

Abbot Point State Development Area Development Scheme

November 2014

Amendment history

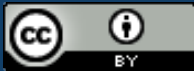
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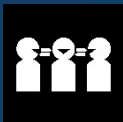
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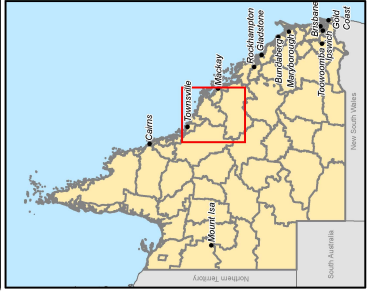
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1. Introduction

1.1 The Abbot Point SDA

- (1) State development areas (SDAs) are areas declared by regulation under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- (2) The Abbot Point State Development Area (Abbot Point SDA) was declared in June 2008 by regulation and varied in November 2014 by regulation.
- (3) Figure 1 identifies the boundary and development precincts of the Abbot Point SDA.



Note

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Source

- The Coordinator-General, Development, Infrastructure and Planning
- The Department of Natural Resources and Mines

Datum - GDA 94 Projection - MGA 94 Zone 55

Legend

- Rail
- AFSLA Boundary
- Property boundaries
- Waterbody/waterway
- Estuarine
- Roads
- AFSLA Development Precincts
 - Environmental Management/Materials Transportation Precinct
 - Industry Precinct
 - Residential and Commercial Precinct
 - Port Expansion Precinct
 - Peri-Urban Precinct
 - Restricted Development Precinct

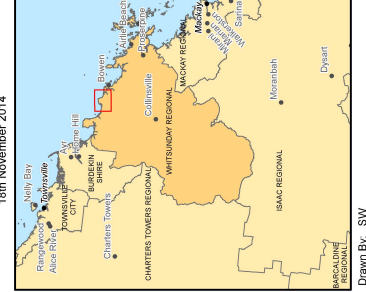
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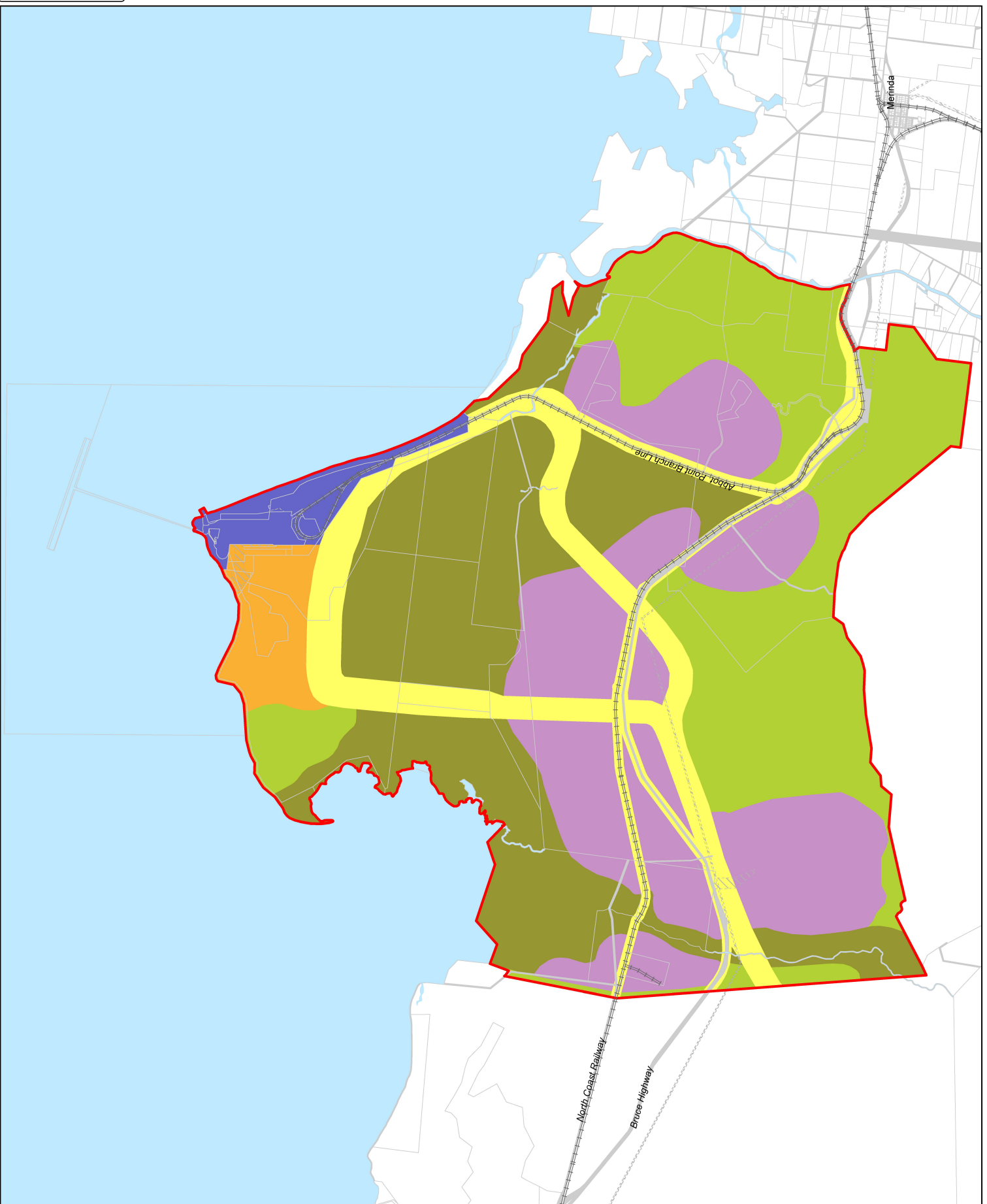


