PROPOSED GENEX KIDSTON CONNECTION PROJECT

Corridor Selection Report

PREPARED BY

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7 ENGAGEMENT PROCESS

Powerlink undertook early and targeted consultation with stakeholders and landholders to inform this CSR, leveraging a depth of experience in project engagement. This consultation builds on that initially undertaken for the DCSR and seeks to ensure local knowledge helps inform this CSR.

7.1 STAKEHOLDER ENGAGEMENT

This CSR is underpinned by engagement with relevant Federal, State and Local government departments and elected representatives departments within the project area. The objective of stakeholder engagement at this point in the process is to gain meaningful understanding of opportunities, constraints and key issues in the study area.

Table 1 outlines the stakeholder groups consulted. The list of stakeholders is not intended to be definitive or exhaustive and it is highly likely that other stakeholders exist in the region that could add valuable insight to future project development processes as part of future, more detailed planning. Table 1 represents Powerlink's best endeavours during the CSR phase to identify interested stakeholders and seek out local knowledge.

Table 1 – Key Stakeholders

Stakeholder	
FEDERAL GOVERNMENT DEPARTMENTS	**FEDERAL AND STATE ELECTED REPRESENTATIVES**
Environment and Energy (DoEE)	Mr Andrew Cripps MP, State Member for Hinchinbrook
STATE GOVERNMENT DEPARTMENTS/ AGENCIES	Mr Shane Knuth MP, State Member for Dalrymple
Energy and Water Supply (DEWS)	Mr Robbie Katter MP, State Member for Mt Isa
Treasury	Mr Bob Katter MP, Federal Member for Kennedy
Building Queensland	**PEAK BODIES**
Office of the Coordinator-General (OCOG)	Queensland Farmers Federation
Infrastructure, Local Government and Planning (DILGP)	AgForce
Natural Resources and Mines (DNRM)	Queensland Resource Council
Environment and Heritage Protection (DEHP)	NQ Conservation Council
National Parks, Sport and Racing (DNPSR)	Northern Gulf Resource Management Group
Agriculture and Fisheries (DAF)	Townsville Enterprise
LOCAL GOVERNMENTS	**ABORIGINAL PARTIES**

Stakeholder	
Hinchinbrook Shire Council	Gugu Badhun Aboriginal Corporation
Charters Towers Regional Council	Tatampi Puranga Aboriginal Corporation
Etheridge Shire Council	

Powerlink hosted a stakeholder workshop in Townsville on 21 November 2016. The workshop provided an opportunity for stakeholders to collaboratively explore the study area and provide insight on opportunities, constraints and key issues. Powerlink employed the services of an independent facilitator to guide discussion and record the outcomes of the workshop, which are summarised in Section 13.1. The outcomes of the broader stakeholder engagement process are also described in Section 13.2.

7.2 LANDHOLDER ENGAGEMENT

This CSR is also underpinned by valuable landholder engagement. All landholders potentially directly impacted by the study area were contacted and offered an opportunity to meet with a Powerlink representative at a time and location most convenient to them. Landholder engagement for the project commenced in late November 2016 and continued into late January 2017.

Landholder engagement at the CSR stage aims to engage the community potentially affected by a proposed project as early as possible. Early engagement provides valuable insights into the local area, affords landholders the opportunity to provide input as early as possible and has resulted in a number of refinements to the study area for the proposed Genex Kidston Connection Project (see Section 5.1).

A consultation blackout period of 20 December 2016 to 5 January 2017 was observed in accordance with Section 298 of the *Sustainable Planning Act 2009*, with the exception of one landholder meeting already organised on 21 December 2016. The blackout period is not considered mandatory for major projects but represents general good practice to minimise disturbance to landholders during the Christmas/New Year period.

More than 30 landholders were initially identified as potentially directly impacted by the initial proposed CSR study area (as defined by the process described in Section 5.1); however iterative refinement of the study area later removed a number of properties around Mt Fox.

All potentially impacted landholders in the study corridor took up the opportunity to meet with Powerlink and provide early input into the CSR. The majority of landholders met with Powerlink at face to face meetings and all known property representatives were able to be contacted by some means.

Key features of the landholder engagement process included:

- The majority of landholders in the study area assisted Powerlink by providing input to the CSR
- The scope of consultation was to seek landholders knowledge and input to the operation of their properties and conditions that could constitute constraints, opportunities and other information relating to the proposed Genex Kidston Connection Project
- Speaking with Powerlink and providing input to the CSR does not indicate landholder support for the project
- Powerlink provided landholders with opportunities to provide input through face-to-face meetings, phone conversations and email in an effort to minimise disruption

- Most landholders agreed to face-to-face meetings to receive project information and provide their input to the CSR

- Meetings, email and phone were methods used to provide follow up information to landholders in response to requests for further information or responses to questions.

A summary of landholder feedback is presented in Section 13.7. No personal information has been included in this report due to privacy considerations. An overview of key landholder engagement statistics is provided in Table 2.

As a result of engagement, Powerlink also gained an enhanced understanding of the study area, both through local knowledge and by travelling the area extensively. In response to an improved understanding of the region and landholder input, several refinements were made to the proposed study area. These amendments are described in Section 5.1.

