

Galilee Basin State Development Area

Development Scheme

October 2015

Amendment history

Current version	Gallilee Basin SDA Development Scheme October 2015
Previous version	Gallilee Basin SDA Development Scheme November 2014
Original version	Gallilee Basin SDA Development Scheme June 2014

The Department of State Development

Copyright

This publication is protected by the *Copyright Act 1968*.

Licence



This work is licensed to the Department of State Development under a Creative Commons Attribution (CC BY) 3.0 Australia licence. To view a copy of this licence, visit: <http://www.creativecommons.org/licenses/by/3.0/au/>.

You are free to copy, communicate and adapt this publication, as long as you attribute it as follows:

© State of Queensland, Department of State Development, October 2015.



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 telephone 131 450 and ask them to contact the Queensland Department of State Development on (07) 3452 7100.

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.

Copies of this publication are available on our website at www.statedevelopment.qld.gov.au and further copies are available upon request to:

Department of State Development
PO Box 15009 City East, Queensland 4002.
100 George Street Brisbane Qld 4000 (Australia)

Phone: 13QGOV (137468)
Fax: 07 3220 6465
Email: info@dsd.qld.gov.au
Web: www.statedevelopment.qld.gov.au

Contents

1.	Introduction	1
1.1	The Galilee Basin State Development Area.....	1
1.2	The Galilee Basin SDA Development Scheme	3
1.3	Regulatory framework	3
1.3.1	Levels of assessment	4
1.3.2	Excluded development.....	4
2.	Development assessment in the Galilee Basin SDA	5
2.1	Development assessment framework	5
2.1.1	SDA application for SDA assessable development	5
2.1.2	Other applications and requests	5
2.2	Strategic vision for the Galilee Basin SDA	6
2.3	Overall objectives for development in the Galilee Basin SDA.....	6
2.4	Galilee Basin SDA development precincts.....	7
2.4.1	Rail Corridor Precinct – preferred development intent.....	7
2.4.2	Mining Services Precinct – preferred development intent.....	8
2.5	SDA wide assessment criteria	9
2.5.1	Services	9
2.5.2	Emissions.....	9
2.5.3	Flooding	9
2.5.4	Contaminated land.....	9
2.5.5	Acid sulfate soils	9
2.5.6	Road works	10
2.5.7	Non-resident workforce accommodation	10
2.5.8	Water	10
2.5.9	Water quality	10
2.5.10	Resource management use	10
2.5.11	Environment, cultural heritage and community	11
2.5.12	Natural hazards	11
2.5.13	Engineering standards.....	11
2.5.14	Other government matters.....	12
2.5.15	Built form	12
2.6	Assessment criteria for the Mining Services Precinct	12
2.6.1	Landscaping.....	12
2.6.2	Built form.....	12
2.6.3	Visual impacts.....	12
2.6.4	Water quality	12
2.6.5	Energy and water efficiency.....	12
2.6.6	Car parking	13
3.	Compliance with this development scheme	14
3.1	Procedural compliance.....	14
3.2	Placing an application or request on hold	14
3.3	Withdrawing an application or request.....	15
4.	Decisions made under this development scheme.....	16
5.	Approval attaches to the land	17

6. Transitional provisions	18
Schedule 1—Definitions	19
1. Administrative.....	19
2. Development	23
3. Interpretation	28
Schedule 2—Processes for making, assessing and deciding applications and requests.....	29
1. Request for pre-lodgement consideration	29
2. Making an SDA application	30
2.1 Application stage.....	30
2.2 Referral stage	31
2.3 Public consultation stage	32
2.4 Review stage	33
2.5 Decision stage	34
3. Making a request to change an SDA application	35
4. Making a change application for an SDA approval	36
5. Requesting a later currency period for an SDA approval	37
6. Request to carry out prior affected development	38
Schedule 3—Requirements for SDA self-assessable development.....	40
1. Compliance requirement.....	40
2. SDA wide requirements for SDA self-assessable development	41

Figure

Figure 1 Galilee Basin State Development Area.....	2
----------------------------------------------------	---

Tables

Table 1	Regulated development within the Rail Corridor Precinct.....	8
Table 2	Regulated development within the Mining Services Precinct.....	8
Table 3	Relevant engineering standards	11
Table 4	SDA wide requirements for SDA self-assessable development	41

1. Introduction

1.1 The Galilee Basin State Development Area

- (1) State development areas (SDAs) are areas declared by regulation under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- (2) The Galilee Basin State Development Area (Galilee Basin SDA) was declared in June 2014 by regulation.
- (3) Figure 1 identifies the boundary and development precincts of the Galilee Basin SDA.

