

Chapter 27

Planning and Approval Requirements

Oct-2021

Genex Kidston Connection Project - Ministerial Infrastructure Designation Assessment Report

27.0 Planning and Approval Requirements

27.1 Commonwealth Legislation

27.1.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Commonwealth 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). The nine MNES are:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development.

The EPBC Act is administered by the Commonwealth Department of Agriculture, Water and the Environment (DAWE). The EPBC Act aims to streamline national environmental assessment and approvals processes, protect Australian biodiversity and integrate management of MNES. Where a Project may cause a significant impact on a MNES, a Referral to the Commonwealth Government Minister for the Environment is required.

Where MNES may be impacted, a proponent refers the project to DAWE for assessment of potential impacts. DAWE will make a declaration that the project is:

- Not a controlled action – meaning that DAWE has no requirement to assess the project further
- Not a controlled action 'particular manner' – meaning that DAWE has no requirement to assess the project further providing that the action is undertaken in accordance with conditions that DAWE supplies with the decision
- Controlled action – meaning that DAWE wish to assess the project against the EPBC Act. There are several mechanisms available for that assessment dependent on the type of project.

A number of ecology surveys have been undertaken for the Project, focusing on the potential presence of protected flora and fauna species, and their habitat. Chapter 9 Flora and Chapter 10 Fauna provide a summary of the results of these surveys. The Project has been referred to DAWE for a determination on an action decision.

27.1.2 Native Title Act 1993

Native title is defined under the *Native Title Act 1993* (NT Act). Native title rights and interests are rights and interests in relation to land or waters held by Aboriginal peoples or Torres Strait Islanders under their traditional laws and customs, and recognised by the common law of Australia.

Native title rights may exist regardless of whether there is a native title claim or determination in relation to the relevant land or waters, and may be exclusive or non-exclusive rights. Non-exclusive rights may co-exist with the rights of others, such as a pastoral leaseholder.

Any acts or dealings in relation to land and waters that affect native title must comply with the NT Act in order to be validly done.

To the extent that native title exists or may exist in the area of the Preferred Alignment, Powerlink will comply with the requirements of the NT Act for securing an easement for the transmission line and acquiring land for a new switching station. Powerlink typically complies with Section 24KA of the NT Act, which applies to facilities for services to the public, for its transmission line easements. Under Section 24KA, native title is not extinguished, but is 'suppressed' while the easement remains in place.

27.1.3 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) provides for the preservation and protection of places, areas and objects of particular significance to Indigenous Australians. The stated purpose of the ATSIHP Act is the:

"preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters, being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition" (Part I, Section 4).

Under the Act, 'Aboriginal tradition' is defined as:

"the body of traditions, observances, customs and beliefs of Aboriginals generally or of a particular community or group of Aboriginals, and includes any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships" (Part I, Section 3).

A 'significant Aboriginal area' is an area of land or water in Australia that is of:

"particular significance to Aboriginals in accordance with Aboriginal tradition" (Part I, Section 3).

A 'significant Aboriginal object', on the other hand, refers to an object (including Aboriginal remains) of significance. For the purposes of the Act, an area or object is considered to have been injured or desecrated if:

- In the case of an area:
 - It is used or treated in a manner inconsistent with Aboriginal tradition;
 - The use or significance of the area in accordance with Aboriginal tradition is adversely affected; and
 - Passage through, or over, or entry upon, the area by any person occurs in a manner inconsistent with Aboriginal tradition.
- In the case of an object:
 - It is used or treated in a manner inconsistent with Aboriginal tradition.

The ATSIHP Act can override State and Territory laws in situations where a State or Territory has approved an activity, but the Commonwealth Minister prevents the activity from occurring by making a declaration to protect an area or object. However, the Minister can only make a decision after receiving a legally valid application under the ATSIHP Act and, in the case of long term protection, after considering a report on the matter. Before making a declaration to protect an area or object in a state or territory, the Commonwealth Minister must consult the appropriate minister of that state or territory (Part 2, Section 13).