Figure 1 Abbot Point State Development Area

1.2 The Abbot Point 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 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 Abbot Point SDA
 - (ii) the overall objectives for development in the Abbot Point 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) for SDA self-assessable development, includes the requirements development must comply with
 - (e) contains a development assessment framework and processes for the following:
 - (i) assessing and deciding an SDA application
 - (ii) making, assessing and deciding a request to change an SDA application
 - (iii) assessing and deciding a change application for an SDA approval
 - (iv) making, assessing and deciding a request to state a later currency period for an SDA approval
 - (v) making, assessing and deciding a request to carry out a prior affected development
 - (vi) making, assessing and deciding a request to approve a plan of subdivision
 - (f) other matters pertaining to the regulation of development in the Abbot Point SDA.
- (3) Schedule 1 provides the definitions for this development scheme.
- (4) 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.dsdip.qld.gov.au/sda.

1.3 Regulatory framework

- (1) A person may only carry out regulated development in the Abbot Point SDA in accordance with the SDPWO Act and this development scheme.
- (2) Development regulated by this development scheme is identified in Tables 1-6 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 relevant local government planning scheme.

1.3.1 Levels of assessment

- (1) Development identified in Tables 1-6 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 1-6 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 request a pre-lodgement consideration of the proposed development by the Office of the Coordinator-General. The process for pre-lodgement is contained in Schedule 2.

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) development is carried out by or on behalf of the State or public sector entity in accordance with the Planning Act Regulation, Schedule 4 or development a person is directed to carry out under a notice, order or direction made under a State law or
 - (d) operational work is not assessable development or self-assessable development under the Planning Act or
 - (e) operational work is not necessary for a material change of use or reconfiguration regulated under this development scheme 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*.
- (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 Abbot Point SDA

2.1 Development assessment framework

2.1.1 SDA application for SDA assessable development

- (1) A person may make an SDA application in relation to SDA assessable development in accordance with the process in Schedule 2.
- (2) 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 Abbot Point SDA
 - (b) the overall objectives for development in the Abbot Point 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.
- (3) SDA assessable development that is not consistent with the matters listed in subsection (2)(a) to (e) will generally be considered to be inconsistent with this development scheme.
- (4) Prior to lodging an SDA application under this development scheme a proponent 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.