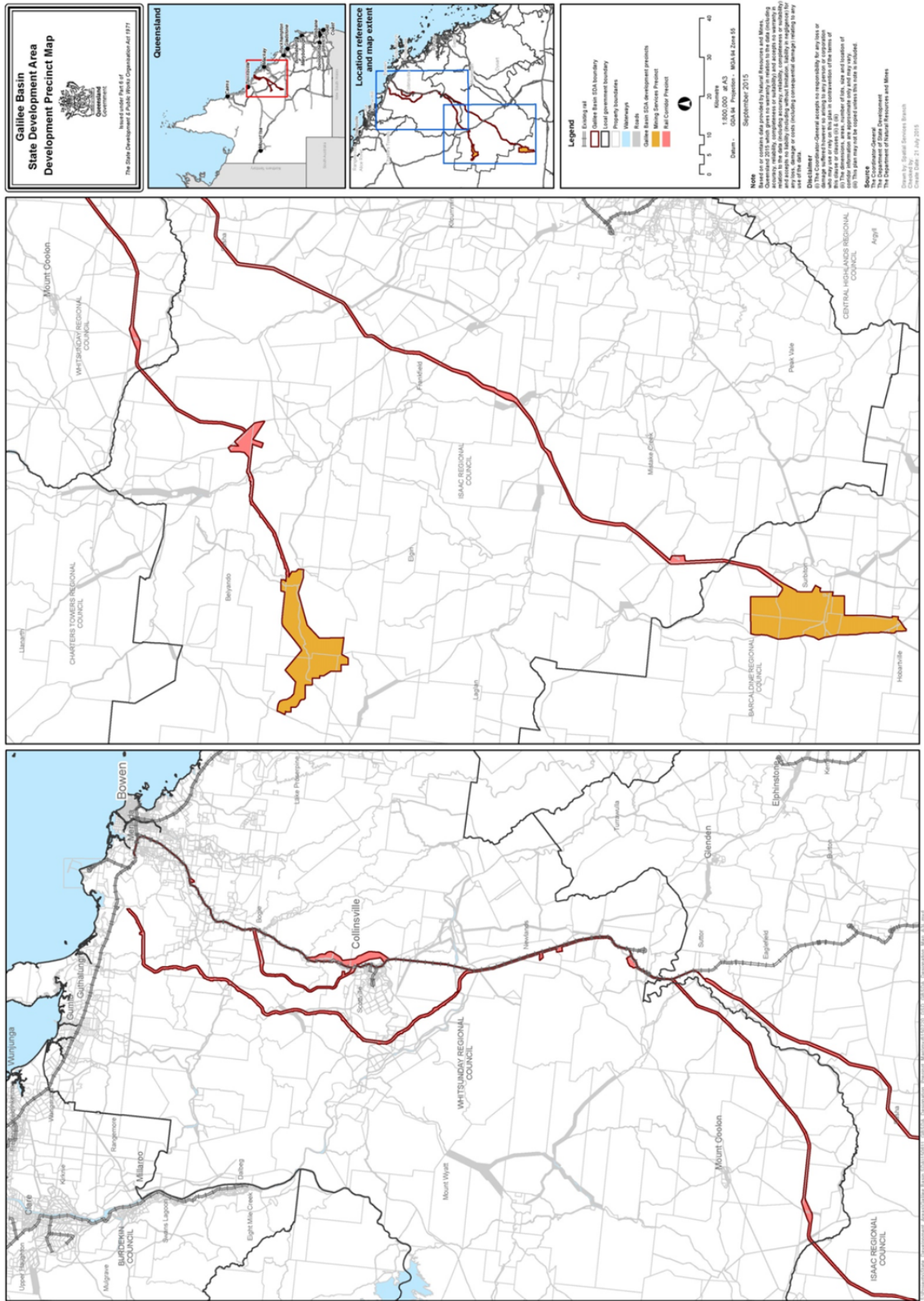


Figure 1 Galilee Basin State Development Area

1.2 The Galilee Basin SDA Development Scheme

- (1) This development scheme has been prepared pursuant to sections 79 to 80 of the SDPWO Act and takes effect on the date stated in the gazette notice published under section 80(1)(a) of the SDPWO Act.
- (2) This development scheme:
 - (a) identifies the area regulated by the development scheme on Figure 1
 - (b) identifies regulated development for the Galilee Basin SDA
 - (c) for SDA assessable development, states the matters or things an SDA application for the development will be assessed against, including:
 - (i) the strategic vision for the Galilee Basin SDA
 - (ii) the overall objectives for development in the Galilee Basin SDA
 - (iii) the preferred development intent for each development precinct
 - (iv) SDA wide assessment criteria and
 - (v) specific assessment criteria for development within a particular development precinct
 - (d) contains a development assessment framework and processes for making, assessing and deciding:
 - (i) an SDA application
 - (ii) a request to change an SDA application
 - (iii) a change application for an SDA approval
 - (iv) a request to state a later currency period for an SDA approval and
 - (v) a request to carry out a prior affected development
 - (e) for SDA self-assessable development, includes the requirements development must comply with
 - (f) identifies other matters pertaining to the regulation of development in the Galilee Basin SDA.
- (3) Schedule 1 provides the definitions for this development scheme.
- (4) Schedule 2 contains the development assessment processes for this development scheme.
- (5) Schedule 3 contains the requirements for SDA self-assessable development.
- (6) The Coordinator-General may prepare policies to provide guidance on certain aspects of this development scheme. Policies are available on the department's web site www.statedevelopment.qld.gov.au.

1.3 Regulatory framework

- (1) A person may only carry out regulated development in the Galilee Basin SDA in accordance with the SDPWO Act and this development scheme.
- (2) Development regulated by this development scheme is identified in Tables 1-2 as SDA assessable development or SDA self-assessable development.
- (3) Development that is not regulated by this development scheme may be regulated by other legislation and planning instruments, including the Planning Act and the Barcaldine Regional Council, Isaac Regional Council and Whitsunday Regional Council planning schemes.

1.3.1 Levels of assessment

- (1) Development identified in Tables 1-2 as SDA assessable development requires an SDA application to be made to the Coordinator-General in order to obtain an SDA approval.
- (2) Development identified in Tables 1-2 as SDA self-assessable development does not require an SDA approval but must comply with the requirements identified in Schedule 3.
- (3) Prior to undertaking SDA self-assessable development, a proponent is encouraged to discuss the proposed development with the Office of the Coordinator-General.

1.3.2 Excluded development

- (1) Despite anything to the contrary in this development scheme, development that would otherwise be SDA assessable development or SDA self-assessable development is not regulated development for this development scheme if:
 - (a) section 85 of the SDPWO Act applies to the development or
 - (b) a use of land is in accordance with a community infrastructure designation of the land under the Planning Act¹ or
 - (c) the development is reconfiguring a lot or
 - (d) the development is operational work that is not necessary for a material change use regulated under this development scheme or
 - (e) the development is operational work that is exempt development under the Planning Act or
 - (f) all aspects of development are for the maintenance, repair, upgrading, augmentation or duplication of rail transport infrastructure and other rail infrastructure within rail corridor land as defined under the *Transport Infrastructure Act 1994* or
 - (g) an authorised activity under an exploration tenure.
- (2) Also, development that would otherwise be SDA assessable development or SDA self-assessable development is not regulated development for this development scheme if:
 - (a) it is necessary and reasonable to avoid or reduce an imminent risk to a person's life or health, a building's structural safety or the operation or safety of land, facilities, services or utilities, other than a building and
 - (b) the person carrying out the development gives written notice to the Coordinator-General as soon as reasonably practicable after starting the development.

¹ See section 204 of the Planning Act

2. Development assessment in the Galilee Basin SDA

2.1 Development assessment framework

2.1.1 SDA application for SDA assessable development

- (1) A person may make an SDA application for SDA assessable development in accordance with the process in Schedule 2.
- (2) Prior to lodging an SDA application under this development scheme, a person is encouraged to request a pre-lodgement consideration of the application by the Office of the Coordinator-General. The process for pre-lodgement is contained in Schedule 2.
- (3) An SDA application will be assessed against the following, to the extent they are considered relevant by the Coordinator-General:
 - (a) the strategic vision for the Galilee Basin SDA
 - (b) the overall objectives for development in the Galilee Basin SDA
 - (c) the preferred development intent for each development precinct
 - (d) SDA wide assessment criteria and
 - (e) specific assessment criteria for development within a particular development precinct.
- (4) SDA assessable development that is not consistent with the matters listed in subsection (3)(a) to (e) will generally be considered to be inconsistent with this development scheme.

2.1.2 Other applications and requests

- (1) A person may make:
 - (a) a request to change an SDA application (to make a minor change to the application only)
 - (b) a change application for an SDA approval
 - (c) a request to state a later currency period
 - (d) a prior affected development request

Note: The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the SDA application. Otherwise, the proponent should withdraw the application and submit a new SDA application.

- (2) Schedule 2 contains the relevant processes for obtaining the decision from the Coordinator-General for other applications and requests.
- (3) Requests to change an SDA application, change applications for an SDA approval, requests to state a later currency period, and prior affected development requests will be assessed against the matters or things listed in subsection 2.1.1(3) to the extent they are considered relevant by the Coordinator-General.
- (4) Prior to making a change application or request under this development scheme, a person is encouraged to request a pre-lodgement consideration of the change application or request by the Office of the Coordinator-General. The process for pre-lodgement is contained in Schedule 2.

2.2 Strategic vision for the Galilee Basin SDA

- (1) The vision for the Galilee Basin SDA is to:
 - (a) facilitate increased opportunities for Queensland through supporting the development of the Galilee Basin
 - (b) ensure development in the Galilee Basin SDA occurs in a logical sequence and is focussed on both the short and long term economic benefits to the region and State
 - (c) ensure a coordinated approach to the establishment of multi-user infrastructure corridors between the Galilee Basin and the Port of Abbot Point
 - (d) provide for and facilitate the development, construction and operation of rail infrastructure within the multi-user infrastructure corridors
 - (e) provide for the establishment of supporting industry and infrastructure to facilitate the mining and export of coal from the Galilee Basin within the Mining Services Precinct
 - (f) ensure the rail corridor precincts and mining services precincts are protected from incompatible land uses and
 - (g) provide greater certainty to industry and stakeholders.
- (2) The strategic vision is supported by the overall objectives for development and preferred development intents of development precincts within the Galilee Basin SDA.

2.3 Overall objectives for development in the Galilee Basin SDA

- (1) Development within the Galilee Basin SDA will:
 - (a) be consistent with the State's intentions for the development of the Galilee Basin
 - (b) allow for the establishment of infrastructure corridors and industry and infrastructure that facilitate and support the export of coal from the Galilee Basin
 - (c) ensure the integrity and functionality of the Galilee Basin SDA is maintained and protected from land uses and activities that may be incompatible with, or adversely affect the ability to achieve the strategic vision of the Galilee Basin SDA

- (d) where appropriate, facilitate the development of end to end infrastructure solutions in multi-user infrastructure corridors
- (e) ensure the physical characteristics of land are considered in determining the suitability and location of development
- (f) ensure development recognises and manages impacts on environmental, cultural heritage and community values
- (g) be adequately serviced by infrastructure
- (h) achieve appropriate levels of flood immunity and appropriately manage flood impacts on adjoining land and
- (i) use water and energy efficiently and minimise potential impacts on water quality.

2.4 Galilee Basin SDA development precincts

- (1) The Galilee Basin SDA has two precincts identified in Figure 1.
- (2) The preferred development intent for each precinct is described below.
- (3) Each precinct description is followed by a table which identifies regulated development in the relevant precinct.