Table 2 – Key Engagement Statistics

Purpose of Engagement Activity	Method of Engagement			Total Number of Engagement Activities
	Face-to-face meeting	Phone contact	Email contact	
Provide project information and obtain landholder input to CSR	14	27	2	43
Follow-up information and follow-up in response to landholder request	0	4	5	9
Make arrangements for future engagement opportunities including meetings	0	27	0	27
Provide advice and obtain landholder input on helicopter flythrough activities	1	8	5	14

8 RELEVANT BACKGROUND

8.1 PREVIOUS PROJECTS

Existing Powerlink infrastructure in the project area includes the 275kV Ross to Chalumbin Transmission Line and Mt Fox Communications Site. Powerlink does not currently have any other new projects in this area.

8.2 CURRENT / ONGOING ACTIONS / STUDIES / PROJECTS

It is understood that Genex is well advanced in its planning and preparation for the development the Kidston site. At time of writing, a number of key activties have occurred or are underway:

- The 50MW Kidston Solar Project (Phase 1) has secured funding, is under construction and will connect to Ergon Energy's existing distribution network
- The 250MW Kidston Pumped Storage Hydro Project is currently the subject of a Bankable Feasibility Study
- The 270MW Kidston Solar Project (Phase 2) is currently the subject of technical feasibility studies.

The proposed 275kV transmission line proposal, to which this report relates, is just one element of Genex's overall scheme. A 275kV connection would be required for the development of the Kidston Pumped Storage Hydro Project, as the existing Ergon Energy lines would not have adequate capacity to enable transmission of generated electricity to the National Electricity Market. The proposed 275kV transmission line will facilitate connection of the Kidston Solar Project (Phase 2) to the National Electricity Market if it proceeds.

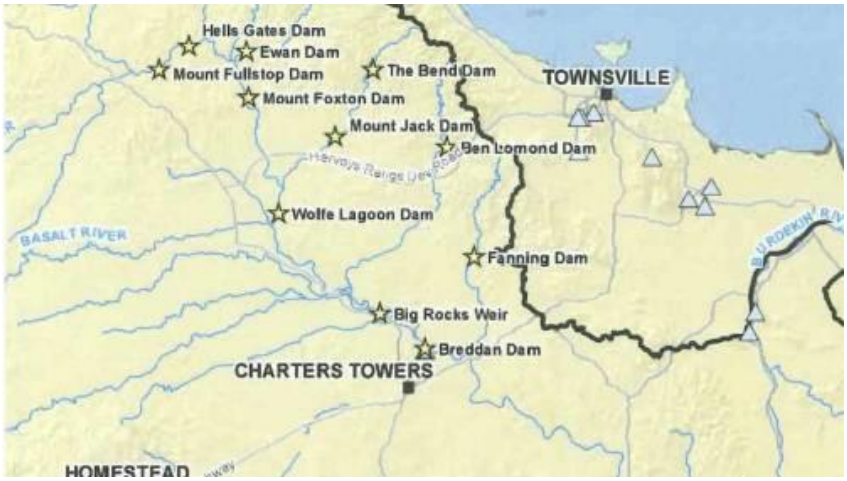
8.3 HELLS GATE AND MT FULLSTOP DAM

Powerlink became aware through the CSR consultation process of a concept plan for a new dam at Hell's Gate, with associated pipeline and treatment infrastructure and management plans. Minimal information regarding the location of the proposed dam is available in the public realm, limited to overview maps that show it as a single point at a regional scale. The maps available also show another potential dam nearby, being Mt Fullstop.

Powerlink understands the concept for the Hells Gate Dam is being investigated by Townsville Enterprise, who has released a tender for a feasibility study which gives a broad indication of the likely location (see Figure 6).

Given the limited information available, it is difficult at this stage to assess the potential for any incompatibilities between the proposals for these dams and the Genex Kidston connection, but further investigations are required to continue monitoring information about the dam's likely size and location.

Figure 6 – Hells Gate Dam Regional Map



9 REGULATORY FRAMEWORK

A range of planning and environmental approvals at the Commonwealth, State and local level will be required to develop the proposed transmission line. Applicable planning and environmental legislation and the approvals likely to be required are discussed in the following sections. The number of applicable legislative instruments is large, but the level of effect of each one varies. An overview of relevant legislation and its likely level of influence is provided in Table 3.

This CSR does not discuss or consider other regulatory approvals which may be required that are not associated with planning or environmental matters, for example investment approvals which may be required under the *Building Queensland Act 2015* or any relevant requirements under the National Electricity Rules.

Regulatory approval obligations vary depending on project value, the proponent and many other factors and will be discussed directly with Genex. Regulatory approvals not associated with planning or environmental matters do not differentiate corridor options and are not discussed further in this CSR.