Where Powerlink or its contractors discover anything that they have responsible grounds to suspect to be Aboriginal remains, the discovery shall be reported to the Minister, giving particulars of the remains and of their location.

27.2 State Legislation

27.2.1 Electricity Act 1994

The *Electricity Act 1994* sets out the requirements that all electricity industry participants are required to promote a safe, efficient and reliable supply and use of electricity. The Act also requires that the supply of electricity is undertaken in an environmentally sound manner. Under Section 31(b) of the Act, a transmission entity is required to properly take into account the environmental effects of its activities under the transmission authority.

Powerlink will meet this requirement through the implementation of Project specific Environmental Management Plan (EMP). The EMPs will be implemented through the construction, operation and maintenance stages of the Project.

27.2.2 Electrical Safety Act 2002

The *Electrical Safety Act 2002* seeks to prevent through regulation, the death, injury and destruction that can be caused by electricity. Accordingly, the purpose of this Act is to establish a legislative framework for:

- preventing persons from being killed or injured by electricity
- preventing property from being destroyed or damaged by electricity.

The Project has been designed to satisfy the requirements of the *Electrical Safety Act 2002*.

27.2.3 Acquisition of Land Act 1967

The *Acquisition of Land Act 1967* governs the process for the compulsory or voluntary acquisition of land for a public purpose by a constructing authority in Queensland. Schedule 2 of the Act defines a construction authority as being the State, a local government or a person authorised by an act to take land for any purpose. In accordance with the *Electricity Act 1994*, Powerlink is identified as a construction authority.

Powerlink's first preference is to negotiate acquisition of land wherever possible and will make all reasonable attempts to reach voluntary agreement for easements and other tenure required for the Project. Powerlink has established processes for the acquisition of land and easements by both negotiation and compulsory means and seeks to provide fair and reasonable support for landholders impacted by these processes, including access to independent expert advice relating to their compensation claim as early in the process as possible.

27.2.4 Land Act 1994

The *Land Act 1994* consolidates and amends the law relating to the administration and management of non-freehold land and deeds of grant in trust and the creation of freehold land, and for related purposes. The *Land Act 1994* regulates a number of activities in relation to the Project, including resumptions, easements and works in local road reserves.

The Preferred Alignment traverses a range of tenures including unallocated state land, lands lease, freehold, local and state road reserve. Powerlink, through exemptions detailed in the *Electricity Act 1994* are able to construct, operate and maintain electricity infrastructure within road corridors by written agreement with the relevant road authority and on unallocated state land. Powerlink has begun consultation with local and State road authorities.

27.2.5 Transport Infrastructure Act 1994

The *Transport Infrastructure Act 1994* aims to provide a regime that allows for and encourages effective integrated planning and efficient management of a system of transport infrastructure. The *Transport Infrastructure Act 1994* is administered by the Department of Transport and Main Roads (DTMR).

The Project area crosses two State-controlled roads, being the Gregory Developmental Road (No. 98C) and the Kennedy Developmental Road (No. 99B). During the construction phase the works may require temporary road closures and temporary accesses to undertake activities including line stringing and the transportation of construction material on long and/or wide haulage vehicles.

Chapter 18 Transport and Traffic has identified that Project traffic exceeds 5% of the base traffic (background traffic). In accordance with the DTMR Guide to Traffic Impact Assessment, a detailed

Traffic Impact Assessment and Pavement Impact Assessment will be required for the Project, and it is assumed this will be conditioned through a State Interests Review.

27.2.6 Aboriginal Cultural Heritage Act 2003

The purpose of the *Aboriginal Cultural Heritage Act 2003* (ACH Act) is to provide effective recognition, protection and conservation of Aboriginal cultural heritage. To achieve its purpose, the ACH Act provides for the following:

- recognises Aboriginal ownership of Aboriginal human remains wherever held
- recognises Aboriginal ownership of Aboriginal cultural heritage of a secret or sacred nature held in State collections
- recognises Aboriginal ownership of Aboriginal cultural heritage that is lawfully taken away from an area by an Aboriginal party for the area
- establishes a duty of care for activities that may harm Aboriginal cultural heritage
- establishes powers of protection, investigation and enforcement
- establishes a database and a register for recording Aboriginal cultural heritage
- ensures Aboriginal people are involved in processes for managing the recognition, protection and conservation of Aboriginal cultural heritage
- establishes a process for the comprehensive study of Aboriginal cultural heritage
- establishes processes for the timely and efficient management of activities to avoid or minimise harm to Aboriginal cultural heritage.