2.4.1 Rail Corridor Precinct – preferred development intent

- (1) This precinct is to accommodate rail infrastructure and associated activities to support resource activities and related development in the Galilee Basin. The following uses within the Rail Corridor Precinct are consistent with the development scheme:
 - (a) rail infrastructure
 - (b) uses associated with the construction, operation or maintenance of rail infrastructure.
- (2) The following uses in the Rail Corridor Precinct may be consistent with the development scheme provided the use does not compromise or otherwise does not adversely affect the establishment of rail infrastructure and associated activities to support resource activities and related development in the Galilee Basin:
 - (a) animal husbandry
 - (b) bulk materials transport facility
 - (c) cropping
 - (d) extractive industry
 - (e) major electricity infrastructure
 - (f) non-resident workforce accommodation
 - (g) substation
 - (h) telecommunications facility
 - (i) utility installation.
- (3) Development which is not compatible with or will adversely affect or constrain the establishment of rail infrastructure is inconsistent with the development scheme.
- (4) Development is to use land efficiently and minimise impacts on existing infrastructure including road, rail, electrical, water and telecommunications.

- (5) Table 1 identifies SDA assessable development and SDA self-assessable development within the precinct.
- (6) Figure 1 identifies the Rail Corridor Precinct.

Table 1 Regulated development within the Rail Corridor Precinct

Column 1 - SDA self-assessable development within the precinct	Column 2 - SDA assessable development within the precinct
<p>Operational work</p> <ul style="list-style-type: none"> where necessary for a material change of use that is authorised by an SDA approval 	<p>Material change of use</p> <ul style="list-style-type: none"> all uses, including uses not defined by this development scheme

Note: This table must be read in conjunction with Section 1.3

2.4.2 Mining Services Precinct – preferred development intent

- (1) This precinct is to accommodate uses that support resource activities and related development in the Galilee Basin. The following uses within the Mining Services Precinct are consistent with the development scheme:
- rail infrastructure
 - air services
 - non-resident workforce accommodation
 - low impact industry
 - medium impact industry
 - emergency services
 - service industry
 - utility installation.
- (2) Other uses within the Mining Services Precinct may be consistent with the development scheme, provided the use does not compromise or otherwise adversely impact on development that supports resource activities and rail infrastructure.
- (3) Development in the Mining Services Precinct which is not compatible with or will adversely affect or constrain the establishment of activities which support resource activities and rail infrastructure is inconsistent with the development scheme.
- (4) Table 2 identifies SDA assessable development and SDA self-assessable development within the Mining Services Precinct.
- (5) Figure 1 identifies the Mining Services Precinct.

Table 2 Regulated development within the Mining Services Precinct

Column 1 - SDA self-assessable development within the precinct	Column 2 - SDA assessable development within the precinct
<p>Operational work</p> <ul style="list-style-type: none"> where necessary for a material change of use that is authorised by an SDA approval 	<p>Material change of use</p> <ul style="list-style-type: none"> all uses, including uses not defined by this development scheme

Note: This table must be read in conjunction with Section 1.3

2.5 SDA wide assessment criteria

2.5.1 Services

- (1) Development is designed to maximise efficiency and minimise cost for telecommunications, transport, water, wastewater, recycled water, and energy networks.
- (2) Development plans for and manages the impacts of the development on existing and future known telecommunications, transport, water, wastewater, recycled water, and energy networks.
- (3) Development is adequately serviced by telecommunications, transport, water, wastewater, recycled water, and energy networks as relevant.

2.5.2 Emissions

- (1) Development:
 - (a) is designed to avoid or otherwise minimise emissions that will adversely affect the health and safety, wellbeing, and amenity of communities and individuals and
 - (b) supports the achievement of the relevant acoustic and air quality objectives of *the Environmental Protection (Noise) Policy 2008* and the *Environmental Protection (Air) Policy 2008*.
- (2) Development is to minimise potential impacts arising from (but not limited to) spray drift, odour, noise, dust, smoke, or ash emissions on sensitive uses, for example by providing for effective separation between land uses or management at the source.

2.5.3 Flooding

- (1) Development, in accordance with current best practice, is to:
 - (a) achieve an appropriate level of flood immunity and
 - (b) not adversely affect existing flow rates, flood heights, or cause or contribute to other flooding impacts on upstream, downstream, or adjacent properties. This includes potential impacts from changes to stormwater flows and local flooding.

2.5.4 Contaminated land

- (1) Development on land likely to be contaminated or recorded on the Environmental Management Register or Contaminated Land Register does not adversely impact on human health or the environment by exposure, management, or movement of contaminants.
- (2) Where required, develop a strategy to manage any existing contamination and the potential for additional contamination such that human health and the environment are not adversely affected.

2.5.5 Acid sulfate soils

- (1) Development, in accordance with current best practice, is to:
 - (a) avoid the disturbance of acid sulfate soils (ASS) or
 - (b) ensure that the disturbance of ASS avoids or minimises the mobilisation release of acid and metal contaminants.

2.5.6 Road works

- (1) Increased traffic arising from development is either able to be accommodated within existing road networks or works are undertaken to minimise adverse impacts caused or contributed to by the development on existing and future uses and road networks.
- (2) Local road networks within the Galilee Basin SDA are to be designed to accommodate the proposed vehicle type and predicted traffic volumes associated with the development and the precinct/s.
- (3) Development is designed to facilitate safe and efficient vehicular ingress and egress and does not unduly impact on the safe and efficient operation of the use of external road, rail or transport infrastructure.

2.5.7 Non-resident workforce accommodation

- (1) Non-resident workforce accommodation is:
 - (a) designed to provide a high level of residential amenity and high quality facilities and services to support the physical, social and environmental wellbeing of residents
 - (b) located to be easily accessible to projects for which the accommodation is required
 - (c) where temporary, for the construction and decommissioning of projects only and
 - (d) compatible with any existing and potential surrounding development and does not compromise or limit other development from operating.

2.5.8 Water

- (1) Development has adequate, secure and reliable access to water during construction and operation. This may include identifying localised water solutions such as off-site storage schemes.

2.5.9 Water quality

- (1) Development, consistent with the *Environmental Protection (Water) Policy 2009*, avoids or otherwise minimises adverse impacts on the environmental values and water quality objectives of receiving waters, arising from:
 - (a) altered stormwater quality or flow and
 - (b) wastewater (other than contaminated stormwater and sewage) and
 - (c) the creation or expansion of non-tidal artificial waterways.
- (2) Development protects the ecological and hydraulic function of waterway corridors in and adjacent to the Galilee Basin SDA.
- (3) Development incorporates current best practice integrated water cycle management strategies and integrates water sensitive urban design principles.

2.5.10 Resource management use

- (1) Development efficiently manages and uses regional resources such as quarry materials and water so as not to adversely impact long term availability.

2.5.11 Environment, cultural heritage and community

- (1) Environmental values, cultural heritage values and community values of the premises on which the development is undertaken and immediate surrounds are identified and managed, consistent with current best practice.
- (2) Any environmental or other offsets required as a result of development impacts must be offset in accordance with current best practice.
- (3) Where the development triggers the need for a buffer to mitigate the impacts of the development, that buffer must be accommodated within the development site.

2.5.12 Natural hazards

- (1) Development, in accordance with current best practice:
 - (a) identifies relevant natural hazards that may impact upon the project
 - (b) appropriately manages risk associated with identified hazards
 - (c) avoids increasing the severity of the natural hazard and
 - (d) for coastal hazards, avoid erosion prone areas where ever possible.

2.5.13 Engineering standards

- (1) Development is to be designed and constructed in accordance with the relevant engineering standards (and any subsequent revisions to the relevant standards) stated in Table 3 below, unless it can be demonstrated that an alternative solution that at least produces the same outcome is appropriate.

