



The Coordinator-General



Stanwell–Gladstone Infrastructure Corridor State Development Area

Development scheme

September 2012



**Queensland
Government**

© State of Queensland. Published by Queensland Government, September 2012,
100 George Street, Brisbane Qld 4000.

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered. Copyright inquiries about this publication should be directed to crown.copyright@qld.gov.au or in writing to: Administrator (Crown Copyright and Other IP), Department of State Development, Infrastructure and Planning, PO Box 15517, City East, Qld 4002.

The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 13 14 50 and ask them to telephone the Queensland Department of State Development, Infrastructure and Planning on 13 74 68.

Disclaimer: While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

Contents

| | | |
|-----|--|----|
| 1. | Introduction | 1 |
| 2. | Definitions | 1 |
| 3. | Background..... | 4 |
| 4. | Intent of SGICSDA development scheme..... | 5 |
| 5. | Objectives of SGICSDA | 5 |
| 6. | Purpose | 6 |
| 7. | Policies | 6 |
| 8. | Land use approval | 6 |
| 9. | Assessment procedure and process..... | 7 |
| 9.1 | Pre-lodgement stage | 7 |
| 9.2 | Application stage | 8 |
| 9.3 | Referral stage..... | 10 |
| 9.4 | Public notification stage | 11 |
| 9.5 | Review stage..... | 12 |
| 9.6 | Decision stage..... | 13 |
| 9.7 | Term of approval | 15 |
| 10. | Minor change to an approval..... | 16 |
| 11. | Existing use rights..... | 16 |
| 12. | Approval of an authorised, alternative lawful or approved use..... | 16 |
| 13. | Claim for compensation | 17 |
| | Schedule 1 – Land use..... | 18 |
| | Policy 1 – Outcomes for the Stanwell - Gladstone Infrastructure Corridor State Development Area..... | 19 |

1. Introduction

- (1) This development scheme may be cited as the development scheme for the Stanwell-Gladstone Infrastructure Corridor State Development Area.
- (2) This development scheme has been prepared pursuant to section 79 of the *State Development and Public Works Organisation Act 1971* (SDPWOA) and shall come into operation on a date appointed by the Governor in Council by Proclamation published in the Gazette.

2. Definitions

- (1) In this development scheme:

advice agency for an application made under section 9.2 of this development scheme is an agency that would have been an advice agency if the application had been one for a development approval under the SPA.

alternative lawful use, for land, means a lawful use for which the land could be used without approval prior to the development scheme taking effect in respect of the land.

application means an application for a material change of use of premises under section 9.2(1) of this development scheme.

approved use, for land, means a use of land approved under section 84(4) of the SDPWOA.

authorised use, for land, means a use of land approved under a development approval, or an instrument taken to be a development approval under the SPA.

building see the SPA, schedule 3.

business day see the SPA, schedule 3.

community infrastructure see the SPA, schedule 3.

concurrency agency for an application made under section 9.2 of this development scheme is an agency that would have been a concurrence agency if the application had been one for a development approval under the SPA.

Coordinator-General see the SDPWOA, schedule 2.

currency period for the approval, means the latest of the following periods to end:

- (a) the period that ends four (4) years starting the day the approval took effect;
- (b) if the approval states or implies a time for the approval to lapse—the period from the day the approval took effect until the stated or implied time;
- (c) if within the period mentioned in paragraph (a) or (b) the Coordinator-General, by written notice to the person having the benefit of the approval, fixes another period—the other period.

Department means the department administering the SDPWOA.

development scheme means the Development Scheme for the Stanwell - Gladstone Infrastructure Corridor State Development Area.

environmental impact statement (EIS) means a statement or study that investigates and assesses environmental impact and may include a statement prepared under section 26 of the SDPWOA.

environmental value has the meaning given by the EP Act.

environmentally relevant activity see the EP Act.