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
 - (e) a request for approval of a plan of subdivision, following an SDA approval for reconfiguring a lot.
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(2) to the extent they are considered relevant by the Coordinator-General.
 - (4) Requests for approval of a plan of subdivision will be assessed against the relevant SDA approval.
 - (5) Prior to making an application or request under this development scheme, a proponent 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 Abbot Point SDA

- (1) The vision for the Abbot Point SDA is to:
 - (a) provide land and plan for the establishment of industrial and port related development of regional, State or national significance, light industry requiring co-location with that industrial and port related development and associated facilities and local utilities.
 - (b) manage and plan for the establishment of industry and port related development at Abbot Point to complement the existing deep water port at Abbot Point.
 - (c) provide land and plan for the establishment of dedicated, efficient and safe infrastructure, including essential services and infrastructure corridors, to adequately service development.
- (2) The strategic vision is supported by the overall objectives for development and preferred development intents of development precincts within the Abbot Point SDA.

2.3 Overall objectives for development in the Abbot Point SDA

- (1) Development within the Abbot Point SDA will:
 - (a) ensure the integrity and functionality of the Abbot Point SDA is maintained and protected from land uses and activities that may be incompatible with, or adversely affect, the continued use of the Abbot Point SDA for industrial and port related development of regional, State or national significance.
 - (b) ensure the land resource is effectively utilised such that development does not consume land unnecessarily or compromise the future development of the Abbot Point SDA by appropriately siting development, services, facilities and utilities.
 - (c) manage and plan for the impacts on existing services, facilities and utilities.
 - (d) encourage synergies between industries to minimise waste production and promote re-use and recycling of waste.

- (e) ensure the physical characteristics of land are considered in determining the suitability and location of development.
- (f) recognise and manage impacts on environmental, cultural heritage and community values, consistent with current best practice, including values for matters of national environmental significance including the outstanding universal value of the Great Barrier Reef World Heritage Area.
- (g) ensure impacts on the environment, including cumulative impacts, are managed.

2.4 Abbot Point SDA development precincts

- (1) The Abbot Point SDA has six 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 Industry Precinct – preferred development intent

- (1) The precinct is intended to provide for the establishment of industrial development that is of regional, State or national significance. Large scale, large plant footprint industrial development, requiring large undeveloped sites is generally encouraged, including:
 - (a) mineral and resource refining and processing
 - (b) chemical and industrial material manufacturing
 - (c) metal product manufacturing and processing.
- (2) The following development supports the preferred development intent:
 - (a) high impact industry
 - (b) special industry.
- (3) Low impact industrial uses, industry related services, facilities and utilities and other uses may also be supported where these activities require co-location with and do not compromise future industrial development of regional, State or national significance.
- (4) The establishment of uses that may be incompatible with, adversely affect, or constrain existing or future industry of regional, State or national significance is likely to be inconsistent with the development scheme.
- (5) Table 1 identifies SDA assessable development and SDA self-assessable development within the precinct.
- (6) Figure 1 identifies the Industry Precinct.

Table 1 Regulated development within the Industry Precinct

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

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

2.4.2 Infrastructure and Corridors Precinct – preferred development intent

- (1) This precinct is intended to provide for the establishment of necessary services, facilities and utilities to support development within the Abbot Point SDA or the Port of Abbot Point, including:
 - (a) railways, roads, bridges or other transport infrastructure
 - (b) electricity, oil or gas transmission or distribution
 - (c) water or waste water reticulation
 - (d) waste material conveyance.
- (2) Services, facilities and utilities which service the Abbot Point SDA or the Port of Abbot Point are given priority over alternate land uses within the precinct.
- (3) This precinct will provide for multiple users, with priority given to common use services, facilities and utilities. Services, facilities and utilities envisaged are for the purposes of transporting materials, products, wastes and services by pipe, conveyor, road or rail. Local services including water, gas, electricity, sewerage and telecommunications will be located in this precinct.
- (4) The following development supports the preferred development intent:
 - (a) infrastructure corridor
 - (b) linear infrastructure facility
 - (c) rail infrastructure
 - (d) utility installation.
- (5) Port facilities support the preferred development intent, where the development:
 - (a) requires co-location with development in the Port Facilities Precinct or Port Expansion Precinct
 - (b) does not compromise the establishment of necessary services, facilities and utilities within the precinct.
- (6) Table 2 identifies SDA assessable development and SDA self-assessable development within the precinct.
- (7) Figure 1 identifies the Infrastructure and Corridors Precinct.