Table 3 Relevant engineering standards

Soil erosion	International Erosion Control Association (IECA) – Best Practice Erosion and Sediment Control.
Filling	AS3798 – Guidelines on Earthworks for Commercial and Residential Developments.
Stormwater quality	<ul style="list-style-type: none"> • Water sensitive urban design: Design objectives for urban stormwater management • Construction and Establishment Guidelines, Swales, Bioretention Systems and Wetlands • Concept Design Guidelines for Water Sensitive Urban Design • Standard Drawings for Water Sensitive Urban Design • Queensland Urban Drainage Manual (QUDM) • Australian Rainfall and Runoff (ARR) - where referenced by QUDM.
Roads (major)	<ul style="list-style-type: none"> • DTMR's Road Planning and Design Manual - A guide to Queensland Practice • DTMR Pavement Design Manual • DTMR Bridge Design Manual • Queensland Urban Drainage Manual (QUDM) - Chapter 7 • DTMR Drainage Design Manual • Manual of Uniform Traffic Control Devices • DTMR Guide to Pavement Markings • Australian Standard AS1158 (Street Lighting) • Complete Streets Manual 2010 (Section 17: Industrial Streets).
Roads (minor)	<ul style="list-style-type: none"> • Relevant local government construction standards.
Site access	<ul style="list-style-type: none"> • Relevant local government construction standards.

Footpaths and cycle paths

- Relevant local government construction standards
- Austroads – Guide to Road Design Part 6A: Pedestrian and Cyclist Paths.

2.5.14 Other government matters

- (1) Development is to demonstrate consistency with any other relevant legislative requirements that may be required for the development to proceed and operate and to the extent practicable, be consistent with regional plans, the State Planning Policy, and the State Development Assessment Provisions where the State interests articulated by these instruments are likely to be affected by the development.
- (2) Development is to avoid or minimise adverse impacts on existing or proposed State or local government infrastructure.

2.5.15 Built form

- (1) Development must incorporate crime prevention through environmental design (CPTED) principles.

2.6 Assessment criteria for the Mining Services Precinct

2.6.1 Landscaping

- (1) Development provides landscaping that:
 - (a) minimises the visual impacts of the development
 - (b) incorporates at least 50% local species and
 - (c) is low maintenance.

2.6.2 Built form

- (1) The scale, character, and built form of development contributes to a high standard of amenity.

2.6.3 Visual impacts

- (1) Development incorporates high quality urban design and landscape treatments, particularly for those areas that are highly visible from public roads.

2.6.4 Water quality

- (1) Water sensitive urban design principles are integrated into development.

2.6.5 Energy and water efficiency

- (1) Building, site design, and layout maximises energy efficiency having regard to:
 - (a) building orientation and passive solar design
 - (b) maximising opportunities for cross ventilation
 - (c) appropriate shade treatments
 - (d) landscaping treatments to the western side of the building.
- (2) Water efficiency is optimised through the use of alternative water supply sources, including:

- (a) rainwater harvesting systems
- (b) recycled water sources.

2.6.6 Car parking

- (1) Development provides adequate car parking for the number and nature of vehicles expected to access or service the development.

3. Compliance with this development scheme

3.1 Procedural compliance

- (1) If a procedural requirement of this development scheme has not been fully complied with, but the Coordinator-General is satisfied the non-compliance, or partial compliance, has not substantially restricted the opportunity for a person to exercise rights by this development scheme, the Coordinator-General may deal with the matter in the way the Coordinator-General considers appropriate.
- (2) Anything done by the Coordinator-General under this development scheme is not invalid merely because it was not done within a timeframe required by this development scheme.

3.2 Placing an application or request on hold

- (1) At any point during the relevant process contained in Schedule 2 for an application or request made under this development scheme, a proponent may, by written notice to the Coordinator-General, request that their application or request be placed on hold (hold request). The notice must outline the reasons for the hold request.
- (2) If the Coordinator-General is satisfied that the application should be placed on hold, the Coordinator-General may place the application or request on hold for a specified period, but not longer than 12 months from the date the request is made. The Coordinator-General must notify the proponent by written notice within 10 business days after receipt of the hold request:
 - (a) whether the hold request is approved or refused and
 - (b) if approved - the specified period the application or request will be on hold.
- (3) Time does not run under this development scheme from the day the hold request is made, until the day after:
 - (a) the Coordinator-General notifies the proponent by written notice that the hold request is refused or
 - (b) the specified period under subsection (2)(b) ends.

3.3 Withdrawing an application or request

- (1) A proponent may withdraw an application or request made under this development scheme at any time before it is decided by giving written notice to the Coordinator-General.

4. Decisions made under this development scheme

- (1) Sections 84G and 84H of the SDPWO Act provide when an SDA approval has effect and when an SDA approval lapses.
- (2) There is no right of appeal under the SDPWO Act against any decision of the Coordinator-General made under this development scheme.
- (3) The Coordinator-General must hold for inspection a copy of all decision notices given under this development scheme.

5. Approval attaches to the land

- (1) An SDA approval given under this development scheme attaches to the land and binds the owner, the owner's successors in title and any occupier of the land.
- (2) To remove any doubt, it is declared that subsection (1) applies even if later development (including reconfiguring a lot) is carried out on the land (or the land is reconfigured).

6. Transitional provisions

- (1) Subject to subsection (2), applications or requests made, but not decided, before the commencement of a varied development scheme for the Galilee Basin SDA will continue to be assessed and decided under the development scheme as in force at the time the application or request was made.
- (2) A request to change an SDA application must be made under this development scheme even if the SDA application was made, but not decided, before the commencement of this development scheme. If the Coordinator-General decides to approve the request to change an SDA application, assessment of the SDA application will continue under the development scheme as in force at the time the SDA application was made as if the change was part of the original SDA application. If the Coordinator-General decides to refuse the request to change an SDA application, assessment of the SDA application will continue under the development scheme as in force at the time the SDA application was made.
- (3) In assessing the application or request, the Coordinator-General may give the weight the Coordinator-General considers appropriate to the varied development scheme.
- (4) Development that is approved by an SDA approval is not SDA assessable development under a varied development scheme for the Galilee Basin SDA, provided it complies with any conditions attached to the SDA approval.
- (5) SDA self-assessable development is taken to meet the requirements of a varied development scheme for the Galilee Basin SDA if it continues to meet the requirements for the SDA self-assessable development in effect at the time the SDA self-assessable development commenced.

Schedule 1 - Definitions

Unless stated otherwise, terms used in this development scheme that are defined in the SDPWO Act have the same meaning as in that Act.

1. Administrative

(1) In this development scheme:

acquisition land means land:

- (a) proposed to be taken or acquired under the SDPWO Act or the *Acquisition of Land Act 1967* and
- (b) in relation to which a notice of intention to resume under the SDPWO Act or the *Acquisition of Land Act 1967*, has been served, and the proposed taking or acquisition has not been discontinued and
- (c) that has not been taken or acquired.

approved form means a form approved by the Coordinator-General as an approved form in accordance with the SDPWO Act.

building see the Planning Act.

business day see the Planning Act.

change an SDA application means a request made under this development scheme to change an existing SDA application.

community value means the values a local community associate with the places, areas, events, or people that make their local community a special place. With regard to this development scheme the community values most likely to be affected are associated with public safety and amenity, air quality, noise and nuisance, rights of access, employment, cultural values, and the environment.

consultation period means the period for the community to provide comments on an application under this development scheme to the Coordinator-General.

cultural heritage value means qualities or physical characteristics of indigenous and non-indigenous cultural heritage that require consideration, assessment, and management under relevant legislation and policies and/or values of importance to local communities affected by the Galilee Basin SDA.

current best practice means a standard or methodology recognised by either State or national legislation, policy, or authorised governing body.

development precinct means an area identified as a precinct by this development scheme.

environmental impact assessment document means an environmental impact statement (EIS) required by the SDPWO Act, Planning Act or EP Act, or a similar statement to address environmental effects for a project or an impact assessment report (IAR) required by the SDPWO Act.

EIS or IAR evaluation report means a report issued by the relevant authority that the EIS or IAR has been completed to the satisfaction of the relevant authority.

environmental value means the qualities or physical characteristics of the environment.

environmentally relevant activity see the EP Act.