EP Act means the *Environmental Protection Act 1994*.

infrastructure has the meaning given by the SDPWOA

infrastructure corridor means an area for the establishment of infrastructure relating to roads, public transport or the transportation, movement, transmission or flow of anything, including for example, goods, material, substances, matter, particles with or without charge, light, energy, information and anything generated or produced.

material change of use, of premises:

- (a) means-
 - (i) the start of a new use of the premises; or
 - (ii) the re-establishment on the premises of a use that has been abandoned; or
 - (iii) a material increase in the intensity or scale of the use of the premises.
- (b) includes-
 - (i) the start of a new environmentally relevant activity on the premises; or
 - (ii) the re-establishment on the premises of an environmentally relevant activity that has been abandoned; or
 - (iii) a material increase in the intensity or scale of an environmentally relevant activity on the premises.

minor change to an approval of an application means a change to the approval of the Coordinator-General under this development scheme that would not, if the application was remade including the change:

- (a) be inconsistent with a recommendation made by a referral agency in a referral agency submission, unless agreed by the referral agency; and
- (b) require public notification because, in the opinion of the Coordinator-General, it is not likely to cause a person to make a submission objecting to the proposal; and
- (c) materially change the use of the premises for which approval has been granted.

planning report means a document containing:

- (a) an accurate description of the land, the subject of the application; and
- (b) the proposed use of the land, the subject of the application; and
- (c) an assessment of the application's consistency with the objectives of the Stanwell - Gladstone Infrastructure Corridor State Development Area; and
- (d) a description and assessment of the impacts of the proposal; and
- (e) a plan to manage any adverse impacts.

policies means the policies prepared in accordance with this development scheme.

premises see the SPA, schedule 3.

previous approval means an:

- (a) alternative lawful use; or
- (b) approved use; or
- (c) authorised use.

proponent means a person who makes an application under section 9.2 of this development scheme.

public sector entity see the SPA, schedule 3.

referral agency for an application means:

- (a) an agency that would have been an advice agency or concurrence agency if the application had been one for a development approval under the SPA; and
- (b) Rockhampton and Gladstone Regional Councils; and
- (c) where applicable, any other agency nominated by the Coordinator-General;

unless the Coordinator-General decides under section 9.2(8) of this development scheme that section 9.3 of this development scheme does not apply to the application.

referral agency submission means a submission prepared by a referral agency under section 9.3(4) of this development scheme.

reviewer is the person appointed by the Coordinator-General under section 9.5(1) of this development scheme.

SDPWOA means the *State Development and Public Works Organisation Act 1971*.

significant project has the meaning given by the SDPWOA.

SPA means the *Sustainable Planning Act 2009*.

Stanwell - Gladstone Infrastructure Corridor State Development Area means that part of the Rockhampton and Gladstone area declared a State development area by the *State Development and Public Works Organisation Regulation 1998* and any subsequent regulation.

supporting material means the additional information provided by the proponent in response to a request by the Coordinator-General under section 9.2(6) and (7) and a referral agency under section 9.3(2) of this development scheme.

use of premises, includes any ancillary use of the premises.

- (2) In this development scheme the uses specified in Schedule 1 have the following meanings:

Animal husbandry/grazing means the use of premises for the non-intensive keeping, breeding, grazing and depasturing of animals, if such use does not normally require the importation of feed.

Materials transportation and services infrastructure means infrastructure other than road and rail, relating to the transportation, movement, transmission, or flow of anything, including for example, goods, materials, substances, matter, particles with or without charge, light, energy, information and anything generated or produced.

Temporary use

- (a) means the use of premises for a cumulative period not exceeding four (4) weeks in any twelve (12) month period; but
- (b) does not include one-off or irregular activities.

3. Background

- (1) In 2005, the Coordinator-General identified a potential need for a multiple user infrastructure corridor for below ground pipelines and other suitable below ground infrastructure (eg fibreoptic cable) between the Rockhampton area, including Stanwell Energy Park, and the Gladstone State Development Area.
- (2) Declaration of the Stanwell - Gladstone Infrastructure Corridor State Development Area enables the State to facilitate and effectively manage the planned development and operation of pipelines, associated infrastructure and other suitable infrastructure.
- (3) The provision of multiple user infrastructure corridors will be critical to achieving continuing sustainable economic development. Based on the predicted future population growth and industrial development in the Rockhampton and Gladstone area, there is potential for the infrastructure to provide a range of social, environmental and economic benefits to the community. In particular a multiple user corridor will link Rockhampton and the major industrial estates of Stanwell Energy Park and Gladstone State Development Area. It should provide time and cost saving to infrastructure proponents and avoid multiple corridors crossing a region thereby minimising disruption to landowners.