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDATSIP) is responsible for administering this Act.

A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the Cultural Heritage Duty of Care). A person is taken to have complied with the Duty of Care if they are acting under a Native Title agreement or other agreement with an Aboriginal Party.

A search of the DSDATSIP database identifies three Aboriginal Parties whose Native Title determinations/claims are intersected by the Preferred Alignment:

- Gugu Badhum People #3
- Ewamian People #2
- Ewamian People #3.

Powerlink has established processes for, and significant experience in working closely with Traditional Owners for the management of cultural heritage risks in transmission line and switching station development. Powerlink has negotiated cultural heritage management agreements (CHMAs) with the relevant Native Title parties (the Aboriginal Parties) in accordance with the ACH Act and intends to manage any Aboriginal cultural heritage risks through the implementation of these agreements.

27.2.7 Queensland Heritage Act 1992

The objective of the *Queensland Heritage Act 1992* is to provide for the conservation of Queensland's cultural heritage for the benefit of the community and future generations. The *Queensland Heritage Act 1992* is administered by the Department of Environment and Science (DES) and the Queensland Heritage Council has been established to operate independently, impartially and in the public interest to identify and protect places that have special heritage values to the community and future generations.

The *Queensland Heritage Act 1992* conserves and protects Queensland Heritage Places by:

- establishing heritage registers
- regulating development that may impact on registered places
- establishing a process for reporting discoveries of objects that may be of cultural heritage significance.

Section 89 of the *Queensland Heritage Act 1992* requires a person to notify DES of an archaeological artefact that is an important source of information about an aspect of Queensland history. No known registered historical cultural heritage values have been identified within the Project area. However there is some potential for the Project to impact unidentified historical heritage places or values. To ensure compliance with the Act, Powerlink's Environmental Management Plan includes provision for unexpected finds which will comply with Section 89 of the *Queensland Heritage Act 1992*.

27.2.8 Stock Route Management Act 2002

The *Stock Route Management Act 2002* provides a framework for management of Queensland's stock routes. Local Government Authorities are responsible for the day to day administration and management of stock routes. The *Queensland Stock Route Network Management Strategy* has been prepared under the Act. The strategy is a tool to link legislative principles with decision making, to ensure a consistent approach.

Stock routes are discussed in Chapter 13 Land Use. There are a number of stock routes traversed by the Preferred Alignment, however are identified as minor or disused. The Project is not anticipated to impact on the use of the stock route in the network.

27.2.9 Biosecurity Act 2014

The *Biosecurity Act 2014* came into effect on 1 July 2016. The Act's intent is to improve Queensland's biosecurity preparedness and response capabilities, and imposes a general biosecurity obligation to all individuals and organisations whose activities pose a biosecurity risk to ensure activities do not spread a pest, disease or contaminant. These responsibilities include:

- taking all reasonable and practical steps to prevent or minimise each biosecurity risk
- minimising the likelihood of the risk causing a biosecurity event and limit the consequences of such an event
- preventing or minimising the adverse effects the biosecurity risk could have and refrain from doing anything that might exacerbate the adverse effects.

A biosecurity risk is considered to exist when anyone deals with any pest, disease or contaminant, or with something that could carry one of these factors. This includes, for example, moving diseased plant material, or associated soil or equipment, off a property. Everyone is obligated to take all reasonable and practical steps to minimise the risks associated with invasive plants under their control, known as the general Biosecurity duty of care.