Table 3 – Approvals Overview

Commonwealth	State	Local
Native Title Act	**Sustainable Planning Act 2009/ Planning Act 2016**	Etheridge Shire Council
Environment Protection & Biodiversity Conservation Act 1999	**State Development & Public Works Organisation act 1971**	Charter Towers Regional Council
	Electricity Act 1994	Hinchinbrook Shire Council
	Electrical Safety Act 2002	**Local Laws**
	Nature Conservation Act 1992	
	Forestry Act 1959	
	Environmental Protection Act 1994	
	Environmental Protection Regulation 2008	
	Environmental Protection (Water) Policy 2009	
	Environmental Protection (Air) Policy 2008	
	Environmental Protection (Noise) Policy 2008	
	Aboriginal Cultural Heritage Act 2003	
	Vegetation Management Act 1999	
	Water Act 2000	
	Land Act 1994	
	Acquisition of Land Act 1967	

	Biosecurity Act 2014	
	Stock Route Network Management Bill 2016	
	Transport Infrastructure Act 1994	
	Fisheries Act 1994	
	Regional Planning Interests Act 2014	
	Regional Plan	
	State Planning Policy	
	Infrastructure Plan 2016	
	State Development Assessment Provisions	

	An approval under the Act is required/ likely to be required
	A process must be undertaken in accordance with, and to demonstrate compliance with the provisions of the Act
	Approval is possibly required (dependant on parameters that are currently unknown/ undecided)

9.1 COMMONWEALTH

9.1.1 *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC 1999) regulates actions that have potential to impact on Matters of National Environmental Significance (MNES). MNES may include fauna and flora species, specific vegetative communities/ assemblages or geographic features. Triggers for assessment under the EPBC 1999 have the potential to occur within each of the two identified study corridor options within this CSR.

Where MNES may be impacted, a proponent refers the project to the Commonwealth Department of Environment & Energy (DoEE) for assessment of potential impacts. DoEE will make a declaration that the project is either:

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

Powerlink has procured third party ecological advice to better understand potential impacts to MNES. The assessment is described in detail in Section 11. A significance assessment will need to be undertaken in subsequent project phases to further refine risks around MNES and to inform a decision around referring the project to DoEE.

9.1.1.1REFERRAL

Powerlink has significant experience and relationships in managing the EPBC referral process and designing solutions to minimise potential impacts to MNES. Powerlink projects have generally not been declared controlled actions due to our ability to optimise infrastructure siting to minimise terrestrial impacts.

Based on Powerlink's experience, it is recommended that referral of the project to the DoEE for further approvals in relation to the EPBC Act should occur early in subsequent stages of the project (e.g. Draft EIS phase).

This approach is recommended as field surveys will be necessary to provide adequate detail for DoEE assessment managers to develop sufficient understanding of any potential issues and, if necessary, develop and apply risk-appropriate controls.

Whilst every reasonable effort has been undertaken to assess potential impacts to MNES flora and fauna at the desktop level for this CSR, the broad scale nature of mapping over the largely undeveloped project area means field surveys will be important in future stages of the project to confirm any potential impacts and allow appropriate mitigation methods to be developed.

Preliminary scheduling by Powerlink indicates that sufficient time is available in Genex's schedule to refer the project and receive a decision under the EPBC Act, even if the project is declared a Controlled Action.

Importantly, field surveys and a better understanding of the presence of threatened habitats and species, may also support an application for a lower level of assessment, such as a declaration of Not a Controlled Action - Particular Manner.

The optimal approach for the project is therefore to undertake field surveys prior to referring the project to DoEE, ensuring that potential impacts to MNES flora and fauna are understood and a proposal for an appropriate level of assessment under the EPBC Act can be formulated.

9.1.2 *NATIVE TITLE ACT 1993*

Native title recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Native title can be extinguished or suppressed by certain acts under the *Native Title Act 1993*.

Where Native Title has not previously been extinguished or suppressed, Powerlink typically undertakes a process under Section 24ka of the *Native Title Act 1993* before construction commences. Section 24ka suppresses the Native Title interest in the subject land for the lifetime of the infrastructure to be established and over the extent of the property interest established (easement).

The 24ka process forms part of the wider land/easement acquisition process and involves notification to applicable registered Native Title holders, claimants or suitable alternate parties. The timeframes involved in the process are generally managed within the broader approvals and acquisition schedule.

Notified parties are afforded objection and/ or a claim for compensation rights under the process. A similar process will be undertaken for the substation at Mt Fox, though native title would likely be extinguished over the site which requires exclusive possession rather than an easement.

Powerlink has well-established processes for, and significant experience in the management of Native Title in transmission line development and has established initial contact with the relevant Aboriginal Parties during the development of this CSR. The processes of other parties or organisations are not discussed in this CSR.

9.2 STATE

9.2.1 *SUSTAINABLE PLANNING ACT 2009*

The *Sustainable Planning Act 2009* (SPA 2009) coordinates the planning and development system in Queensland. It manages the processes by which most development takes place, the effects of development on the environment, and the coordination of planning and development across local and State Governments.

The SPA 2009 provides the approval process typically used by Powerlink for its transmission lines via the Community Infrastructure Designation (CID) process. It also provides the framework for a range of permits and approvals that may be required in addition to CID for certain activities, and where exemptions do not apply. It is noted that the SPA 2009 is due to be replaced by a new Act in mid-2017, which is discussed in Section 9.2.2.