4. Intent of SGICSDA development scheme

The intent of this development scheme is to:

- (1) Establish a set of objectives for the orderly development of the Stanwell - Gladstone Infrastructure Corridor State Development Area;
- (2) Provide guidance and a framework for the orderly development of the Stanwell - Gladstone Infrastructure Corridor State Development Area;
- (3) Protect the interests of users within the Stanwell - Gladstone Infrastructure Corridor State Development Area to ensure the corridor's long term viability;
- (4) Identify land uses considered appropriate for the Stanwell - Gladstone Infrastructure Corridor State Development Area;
- (5) Establish a procedure for determination by the Coordinator-General of the suitability of uses in the Stanwell - Gladstone Infrastructure Corridor State Development Area;
- (6) Recognise the Coordinator-General has primary carriage of the development, operation and management of the Stanwell - Gladstone Infrastructure Corridor State Development Area;
- (7) Assist in achieving ecological sustainability of activities within the Stanwell - Gladstone Infrastructure Corridor State Development Area.

5. Objectives of SGICSDA

The objectives of the Stanwell - Gladstone Infrastructure Corridor State Development Area are to:

- (1) Provide land for underground infrastructure purposes to facilitate economic development in the Rockhampton and Gladstone area;
- (2) Provide a dedicated and efficient means of access for materials, products, wastes and services between Rockhampton and Gladstone;
- (3) Provide planned development that recognises environmental values and community values;
- (4) Establish a development framework that provides for long-term orderly development of the provision of infrastructure in the Rockhampton and Gladstone area; and
- (5) Ensure that the integrity and functionality of the Stanwell - Gladstone Infrastructure Corridor State Development Area is maintained and protected from land uses and activities that may be incompatible with, or adversely affect, the continued use of the State Development Area for the purpose set out in section 6.

6. Purpose

- (1) The purpose of the Stanwell - Gladstone Infrastructure Corridor State Development Area is to provide an efficient and effective route for materials transportation and services infrastructure, between Rockhampton and Gladstone areas.
- (2) Schedule 1 identifies the uses considered highly likely to meet, that may meet, or are considered likely to compromise the purpose of the Stanwell - Gladstone Infrastructure Corridor State Development Area.

7. Policies

- (1) The Coordinator-General may prepare Policies, which are consistent with the objectives and intent of this development scheme to assist in the implementation of the development scheme.
- (2) The Policies prepared for the Stanwell - Gladstone Infrastructure Corridor State Development Area shall be used by the Coordinator-General, Rockhampton Regional Council, Gladstone Regional Council, infrastructure providers and proponents to guide development.
- (3) The Coordinator-General shall hold for inspection details of decisions issued in respect of land or land use within the Stanwell - Gladstone Infrastructure Corridor State Development Area.

8. Land use approval

- (1) Subject to this development scheme, no person shall carry out a material change of use of premises in the Stanwell - Gladstone Infrastructure Corridor State Development Area without the approval of the Coordinator-General.
- (2) An application for an approval for a material change of use of premises in the Stanwell - Gladstone Infrastructure Corridor State Development Area must be made under section 9 of this development scheme.
- (3) Notwithstanding subsection (1), this development scheme does not apply to a public sector entity carrying out a material change of use of premises on land designated for community infrastructure under the SPA.

Note: See also section 204 of the SPA.

- (4) The Coordinator-General shall have regard to the intent, objectives and purpose of this development scheme in assessing an application for a material change of use within the Stanwell - Gladstone Infrastructure Corridor State Development Area.
- (5) In considering applications for material change of use under this development scheme the Coordinator-General shall consult with the Department of Transport and Main Roads and have regard to the need to protect the integrity of limited

access State controlled roads in the Stanwell - Gladstone Infrastructure Corridor State Development Area.

- (6) An approval may be subject to conditions. For example, a condition may place a limit on how long a use may continue or works remain in place, or a condition may require any necessary restoration of the premises and decommissioning works.
- (7) Schedule 1 identifies the uses considered highly likely to meet, that may meet, or are considered likely to compromise the purpose of the Stanwell -Gladstone Infrastructure Corridor State Development Area.
- (8) The Coordinator-General must hold for inspection details of decisions issued under this development scheme.