EP Act means the *Environmental Protection Act 1994*.

exploration tenure means any of the following:

- (a) Prospecting Permit under the *Mineral Resources Act 1989*
- (b) Exploration Permit under the *Mineral Resources Act 1989*
- (c) Low impact Mineral Development Licence under the *Mineral Resources Act 1989*
- (d) Authority to Prospect under the *Petroleum and Gas (Production and Safety) Act 2004*
- (e) Petroleum Survey Licence under the *Petroleum and Gas (Production and Safety) Act 2004*
- (f) Data Acquisition Authority under the *Petroleum and Gas (Production and Safety) Act 2004*
- (g) Geothermal Exploration Permit under the *Geothermal Energy Act 2010*
- (h) Greenhouse Gas Exploration Permit under the *Greenhouse Gas Storage Act 2009*.

matters of national environmental significance means the matters protected by a provision of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

minor change means:

- (a) in relation to an SDA application, a change that the Coordinator-General considers does not substantially alter the original application in a way that would:
 - (i) result in a substantially different application
 - (ii) result in an application that is not properly made
 - (iii) cause a referral entity to make or alter a referral entity submission, if one has already been made
 - (iv) cause a person to make a submission about the change, or alter a submission that has already been made or
 - (v) otherwise compromise the ability of the Coordinator-General to make a decision on the original application
- (b) in relation to an SDA approval, a change that the Coordinator-General considers does not substantially alter the original SDA approval in a way that would:

- (i) result in a substantially different development, for example:
 - A. involves a use that is different to the approved use or
 - B. results in different or additional impacts that have not been assessed as part of the process to gain the original SDA approval or
- (ii) if the proposed change would have been included in the process to gain the original SDA approval – have caused:
 - A. the Coordinator-General or a referral entity to request additional information about the change
 - B. a referral entity to make or alter a referral entity submission about the change
 - C. a person to make or alter a submission about the change or
 - D. substantially alters any other matter of the original SDA approval.

outstanding universal value of the Great Barrier Reef World Heritage Area means the values of the Great Barrier Reef World Heritage Area for which the Reef was listed as a world heritage area. The outstanding universal value of the Great Barrier Reef World Heritage Area is described in the statement of outstanding universal value for the Great Barrier Reef see <http://whc.unesco.org/en/list/154/> or <http://www.environment.gov.au/heritage/places/world/great-barrier-reef/values.html>.

owner means for land held as an estate in fee simple, the registered owner of the land; for other land – the State.

plan of subdivision see the *Land Title Act 1994* or *Land Act 1994*, as relevant.

Planning Act means the *Sustainable Planning Act 2009*.

planning report means a document containing:

- (a) an accurate description of the land, the subject of the application
- (b) a detailed description of all aspects of the proposed development, including a detailed site plan (to scale) and other plans necessary to describe the proposed development
- (c) a description of the current and historic (if known) land uses
- (d) a list of other approvals required for the development to proceed and the process for obtaining those approvals
- (e) a description of any operational works necessary for the material change of use the subject of the SDA application to proceed
- (f) a description of adjacent land uses and a statement of the likely impact on the surrounding land uses from the proposed development
- (g) a detailed assessment of how the proposed development satisfies the strategic vision, overall objectives, the preferred development intent of the precincts, and relevant assessment criteria including:
 - (i) a detailed description and assessment of any adverse impacts of the proposed development
 - (ii) detailed description of how any adverse impacts are to be managed
 - (iii) an assessment of any impact the proposed development may have on existing and planned infrastructure

- (iv) identification of any need for upgrades to existing infrastructure or the need for any future infrastructure to support the proposed development and
- (h) relevant supporting information such as plans, drawings and management plans. All supplied plans, drawings and management plans must be prepared by a suitably qualified person in accordance with current best practice. The relevant plans, drawings and management plans must demonstrate that:
 - (i) they have been prepared by a suitably qualified person
 - (ii) they have been prepared in accordance with current best practice and
 - (iii) the development satisfies the strategic vision, overall objectives, the preferred development intent of the precincts, and relevant assessment criteria.

Relevant supporting information may be required to demonstrate how issues associated with the following may be addressed:

- (i) environmental, cultural heritage and community values
- (ii) engineering
- (iii) hydrological and hydraulic
- (iv) safety
- (v) emissions
- (vi) contaminated land
- (vii) acid sulfate soils and
- (viii) traffic etc.

premises see the Planning Act.

proponent means a person or their representative who makes an application or request under this development scheme or who carries out SDA self-assessable development.

public consultation means the process by which the public are informed of certain applications made under this development scheme and submissions sought.

public sector entity see the Planning Act but does not include local government.

referral entity means an entity nominated by the Coordinator-General from who the Coordinator-General may, under this development scheme, seek technical advice about any element of an SDA application or other application or request.

referral entity response period means the period of time for a referral entity to respond to a request by the Coordinator-General for comments on an application.

referral entity submission means a document prepared by a referral entity in response to a request by the Coordinator-General for comments in relation to an application.

SDA means State development area.

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

submission means a document submitted in response to public consultation that:

- (a) is made to the Coordinator-General in writing or electronically
- (b) is received on or before the last day of the consultation period

- (c) is signed by each person who made the submission
- (d) states the name and address of each person who made the submission and
- (e) states the grounds of the submission and the facts and circumstances relied on in support of the grounds.

suitably qualified person means a person who has professional qualifications, training, skills, or experience relevant to the nominated subject matter and can give authoritative assessment, advice, and analysis to performance relative to the subject matter using the relevant protocols, standards, methods, or literature.

supporting material includes the planning report, EIS or IAR and EIS or IAR evaluation report (if any), any referral entity submission and any additional information provided in response to a notice from the Coordinator-General.

2. Development

- (1) Development referred to in this development scheme has the following meanings:

air services means premises used for the following:

- (a) the arrival and departure of aircraft
- (b) the housing, servicing, refueling, maintenance, and repair of aircraft
- (c) the assembly and dispersal of passengers or goods on or from an aircraft
- (d) any ancillary activities directly serving the needs of passengers and visitors to the use
- (e) associated training and education facilities
- (f) aviation facilities.

animal husbandry means premises used for production of animals or animal products on either native or improved pastures or vegetation. The use includes ancillary yards, stables and temporary holding facilities, and the repair and servicing of machinery.

bulk materials transport facility means the use of premises for a pipeline or conveyor to transport bulk materials including gas, water, liquid, slurry, or any other mineral.

caretaker's accommodation means a dwelling provided for a caretaker of a non-residential use on the same premises.

child care centre means premises used for minding or care, but not residence, of children.

club means premises used by persons associated for social, literary, political, sporting, athletic, or other similar purposes for social interaction or entertainment. The use may include the ancillary preparation and service of food and drink.

community use means premises used for providing artistic, social or cultural facilities, and community support services to the public and may include the ancillary preparation and provision of food and drink.

cropping means premises used for growing plants or plant material for commercial purposes where dependent on the cultivation of soil. The use includes harvesting, and the storage and packing of produce and plants grown on the site and the ancillary repair and servicing of machinery used on the site.

dual occupancy means premises containing two dwellings on one lot (whether or not attached) for separate households.

dwelling house means a residential use of premises for one household that contains a single dwelling. The use includes out-buildings and works normally associated with a dwelling and may include a secondary dwelling.

educational establishment means premises used for training and instruction designed to impart knowledge and develop skills. The use may include after school care for students or on-site student accommodation.

emergency services means premises used by government bodies or community organisations to provide essential emergency services or disaster management services including management support facilities for the protection of persons, property and the environment.

extractive industry means premises used for the extraction and processing of extractive resources and associated activities, including their transportation to market.

food and drink outlet means premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.

health care services means premises for medical, paramedical, alternative therapies, and general health care and treatment of persons that involves no overnight accommodation.

high impact industry means premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products, and have one or more of the following attributes:

- (a) potential for significant impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour, and noise
- (b) potential for significant offsite impacts in the event of fire, explosion or toxic release
- (c) generates high traffic flows in the context of the locality or the road network
- (d) generates a significant demand on the local infrastructure network
- (e) the use may involve night time and outdoor activities
- (f) onsite controls are required for emissions and dangerous goods risks.

home-based business means a dwelling used for a business activity where subordinate to the residential use.

hotel means premises used primarily to sell liquor for consumption. The use may include short-term accommodation, dining, and entertainment activities and facilities.

indoor sport and recreation means premises used for leisure, sport, or recreation conducted wholly or mainly indoors.

low impact industry means premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products, and have one or more of the following attributes:

- (a) negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour, and noise
- (b) minimal traffic generation and heavy-vehicle usage