9.2.1.1COMMUNITY INFRASTRUCTURE DESIGNATION (CID)

CID under the SPA 2009 is the typical overarching project approval pathway used successfully by Powerlink for many years. This process is best suited to transmission projects for a number of reasons.

CID is quite flexible in terms of scheduling, owing principally to the fact that the SPA 2009 does not prescribe timeframes for most parts of the process and that process control is largely with the proponent. Most other processes in contrast are led by an assessment manager who controls the administration of the process in accordance with legislated timeframes.

CID offers a high degree of scalability and also offers some unique benefits, including but not limited to:

- No other approval under the relevant Planning Schemes is required
- If development under a designation is carried out by a public sector entity there are no infrastructure charges applicable
- Exemption from permits under the *Vegetation Management Act 1999* for clearing on designated land
- Exemption from some offset requirements by virtue of existing permit exemptions which Powerlink has negotiated over time through consistent demonstration of best practice
- Approval is secured in perpetuity when easements are acquired
- Typically carries few or no conditions.

9.2.1.2INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM (IDAS)

IDAS is the process by which most development in Queensland is approved. Local governments publish Planning Schemes that contain most of the provisions for assessment under the IDAS process. For a project of this nature extending over three local government areas, the CID process is favoured over the IDAS process as it ensures a single, consistent and overarching project approval is achieved.

IDAS permit requirements may still apply for specific aspects of development and would be additional to the CID process. IDAS requirements arise from specific triggers in the SPA 2009, and not from exclusions in the major approvals process. For clarity, the IDAS permits would not be triggered by the relevant Planning Schemes, but by the SPA 2009 directly.

It is not feasible at this stage to define specific IDAS development permit requirements. The exact requirement for permits will depend on the constraints revealed during subsequent investigations and the construction solutions available for specific localities.

It is noted that multiple permits (where required) are typically sought under a single IDAS application. It is also important to note that these development permits are likely to be code assessable only, meaning that they do not require public consultation. Due to the low number of possible IDAS permit triggers and the likelihood that they will be code assessable only there is negligible risk to the projects schedule.

It is also noted that the emerging Planning Act 2016 (Section 9.2.2) will alter the requirement for IDAS permits where designation has been achieved. It is likely that the requirement for some IDAS permits will be removed entirely because the designated project will be made accepted development, exempt from all other permits rather than the planning scheme.

Powerlink has significant previous experience in the IDAS permit process and working closely with local councils.

9.2.2 *PLANNING ACT 2016*

The SPA 2009 is currently under review and as at February 2017, three new Acts have been passed:

- *Planning Act 2016*
- *Planning and Environmental Court Act 2016*
- *Planning (Consequential) and Other Legislation Amendment Act 2016.*

A range of supporting instruments are currently open for consultation and the new Acts and supporting instruments are expected to come into force in mid-2017. The SPA 2009 will cease on the commencement of the new Acts.

Powerlink has been actively involved in consultation activities relating to the new Acts and supporting instruments and has provided detailed submissions to each stage of the consultation process to ensure it can continue to provide services which facilitate the efficient development of the electricity transmission network.

Certain procedural changes will occur in the CID process when the new Act comes into effect. These changes are however mostly administrative in nature and do not materially affect the broader assumptions behind the CID.

9.2.3 *STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACT 1971*

The *State Development and Public Works Organisation Act 1971* (SDPWOA) provides for State planning and development through a coordinated system of public works organisation, for environmental coordination, and for related purposes.

The SDPWOA provides an alternative approvals pathway for the transmission line project. Powerlink continues to work with Genex and the Office of the Coordinator-General to identify best-for-project approvals solutions.

9.2.4 *ELECTRICITY ACT 1994*

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

The *Electricity Act 1994* and subordinate regulation specifies requirements for construction and operation of the electricity network (which includes substations). The *Electricity Act 1994* also identifies the types of activities associated with the construction and operation of a substation site that are exempt from approval.

Section 112A of the *Electricity Act 1994* makes clearing of native vegetation on freehold land exempt development if the clearing is for operating works for a transmission entity on land designated for the operating works by a Minister under the SPA 2009.

The provisions of the *Electricity Act 1994* apply to each corridor option in the same manner and therefore do not serve to differentiate corridor options in this report.

9.2.5 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; and
- Preventing property from being destroyed or damaged by electricity.

Any future design for the proposed transmission line and substations must satisfy the requirements of the *Electrical Safety Act 2002*. The provisions of the *Electrical Safety Act 2002* apply to each corridor option in the same manner and therefore do not serve to differentiate corridor options in this report.

9.2.6 NATURE CONSERVATION ACT 1992

Much of Queensland's native wildlife is protected by legislation to ensure its survival and to protect biodiversity. All native birds, reptiles, mammals and amphibians are protected in Queensland under the *Nature Conservation Act 1992* (NCA), along with a limited range of invertebrates, freshwater fish and the grey nurse shark. All plants that are indigenous to Australia are protected.