Biosecurity was identified by landholders as a key concern associated with the Project. Ecology surveys of the Preferred Alignment identified the presence of a number of biosecurity matters. Existing biosecurity matters, potential impacts and mitigations measures are detailed in Chapter 12 Biosecurity. A detailed pre-construction weed survey will be undertaken prior to construction activities commencing and a post-construction weed survey will be undertaken after the first wet season once construction is finalised. The surveys will occur along the final alignment and associated access tracks and will, where present, identify weeds of national significance, restricted and invasive matters and regionally declared weed species. A Biosecurity Management Plan will be developed to support construction and operation of the Project and to achieve Powerlink's general biosecurity obligation under the Act.

27.2.10 Environmental Protection Act 1994

The objective of the *Environmental Protection Act 1994* (EP Act) is:

"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".

The EP Act is administered by DES. Section 319 establishes the general environmental duty of care which is applicable to the Project. Powerlink will meet the general environmental duty of care through the implementation of Project specific Environmental Management Plan throughout the construction and operation of the Project.

The Environmental Protection Regulation 2008 (EP Regulation) is subordinate legislation to the EP Act. The EP Regulation identifies activities which will or have the potential to release contaminants

into the environment and may cause environmental harm, known as Environmentally Relevant Activity (ERA). Schedule 2 of the EP Regulation identifies the triggers for ERAs.

Construction activities may trigger the following ERAs, depending on the final construction methodology and sources of material required:

- ERA 8 Chemical Storage
- ERA 16 Extractive and Screening Activities.

27.2.11 Nature Conservation Act 1992

The *Nature Conservation Act 1992* (NC Act) is the principal legislation for the conservation and management of Queensland's native flora and fauna, as well as important natural areas such as national parks. The Act is administered by the Department of Environment and Science (DES).

In support of the NC Act, the Nature Conservation (Wildlife) Regulation 2006 lists 'protected wildlife' (flora and fauna species), which are considered to be 'Extinct in the Wild', 'Endangered', 'Vulnerable', 'Near Threatened' and 'Least Concern' wildlife. Under Sections 88 and 89 of the NC Act, it is an offense to take or use protected wildlife, which is outside a 'protected area', unless exemptions apply or an approval (e.g. clearing permit) is obtained from the DES.

A Species Management Program will be required for the Project. This is required to authorise activities that will impact on breeding places of protected animals that as listed as endangered, vulnerable, near threatened, least concern, special least concern and colonial breeders. A damage mitigation permit may also be applicable to the Project.

In Queensland, all plants that are native to Australia are protected plants under the NC Act to prevent whole plants or protected plant parts from being illegally removed from the wild or illegally traded. The protected plants flora survey trigger map shows high risk areas for protected plants and is used to help determine flora survey and clearing permit requirements for a particular location. High risk areas represent areas where Endangered, Vulnerable or Near Threatened plants are known to exist or are likely to exist.

Where clearing occurs within a high-risk area, a flora survey is required to determine the presence of protected plants within the clearing impact area. The flora survey must then be lodged with DES to either obtain an approval, or an exemption notice (if none present). A high-risk area is present along the Preferred Alignment in the vicinity of Mount Fox and between Greenvale and the Lynd Junction. A survey will be undertaken in line with the relevant guidelines and the relevant Protected Plants Permit or Exemption Notice obtained prior to construction.

During the course of ecology surveys completed across the Preferred Alignment in 2018, a protected plant was identified outside of the proposed area to be cleared, and outside of a high-risk area. This species is discussed further in Chapter 9 Flora. As the species is not proposed to be cleared, no permit is required. Measures to protect the species for incidental impact are included within the Environmental Management Plan, discussed further in Chapter 27 Environmental Management.

27.2.12 Fisheries Act 1994

The purpose of the *Fisheries Act 1995* is to ensure the State fisheries are economically viable, social acceptable and ecologically sustainable. The definition of 'waterways' under the Act is broad and a Queensland-wide spatial data set has been developed to better delineate this. Generally, a waterway under the Act is determined by their presence on this spatial layer mapping. This layer includes rivers, creeks, streams, watercourse or inlets of the sea. The *Fisheries Act 1994* is administered by DAF.