- (c) demands imposed upon the local infrastructure network consistent with surrounding uses
- (d) the use generally operates during the day (e.g. 7am to 6pm)
- (e) offsite impacts from storage of dangerous goods are negligible
- (f) the use is primarily undertaken indoors.

major electricity infrastructure means all aspects of development for either the transmission grid or electricity supply networks as defined under the *Electricity Act 1994*. The use may include ancillary telecommunication facilities.

medium impact industry means premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products, and have one or more of the following attributes:

- (a) potential for noticeable impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour, and noise
- (b) potential for noticeable offsite impacts in the event of fire, explosion, or toxic release
- (c) generates high traffic flows in the context of the locality or the road network
- (d) generates an elevated demand on the local infrastructure network
- (e) onsite controls are required for emissions and dangerous goods risks
- (f) the use is primarily undertaken indoors
- (g) evening or night activities are undertaken indoors and not outdoors.

multiple dwelling means premises which contain three or more dwellings for separate households.

non-resident workforce accommodation means premises used to provide accommodation for non-resident workers. The use may include provision of recreational and entertainment facilities for the exclusive use of non-resident workers and their visitors.

office means premises used for an administrative, secretarial or management service or the practice of a profession, where no goods or materials are made, sold or hired and where the principal activity provides for the following:

- (a) business or professional advice
- (b) service of goods that are not physically on the premises
- (c) office based administrative functions of an organisation.

other rail infrastructure see *Transport Infrastructure Act 1994*.

outdoor sport and recreation means premises used for a recreation or sport activity that is carried on outside a building and which requires areas of open space and may include ancillary works necessary for safety and sustainability. The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities.

park means premises accessible by the public for free sport, recreation and leisure and enjoyment, and may be used for community events or other community activities. Facilities may include children's playground equipment, informal sports fields and ancillary vehicle parking, and other public conveniences.

parking station means premises used for parking vehicles where the parking is not ancillary to another use.

place of worship means premises used by an organised group for worship and religious activities. The use may include ancillary facilities for social, educational and associated charitable activities.

power station is an electricity generating plant or system. The use includes all buildings, components, equipment, and infrastructure of the plant or system directly related to its operation or to its electricity production.

rail infrastructure means rail transport infrastructure or other rail infrastructure.

rail transport infrastructure see *Transport Infrastructure Act 1994*.

resource activity see the EP Act, Schedule 4.

rural industry means premises used for storage, processing, and packaging of products from a rural use. The use includes processing, packaging, and sale of products produced as a result of a rural use where these activities are ancillary to a rural use on or adjacent to the site.

service industry means premises used for industrial activities that have no external air, noise, or odour emissions from the site and can be suitably located with other non-industrial uses.

service station means premises used for the sale of fuel including petrol, liquid petroleum gas, automotive distillate, and alternative fuels. The use may include, where ancillary, a shop, food and drink outlet, maintenance, repair servicing and washing of vehicles, the hire of trailers, and supply of compressed air.

shop means premises used for the display, sale or hire of goods, or the provision of personal services or betting to the public.

shopping centre means premises comprising two or more individual tenancies that is comprised primarily of shops, and that function as an integrated complex.

special industry means premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products, and have one or more of the following attributes:

- (a) potential for extreme impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour, and noise
- (b) potential for extreme offsite impacts in the event of fire, explosion, or toxic release
- (c) onsite controls are required for emissions and dangerous goods risks
- (d) the use generally involves night time and outdoor activities
- (e) the use may involve the storage and handling of large volumes of dangerous goods
- (f) requires significant separation from non-industrial uses.

substation means premises forming part of a transmission grid or supply network under the *Electricity Act 1994*, and used for:

- (a) converting or transforming electrical energy from one voltage to another
- (b) regulating voltage in an electrical circuit
- (c) controlling electrical circuits
- (d) switching electrical current between circuits
- (e) a switchyard

- (f) communication facilities for “operating works” as defined under the *Electricity Act 1994*; or for workforce operational and safety communications.

telecommunications facility means premises used for systems that carry communications and signals by means of radio; including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled.

temporary uses means regulated development that lasts no longer than one year from the date of approval and the development does not alienate land within the precinct for SDA self-assessable or SDA assessable development.

transport depot means premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery, and uses of a like nature. The term may include the ancillary servicing, repair, and cleaning of vehicles stored on the premises.

utility installation means premises used to provide the following services:

- (a) supply of water, hydraulic power, or electricity
- (b) water treatment, sewerage, drainage, or stormwater services
- (c) road
- (d) waste management facilities
- (e) network infrastructure.

The use includes maintenance and storage depots and other facilities for the operation of the use.

warehouse means premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards. The use may include sale of goods by wholesale where ancillary to storage. The use does not include retail sales from the premises or industrial uses.

3. Interpretation

- (1) Unless displaced wholly or partly by a contrary intention appearing in this development scheme or the SDPWO Act, the *Acts Interpretation Act 1954* applies when interpreting this development scheme.
- (2) In this development scheme, a reference to:
 - (a) a section, paragraph or schedule is a reference to a section or paragraph of, or schedule to, this development scheme
 - (b) a document or instrument means the latest version of the document or instrument and
 - (a) an Act includes any Regulation or instrument made under it and includes any amending or replacement Act.

Schedule 2 – Process for making, assessing, and deciding applications and requests

1. Request for pre-lodgement consideration

- (1) Prior to lodging any SDA application or change application for an SDA approval, a person is encouraged to request a pre-lodgement consideration² of the proposed development from the Office of the Coordinator-General.
- (2) To be a properly made request for formal pre-lodgement consideration of a proposed SDA application or change application for an SDA approval, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the application and
 - (ii) the proponent's name, address and contact details
 - (c) identify the development for which approval may be sought
 - (d) state the relevant referral triggers under the Planning Act
 - (e) provide sufficient detail to identify any issues associated with the proposed development, including:
 - (i) photographs of the site and the surrounding area
 - (ii) concept or detailed plans
 - (iii) potential impacts

² A person may also make a request for an informal pre-lodgement consideration of any proposed application or request or carrying out SDA self-assessable development. While the pre-lodgement consideration form may be used, persons are not required to do so.

- (iv) preliminary assessment against the strategic vision, overall objectives, the preferred development intent for the relevant precincts and assessment criteria of this development scheme or
 - (v) any details of location, design or operational issues that need to be discussed and
 - (f) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within 20 business days of receiving a properly made request for formal pre-lodgement consideration, the Coordinator-General must provide the proponent with written advice on relevant matters which may include:
 - (a) initial advice on general suitability and likely issues relevant to the development proposal
 - (b) material that should be provided as part of an application and
 - (c) the referral entities for the application.
- (4) In deciding an SDA application, the Coordinator-General is not bound by any advice given under subsection (3).

2. Making an SDA application

2.1 Application stage

- (1) A person may make an SDA application at any time.
- (2) To be a properly made application, the application must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the application
 - (ii) the proponent's name, address and contact details
 - (c) identify the development for which approval is being sought
 - (d) subject to subsection (3), include the written consent of the owner of the land
 - (e) state the referral triggers under the Planning Act (and referral entities if known) for the application
 - (f) if the application is part of a larger development, include a description of the larger development and details of how the application relates to the larger development
 - (g) include a statement on whether the development has been, is or will be subject to an EIS or IAR
 - (h) be accompanied by:
 - (i) a planning report and
 - (ii) if one has been prepared, an EIS or IAR relevant to the application including an EIS or IAR evaluation report and
 - (iii) payment of the relevant fee, if prescribed by regulation.
- (3) The consent of the owner of the land is not required if:
 - (a) the land, the subject of the application, is acquisition land and the application relates to the purpose for which the land is to be taken or acquired or
 - (b) the State is the owner.