9. Assessment procedure and process

9.1 Pre-lodgement stage

- (1) Prior to lodging an application for a material change of use of premises with the Coordinator-General, a proponent may request a pre-lodgement consideration of the proposed application.
- (2) A request for a pre-lodgement consideration must include:
 - (a) a description of the land, the subject of the proposed use;
 - (b) the name, address and contact details of the proponent;
 - (c) the material change of use of premises or uses for which approval is to be sought;
 - (d) a list of all the relevant referral agencies under the SPA if the proposed use was a development application under the SPA; and
 - (e) sufficient detail to identify any issues associated with the proposed use, including:
 - (i) photographs of the site and the surrounding area;
 - (ii) concept or detailed plans;
 - (iii) potential impacts;
 - (iv) preliminary assessment against the development requirements of this development scheme; and
 - (v) any details of location, design or operational issues that need to be discussed;
 - (f) payment of the relevant fee.
- (3) Within 20 business days of receiving the pre-lodgement information specified above, the Coordinator-General will provide the proponent with written advice on but not limited to the following:
 - (a) whether the proposed use is one that is anticipated by the development scheme ;
 - (b) any material that should be provided as part of any future application; and

- (c) the likely referral (agencies/entities) for the remaining stages of the application process, should it proceed.
- (4) Despite any written advice given under subsection (3), an application for the proposed material change of use must still be made to the Coordinator-General under section 9.2 and assessed by the Coordinator-General in accordance with the development scheme.
- (5) In deciding a subsequent application under section 9.6, the Coordinator-General is not bound by any advice given under subsection (3).

9.2 Application stage

- (1) A proponent may make application to the Coordinator-General for a material change of use of premises in the Stanwell - Gladstone Infrastructure Corridor State Development Area.
- (2) An application must:
 - (a) include an accurate description of the land, the subject of the application; and
 - (b) include the name and address of the proponent; and
 - (c) identify the proposed use or uses for which approval is sought; and
 - (d) include the written consent of:
 - (i) to the extent the land the subject of the application is within an easement created for the purposes of implementing the development scheme:
 - the person who has the benefit of the easement where the application is for a use that is consistent with the purpose for which the easement is taken; or
 - the owner of the land where the application is for a use that is inconsistent with the purpose for which the easement is taken; or
 - the person who has the benefit of another easement where the application is for a use that is inconsistent with the purpose for which the easement is taken;
 - (ii) to the extent that land the subject of the application does not fall within subsection (2)(d)(i), the owner of the land
 - (iii) the person benefitting from acquisition land.
 - (e) include the application fee determined by the Coordinator-General; and
 - (f) be accompanied by:
 - (i) a planning report; or
 - (ii) an EIS.
- (3) The Coordinator-General must, within 20 business days after receiving the application:
 - (a) decide to:
 - (i) request additional information from the proponent; or

- (ii) advise the proponent that the proponent's proposed use is under consideration for declaration as a significant project pursuant to section 26 of the SDPWOA; or
 - (iii) advise the proponent that the proponent's proposed use has been declared a significant project pursuant to section 26 of the SDPWOA; or
 - (iv) require the proponent to provide an EIS and, if he so requires, advise its terms of reference; or
 - (v) process the application without further information; and
 - (b) give the proponent written notification of the decision under subsection (4)(a) and a timeframe for providing any additional information or an EIS.
- (4) If the proponent is advised under subsection (3)(a)(ii) and the proposed use is not declared a significant project, then the Coordinator-General must within 10 business days of deciding that the proposed use is not to be declared a significant project:
- (a) decide to:
 - (i) request additional information from the proponent; or
 - (ii) process the application without further information, and
 - (b) give the proponent written notification of the decision under subsection (4)(a) and a timeframe for providing any additional information.
- (5) If the proponent receives a request under subsection (3)(a)(i) or (4)(a)(i), the proponent must respond by giving the Coordinator-General:
- (a) all the information requested; or
 - (b) part of the information requested together with a notice asking the Coordinator-General to proceed with the assessment of the application; or
 - (c) a notice stating the information requested will not be provided and asking the Coordinator-General to proceed with the assessment of the application.
- (6) If the proposed use is declared a significant project pursuant to section 26 of the SDPWOA or if the Coordinator-General makes a decision under subsection (3)(a)(iv) of this development scheme, the proponent is required to provide to the Coordinator-General an EIS.
- (7) The Coordinator-General may decide that sections 9.3, 9.4 and 9.5 do not apply in whole or in part to an application:
- (a) accompanied by an EIS for which a report evaluating the EIS has been prepared; or
 - (b) accompanied by a planning report that is an Impact Assessment Study prepared pursuant to section 26 of the SDPWOA and accepted as a final Impact Assessment Study by a responsible authority; or
 - (c) for which the proponent has provided an EIS and a report evaluating the EIS has been prepared; or
 - (d) accompanied by documentation providing sufficient information for the Coordinator-General to be satisfied no further information is needed to assess the application; or

- (e) that has already been subject to some form of referral to stakeholders or public consultation that is deemed to satisfy the requirements of section 9.3, 9.4 or 9.5;

to avoid duplication of referral and public notification processes undertaken in preparing an EIS or similar documentation.