The Preferred Alignment crosses a number of waterways and depending on the final construction methodology may require a development permit under the *Planning Act 2016* for waterway barrier works or compliance with Accepted Development Requirements.

27.2.13 Forestry Act 1959

The *Forestry Act 1959* provides for forest reservations, the management, silvicultural treatment and protection of State forests, and the 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. The Act is administered primarily by the DAF.

The Preferred Alignment does not traverse any State forests, nor propose to sell or dispose of forestry products. Quarry material will be required for the construction of the Project. In most instances

material will be obtained from an existing licenced source, however in some locations extraction of material may be required due to locational factors. Where a new source of quarry material is required, the suitable permits and licences will be obtained.

27.2.14 Vegetation Management Act 1999

The *Vegetation Management Act 1999* (VM Act) is administered by the Department of Resources (DOR) and establishes the vegetation management framework for Queensland. The VM Act regulates the clearing of native vegetation throughout Queensland with the purpose to maintain or increase biodiversity, maintain ecological processes, allow for sustainable land use and ensure clearing does cause land degradation. The Queensland Herbarium mapping identifies remnant vegetation across the State.

Chapter 9 Flora detailed the vegetation values within the Project area. Mapped native vegetation will be required to be cleared as a part of the Project. The assessment of clearing native vegetation forms part of the Infrastructure Designation Process under the *Planning Act 2016*. Where a designation is granted for a Project, assessable development items (such as clearing native vegetation) become accepted development under the *Planning Act 2016* and therefore a Development Permit is not required.

27.2.15 Water Act 2000

The *Water Act 2000* is administered by the DOR and provides the legislative framework for planning, allocation and use of surface water and groundwater in Queensland. The purpose of the *Water Act 2000* is to ensure sustainable management of watercourses and associated resource.

The *Water Act 2000* watercourse identification mapping identifies the following features: a watercourse, the downstream limit of a watercourse, a drainage feature, a lake and a spring. The determination of these features regulates the assessment requirements. Activities occurring within a designated watercourse have the potential to require a form of approval under the *Water Act 2000* or the *Planning Act 2016*. In most cases, accepted development requirements (formerly known as self-assessable codes) are likely to be applicable to the works.

There are a number of declared watercourses traversed by the Preferred Alignment, as well as a number of 'yet to be determined' watercourses, which likely fit the characteristics of a 'watercourse' under the Act.

Compliance with accepted development requirements and exemption requirements will be achieved in most cases through implementation of the Construction Environmental Management Plan, and where this is not the case, the necessary approvals under the *Water Act 2000* or the *Planning Act 2016* will be obtained.

27.2.16 Planning Act 2016

The purpose of the *Planning Act 2016* is to providing for an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning and development assessment to facilitate the achievement of ecological sustainability. The *Planning Act 2016* is primarily managed by the Department of State Development, Infrastructure, Local Government and Planning.

The Act allows for the Minister to designate premises for the development of infrastructure prescribed within the Planning Regulation 2017. The Planning Regulation 2017 prescribes a number of developments considered 'infrastructure', one of which is "electricity operating works". Infrastructure subject to the designation is detailed in Chapter 3 Project Description, and includes the transmission line and switching station.

Other temporary approvals such as workers accommodation were unknown at the time of designation, and will fall outside of this approval, and therefore be subject to the ordinary provisions of the *Planning Act 2016*.

27.3 State Planning Instruments

State planning instruments set out the state and regional planning interests critical to responsible land-use planning and development across Queensland. The State government sets out the state and regional planning matters to be preserved and protected (the state interests). It uses two types of instruments, or tools, to do this:

- the State Planning Policy
- the regional plans.

27.3.1 State Planning Policy

The State Planning Policy 2017 (SPP) identifies state-wide planning matters requiring protection and enhancement. The SPP is at the top of the planning hierarchy in Queensland, and prevails over all other Regional and Local Planning Instruments. The SPP states that the SPP applies to the extent relevant when designating premises for infrastructure under the *Planning Act 2016*.

The SPP outlines 17 state interests that are arranged under five broad themes. Each theme has a number of individual state interests policies within each. Individual State interests, and their relevance, are identified in Table 27-1 below.