- (4) Within 20 business days of receiving the application, the Coordinator-General must issue a written notice to the proponent that:
 - (a) states:
 - (i) the application is accepted as a properly made application
 - (ii) the referral entities for the application
 - (iii) whether the proponent has to provide additional information by a specified date and
 - (iv) whether certain stages of the assessment processes need not be complied with or
 - (b) states the application is not accepted as a properly made application and the reasons for the decision.
- (5) If the Coordinator-General issues a written notice in accordance with subsection (4)(b), the application is taken to have never been made. The proponent may submit a new SDA application under subsection (1).
- (6) If the Coordinator-General issues a notice under subsection (4)(a) that requires the proponent to provide additional information, the application will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (7) The Coordinator-General may determine that the referral and/or public consultation stages of the assessment process under this development scheme do not apply to the application because:
 - (a) the development the subject of the application has already been subject to another referral and/or public consultation process and
 - (b) the Coordinator-General is satisfied with the referral and/or public consultation undertaken or
 - (c) the Coordinator-General is satisfied the development the subject of the application will not impact adversely on the interests of a third party.
- (8) If making a determination under subsection (7) the Coordinator-General must issue a written notice to the referral entities informing them of the decision, including the reasons for the decision, at the same time as the Coordinator-General issues the notice to the proponent under subsection (4)(a).
- (9) The application stage ends:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that requires the proponent to provide additional information under 4(a)(iii) - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that does not require the proponent to provide additional information - when the Coordinator-General issues the notice.

2.2 Referral stage

- (1) This stage applies unless the Coordinator-General gave notice to the proponent during the application stage that the referral stage does not apply to the application.
- (2) The Coordinator-General must, within 10 business days of the end of the application stage, by written notice:
 - (a) give a copy of the application and any additional information provided by the proponent during the application stage to the referral entities and
 - (b) request that the referral entities:

- (i) assess the application and
 - (ii) identify any additional information required.
- (3) Within 20 business days of receipt of a notice given under subsection (2), a referral entity may provide the Coordinator-General with a written notice requesting additional information about the application.
- (4) If the Coordinator-General receives a request for additional information under subsection (3), the Coordinator-General must, within five business days of the end of the period under subsection (3), give the proponent written notice of the additional information requested and that a response to the information request must be provided to the Coordinator-General by a date specified in the notice.
- (5) If the proponent receives a written notice under subsection (4), the application will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice.
- (6) After the proponent responds to the notice given under subsection (4), the Coordinator-General will, within 10 business days, provide referral entities with the proponent's response and request that the referral entities proceed with assessment of the application.
- (7) A referral entity must assess the application and may provide a referral entity submission to the Coordinator-General within the following period (relevant referral entity response period):
 - (a) if a request is not made under subsection (3) – 30 business days after receiving the application under subsection (2) or
 - (b) if a request is made under subsection (3) – 30 business days after the referral entity receives the proponent's response under subsection (6).
- (8) If a referral entity does not respond within the referral entity response period, the Coordinator-General may proceed to the next stage of the assessment process as if the referral entity had assessed the application and had no requirements.
- (9) The referral stage ends at the earlier of the following:
 - (a) the end of the relevant referral entity response period under subsection (7) or
 - (b) when a referral entity submission from each referral entity has been received by the Coordinator-General.

2.3 Public consultation stage

- (1) This stage applies unless the Coordinator-General gave notice to the proponent during the application stage that the public consultation stage does not apply to the application.
- (2) The Coordinator-General must, within five business days after the end of the application stage if the referral stage does not apply, or otherwise the end of the referral stage, give a written notice to the proponent:
 - (a) stating that the application does not require public consultation or
 - (b) if public consultation is required – stating that public consultation is required for a specified period (the consultation period) of not less than 15 business days starting on the day after the last action under subsection (3) is carried out, and the requirements for public consultation as per subsections (3 – 5 and 9).
- (3) If public consultation is required, the proponent must:
 - (a) publish a notice in a newspaper(s) in accordance with the notice issued under subsection (2)(b)

- (b) place a notice on each road frontage of the land for the duration of the consultation period, or otherwise place a notice on the land in the way directed by the Coordinator-General and
 - (c) give written notice to the owners of all land adjoining the land the subject of the application.
- (4) The proponent must comply with subsection (3) within 20 business days after receiving notice from the Coordinator-General under subsection (2)(b) and notify the Coordinator-General five business days prior to commencement of public consultation of the date public consultation will commence, and the last day of the consultation period.
- (5) The notices referred to in subsection (3) must:
- (a) include an accurate description of the land, the subject of the application
 - (b) include a brief description of the proposed development
 - (c) state that the application and the supporting material is available for inspection from the Coordinator-General
 - (d) state that any person may make a submission to the Coordinator-General
 - (e) state the last day of the consultation period and
 - (f) state what constitutes a submission in accordance with the definition in this development scheme.
- (6) The application lapses if the proponent does not carry out public consultation in accordance with subsections (3) to (5).
- (7) The Coordinator-General must make the application and the supporting material available for inspection by the public for the whole of the consultation period.
- (8) Any person may, on or before the last day of the consultation period, make a submission to the Coordinator-General in respect of the application.
- (9) Within five business days after the end of the consultation period, the proponent must provide the Coordinator-General with a statutory declaration stating that the proponent has complied with subsections (3) to (5).
- (10) The public consultation stage ends when:
- (a) the Coordinator-General issues a written notice to the proponent under subsection (2)(a) or
 - (b) the proponent provides the Coordinator-General with a statutory declaration under subsection (9).

2.4 Review stage

- (1) This stage applies only if the Coordinator-General requests advice from any person the Coordinator-General considers is appropriate to provide advice on any matter related to the application at any time before the end of five business days after the end of the:
- (a) application stage, if both the referral and public consultation stages are not applicable or
 - (b) referral stage, if the public consultation stage is not applicable or
 - (c) public consultation stage.
- (2) The Coordinator-General must provide a written notice to the proponent at the same time as making the request for advice under subsection (1) that the review stage has commenced.
- (3) The written notice under subsection (2) must state:
- (a) the matters for which the Coordinator-General has requested advice and

- (b) that the application is on hold until the Coordinator-General has received the requested advice.
- (4) Upon receipt of the requested advice or if the Coordinator-General is satisfied that the requested advice is no longer required, the Coordinator-General must issue the proponent written notice:
 - (a) to provide additional information based upon the advice by a specified date or
 - (b) that no additional information is required and that the application will proceed to the decision stage.
- (5) If the proponent receives a written notice for additional information under subsection 4(a), the application will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice.
- (6) The review stage ends:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that requires the proponent to provide additional information by a specified date - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) when the Coordinator-General issues a written notice to the proponent under subsection 4(b).

2.5 Decision stage

- (1) The Coordinator-General must decide the application within 30 business days (the decision-making period) of the end of the:
 - (a) application stage, if the referral, public consultation and review stages are not applicable or
 - (b) referral stage, if the public consultation and review stages are not applicable or
 - (c) public consultation stage, if the review stage is not applicable or
 - (d) review stage.
- (2) The Coordinator-General may, by written notice given to the proponent, extend the decision making period by not more than 30 business days.
- (3) The Coordinator-General must assess the application having regard to:
 - (a) the application and all supporting material
 - (b) any submissions received
 - (c) any advice and/or additional information received during the review stage
 - (d) this development scheme and
 - (e) any other matter the Coordinator-General considers to be relevant.
- (4) In making a decision, the Coordinator-General will consider, amongst other matters, if, in the opinion of the Coordinator-General:
 - (a) the proponent has adequately responded to any request for additional information and
 - (b) the application adequately addresses any issues raised in a referral entity submission or submission.
- (5) In deciding the application, the Coordinator-General may:
 - (a) issue an SDA approval or
 - (b) refuse the application.
- (6) Without limiting subsection 5(a), a condition attached to an SDA approval may:

- (a) state how long the use may continue or
 - (b) require any necessary decommissioning or restoration of any matter arising from the SDA approval or
 - (c) address external requirements for the development, such as payment of monetary contributions towards the cost of supplying external services or networks for the development or
 - (d) give effect to any aspect of this development scheme.
- (7) Within 10 business days of deciding the application, the Coordinator-General must give the decision notice to:
- (a) the proponent
 - (b) any referral entities who made a referral entity submission about the application and
 - (c) any person who made a submission about the application.
- (8) The decision notice must state:
- (a) Whether the application is approved, approved subject to conditions or refused, and if refused, the reasons for the decision
 - (b) if the application is approved subject to conditions, the conditions and
 - (c) if the application is approved, the date from which the SDA approval takes effect.