- (8) In making a decision under subsection (7) that section 9.3 does not apply or applies only in part, the Coordinator-General must obtain confirmation from referral agencies that they do not require referral under section 9.3.

9.3 Referral stage

- (1) The Coordinator-General:
 - (a) may nominate additional referral agencies; and
 - (b) shall refer the application to the relevant referral agency within 10 business days after the completion of any of the following:
 - (i) the receipt of an application accompanied by a planning report for which further information is not required; or
 - (ii) the receipt of an application accompanied by an EIS; or
 - (iii) the receipt of additional information from the proponent in response to a request by the Coordinator-General and satisfactory to the Coordinator-General; and
 - (c) shall give written notification to the proponent of the referral of the application to each referral agency.
- (2) The Coordinator-General may, within 20 business days after completing the requirements in subsection (1) and after consultation with each referral agency, by written request ask the proponent to give additional information to a referral agency which is needed to assess the application.
- (3) If the proponent receives a request for additional information, the proponent must, within a period of not more than 60 business days or such longer period as may be agreed by the Coordinator-General, give each requesting referral agency a written response supplying:
 - (a) all of the information requested; or
 - (b) part of the information requested together with a notice asking the requesting referral agency to proceed with the assessment of the application; or
 - (c) a notice stating that the information requested will not be provided and asking the requesting referral agency to proceed with the assessment of the application.
- (4) If the proponent is not required to give further information to a referral agency, each referral agency must within 30 business days after receiving the application under subsection (1):
 - (a) assess the application; and

- (b) give to the Coordinator-General a written submission on the application including any recommendations to address the impact of the material change of use.
- (5) If the proponent is required to give further information to a referral agency, each referral agency must within 30 business days after receiving a written response from the proponent under subsection (3):
 - (a) assess the application; and
 - (b) give to the Coordinator-General a written submission on the application including any recommendations to address the impact of the material change of use; and
 - (c) give to the Coordinator-General a copy of the proponent's response under subsection (3).
- (6) If a referral agency does not respond within the required time the Coordinator-General may proceed to the next stage of the assessment process as if the agency had assessed the application, and given to the Coordinator-General:
 - (a) a written submission on the application; and
 - (b) a copy of the proponent's response under subsection (3).

9.4 Public notification stage

- (1) Public notification of an application is required only if the proposal is likely to materially adversely affect any person.
- (2) The Coordinator-General must within 10 business days after receiving a referral agency submission from each referral agency give written notice to the proponent:
 - (a) advising whether or not the application requires public notification; and
 - (b) if public notification is required, the requirements for public notification.
- (3) The public notification period is not less than 15 business days starting on the day after the last action under subsection (4)(a) is carried out.
- (4) The proponent must undertake public notification of an application:
 - (a) in the manner and form specified by the Coordinator-General in the written notice under subsection (2), and may include, but is not limited to:
 - (i) placing a notice on the land, the subject of the application; and
 - (ii) serving a notice on all adjoining land owners; and
 - (iii) publishing a notice in the newspapers circulating in the Rockhampton and Gladstone Regional Council areas in which the land, the subject of the application, is located.
 - (b) within 30 business days after receiving notification from the Coordinator-General under subsection (2).
- (5) Any notice referred to in subsection (4)(a) must include notification that any person may make a submission in writing to the Coordinator-General and details of the last date for the receipt of such submission, which is to be a day not less than 15 business days after the date of compliance with subsection (4)(b).

- (6) The notice placed on the land must remain on the land for all of the public notification period.
- (7) If public notification is required, the Coordinator-General must make the application, the planning report, EIS or other similar documentation as the case may be, and the supporting material available for inspection and purchase by the public in the Rockhampton and Gladstone area.
- (8) A person may, on or before the last day for the receipt of submissions, make a submission to the Coordinator-General in respect of the application:
 - (a) in writing and signed by the person making the submission; and
 - (b) addressed to the Coordinator-General and lodged with the Department.
- (9) Within 5 business days after the last date for the receipt of submissions, the proponent is to provide the Coordinator-General with a statutory declaration in a form approved by the Coordinator-General which establishes that the proponent has complied with subsections (3), (4), (5) and (6) and states the last date for the receipt of submissions.