Table 27-1 Applicability of State Interests within State Planning Policy

Theme	State Interest	Relevant	Relevant Section of EAR
Liveable Communities and Housing	Housing Supply and Diversity	N/A	N/A
	Liveable Communities	N/A	N/A
Economic Growth	Agriculture	Applicable	Chapter 13 Land Use
	Development and Construction	N/A	N/A
	Mining and Extractive Resources	Applicable	Chapter 4 Land
	Tourism	N/A	N/A
Environment and Heritage	Biodiversity	Applicable	Chapter 9 Flora, Chapter 10 Fauna
	Coastal Environment	N/A	N/A
	Cultural Heritage	Applicable	Chapter 16 Indigenous Cultural Heritage, Chapter 17 Non-Indigenous Cultural Heritage
	Water Quality	Applicable	Chapter 7 Hydrology
Safety and Resilience to Hazards	Emissions and Hazardous Activities	Applicable	Chapter 20 Hazards, Health and Safety
	Natural Hazards, Risk and Resilience	Applicable	Chapter 7 Hydrology, Chapter 22 Bushfire Risk
Infrastructure	Energy and Water Supply	Applicable	Chapter 24 Infrastructure
	Infrastructure Integration	N/A	N/A

Theme	State Interest	Relevant	Relevant Section of EAR
	Transport Infrastructure	Applicable	Chapter 18 Transport
	Strategic Airport and Aviation Facilities	N/A	N/A
	Strategic Ports	N/A	N/A

27.3.2 Regional Plans

The Preferred Alignment is subject to two regional plan areas. The regional plan areas include:

- North Queensland Regional Plan
- Gulf Regional Development Plan (non-statutory).

27.3.2.1 North Queensland Regional Plan

The eastern half of the Preferred Alignment (from Mount Fox to west of Greenvale) is located within the North Queensland Regional Plan area (DSDMIP, 2020). Of relevance to the Project, the North Queensland Regional Plan covers the Townsville, Hinchinbrook and Charter Towers Local Government Areas.

The principal aim of the North Queensland Regional Plan is to determine how land use and infrastructure planning can best support economic growth and population change in the region over the next 25 years and beyond (DSDMIP, 2020).

The North Queensland Regional Plan contains the following vision “*North Queensland thrives as a diverse, liveable and progressive region in the tropics, set around the emerging capital of northern Australia*”. The vision will be realised by achieving the following four regional goals.

1. A leading economy in regional Australia
2. A rich healthy natural environment
3. Liveable, sustainable and resilient communities that promote living in the tropics
4. A safe, connected and efficient North Queensland.

Each goal has several sub items which further explain the intent of each regional goal. The Project aligns with the intent of Goal 1 and Goal 4. The Project does not materially conflict with any of the identified regional goals or sub items.

The North Queensland Regional Plan identifies the demand for power in North Queensland will continue to grow, which supports the increased growth in commercial scale renewable energy generations. In addition, the North Queensland Regional Plan also identifies there is a greater demand on existing infrastructure assets and this will require investment to upgrade and deliver new infrastructure in a timely manner to support the regionals prosperity.

27.3.2.2 The Gulf Regional Development Plan

The western half of the Preferred Alignment (from west of Greenvale to Kidston) is located within the Gulf Regional Development Plan area (Queensland Government, 2017). In November 2000 the Gulf Regional Development Plan was released by the Queensland Government. The purpose of the Plan is a non-statutory planning instrument that is used to provide a long-term strategic direction to guide the development within the Gulf Region to ensure good planning outcomes are achieved which balance social, economic and environmental values.

The Gulf Regional Development Plan has established strategies, recommendations and priority actions to address the key issues within the region. These strategies are intended to provide guidance as to new directions in policy development and implementation, as well as making use of existing organisational and administrative structures. The Project does not materially conflict with any of the identified strategies.