A permit is required to clear near threatened, vulnerable or endangered (commonly known as EVNT) protected plants and their supporting habitat. This permit is separate to the CID and IDAS processes. It cannot be definitively known if EVNT flora will be impacted until field studies are complete. If EVNT flora are identified in the area impacted by the alignment, a separate approval to CID and IDAS will be required from the Department of Environment and Heritage Protection.

Due to the preliminary nature of this report, the provisions of the NCA do not serve to differentiate corridor options. Powerlink has existing relationships with DEHP and significant experience managing impacts to flora and fauna regulated by the NCA.

9.2.7 FORESTRY ACT 1959

The *Forestry Act 1959* regulates the use of forest products such as timber on all State land including State forests, leasehold land and unallocated State land. It is unlikely that any State forest areas will be impacted by the project, with all State forest areas located to the east of Mt Fox. The *Forestry Act 1959* is therefore not discussed further.

9.2.8 ENVIRONMENTAL PROTECTION ACT 1994

The *Environmental Protection Act 1994* (EP Act) provides the key legislative framework for environmental management and protection in Queensland. The EP Act utilises a number of mechanisms to achieve its objectives.

Section 319 places a general environmental duty on an organisation undertaking an activity not to cause, or be likely to cause, environmental harm unless all reasonable and practicable measures to prevent or minimise the harm are taken.

By undertaking this study and subsequent environmental impact assessment studies, and through the development and implementation of environmental management plans, the duty of care will be demonstrated. A general environmental duty of care will be applied to the project irrespective of the preferred corridor and the EP Act therefore does not serve to differentiate corridor options.

9.2.9 ENVIRONMENTAL PROTECTION REGULATION 2008

The *Environmental Protection Regulation 2008* outlines Environmentally Relevant Activities (ERAs) that have potential to release contaminants to the environment or cause environmental harm. ERAs are assessable development under the SPA 2009 and require a permit (generally under the IDAS framework) before proceeding.

Transmission line development typically does not constitute an ERA. If an ERA is revealed during subsequent assessments a permit will be sought for the activity as part of the IDAS process. No ERA is expected to occur on any of the available corridor options and the *Environmental Protection Regulation 2008* therefore does not serve to differentiate corridor options.

9.2.9.1ENVIRONMENTAL PROTECTION (WATER) POLICY 2009

This policy describes and seeks to protect the ecological and social values of waterways across the State. The policy will be regarded during subsequent assessments and appropriate design solutions and management measures adopted to ensure compliance with the policy. The policy does not serve to differentiate corridor options based on the current level of assessment.

9.2.9.2ENVIRONMENTAL PROTECTION (AIR) POLICY 2008

This policy describes and seeks to protect air quality values across the State. It outlines specific thresholds for contaminant release that are particularly relevant for construction phase activities associated with a transmission line.

The policy will be taken into consideration during subsequent assessments when appropriate design solutions and management measures can be identified and adopted to ensure compliance with the policy. The policy does not serve to differentiate corridor options based on the current level of assessment.

9.2.9.3ENVIRONMENTAL PROTECTION (NOISE) POLICY 2008

This policy describes outcomes for the acoustic environment across the State. It outlines specific thresholds for noise that are particularly relevant for construction phase activities associated with a transmission line.

The policy will be regarded during subsequent assessments when appropriate design solutions and management measures can be identified and adopted to ensure compliance with the policy. The policy does not serve to differentiate corridor options based on the current level of assessment.

9.2.10 ABORIGINAL CULTURAL HERITAGE ACT 2003

The *Aboriginal Cultural Heritage Act 2003* provides for the recognition, protection and conservation of Aboriginal cultural heritage, including the establishment of a register and database of Aboriginal cultural heritage, and processes for the management of activities that may harm Aboriginal cultural heritage. The Queensland Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) is responsible for administering the *Aboriginal Cultural Heritage Act 2003*.

A search of the Cultural Heritage Register for Aboriginal cultural heritage identified numerous records of indigenous cultural heritage significance located within the study area. Specific Aboriginal parties relevant to the respective corridor are identified within Section 10.2 of this report.

Powerlink is responsible for carrying out activities in accordance with the Duty of Care under the *Aboriginal Cultural Heritage Act 2003* by taking all reasonable and practicable measures to ensure its activities do not harm Aboriginal cultural heritage.

Powerlink has established processes and frameworks for, and significant experience in the management of cultural heritage in transmission line development. The processes of other parties or organisations are not discussed in this CSR.

9.2.11 *VEGETATION MANAGEMENT ACT 1999*

The *Vegetation Management Act 1999* (VM Act) is the principle legislation governing the management of native vegetation in Queensland (except for non-woody vegetation governed by the *Nature Conservation Act* 1992).

The VM Act is administered by Department of Environment and Heritage Protection (DEHP) and rests on the Regional Ecosystem (RE) mapping created by the Queensland Herbarium. Remnant vegetation is used as the trigger under the VM Act for determining when clearing of native vegetation is considered assessable development and requires a permit.

Exemptions from the need to obtain a permit to clear native vegetation are afforded where clearing is on land designated for community infrastructure. Clearing of native vegetation on land other than that designated for community infrastructure is likely to require a development permit.

Powerlink also is afforded some exemptions for clearing vegetation under provisions contained within the *Electricity Act 1994.*These exemptions may not apply to other development or constructing organisations.

