Great Barrier Reef though improved land management in reef catchments, including the Fitzroy Basin.

The Reef Plans primary focus is diffuse source pollution from broad scale land use. The Reef Plan sets targets for improved water quality and land management practices and identifies actions to improve the quality of water entering the reef. Initially established in 2003, the plan was updated in 2009 and 2013.

The Fitzroy Basin is one of 11 priority reef catchments monitored for water quality under the Queensland Government's Paddock to Reef Program (Wallace et al. 2014). The 2013 risk assessment rated the Fitzroy region as presenting a high risk to water quality with the main pollutant being sediment from grazing (State of Queensland 2013). Key threats to the reef water quality overall include nitrogen, sediment and pesticides.

3.6 National Water Quality Management Strategy

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

The NWQMS aims to protect the nation's water resources, by improving water quality while supporting the businesses, industry, environment and communities that depend on water for their continued development. The NWQMS consists of three major elements, namely: policy; process; and guidelines.

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

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

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

The AWQG and ADWQGs are part of a suite of documents forming the NWQMS:

- The AWQGs provide guideline values for different indicators to protect both aquatic ecosystems and human uses of waters (such as primary industry (for example irrigation and general water use, stock drinking water, aquaculture); recreation and aesthetics; human drinking water; industrial water; and cultural and spiritual values)

- The ADWQGs provide guideline values for good management of drinking water supplies to ensure safety at point of use and address health and aesthetic quality aspects of supplying good quality drinking water. While the Proponents and other end users may need to consider drinking water quality (including preparation and implementation of a drinking water quality management plan), the Project will not directly supply drinking water and as such the Australian Drinking Water Guidelines are not considered further.

3.7 National Environmental Protection Measures

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

- National Environment Protection (Air Toxics) Measure
- National Environment Protection (Assessment of Site Contamination) Measure
- National Environment Protection (Diesel Vehicle Emissions) Measure
- National Environment Protection (Movement of Controlled Waste between States and Territories) Measure
- National Environment Protection (National Pollutant Inventory) Measure
- National Environment Protection (Used Packaging Materials) Measure.

The National Pollutant Inventory (NPI) is administered by the Department of Sustainability, Environment, Water, Population and Communities is Australia's national database of pollutants emitted into the environment. The NPI consists of established national goals to assist in the reduction of existing and potential impacts of emissions of pollutants. The NPI establishes a 'trigger' threshold for use of various substances. If more than the trigger amount of a substance is used, then emissions of that substance must be reported under the National Pollution Inventory (NPI).

Implementation of NEPMs is largely handled by jurisdictional agencies at the Commonwealth and State levels of government. These jurisdictions are required to report annually to the National Environment Protection Council on the implementation of the NEPMs.

3.8 Offset policy

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

The term 'environmental offset' refers to measures that compensate for the residual adverse impacts of an action on the environment. Offsets provide environmental benefits to counterbalance the impacts that remain after the implementation of avoidance and mitigation measures. These remaining, unavoidable impacts are termed 'residual impacts' and offsets are

only required if residual impacts are significant as defined in the Matters of National Environmental Significance - Significant impact guidelines 1.1.

As the Project is a 'controlled action' under the EPBC Act, and where significant residual impacts on MNES occur the EPBC Act Environmental Offsets Policy applies to the Project as addressed in Chapter 14 Offsets.

3.9 Other approvals

The provision of power supply to the Project is discussed in Chapter 2 Project description. At Rookwood Weir, an application to Ergon Energy for power supply will be made. Further approvals associated with this work will be the responsibility of the supplier. The existing power supply to Eden Bann Weir is adequate and no further upgrades will be undertaken.

Permits and approvals will be required with regard to resource extraction activities for construction material supplies (quarries and/or burrow pits), these will be sought separately to the EIS approval, in accordance with Commonwealth and State legislation and regulatory requirements, including under the EPBC Act, as necessary and applicable.