9.5 Review stage

- (1) The Coordinator-General may appoint a qualified person or persons to review a submission received in response to the application by any person or a referral agency.
- (2) The reviewer must be appointed within 15 business days after the last of the following actions:
 - (a) the proponent giving the Coordinator-General a statutory declaration under section 9.4(9) of this development scheme; or
 - (b) receipt of a referral agency submission from each referral agency.
- (3) The reviewer must review each submission having regard to, but not limited to:
 - (a) the application; and
 - (b) the planning report, EIS or similar documentation; and
 - (c) all submissions referred to the reviewer; and
 - (d) the supporting material; and
 - (e) the development scheme; and
 - (f) the Policies.
- (4) The reviewer may invite a submitter to attend a hearing conducted by the reviewer, which hearing shall occur within 15 business days of the reviewer receiving the submission.
- (5) The reviewer must give the Coordinator-General a report on the submission:
 - (a) within 15 business days after the date of completing the hearing; or
 - (b) within 25 business days after receiving the submission, where no hearing was conducted by the reviewer.

- (6) The Coordinator-General may, on request by the reviewer, extend the period for the reviewer to give a report to the Coordinator-General by not more than 15 business days, if in the opinion of the Coordinator-General, the issues contained in the submission are complex or there are a large number of submissions.
- (7) The report of the reviewer must:
 - (a) advise on the merits of the submission; and
 - (b) identify what the implications of the submission are for the application; and
 - (c) identify any means of overcoming the issues raised in the submission; and
 - (d) make recommendations about the submission.
- (8) If a reviewer does not respond within the required time the Coordinator-General may proceed to the next stage of the assessment process as if the Coordinator-General had not appointed a reviewer under subsection (1) of this development scheme.

9.6 Decision stage

- (1) If:
 - (a) an application is accompanied by an EIS; or
 - (b) the Coordinator-General declares the proposed use to be a significant project,

the Coordinator-General must complete a report evaluating the EIS within 30 business days after the completion of the last of the following:

 - (i) receiving an application satisfactory to the Coordinator-General; or
 - (ii) receiving the report of the reviewer; or
 - (iii) the proponent giving the Coordinator-General a statutory declaration under section 9.4(9) of this development scheme; or
 - (iv) the receipt of a submission from each referral agency under section 9.3(4) or 9.3(5) of this development scheme.
- (2) The Coordinator-General must decide the application within 30 business days of completing the report evaluating the EIS or if the Coordinator-General is not required to complete the report in accordance with section 9.6(1) the Coordinator-General must decide the application within thirty (30) business days of the completion of the last of the following:
 - (a) receiving an application satisfactory to the Coordinator-General; or
 - (b) receiving a report of the reviewer; or
 - (c) the proponent giving the Coordinator-General a statutory declaration under section 9.4(9) of this development scheme; or
 - (d) the receipt of a submission from each referral agency under section 9.3(4) or 9.3(5) of this development scheme.
- (3) The Coordinator-General may, by written notice given to the proponent, extend the decision making period by not more than 45 business days.

- (4) The Coordinator-General must assess the application having regard to, but not limited to:
 - (a) the planning report or EIS and report evaluating the EIS; and
 - (b) the supporting material; and
 - (c) each referral agency submission; and
 - (d) each submission received in response to the application; and
 - (e) the report of the reviewer; and
 - (f) the development scheme; and
 - (g) the Policies.
- (5) In deciding the application, the Coordinator-General may:
 - (a) approve the application; or
 - (b) approve the application subject to conditions decided by the Coordinator-General; or
 - (c) refuse the application.
- (6) Within five (5) business days after deciding the application, the Coordinator-General must notify each referral agency of the decision. The Coordinator-General must consult with each referral agency if requested by a referral agency. The referral agency must request and conclude such consultation within 20 business days of being notified. The Coordinator-General must decide within 10 business days of consulting with the referral agency whether or not to amend the decision.
- (7) The Coordinator-General must give written notice of the decision to:
 - (a) the proponent; and
 - (b) if the approval was for a use consistent with the purpose for which the easement is taken – the owner of the land;
 - (c) each referral agency; and
 - (d) each person who made a submission in response to the application.
- (8) The decision notice must be given within 10 business days after the day the decision is made under subsection (5) or subsection (6), whichever is later, and must include the following:
 - (a) whether the application is approved, approved subject to conditions or refused; and
 - (b) if the application is approved subject to conditions, the terms of each condition; and
 - (c) the reasons for the decision.
- (9) There is no appeal against the Coordinator-General's decision under this development scheme or any other Act.