9.2.12 *WATER ACT 2000*

The purpose of the *Water Act 2000* is to provide for the sustainable management of water and other resources. Under section 266 of the *Water Act 2000*, a riverine protection permit is required to:

- Destroy vegetation in a watercourse, lake or spring;
- Excavate in a watercourse, lake or spring; or
- Place fill in a watercourse, lake or spring.

The State publishes a range of self-assessable codes that exempt certain activities from the need for a permit. It is not feasible at this level of assessment to determine whether a permit is, or is not required for any specific aspect of the project. The detailed requirement for a permit under the Water Act 2000 will be determined in more detailed assessment and permits gained as required. The Water Act 2000 does not serve to differentiate corridor options based on the current level of assessment.

9.2.13 *LAND ACT 1994*

The *Land Act 1994* provides a framework for the allocation of State land as leasehold, freehold or other tenure and its subsequent management. Unallocated State land can also be purchased under the *Land Act 1994* where applications for such are approved by the DEHP.

Sections 101 and 102 of the *Electricity Act 1994* provide exemptions to the *Land Act 1994* allowing electricity entities such as Powerlink to undertake necessary actions on road reserves and publicly controlled places

such as Unallocated State land. The *Land Act 1994* does not serve to differentiate corridor options based on the current level of assessment.

9.2.14 *ACQUISITION OF LAND ACT 1967*

The Acquisition of *Land Act 1967* enables Powerlink to acquire freehold land or an easement over land for electricity works. Powerlink may acquire land:

- By agreement – if an agreement can be reached on compensation to be paid, land or an easement can be acquired as soon as the necessary transfer documents have been executed, or
- Compulsorily – resumptions are made subject to the provisions of the *Acquisition of Land Act 1967*.

Powerlink's first preference is to negotiate acquisitions wherever possible and will make all reasonable attempts to reach voluntary agreement for easements and other tenure requirements. Depending on the individual circumstances, and in order to ensure the timely delivery of projects, Powerlink may also begin compulsory resumption processes in parallel.

Powerlink has significant experience and 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 (i.e. on release of Draft EIS when there is greater certainty about the location of new infrastructure).

The land acquisition processes of other parties and organisations are not described by this report.

Land tenure across the project is principally leasehold and freehold. Due to the large nature of the land holdings traversed by the various corridor options there is insufficient variation in potential requirements under the *Acquisition of Land Act 1967* to differentiate corridor options.

9.2.15 *BIOSECURITY ACT 2014*

The Biosecurity Act 2014 commenced on 1 July 2016. It ensures a consistent, modern, and risk-based approach to biosecurity in Queensland. The Act provides comprehensive biosecurity measures to safeguard the economy, agricultural and tourism industries, environment and way of life, from:

- Pests (e.g. Wild dogs and weeds)
- Diseases (e.g. Foot-and-mouth disease)
- Contaminants (e.g. lead on grazing land).

The Act replaced the many separate pieces of legislation that were previously used to manage biosecurity. Powerlink's internal policies and procedures are being aligned with the provision of the new Act and subsequent impact assessment phases will consider the requirements of the Act in greater detail. The provisions of the Act do not serve to differentiate study corridor options.

9.2.16 *STOCK ROUTE NETWORK MANAGEMENT BILL 2016*

The *Stock Route Network Management Bill 2016* was introduced to Parliament in November 2016, proposing a single, contemporary Act to better support the long term management of Queensland's stock

route network. Several declared stock routes may be traversed with the study area, depending on the final corridor selected. All of the declared stock routes within the study area are likely to be road reserves.

The Act requires all reasonable steps to be taken to minimise impacts to the resources of the stock route network as described in local government stock route network management plans. A stock route management plan has been identified for Charters Towers Regional Council. Powerlink engaged with both Charters Towers Regional Council and Etheridge Shire Council regarding potential impact to stock routes in the stakeholder engagement workshop on November 21, 2016. The ability for transmission lines to span stock routes was generally agreeable to all parties and will serve as the basis for more detailed impact assessments in subsequent project stages. Where stock routes are of a width that cannot be spanned, careful structure placement will be important to avoid impacting the utility of the stock route.

9.2.17 *TRANSPORT INFRASTRUCTURE ACT 1994*

During construction, temporary road closures and temporary accesses (relating to State controlled roads) may be required to permit activities such as delivery of construction materials on long and/or wide haulage vehicles. State controlled roads within the study area include the Gregory Developmental Road and Kennedy Developmental Road.

The primary permit generally required under the Act is a road corridor permit, granted by the Queensland Department of Transport and Main Roads. The nature of all permits and licenses will be confirmed with the Department during subsequent detailed impact assessment and consultation processes. Because interactions with State roads are largely administrative in nature (with limited or no terrestrial impacts) the *Transport Infrastructure Act* does not aid in the differentiation of corridor options in this report.

9.2.18 *FISHERIES ACT 1994*

The *Fisheries Act 1994* provides a framework, in conjunction with the SPA 2009, for the regulation of fisheries, declared fish habitat areas and marine plants. A review of the State declared fish habitat area plans did not identify any declared fish habitat areas within the study area. The inland location of the study area means that it is very unlikely that any aquaculture sites or marine plants will be impacted by the project.