3.10 Summary of relevant Commonwealth and State legislation

Table 3-1 provides an overview State and Commonwealth legislation relevant to the Project including overarching legislation described above.

Table 3-1 Relevant State and Commonwealth legislation

Legislation	Relevance to the Project
Commonwealth legislation	
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	The <i>Aboriginal and Torres Strait Island Heritage Protection Act 1984</i> preserves and protects places and objects of particular significance to Indigenous Australians in accordance with their Indigenous traditions. Indigenous cultural heritage matters relating to the Project are addressed through the implementation of Cultural Heritage Management Plans (CHMPs) developed in consultation with endorsed Aboriginal parties and approved by the former Department of Environment and Resource Management.
EPBC Act	The EPBC Act is the Commonwealth's principle piece of environmental protection legislation. As detailed in Section 3.2 the Project was declared a 'controlled action' to be assessed by EIS on 7 January 2010.
<i>Great Barrier Reef Marine Park Act 1975</i>	The <i>Great Barrier Reef Marine Park Act 1975</i> provides a framework for the establishment, control, management and development of the GBRMP. The <i>Great Barrier Reef Marine Park Act 1975</i> is administered by the Great Barrier Reef Marine Park Authority. The Fitzroy River flows into the southern end of the GBRMP at Keppel Bay approximately 141 km downstream of Eden Bann Weir. Given the considerable distance between the proposed Project area and the GBRMP, the Project will not have direct impacts on the GBRMP. Potential indirect impacts have been considered including changes in freshwater flows and water quality impacts on aquatic ecosystems associated with the GBRMP (Chapter 9 World Heritage properties and National Heritage places).
<i>Native Title Act 1993 (NT Act)</i>	The NT Act recognises the rights and interests over land and water resources possessed by Indigenous people in Australia under their traditional laws and customs. The NT Act is applicable to the Project as the Project will affect lands

Legislation	Relevance to the Project
	<p>/ waters over which Native Title has not been extinguished and will include actions involving taking of surface water and living aquatic resources.</p> <p>As a “device for management of water flows” a weir fits within the list of facilities for service to the public to which Section 24KA of the NT Act can apply. Section 24KA allows the weirs to be constructed by suppressing Native Title rather than a means to permanently extinguish it. “Reasonable rights” of access to the lands (the river bed and banks) are not altered, except where this may compromise safety.</p> <p>Notification to Registered Native Title claimants will be required in relation to the granting of permits by the State which authorise the taking of any surface waters or living aquatic resources.</p>
State legislation	
<p><i>Aboriginal Cultural Heritage Act 2003 (ACH Act)</i></p>	<p>The main purpose of the ACH Act is to provide effective recognition, protection and conservation of Aboriginal cultural heritage. The Project has the potential to disturb items of Aboriginal cultural heritage significance. Potential impacts of the Project on cultural heritage values will be appropriately avoided or mitigated through implementation of CHMPs.</p> <p>As part of the Project, CHMPs have been prepared and approved by the former Department of Environment and Resource Management and the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs for the following Aboriginal parties:</p> <ul style="list-style-type: none"> • Jetimarla People • Gangulu People • Ghungalu and Kangoulu People (combined CHMP) • Darumbal People.
<p><i>Environmental Offsets Act 2014 (EO Act)</i></p>	<p>A new environmental offsets framework was introduced in Queensland in July 2014 replacing former offset policies. State offset requirements of the Project have been assessed with reference to this new framework which includes the following as described in Chapter 14 Offsets:</p> <ul style="list-style-type: none"> • EO Act • Environmental Offsets Regulation 2014 • Queensland Environmental Offsets Policy Version 1.0.
<p><i>Environmental Protection Act 1994 (EP Act)</i></p>	<p>The EP Act aims to protect Queensland’s environment, while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.</p> <p>Under the EP Act anyone undertaking an activity that may cause environmental harm must comply with the EP Act’s general duty of care and approval is required for the following:</p> <ul style="list-style-type: none"> • Activities that could cause actual or potential environmental harm via the generation of emissions or through carrying out the activity • Environmentally Relevant Activities (ERAs) • Activities likely to cause land contamination (notifiable activities recorded on the Environmental Management Register) • All other notifiable activities listed in Schedule 3 of the EP Act. <p>While not included in the EIS for assessment (and subject to separate environmental approval) the Project will trigger ERA 16 for extractive and screening activities. Other ERAs may be triggered by the Project, including but</p>