9.7 Term of approval

- (1) If an application is approved under section 9.6 or an approval is given under section 12, the approval takes effect from the later of the following:
 - (a) the time that notice of the decision is given; or
 - (b) where the application is for a material change of use for an environmentally relevant activity; the time when:
 - (i) the approval for the material change of use takes effect under section 339 of the SPA; or
 - (ii) the application to be a registered operator or for an environmental authority (mining activities) or environmental authority (Chapter 5A activities) is granted under the EP Act.
- (2) Pursuant to section 84A(2) of the SDPWOA, the approval lapses at the end of the currency period for the approval unless:
 - (a) if the use is, under this development scheme, a material change of use—the change of use happens before the end of the currency period; or
 - (b) otherwise—the change of use substantially starts before the end of the currency period.
- (3) The proponent for the application or, in the case of an approval under section 12 the owner, may, before the approval lapses, request that the Coordinator-General extend the approval period. A request must:
 - (a) be in writing;
 - (b) if the person requesting the extension is not the owner of the land the subject of the application, include the State development area easement holder's consent when approval is for infrastructure, or the owner of the land when the approval is for any other uses; and
 - (c) include reasons for the request.
- (4) The Coordinator-General must consult with any referral agency for the application about the request made under subsection (3) before making a decision on the request.
- (5) The Coordinator-General must make a decision on the request under subsection (3) within 30 business days after receiving the request.
- (6) The Coordinator-General and the person making the request under subsection (3) may agree to extend the period within which the Coordinator-General must decide the request.
- (7) Despite subsection (2), an approval under section 9.6 or section 12(4) of this development scheme in respect of which a request under subsection (3) has been received, does not lapse until the Coordinator-General decides the request.
- (8) The Coordinator-General may either approve or refuse the request under subsection (3). If the request is approved, the approval period may be extended for a period to be determined by the Coordinator-General. After deciding the request, the Coordinator-General must within 10 business days of deciding the

request give notice of the decision to the person who applied for the request under subsection (3) and any referral agency.

10. Minor change to an approval

- (1) The proponent may at any time request the Coordinator-General by written notice to approve a change to an approval under this development scheme or to any conditions to which the approval is subject.
- (2) The request must include the consent of the State development area easement holder for infrastructure, or for any other use, if the proponent is not the owner of the land, the subject of the approval, the owner of the land.
- (3) The Coordinator-General may approve the request only if the change is, in the opinion of the Coordinator-General, a minor change to the approval or any conditions to which the approval is subject.

11. Existing use rights

- (1) Pursuant to section 85 of the SDPWOA if immediately before the development scheme applied to land, a person was lawfully using the land and the person continues the use after the development scheme applied to the land, the use may continue.

12. Approval of an authorised, alternative lawful or approved use

- (1) Pursuant to the SDPWOA, an owner may make application to the Coordinator-General to approve a previous approval that existed immediately before a development scheme started applying to the land and after the development scheme started applying to the land the previous approval would have been an offence under section 84 of the SDPWOA.
- (2) An application must:
 - (a) be made in a form approved by the Coordinator-General; and
 - (b) include an accurate description of the land, the subject of the application; and
 - (c) identify the proposed use or uses for which approval is sought; and
 - (d) include a copy of any previous approval issued in relation to the use.
- (3) The Coordinator-General must decide the application within 20 business days having regard to, but not limited to:
 - (a) the application;
 - (b) the development scheme; and
 - (c) the Policies.

- (4) In deciding the application, the Coordinator-General may:
 - (a) approve the application consistent with the previous approval; or
 - (b) approve the application subject to conditions decided by the Coordinator-General, and/or amended conditions of the previous approval after having consulted with relevant referral agencies; or
 - (c) refuse the application.
- (5) The Coordinator-General must within 10 business days of deciding the application give written notice of the decision with reasons to:
 - (a) the proponent; and
 - (b) each referral agency.
- (6) There is no appeal against the Coordinator-General's decision under this development scheme or any other Act.