Table 2 Regulated development within the Infrastructure and Corridors Precinct

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

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

2.4.3 Restricted Development Precinct – preferred development intent

- (1) This precinct will provide for physical separation of significant industrial uses and associated facilities within the Abbot Point SDA from sensitive land uses outside of the Abbot Point SDA.
- (2) This precinct will provide for the utilisation of limited areas for uses which do not result in substantial impacts on premises located outside of the Abbot Point SDA and are compatible with being in close proximity to industry.
- (3) This precinct will provide areas where remnant vegetation, wetlands, waterways and areas of ecological significance can remain and where revegetation can occur.
- (4) The following development may support the preferred development intent:
 - (a) animal husbandry
 - (b) cropping
 - (c) non-resident workforce accommodation.
- (5) Table 3 identifies SDA assessable development and SDA self-assessable development within the precinct.
- (6) Figure 1 identifies the Restricted Development Precinct.

Table 3 Regulated development within the Restricted Development Precinct

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

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

2.4.4 Environmental Management/Materials Transportation Precinct – preferred development intent

- (1) This precinct provides areas where remnant vegetation, wetlands, waterways and areas of ecological significance can remain and where enhancement and revegetation can occur.
- (2) This precinct may also provide services, facilities and utilities essential for transportation between the Industry Precinct and the port in a manner which ensures areas of high ecological significance are recognised and managed.
- (3) The following development may support the preferred development intent:
 - (a) infrastructure corridor
 - (b) linear infrastructure facility
 - (c) rail infrastructure
 - (d) utility installation.
- (4) Industrial development is not located within this precinct.
- (5) Table 4 identifies SDA assessable development and SDA self-assessable development within the precinct.
- (6) Figure 1 identifies the Environmental Management/Materials Transportation Precinct.

Table 4 Regulated development within the Environmental Management/Materials Transportation Precinct

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

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

2.4.5 Port Facilities Precinct – preferred development intent

- (1) This precinct is intended to provide for the continued development of the Port of Abbot Point as a significant deep-water bulk cargo port. The precinct provides for the core commercial business of the port and for the future expansion of these core port activities.
- (2) The following development supports the preferred development intent:
 - (a) port facilities
 - (b) utility installation
 - (c) rail infrastructure.
- (3) Non port-dependent uses may also be supported within the precinct, where these uses:
 - (a) require co-location with the Port of Abbot Point
 - (b) do not compromise the operation or continued development of the Port of Abbot Point.
- (4) The establishment of uses that may be incompatible with, adversely affect, or constrain the Port of Abbot Point or the development of industrial development of regional, State or national significance within the Abbot Point SDA are not supported.

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

Table 5 Regulated development within the Port Facilities Precinct

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

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

2.4.6 Port Expansion Precinct – preferred development intent

- (1) This precinct is intended to provide opportunities for innovative industrial and infrastructure solutions to support the future development of the Port of Abbot Point in a manner which ensures areas of high ecological significance are recognised and managed.
- (2) Parts of this precinct may be suitable for the placement of dredge material from the Port of Abbot Point.
- (3) The precinct is also suitable for industrial and port related development, services, facilities and utilities.
- (4) Uses which are generally considered to meet the precinct intent include residue storage, where for the placement of material resulting from port dredging activities.
- (5) The following development supports the preferred development intent:
 - (a) port facilities
 - (b) utility installation
 - (c) rail infrastructure.
- (6) Table 6 identifies SDA assessable development and SDA self-assessable development within the precinct.
- (7) Figure 1 identifies the Port Expansion Precinct.

Table 6 Regulated development within the Port Expansion Precinct

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

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
 - (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 best practice, is to:
 - (a) achieve an appropriate level of flood immunity
 - (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.

2.5.5 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 Abbot Point 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.
- (4) Adequate car parking for the number and nature of vehicles expected is provided.

2.5.7 Non-resident workforce accommodation

- (1) Non-resident workforce accommodation:
 - (a) does not permanently sterilise land within the Abbot Point SDA for future industrial and infrastructure projects
 - (b) demonstrates an overriding need to be located within the Abbot Point SDA and removed from existing urban settlements
 - (c) is located, designed and constructed to ensure the safety of occupants from current or future industrial and infrastructure activities within the Abbot Point SDA
 - (d) is designed and constructed in accordance with Queensland Development Code Mandatory Part 3.3 – Temporary Accommodation Buildings and Structures (QDC MP 3.3)
 - (e) is 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.