3. Making a request to change an SDA application

- (1) A proponent that has made an SDA application may make a request to change the application if:
- (a) the application was properly made and has not lapsed and
 - (b) the application has not been decided.
- Note: The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the application. Otherwise, the proponent should withdraw the application and submit a new SDA application.*
- (2) If a request to change an SDA application is made, assessment of the original application is on hold until the Coordinator-General makes a decision on the request to change the application.
- (3) To be a properly made request to change an SDA application, the request must:
- (a) be made to the Coordinator-General in the approved form
 - (b) identify the original application to which the request applies
 - (c) identify the change to the original application which is being sought
 - (d) include sufficient information to support that the request can be assessed as a minor change and
 - (e) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (4) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice to the proponent that:
- (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request is not accepted as properly made, the reasons for the decision and that the assessment of the original application will recommence.

- (5) If the Coordinator-General issues a written notice in accordance with subsection (4)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (6) If the proponent receives a written notice for additional information under (4)(a)(ii), the request will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice. If the request lapses, assessment of the original application recommences.
- (7) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (8) The Coordinator-General must make a decision on the request within 20 business days (the decision-making period) of:
 - (a) if no additional information is requested – the Coordinator-General issues the notice to the proponent under subsection (4)(a) or
 - (b) if additional information is requested –when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice.
- (9) In deciding the request the Coordinator-General must either approve or refuse the request.
- (10) The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the SDA application.
- (11) The Coordinator-General must give the notice of the decision to the proponent within 10 business days after making the decision.
- (12) The notice of the decision must include:
 - (a) whether the request is approved or refused
 - (b) if the request is approved, a statement that the assessment of the original application can continue as if the change was part of the original application or
 - (c) if the request is refused, the reasons for the decision and a statement that assessment of the original application will continue.
- (13) If the decision is to approve the request, the Coordinator-General must also give a copy of notice of the decision to any referral entities for the SDA application affected by the change within 10 business days after making the decision.
- (14) If the decision is to refuse the request, assessment of the original application recommences.

4. Making a change application for an SDA approval

- (1) A change application for an SDA approval can follow one of two application processes:
 - (a) if the change application only relates to a change to the currency period – the process under Schedule 2, Part 5 or
 - (b) otherwise, subject to subsection (2), a change application must be made in accordance with the process for making an SDA application set out in Schedule 2, Part 2 as if a reference to an application were to the change application.
- (2) If the proposed change to an SDA approval is a minor change:
 - (a) consent of the owner is not required to make the change application
 - (b) the referral, public consultation and review stages do not apply to the change application and

- (c) the relevant fee is the fee prescribed by regulation for a minor change to an SDA application.

5. Requesting a later currency period for an SDA approval

- (1) A proponent may make a request to the Coordinator-General to state a later currency period for an SDA approval under section 84H of the SDPWO Act.
- (2) To be a properly made request, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) sufficient information to identify the SDA approval to which the request applies and
 - (ii) the proponent's name, address and contact details
 - (c) include sufficient information to support the request
 - (d) be accompanied by payment of the relevant fee, if prescribed by regulation and
 - (e) be accepted as a properly made request 30 business days before the end of the currency period for the SDA approval.
- (3) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice that:
 - (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request is not accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written notice for additional information, the request will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (6) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (7) The Coordinator-General must assess the request against the matters listed in section 2.1.1(3) of this development scheme and make a decision on the request within 20 business days (the decision-making period) of:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date, when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information, when the Coordinator-General issues the notice.
- (8) In deciding the request the Coordinator-General must either approve or refuse the request.

- (9) The Coordinator-General must give the notice of the decision to the proponent and any referral entities affected by the decision.
- (10) The notice of the decision must be given within 10 business days after the day the decision is made and include:
 - (a) whether the request is approved or refused, and if refused, the reasons for the decision and
 - (b) if the request is approved, the date of the later currency period.

6. Request to carry out prior affected development

- (1) An owner of land (proponent) may make a prior affected development request to the Coordinator-General if immediately before an approved development scheme started applying to the land, there was a prior affected development for the land.
- (2) To be a properly made request, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the request
 - (ii) the name, address and contact details of the owner of the land
 - (c) identify the development for which approval is being sought
 - (d) if for an alternative lawful development, include documentation that demonstrates that the development was an as of right development prior to this development scheme taking effect
 - (e) if for an approved development or authorised development, include a copy of the previous approval or permit, including any conditions, to which the previous approval or permit applies
 - (f) include sufficient information to support the request and
 - (g) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within 20 business days of receiving the request, the Coordinator-General must issue a written notice that:
 - (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request has not been accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written request for additional information, the request will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (6) The Coordinator-General must make a decision on the request within 20 business days of:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or

- (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information - when the Coordinator-General issues the notice.
- (7) When assessing the request, the Coordinator-General must consider if, in the opinion of the Coordinator-General, the request:
- (a) is consistent with or would not compromise any aspect of this development scheme or
 - (b) does not meet paragraph (a) but there are mitigating circumstances for approving the request.
- (8) When making a decision, the Coordinator-General must have regard to the following:
- (a) the planning scheme for the relevant local government that was in effect at the time this development scheme came into effect
 - (b) this development scheme
 - (c) the nature of the proposed development and its potential impacts on matters listed in section 2.1.1(3) of this development scheme
 - (d) the currency period of any previous approval and
 - (e) any other matters the Coordinator-General considers relevant.
- (9) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (10) In deciding the request the Coordinator-General must either approve or refuse the request.
- (11) The Coordinator-General may impose a condition on an approval to:
- (a) place a limit on how long the development may continue or
 - (b) require any necessary decommissioning or restoration of the premises or
 - (c) give effect to any aspect of this development scheme.
- (12) The Coordinator-General must give the notice of the decision to the proponent within 10 business days after the day the decision is made and include:
- (a) whether the request is approved or refused, and if refused, the reasons for the decision
 - (b) the currency period for any approval and
 - (c) if refused, a statement that under section 87 of the SDPWO Act, the owner of an interest in land may be entitled to compensation.

Schedule 3 – Requirements for SDA self-assessable development

- (1) This Schedule identifies the requirements for SDA self-assessable development.
- (2) The requirements support the strategic vision, overall objectives and the preferred development intent for the precincts.
- (3) A proponent who carries out SDA self-assessable development must comply with all relevant requirements set out in sections (1) and (2) below.
- (4) A proponent must obtain all other development permits, licences, or approvals as required to lawfully undertake the development.

1. Compliance requirement

- (1) Prior to commencing SDA self-assessable development, the proponent must provide compliance documentation to the Coordinator-General.
- (2) Compliance documentation must include:
 - (a) contact details for the proponent, including name, address, phone numbers, and email
 - (b) a statement of the relevant requirements for SDA self-assessable development
 - (c) relevant supporting information such as plans, drawings, and management plans
 - (d) a report (compliance report) on how the development, including the relevant supporting information, complies with the relevant requirements
 - (e) for the relevant suitably qualified person, proof of current insurance from a reputable insurer:
 - (iii) professional indemnity to the value of \$5,000,000
 - (iv) public liability to the value of \$20,000,000 and
 - (v) any other insurance required by law for undertaking the required actions.

- (3) Relevant supporting information such as plans, drawings, and management plans must be prepared by a suitably qualified person in accordance with current best practice.
- (4) The compliance report must be prepared by a suitably qualified person that is an independent third party.
- (5) The compliance report must state that:
 - (a) the relevant requirements have been identified
 - (b) the relevant plans, drawings, and management plans have been prepared
 - (vi) by a suitably qualified person and
 - (vii) have been prepared in accordance with current best practice
 - (c) the relevant plans, drawings, and management plans achieve the identified requirements.
- (6) The proponent must keep, and make available for inspection, an up to date statement of how the compliance documentation is being implemented.

2. SDA wide requirements for SDA self-assessable development

- (1) A proponent who carries out SDA self-assessable development must comply with the relevant requirements set out in Table 4.

Table 4 SDA wide requirements for SDA self-assessable development

Requirement number	SDA wide requirements	Requirements
1	Operational Work	All works must be carried out in accordance with the conditions of the SDA approval for the use.



The Coordinator-General
PO Box 15517 City East
tel 13 QGOV (13 74 68)
fax +61 07 3452 7590
info@dss.qld.gov.au
www.statedevelopment.qld.gov.au