13. Claim for compensation

- (1) Pursuant to section 87 of the SDPWOA an owner of an interest in land is entitled to be paid reasonable compensation by the Coordinator-General except in the circumstances in section 88 of the SDPWOA if:
 - (a) immediately before an approved development scheme started applying to the land there was an authorised use, an alternative lawful use or an approved use;
 - (b) after the approved development scheme started applying to the land the authorised use, alternative lawful use or approved use would have been an offence under the SDPWOA
 - (c) the application of the approved development scheme to the land reduces the value of the interest in land; and
 - (d) the owner has asked the Coordinator-General to approve the authorised use, alternative lawful use or approved use and the Coordinator-General refuses the application.
- (2) Section 89 of the SDPWOA requires that a claim for compensation must be made to the Coordinator-General within 3 years after the day the approved development scheme came into effect.
- (3) For the purposes of this section, “authorised use”, “approved use” and “alternative lawful use” have the meanings set out in section 87 of the SDPWOA.

Schedule 1 – Land use

| Column A | Column B | Column C |
|---|---|--|
| <p>Uses that are considered <i>highly likely to meet</i> the purpose of the Stanwell - Gladstone Infrastructure Corridor State Development Area</p> | <p>Uses that <i>may meet</i> the purpose of the Stanwell - Gladstone Infrastructure Corridor State Development Area</p> | <p>Uses that are considered <i>likely to compromise</i> the purpose of the Stanwell - Gladstone Infrastructure Corridor State Development Area</p> |
| <ul style="list-style-type: none"> • Animal husbandry/grazing • Materials transportation and services infrastructure, if it meets the outcomes contained in Policy 1 - Outcomes for the Stanwell - Gladstone Infrastructure Corridor State Development Area | <ul style="list-style-type: none"> • Temporary use | <ul style="list-style-type: none"> • All other uses not specified in columns A and B |

Policy 1 – Outcomes for the Stanwell - Gladstone Infrastructure Corridor State Development Area

Column 1 contains the outcome sought to be achieved.

Column 2 states a way or ways of achieving the corresponding outcome in whole or in part. There may be other ways of achieving the outcome.

| Column 1 | Column 2 |
|--|---|
| Outcome | Probable solution |
| The habitat and wildlife corridor functions of riparian vegetation are retained. | <ul style="list-style-type: none"> • Infrastructure is located underground when crossing creeks and wetlands; and • The pipeline is constructed using directional drilling, thrust boring or similar techniques when crossing watercourses with habitat value or intact riparian vegetation. |
| Potential and known yellow chat habitats are retained. | <p><i>Natural hydrology</i></p> <ul style="list-style-type: none"> • The pipeline is constructed using directional drilling, thrust boring or similar techniques. • No fill is used to construct accessways to service the underground pipelines located in the 100 year average recurrence interval (ARI) and tidal areas. • In areas with acid sulfate soils, acidic drainage does not occur. <p><i>Construction</i></p> <ul style="list-style-type: none"> • Construction adjacent to yellow chat breeding areas occurs between May and September.¹ • Pipeline construction does not adversely impact on surface and subsurface waterflows or impact on habitat through modification of water quality. |

¹ This is the period outside the yellow chat breeding season.

| Column 1 | Column 2 |
|--|--|
| The ecological values of wetlands are retained. | <ul style="list-style-type: none"> • Avoid construction in wetlands wherever feasible and practical. • If it is not feasible or practical to avoid construction in wetlands, construction shall occur between May and September. • The freshwater pools are not drained due to pipeline construction. • Disturbed areas are rehabilitated and revegetated so they retain their ecological value. |
| Infrastructure is able to operate during and immediately after a natural hazard event. | <ul style="list-style-type: none"> • No above ground assets are located within the 100 year ARI flood area; and • Pipelines are located underground within the 100 year ARI area. |
| The existing flood risk in tidal areas and within the flood area is unaffected by the corridor. | <ul style="list-style-type: none"> • No fill is placed in the floodway for permanent access to service the underground pipelines located in the 100 year ARI and tidal areas; and • Temporary access during construction does not alter overland flows. |
| Infrastructure is not visually intrusive and does not create a physical barrier which unreasonably restricts the existing use of the land. | <ul style="list-style-type: none"> • Infrastructure is located underground, with the exception of limited locations where it is either impractical or operationally necessary for the proper functioning of the infrastructure (for example pump station and balance tank locations). |
| Animal husbandry/grazing are able to use the land. | <ul style="list-style-type: none"> • Infrastructure is located underground, with the exception of limited locations where it is either impractical or operationally necessary for the proper functioning of the infrastructure (for example pump station and balance tank locations). |



**Department of State Development,
Infrastructure and Planning**
PO Box 15517 City East Qld 4002 Australia
tel 13 QGOV (13 74 68)
fax +61 7 3224 4683
info@dsdip.qld.gov.au
www.dsdip.qld.gov.au