Note: Further guidance on non-resident workforce accommodation is provided in the Economic Development Queensland PDA guideline no.3 – Non-resident worker accommodation.

2.5.8 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.

2.5.9 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.

2.5.10 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 7 below, unless it can be demonstrated that an alternative solution that at least produces the same outcome is appropriate.

Table 7 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	<ul style="list-style-type: none"> • Relevant local government standards • Austroads – Guide to Road Design Part 6A: Pedestrian and Cyclist Paths.

2.5.11 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.

2.5.12 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 source.

2.5.13 Visual impacts

- (1) Visual impacts of buildings and any retaining structures are minimised through building design and landscaping when viewed from a publicly accessible view point such as major roads.
- (2) Development incorporates high quality urban design and landscape treatments particularly for those areas that are highly visible from public roads.

2.5.14 Built form

- (1) The scale, character and built form of development contributes to a high standard of amenity.
- (2) Development must incorporate crime prevention through environmental design (CPTED) principles.

2.5.15 Landscaping

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

2.5.16 Reconfiguring a lot

- (1) Each lot has lawful, safe and practical access to the existing road network via direct road frontage or an access easement suitable for the lot.
- (2) Each lot supports the strategic vision and overall objectives of the Abbot Point SDA Development Scheme and the preferred development intent of the relevant precinct(s).

2.5.17 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.

3. Compliance with this development scheme

3.1 Procedural compliance

- (1) If a procedural requirement of this development 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 Abbot Point 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 Abbot Point 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 Abbot Point 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 Abbot Point 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.

dwelling means a building or part of a building used or capable of being used as a self-contained residence that must include the following:

- (a) food preparation facilities
- (b) a bath or shower
- (c) a toilet and wash basin
- (d) clothes washing facilities

This term includes outbuildings, structures and works normally associated with a dwelling.

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 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.

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*.

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
 - (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.

other rail infrastructure see *Transport Infrastructure Act 1994*

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 the *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 adjacent land uses and a statement of the likely impact on the surrounding land uses from the proposed development
- (f) 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

- (g) 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
 - (iii) the development satisfy 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.

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.

rail corridor land see *Transport Infrastructure Act 1994*

rail transport infrastructure see *Transport Infrastructure Act 1994*

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.

Note: a referral entity may include a State Agency, local government or port authority.

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.

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

SDA means State development area.

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

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

air services means premises used for any of the following:

- (a) the arrival and departure of aircraft
- (b) the housing, servicing, refuelling, 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 landscape supplies means premises used for bulk storage and sale of landscaping and gardening supplies, which may include soil, gravel, potting mix and mulch, where the majority of materials sold from the premises are not in pre-packaged form.

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

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.

extractive industry means premises used for the extraction and/or 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.

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.

Note: High impact industry examples may include abattoirs, concrete batching plant, boiler making and engineering and metal foundry. High impact industry examples do not include tanneries, rendering plants, oil refineries, waste incineration, manufacturing or storing explosives, power plants, manufacturing fertilisers.

infrastructure corridor means premises used for the construction of a corridor for the future placement of infrastructure. The use includes ancillary works including bridging structures, embankments and environmental management and mitigation measures.

intensive animal industry means premises used for the intensive production of animals or animal products in an enclosure that requires the provision of food and water either mechanically or by hand.

The use includes the ancillary storage and packing of feed and produce.

intensive horticulture means premises used for the intensive production of plants or plant material on imported media and located within a building or structure or where outdoors, artificial lights or containers are used.

The use includes the storage and packing of produce and plants grown on the subject site.

linear infrastructure facility means premises used for a pipeline or conveyor to transport materials including gas, bulk materials, liquid, slurry or any other material.

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.

Note: Low impact industry examples may include repairing motor vehicles, fitting and turning workshop. Low impact industry examples do not include panel beating, spray painting or surface coating, tyre recycling, drum re-conditioning, wooden and laminated product manufacturing.

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 telecommunications 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 on 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.

Note: Medium impact industry examples may include spray painting and surface coating, wooden and laminated product manufacturing (including cabinet making, joining, timber truss making or wood working). Medium impact industry examples do not include concrete batching, tyre manufacturing and retreading, metal recovery (involving a fragmentiser), textile manufacture, chemically treating timber and plastic product manufacture.