27.4 Local Planning Instruments

There are three Local Government Authorities (LGAs) traversed by the Preferred Alignment. Each LGA is subject to a Local Planning Instrument under the *Planning Act 2016* and has local laws in force under the *Local Government Act 2009*. The relevant LGA, the Local Planning Instrument and Local Laws are identified in Table 27-2 below; these are discussed in the following sections respectively.

Table 27-2 Local Planning Instruments traversed by the Preferred alignment

LGA	Local Planning Instrument	Relevant Local Laws
Etheridge Shire Council	Etheridge Shire Planning Scheme 2020	<ul style="list-style-type: none"> Local Law No. 3 – Community and Environmental Management Local Law No. 4 – Local Government Controlled Areas, Facilities and Roads
Charters Towers Regional Council	Charters Towers Regional Town Plan Version 2	<ul style="list-style-type: none"> Local Law No. 3 – Community and Environmental Management Local Law No. 4 – Local Government Controlled Areas, Facilities and Roads
Hinchinbrook Shire Council	Hinchinbrook Shire Planning Scheme 2017	<ul style="list-style-type: none"> Local Law No. 3 – Community and Environmental Management

27.4.1 Etheridge Shire Council

27.4.1.1 Local Planning Instrument

The Planning Scheme for the Shire of Etheridge 2005 (Etheridge Planning Scheme) was adopted in February 2020 under the *Planning Act 2016*. The Etheridge Planning Scheme identifies that the Planning Minister is satisfied that the SPP dated July 2017 is appropriately integrated in the Etheridge Planning Scheme.

The Etheridge Planning Scheme zones the Preferred Alignment as entirely 'Rural' and there are no overlays present. The Etheridge Planning Scheme attributes the following use definition to the Project:

...Major electricity infrastructure—

(a) means the use of premises for—

(i) a transmission grid or supply network; or

(ii) a telecommunication facility, if the use is ancillary to the use in subparagraph (i)...

In the Rural zone, a Major Electricity Infrastructure use is 'Accepted Development' if provided by a Public Sector Entity. No assessment benchmarks are attributed to the Accepted Development classification.

27.4.1.2 Local laws

Two local laws have been identified as being applicable to the Project within Etheridge Shire Council, being:

- Local Law No. 3 – Community and Environmental Management
- Local Law No. 4 – Local Government Controlled Areas, Facilities and Roads.

Local Law No. 3 – Community and Environmental Management, deals with key matters, including animal and plant pests; vegetation management; visual pollution; fire hazards; community safety hazards; and noise management.

The key matters are associated with environmental management. These matters are addressed within the Environmental Management Plan, which is discussed further in Chapter 27 Environmental Management.

Local Law No. 4 – Local Government Controlled Areas, Facilities and Roads, deals with key matters, including management of access and roads under Councils control. These key matters are addressed within Chapter 18 – Traffic and Transport.

27.4.2 Charters Towers Regional Council

27.4.2.1 Local Planning Instrument

The Charters Towers Regional Town Plan (Version 2) (Charters Towers Planning Scheme) was adopted in February 2020 under the *Planning Act 2016*. The Charters Towers Planning Scheme identifies that the Planning Minister is satisfied that the SPP dated July 2017 is appropriately integrated in the Charters Towers Planning Scheme.

The Charters Towers Planning Scheme zones the Preferred Alignment as entirely 'Rural'. The Charters Towers Planning Scheme attributes the following definition to the Project:

...Major electricity infrastructure—

(a) means the use of premises for—

(i) a transmission grid or supply network; or

(ii) a telecommunication facility, if the use is ancillary to the use in subparagraph (i)...

In the Rural Zone, a Major Electricity Infrastructure use is assessable development, subject to impact assessment. Impact assessment requires an assessment be carried out against benchmarks in the Local Planning Instrument. The Charters Towers Planning Scheme identifies the assessment benchmarks as the entire Charters Towers Planning Scheme as relevant to the development. No overlays within the Charters Towers Planning Scheme are considered applicable to the Project.

The purpose of the Rural zone as relevant to the Project is to:

...(b) provide for other uses and activities that are compatible with:

(ii) existing and future rural uses and activities; and

(iii) the character and environmental features of the zone; and

(c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes...