Requirements of the *Fisheries Act 1994* may apply to the project during the construction phase, as works or disturbances may be required within watercourses traversed by the transmission line easement, such as waterway barriers and crossings. These matters will be identified and discussed with key regulatory stakeholders in subsequent environmental impact assessment studies. At the current level of assessment, the *Fisheries Act 1994* does not serve to differentiate corridor options.

9.2.19 *REGIONAL PLANNING INTERESTS ACT 2014*

The *Regional Planning Interests Act 2014* identifies and protects areas of Queensland that are of regional interest. In doing this, the Act seeks to manage the impact and support co-existence of resource activities and other regulated activities in areas of regional interest. The Act includes Strategic Cropping Land.

The proposed transmission line does not qualify as either a resource activity or regulated activity under the Act. The provisions of the Act therefore do not apply.

9.2.20 REGIONAL PLAN

The Etheridge Shire area is part of the Gulf Regional Development Plan (GRDP). The GRDP focuses on management of growth and development in the region. It is noted that whilst in place since 2000, the GRDP is not a statutory regional plan.

Notwithstanding, the Genex Kidston Connection Project is likely to be considered consistent with the GRDP, supporting the growth of sustainable industries in the region. Comprehensive impact assessment and consultation during future assessment processes will ensure an alignment that best balances social, environmental and economic considerations is selected, upholding the balanced development outcomes sought by the GRDP.

Compliance with the specific strategies in the GRDP should be investigated during future assessment processes. It is not feasible however to undertake this level of assessment for the purposes of this document, where site specific impacts and the alignment are not known. Due to the broad nature of the Regional Plan it is unlikely that any provisions will differentiate corridor options.

The Hinchinbrook Shire Council and Charters Towers Regional Council areas are presently not subject to a regional plan, however feedback received from the Department of Infrastructure, Local Government and Planning has indicated that both LGAs are proposed for inclusion within a proposed North Queensland Regional Plan, which is being prepared and scheduled for consultation in mid-2017.

9.2.21 STATE PLANNING POLICY

The State Planning Policy (SPP), which commenced on 1 July 2014, contains 16 State interests that are important to protect and enhance through Queensland's continued development. It is a key component of the State's land use planning system that enables responsible development, contributing to a liveable, sustainable and prosperous Queensland.

Energy supply is a State interest in the SPP, supporting economic development across Queensland. The Genex Kidston Connection Project will meet community expectations for the supply of energy infrastructure and the promotion of renewable energy projects. Compliance with the other State interests in the SPP, such as biodiversity, planning for hazards, protection of agriculture and others will be assessed during future assessment processes.

It is noted that the SPP is currently in a consultation phase as part of the reform process for the *Planning Act 2016*. Powerlink is actively engaged in the consultation process and , seeking to ensure any proposed amendments do not compromise its ability to develop the transmission network in a safe and efficient manner to support renewable energy projects. The provisions of the SPP do not serve to differentiate corridor options.

9.2.22 INFRASTRUCTURE PLAN 2016

The State Infrastructure Plan (SIP), released on 13 March 2016, outlines a new strategic direction for the planning, investment and delivery of infrastructure in Queensland. The SIP identifies what the State Government ultimately seeks from its infrastructure and how this can best be achieved. Importantly, it is designed to provide confidence and certainty to business, industry and the community by confirming the government's investment program over the next four years.

The SIP recognises the importance of energy supply to the ongoing development of the State and places significant focus on the development of renewables and diversification of the energy sector. The project will

support this focus. Compliance with the other infrastructure classes in the plan will be assessed during future assessment processes, though it is unlikely to differentiate corridor options.

9.2.23 STATE DEVELOPMENT ASSESSMENT PROVISIONS

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 2009 is responsible for assessing or deciding development applications. They are statutory in nature but are not used by local government.

The SDAP is prescribed in the *Sustainable Planning Regulation 2009*, and contains the matters the Chief Executive administering SPA 2009 (the chief executive) may have regard to when assessing a development application as either an assessment manager or a referral agency.

The SDAP is divided into modules. Given the inland nature of the project area it is likely that many of the modules will not be relevant. Compliance with those modules that are relevant will depend greatly on the specific alignment and construction solutions identified for the project. These matters will be assessed during future assessment processes and do not differentiate corridor options at the current level of assessment.

It is noted that the SDAP is currently in a consultation phase as part of the reform process for the *Planning Act 2016*. Powerlink is actively engaged in the consultation process and seeking to ensure any proposed amendments do not compromise its ability to develop the transmission network in a safe and efficient manner to support renewable energy projects. The SDAP do not serve to differentiate corridor options.

9.3 LOCAL

9.3.1 PLANNING SCHEMES

9.3.1.1 HINCHINBROOK SHIRE COUNCIL

The Hinchinbrook Shire Planning Scheme took effect in 2005 and remains in force. The Planning Scheme does not list a transmission line as a defined use, with no defined use for infrastructure of any scale provided. The default level of assessment for any use that is not defined by the scheme is impact assessment. No overlays are noted other than bushfire mapping, which is ubiquitous across the shire. The likely overarching project approval framework would provide exemptions to the project from specific approvals under the respective local government planning schemes. However, compatibility with planning scheme intent would be assessed through any future Environmental Impact Statement and ongoing consultation with the Council.