Legislation	Relevance to the Project
	<p>not limited to: ERA 8 Chemical storage; ERA 47 Timber milling and woodchipping; and ERA 50 Bulk material handling.</p> <p>The Proponent will be required to advise the Department of Environment and Heritage Protection (DEHP) if notifiable activities are to occur within the Project area. Subject to Section 424 of the EP Act, if any removal of contaminated land is required as part of Project works, a permit for removal and treatment or disposal of contaminated soils is required to be obtained from DEHP.</p>
<i>Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012</i>	<p>The Queensland Government has implemented changes to the EP Act and EP Regulation in order to streamline and fast track certain environmental approvals. These changes commenced on the 31 March 2013 and are set out in the <i>Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012</i>.</p> <p>The amendments under the EP Act have enabled eligible ERAs to be made as a standard application. DEHP has developed eligibility criteria and standard conditions for a number of prescribed ERAs, of which ERA 16 – Extractive and screening activities is one. Eligibility criteria and standard conditions will be reviewed once resource extraction sites have been confirmed.</p>
<i>Fisheries Act 1994</i>	<p>The main purpose of the <i>Fisheries Act 1994</i> is to provide for the use, conservation and enhancement of the community fisheries resources and fish habitats. In accordance with the <i>Fisheries Act 1994</i>, the Project weir construction will require approval to undertake waterway barrier works as part of the development permit. Provision of fish passage is an integral part of the waterway barrier works approval. The <i>Fisheries Act 1994</i> also allows for the declaration of Fish Habitat Areas such as the Fitzroy River Fish Habitat Area located downstream of the Fitzroy Barrage (Chapter 7 Existing environment).</p>
<i>Forestry Act 1959</i>	<p>The purpose of the <i>Forestry Act 1994</i> is to provide for:</p> <ul style="list-style-type: none"> • Forest reservations • Management, silvicultural treatment and protection of State forests • Sale and disposal of forest products and quarry material, the property of the Crown on State forests, timber reserves and on other lands and for other purposes. <p>Approximately 4 ha of the Aricia State forest will be directly impacted by the Eden Bann Weir impoundment. Clearing of vegetation from within the impoundment is not proposed however opportunities for harvesting of forest product will be discussed with the Department of Agriculture, Fisheries and Forestry (DAFF). Interference with State-owned forest products and/or quarry material (getting, destroying, taking, accessing, sampling, dredging or removing) requires DAFF authorisation under the <i>Forestry Act 1959</i> and the necessary permits will be obtained as applicable prior to impoundment.</p>
<i>Marine Parks Act 2004</i>	<p>The main purpose of the <i>Marine Parks Act 2004</i> is to provide for the protection of the marine environment. The <i>Marine Parks Act 2004</i> allows for the declaration of state marine parks (for example, the Great Barrier Reef Coast Marine Park) and the establishment of zones, designated areas and highly protected areas within marine parks.</p>
<i>Nature Conservation Act 1992 (NC Act)</i>	<p>The NC Act is administered by DEHP and is required to conserve wildlife and its values. Under the NC Act, any activity that has or may have the potential to impact on wildlife in an area, may be seen as a threatening process and will be referred to DEHP as part of the Development Approval process. In particular, the effect of the Project on endangered, vulnerable, or rare wildlife, or the</p>

