

## Burnett Catchment Water Infrastructure - Burnett River Dam

### 1.1 Permits and Approvals

#### 1.1.1 Overview of Legislation

Queensland legislation relevant to this project includes:

- Water Act 2000*;
- Integrated Planning Act 1997*;
- Environmental Protection Act 1994*;
- Nature Conservation Act 1992*;
- Fisheries Act 1994*;
- Queensland Heritage Act 1992*;
- Forestry Act 1959*;
- Electricity Act 1994*;
- Transport Infrastructure Act 1994*;
- Acquisition of Land Act 1967*;
- Land Act 1994*;
- Vegetation Management Act 1999*;and
- Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*.

Of these, the *Environmental Protection Act 1994*, the *Vegetation Management Act 1999* and sections of the *Transport Infrastructure Act 1994* relating to development on public roads have been incorporated into the Integrated Development Assessment System (IDAS). Permits required under other Acts listed above may be coordinated with IDAS but must be obtained separately.

#### 1.1.2 Approvals Under the *State Development and Public Works Organisation Act 1971*

Given that the proposed Burnett River Dam lies within 4 local government areas, it may be appropriate to seek designation of the project as community infrastructure under Section 29K of the *State Development and Public Works Organisation Act 1971*. Any Minister of the Crown may designate the project under this Act.

Designation would simplify the approvals process so that only one approval would need to be sought and ensures that a consistent approach is taken across all the respective local government areas. If the approvals process continues under the Integrated Planning Act, each Local Government Area would need to process a separate Development Approval application. Either way, the Proponent will consult with the relevant local authorities.

A determination on whether this process for approvals will be instigated will be made once the Coordinator General's report on this EIS has been prepared, and a decision is made.

#### 1.1.3 Water Resources Act 1989/Water Act 2000

The permits and approvals shown in **Table 1.1** may be relevant to the project during construction or operation. It should be noted that approvals under the *Water Resources Act 1989/Water Act 2000* that are relevant to this project are not currently rolled into the Integrated Development Assessment System (IDAS).

**Table 1.1 Water Act/Water Resources Act Permits**

Activity	Trigger mechanism	Permit/Licence
Destruction of vegetation in a watercourse by removal or inundation	Destruction of vegetation by removal or inundation	Section 71 Permit required. (WR Act) Or Section 266 Permit required. (W act)
Sourcing controlled quarry material from a watercourse	Take, get, remove or interfere with controlled quarry material within a watercourse.	Section 58 permit required. (WR Act) or An allocation of quarry material is to be applied for under section 280. (W Act)
Taking water from a watercourse	Taking water from a watercourse for a specified purpose where the activity has a foreseeable end	Section 57 permit required. Maximum period 12 months. (WR Act)

## Burnett Catchment Water Infrastructure – Burnett River Dam

Activity	Trigger mechanism	Permit/Licence
	date.	or A Water Permit is required under section 237. (W Act)
Interfering with the flow of water	Interfering with the flow of water in a watercourse by construction of a weir or dam.	A licence is required under section 42 (WR Act) or A water licence is required under section under section 206. This licence will be issued subject to any terms and conditions in the Burnett basin WRP, any ROP that is in place and anything the Chief Executive sees fit. (W Act)
Taking water from a watercourse	Taking water from a watercourse for a specified purpose where the activity has no foreseeable end date.	A licence is required under section 42 (WR Act) or A Water allocation or resource operation Licence is required as well as a Development Permit. (W Act)
Use of "new" water allocation for irrigation.	New Water Allocation entitlements for irrigation will require a Land and Water Management Plan (LWMP) to be prepared unless exempted under a Water Use Plan (WUP)	The Minister may prepare a WUP under section 60. (W Act) LWMPs are required under section 73. (W Act)

W Act = *Water Act 2000*, WR Act = *Water Resources Act 1989*. Appropriate permits are dependent on which Act is in force at the time.

Reference needs to be made to the *Water Act 2000* in relation to development permit conditions for the dam. The *Water Act 2000* also establishes the regulatory environment for the dam safety management program.

The appropriate regulatory agency for preparation of a Resource Operations Plan under the *Water Act 2000* is Department of Natural Resources and Mines.

It should also be noted that the proposed Burnett River Dam requires a Resource Operating Licence (ROL) regardless of the final yield of the dam. Hence, the need for a ROL does not change if the final yield is determined to be more or less than that stated in the EIS.

### 1.1.4 Vegetation Management Act 1999

A permit is required under the *Vegetation Management Act 1999* for the clearing of vegetation on freehold land. Vegetation below the banks of a watercourse is not included under the *Vegetation Management Act 1999* (see Section 1.1.3).

### 1.1.5 Land Act 1994

A permit is required under the *Land Act 1994* for the clearing of vegetation on all State lands, including lands leased from the state. Vegetation below the banks of a watercourse is not included under the *Land Act 1994* (see Section 1.1.3).

### 1.1.6 Fisheries Act 1994

An application to build a waterway barrier (such as a dam or a coffer dam) is required under Section 113 of this Act. The application must be made to Department of Primary Industries and is not included in the IDAS.

### 1.1.7 Environmentally Relevant Activities

The following Environmentally Relevant Activities may apply to construction of the Burnett River Dam:

- ERA 11 Crude Oil or petroleum product storage (exempt if less than 10,000 L)
- ERA 15 Sewage Treatment (depending on nature and capacity of treatment system selected)
- ERA 19 Dredging material from the bed of any waters
- ERA 20 Extracting rock or other material
- ERA 22 Screening, washing, crushing, grinding materials
- ERA 28 Motor Vehicle Workshop (if mechanical repairs are to be carried out on-site)
- ERA 38 Land clearing
- ERA 39 Constructing premises or civil engineering structures
- ERA 62 Concrete batching

The location and extent of activities designated under ERAs 19 and 20 together with the proposed method for dredging and/or extraction will be determined during the detailed design phase of the project. Consultation will be undertaken with the Environmental Protection Agency (EPA) at this stage.

## **Burnett Catchment Water Infrastructure - Burnett River Dam**

---

At this stage, the means by which sewage and wastewater generated by workers at the site will be managed is unknown. The selected construction contractor will specify the means for wastewater treatment and disposal and this will be referred to the EPA and then approved by the Proponent prior to establishment of the construction site.

### **1.1.8 Environmental Protection Regulation 1998**

The *Environmental Protection Regulation 1998* is promulgated under the *Environmental Protection Act 1994*. Although the regulation deals with nuisance noise, activities that are Environmentally Relevant Activities being carried out under a Development Approval or an Environmental Authority are exempt from the Regulations. Construction of the Burnett River Dam falls within this category and noise emissions from construction activities will be controlled through the Environmental Authority for the construction phase.

The Regulations also control the use of ozone depleting substances. In the event that a construction contractor is using such substances on the construction site, the provisions of this regulation will apply.

### **1.1.9 Queensland Heritage Act 1992**

The *Queensland Heritage Act 1992* provides for the conservation of Queensland's cultural heritage. In particular, under the act, a place in Queensland may be entered in the Heritage Register if it is of cultural heritage significance.

The *Queensland Heritage Act 1992* includes provisions for interpreting and protecting post-settlement heritage values.

***This page intentionally left blank.***