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 residents and their visitors.

port facilities means premises used for the loading/unloading, stockpiling and transferring of commodities by ship. The use includes, but is not limited to, the following activities:

- (a) bulk terminal storage
- (a) storage of goods or materials (including stockpiles)
- (b) processing and transfer of goods or materials for shipment
- (c) water storage and treatment
- (d) ancillary services (workshops, warehouses, fuel storage, abrasive blasting, spray painting etc)
- (e) port related offices
- (f) port services including, customs, port pilotage, AQIS, and shipping agents
- (g) quarantine waste facilities
- (h) transport of goods/materials, whether by road, rail or air
- (i) maritime support facilities including vessel refuelling/servicing/and repair and waste management
- (j) facilities for terminal operators including car parking and other general amenities
- (k) uses that facilitate the expansion, improvement or maintenance of port handling activities (including lay down areas, engineering works, concrete batching plants, roads, utilities, material offloading facilities etc)
- (l) extractive industry
- (m) utilities, including electrical, water and sewerage infrastructure.

rail infrastructure means *rail transport infrastructure or other rail infrastructure* as herein defined.

renewable energy facility means premises used for the generation of electricity or energy from renewable (naturally reoccurring) sources.

research and technology industry means premises used for innovative and emerging technological industries involved in research, design, manufacture, assembly, testing, maintenance and storage of machinery, equipment and components.

The use may include emerging industries such as energy, aerospace and biotechnology.

residue storage facility means premises used for the placement or storage, whether temporary or permanent, of material produced as a result of an industrial or infrastructure activity conducted off site.

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 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.

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.

Note: Special industry examples may include tanneries, rendering plants, oil refineries, waste incineration, manufacturing or storing explosives, power plants, manufacturing fertilisers.

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

- (a) converting or transforming electricity 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 or
- (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.

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 or treatment of water, hydraulic power or gas
- (b) sewerage, drainage or stormwater services
- (c) transport services including road, rail or water
- (d) waste management facilities or
- (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

- (3) 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.
- (4) 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
 - (c) an Act includes any Regulation or instrument made under it and includes any amending or replacement Act.

Schedule 2 – Processes for making assessing and deciding applications and requests

1. Request for pre-lodgement consideration

- (1) Prior to lodging any application or request or carrying out SDA self-assessable development, a proponent is encouraged to request a pre-lodgement consideration of the proposed development from the Office of the Coordinator-General.²
- (2) To be a properly made request for formal pre-lodgement consideration of a proposed SDA application, 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
 - (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
 - (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

² A proponent 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, proponents are not required to do so.

- (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

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
 - (i) be accompanied by 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. 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.

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).

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).

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 for 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

- (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 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(2) 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. Requesting 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(2) 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.

7. Request for approval of a plan of subdivision

- (1) Following an SDA approval for reconfiguring a lot a proponent may submit a request for approval of a plan of subdivision by the Coordinator-General.
- (2) To be a properly made request, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) identify the SDA approval to which this request relates
 - (c) include:
 - (i) the proponent's name, address and contact details
 - (ii) the required documentation to enable plan sealing to occur and
 - (iii) payment of the fee prescribed by regulation.
- (3) Within five 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 the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice.
- (6) The Coordinator-General must assess the request against the relevant SDA approval and make a decision on the request within 10 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.
- (7) In deciding the request the Coordinator-General must either approve or refuse the request.
- (8) The Coordinator-General must give a notice of the decision to the proponent within five 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, that the approved plan of subdivision may be lodged with the Land Title Office for registration, subject to the relevant requirements under either the *Land Title Act 1994* or *Land Act 1994*.

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 person must obtain all other development permits, licences or approvals as required.

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:
 - (i) professional indemnity to the value of \$5,000,000
 - (ii) public liability to the value of \$20,000,000 and
 - (iii) 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
 - (i) by a suitably qualified person
 - (ii) 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. Specific requirements for SDA self-assessable development

- (1) Specific requirements are contained in Table 8.

Table 8 Specific requirements for SDA self-assessable development

SDA self-assessable development	Precinct or Precincts	Requirements
Operational work	All precincts	All works must be carried out in accordance with the conditions of the SDA approval for the use or reconfiguration



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