Legislation	Relevance to the Project
	<p>habitat on which that wildlife depends, will be of interest to DEHP in regard to their obligations under Section 73 of the NC Act.</p> <p>Under Section 89 of the NC Act, a licence, permit or authority (issued under the NC Act), or an exemption is required to 'take' protected plants. This relates to almost all native plants within Queensland. The Nature Conservation (Wildlife Management) Regulation 2006 outlines how clearing permits, licences and exemptions can be issued to take protected plants.</p> <p>Pursuant to Section 332 of the Nature Conservation (Wildlife Management) Regulation 2006, any activity that will 'tamper' with the confirmed breeding place of a native animal (that is endangered, vulnerable, near threatened or least concern wildlife) requires authorisation under a Damage Mitigation Permit. For larger impacts, and particularly where potential breeding places of endangered, vulnerable, near threatened or least concern species, or essential habitat for these species, is involved, a Species Management Program will be required rather than a Damage Mitigation Permit. Confirmed breeding places of native fauna necessary for a Damage Mitigation Permit can be identified through detailed pre-clearing surveys.</p>
<p><i>Queensland Heritage Act 1992</i></p>	<p>The <i>Queensland Heritage Act 1992</i> provides for the conservation of Queensland's cultural heritage for the benefit of the community and future generations. There are no places currently listed on the Queensland Heritage Register within close proximity to the Project footprint.</p>
<p>SDPWO Act</p>	<p>The purpose of the SDPWO Act is to provide for State planning and development through a coordinated system of public works organisation, for environmental assessment, and for related purposes. The Project to be a 'coordinated project' for which an EIS is required pursuant to section 26 (1) (a) of the SDPWO Act.</p>
<p>SP Act</p>	<p>The SP Act provides a streamlined approach to development assessment in Queensland. The aim of the SP Act is to achieve sustainable planning outcomes through:</p> <ul style="list-style-type: none"> • Managing the process by which development takes place • Managing the effects of development on the environment • Coordinating and integrating local, regional and state planning (DSDIP 2012b). <p>The SP Act establishes the Integrated Development Assessment System (IDAS), a framework for assessment of development applications. IDAS integrates the requirements for development assessment under the following acts: ACH Act, <i>Coastal Protection and Management Act 1995</i>, EP Act, <i>Fisheries Act 1994</i>, <i>Land Act 1994</i>, <i>Local Government Act 2009</i>, <i>Queensland Heritage Act 1992</i>, <i>Transport Infrastructure Act 1994</i> (TI Act), <i>Vegetation Management Act 1999</i> (VM Act) and the Water Act.</p> <p>The Project is considered to meet the definition of 'Other Community Infrastructure' under Part 2 of Schedule 2 of the SP Regulation and as such is afforded a number of exemptions referred to within this chapter.</p> <p>The State Planning Policy (SPP) identifies the State's interests in planning and development, as defined under the SP Act, and how they must be dealt with in regional plans, planning schemes, council development assessment processes and in designating land for community infrastructure. With regard to the environment and heritage State interests include biodiversity, coastal environment, cultural heritage and water quality, Further the SPP defines matters of state environmental significance.</p>

Legislation	Relevance to the Project
VM Act	<p>The VM Act in conjunction with the SP Act, regulates the clearing of native vegetation, excluding grasses and mangroves. Under the SP Act, operational work that is the clearing of native vegetation is to be assessed against the purposes of the VM Act.</p> <p>It is noted that under Schedule 24 of the SP Regulation community infrastructure mentioned in schedule 2 of the SP Regulation is considered exempt development for clearing of native vegetation. This exemption includes the Project as it is considered 'water cycle management infrastructure' under the SP Regulation. Therefore the clearing of native vegetation is considered exempt development for the Project and will not require approval.</p>
Water Act	As described in Section 3.3.