The underlying zoning for the area impacted by the project is rural. The rural zone code contains a range of provisions for development in the rural zone, including probable solutions for intended uses in the zone. It is likely the project will need to demonstrate alternative solutions for many of these criteria because the code was not written with major linear infrastructure or substations in mind.

A full assessment against local codes is not feasible at the current level of assessment, with site specific impacts and alignments unknown. The broad mapping that underpins the Planning Scheme does not assist in differentiation of corridor options.

Powerlink engaged directly with Hinchinbrook Council during late 2016 and early 2017 with consultation at this early stage not identifying any major issues of concern. Powerlink will continue to work closely with Council to address planning scheme requirements and other matters should it be engaged to progress the

Genex transmission line connection project further. Feedback from the consultation undertaken to date is provided in Section 13.

9.3.1.2 CHARTERS TOWERS REGIONAL COUNCIL

The Dalrymple Shire Council Planning Scheme took effect in 2005 and remains in force in the project area. Dalrymple Shire was amalgamated with the City of Charters Towers in 2008 to form Charters Towers Regional Council.

The Planning Scheme defines the project as a Major Utility and the underlying zoning in the project area is rural. The level of assessment for a Major Utility in the rural zone is impact assessment. No overlays are noted other than nearby resource tenures. The likely overarching project approval framework would provide exemptions to the Genex Kidston Connection Project from specific approvals under the respective local government planning schemes. However, compatibility with planning scheme intent would be assessed through any future Environmental Impact Statement and ongoing feedback sought from Council.

The rural zone code contains a range of provisions for development in the rural zone, including acceptable solutions for intended uses in the zone. It is likely that the project will need to demonstrate alternative solutions for many of these criteria because the code was not written with major linear infrastructure or substations in mind.

A full assessment against local codes is not feasible at the current level of assessment, with site specific impacts and alignments unknown. The broad mapping that underpins the Planning Scheme does not assist in differentiation of corridor options.

Powerlink engaged directly with Charters Towers Regional Council during late 2016 and early 2017, with consultation at this early stage not identifying any major issues of concern. Powerlink will continue to work closely with Council to address planning scheme requirements and other matters should it be engaged to progress the Genex transmission line connection project further. Feedback from the consultation undertaken to date is provided in Section 13.

9.3.1.3 ETHERIDGE SHIRE

The Shire of Etheridge Planning Scheme took effect in 2005 and remains in force. The Planning Scheme defines a transmission line as Community Infrastructure. The level of assessment for Community Infrastructure in the rural zone is code assessment. Bushfire and Good Quality Agricultural Land overlays are noted, which trigger code assessment or lower under the scheme provisions. The likely overarching project approval framework would provide exemptions to the project from specific approvals under the respective local government planning schemes. However, compatibility with planning scheme intent would be assessed through any future Environmental Impact Statement and ongoing feedback sought from Council.

The rural zone code and overlay codes contain a range of provisions for development, including probable solutions for intended uses. It is likely the project will need to demonstrate alternative solutions for many of these criteria because the codes were not written with major linear infrastructure or substations in mind.

A full assessment against local codes is not feasible at the current level of assessment, with site specific impacts and alignments unknown. The broad mapping that underpins the Planning Scheme does not assist in differentiation of corridor options.

Powerlink engaged directly with Etheridge Shire Council during late 2016 and early 2017, with consultation at this early stage not identifying any major issues of concern. Powerlink will continue to work closely with Council to address planning scheme requirements and other matters should it be engaged to progress the

Genex transmission line connection project further. Feedback from the consultation undertaken to date is provided in Section 13.

9.3.2 LOCAL LAWS

Queensland local governments have adopted a diverse range of local laws, administered through the *Local Government Act 2009,* to assist them to effectively govern their respective areas. While the project is potentially subject to a range of State and Commonwealth legislative and regulatory exemptions, it is not exempt from local laws and a range of permits may be required.

Local laws likely to apply to the project include:

- Etheridge Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
- Etheridge Shire Council Local Law No. 3 (Community and Environmental Management) 2011
- Charters Towers Regional Council Local Law No. 3 (Community and Environmental Management) 2011
- Charters Towers Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
- Charters Towers Regional Council Local Law No. 7 (Aerodromes) 2011
- Charters Towers Regional Council Local Law No. 24 (Grids)
- Charters Towers Regional Council Local Law No. 5 (Parking) 2011
  Hinchinbrook Shire Council Local Law No. 3 (Community and Environmental Management) 2012
- Hinchinbrook Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012
- Hinchinbrook Shire Council Local Law No. 5 (Parking) 2012
- Hinchinbrook Shire Council Local Law No. 7 (Aerodromes) 2012.

Local laws will be included in subsequent detailed impact assessments, where site specific impacts are known and the requirement for local law permits can be more thoroughly assessed.