The potential land use impact associated with rural land uses and fragmentation are discussed in Chapter 13 – Land Use. The Project has been co-located with existing infrastructure as far as reasonably practical to avoid further fragmentation and impact on rural amenity. With the mitigation through design employed, and the construction phase management (discussed in Chapter 26 Environmental Management) detrimental impacts to rural amenity are not anticipated to result from the Project.

27.4.2.2 Local laws

Two local laws have been identified as being applicable to the Project within Charters Towers Regional Council. The following local laws and the key matters of relevance are listed below.

- Local Law No. 3 – Community and Environmental Management.
- Local Law No. 4 – Local Government Controlled Areas, Facilities and Roads

Local Law No. 3 – Community and Environmental Management, deals with key matters, including declaration and management of local pest species; vegetation management; noise management; and fire management. The key matters are associated with environmental management. These matters are addressed within the Environmental Management Plan, which is discussed further in Chapter 27 Environmental Management.

Local Law No. 4 – Local Government Controlled Areas, Facilities and Roads, deals with key matters, including management of access and roads under Councils control. These key matters are addressed within Chapter 18 – Traffic and Transport.

27.4.3 Hinchinbrook Shire Council

27.4.3.1 Local planning instrument

The Hinchinbrook Shire Planning Scheme 2017 (Hinchinbrook Planning Scheme) was adopted in July 2018 under the *Planning Act 2016*. The 2017 SPP has not been integrated into the Hinchinbrook Planning Scheme and therefore the SPP prevails to any inconsistency.

The Hinchinbrook Planning Scheme zones the Preferred Alignment, and Mount Fox Switching Station as Rural. The Hinchinbrook Planning Scheme attributes the following definition to the Project.

...Major electricity infrastructure—

(a) means the use of premises for—

(i) a transmission grid or supply network; or

(ii) a telecommunication facility, if the use is ancillary to the use in subparagraph (i)...

Major Electricity Infrastructure within the Rural zone is identified as Accepted Development. Under the *Planning Act 2016* accepted development is development for which a development approval is not required.

27.4.3.2 Local laws

One local law has been identified as being applicable to the Project within Hinchinbrook Shire Council. Local law number 3 – Community and Environmental Management was identified as being relevant to the project, and included management of local pest species; fire management; and noise management. Matters associated with environmental management are addressed in Chapter 26 Environmental Management.

27.5 Summary of Legislative Triggers

The following table provides a summary of the legislative triggers for the Project in addition to the Infrastructure Designation process under the *Planning Act 2016*. Approvals for construction camps have not been included within this section as they are not subject to the Infrastructure Designation process, however should these be required they will be subject to approval by the Local Government Authority and any relevant State Interest triggers under the Planning Regulation 2017.

Table 28-1 Summary of legislative requirements

Legislation	Authority	Activity	Approval
Commonwealth			
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	DAWE	Potential Significant Impact on MNES.	EPBC Referral and Approval (if required).
State			
<i>Environmental Protection Act 1994</i>	DES	<ul style="list-style-type: none"> ERA 8 Chemical Storage ERA 16 Extractive and Screening Activities. 	Environmental Authority.
<i>Fisheries Act 1994</i>	DAF	Waterway barrier works within a waterway.	Development Permit if the Accepted Development Requirements cannot be met.
<i>Nature Conservation Act 1992</i>	DES	Clearing protected plants.	Clearing Permit if protected plant is found during construction or prior to.

Legislation	Authority	Activity	Approval
		Clearing within a high risk flora trigger area.	Exempt Clearing Notification as no protected plants were identified.
		Tampering with animal breeding places.	Species Management Program
<i>Transport Infrastructure Act 1994</i>	DTMR	Undertaking works within a State-controlled Road Corridor.	Section 102 <i>Electricity Act 1994</i>
<i>Water Act 2000.</i>	DOR	Undertaking works within a watercourse which involves the extraction or fill, removal of vegetation of the diversion of a watercourse.	Riverine Protection Permit, if the Exemption Requirements cannot be met.