3.11 Regional plans

3.11.1 Central Queensland Regional Water Supply Strategy

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

Specifically the CQRWSS addresses the following issues:

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

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

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

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

3.11.2 Central Queensland Regional Plan

On 14 October 2013, the Minister for the Department of State Development, Infrastructure and Planning (DSDIP) approved the Central Queensland Regional Plan (CQRP) (DSDIP 2013). Five local government areas fall within the Central Queensland region and are included in the CQRP. Three of these local government areas are directly affected by the Project, namely, the Central Highlands Regional Council (CHRC), the Rockhampton Regional Council (RRC) and the Woorabinda Aboriginal Shire Council (WASC). From 1 January 2014, the region will also include the Livingstone local government area.

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

- Regional outcomes for the region
- Regional policies for achieving the regional outcomes
- The state's intent for the future spatial structure of the region, including Priority Agricultural Areas, Priority Living Areas and priority outcomes for infrastructure.

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

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

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

The CQRP does not address water resource or water supply planning specifically. The CQRP priority outcomes sought for water infrastructure are, through public and private sector investment, to improve water access by addressing increasing demands from industry, agriculture and population growth and to achieve appropriate security and reliability of water supplies.

3.12 Local planning schemes

3.12.1 Overview

The required works for the Project and their associated impacts will affect following local government areas of the RRC, CHRC and WASC. As at 1 January 2014, the region also includes the LSC.

The planning schemes used to determine the level of assessment for the Project are derived from former shire council areas which are now amalgamated into the larger regional councils and the WASC. RRC was formed by an amalgamation of Livingstone, Rockhampton, Mt Morgan and Fitzroy local government areas. In March 2013, LSC commenced de-amalgamation from RRC and was officially operational as at 1 January 2014. The CHRC is comprised of the former

Duaringa, Bauhinia, Emerald and Peak Downs Shire Councils. The planning schemes for each of these former shire councils have yet to be amalgamated.

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

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

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

3.12.2 Fitzroy Shire Planning Scheme 2005

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

Part 4, Division 1 of the Fitzroy Shire Planning Scheme 2005 provides the assessment tables for the Rural Zone in addition to the relevant Code. Ongoing discussions with RRC have provided confirmation that 'supply of water' under 'Public Facility – Operational' is the most appropriate definition for the Project under the Fitzroy Planning Scheme. An examination of Table 4.1.1 (1) – Assessment Categories and Relevant Assessment Criteria for the Rural Zone – Making a Material Change of Use demonstrates that the proposed weirs are considered to be exempt from assessment under the Fitzroy Shire Planning Scheme 2005 (Table 3-2).

Table 3-2 Level of assessment – Fitzroy Shire

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

3.12.3 Livingstone Shire Planning Scheme 2005

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

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

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

Table 3-3 Level of assessment – Livingstone Shire

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

3.12.4 Duaringa Shire Planning Scheme 2007

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

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

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

Table 3-4 Level of assessment – Duaringa Shire

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

3.12.5 Woorabinda Aboriginal Shire Planning Scheme 2014

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

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

A utility installation includes: “premises used to provide the public with the following services: supply of water, hydraulic power, electricity or gas; sewerage or drainage services; transport

services including road, rail or water; waste management facilities; network infrastructure. The use includes maintenance and storage depots and other facilities for the operation of the use”.

Section 5.5 of the WASC Planning Scheme 2014 provides the level of assessment for material change of use applications. The proposed use of a ‘utility installation’ within the rural zone does not trigger assessment and is considered to be exempt development within the Rural Zone (Table 3-4). However if the use is not considered a utility installation by Council, the use would be determined to be undefined and trigger impact assessment.

Table 3-5 Level of assessment – Woorabinda Aboriginal Shire Council Planning Scheme 2014

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

3.13 Local laws

Several local laws will be applicable to the Project. These laws relate to local road permits and the control of noise, pests, and visual pollution. The Project will need to comply with the provisions of these local laws, especially in relation to air and noise emissions during construction. The Project includes the alternation and/or improvements to local roads. Therefore an approval under local laws relating to road permits may be applicable to the Project.