



The Coordinator-General



Abbot Point State Development Area

Development scheme

September 2012



Queensland
Government

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1. Introduction

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

2. Definitions

- (1) In this development scheme:

Abbot Point State Development Area means that part of the Abbot Point area declared the Abbot Point State Development Area by the *State Development and Public Works Organisation (State Development Areas) Regulation 1998* and any subsequent regulation.

acquisition land means land:

- (a) that has been taken or acquired under the SDPWOA or the *Acquisition of Land Act 1967*
- (b) the subject of a notice of intention to resume under the SDPWOA or the *Acquisition of Land Act 1967*, and the proposed resumption, taking or acquisition has not been discontinued.

alternative lawful use, for land means a lawful as of right use for which the owner of the land can use the land.

ancillary means the use of premises associated with but incidental and subordinate to the predominant use.

application means an application for development under section 9.1(2) of this development scheme.

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

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

building see the SPA, schedule 3.

business day see the SPA, schedule 3.

community infrastructure see the SPA, schedule 3.

Coordinator-General see the SDPWOA, schedule 2.

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

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

development scheme means the Development Scheme for the Abbot Point State Development Area.

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

environmental value is:

- (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- (b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

environmentally relevant activity see the EP Act.

EP Act means the *Environmental Protection Act 1994*.

infrastructure means those facilities, services and utilities that, in the opinion of the Coordinator-General, are required by or associated with development of the Abbot Point State Development Area. This infrastructure may include local infrastructure.

material change of use, of premises:

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

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

- (a) be inconsistent with a recommendation made by a referral agency in a referral agency submission, unless agreed by the referral agency; and
- (b) in the Coordinator-General's opinion:
 - (i) be inconsistent with the development scheme;
 - (ii) create the need to make a development application; or
 - (iii) cause a person to make a submission objecting to the proposal.

planning report means a document containing:

- (a) an accurate description of the land, the subject of the application;
- (b) a description of the proposed use of the land, the subject of the application;
- (c) an assessment of the consistency of the proposal with the development scheme for the Abbot Point State Development Area including any policies;
- (d) a description and assessment of the impacts of the proposal;
- (e) a plan to manage any adverse impacts; and
- (f) an assessment of the impacts of the proposal on existing infrastructure and the need for additional infrastructure.

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

precinct map means the map attached to this development scheme at Schedule 2; which identifies the respective Land Use Precincts referred to in section 6 and Schedule 1 of this development scheme.

premises see the SPA, schedule 3.

previous approval means an:

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

proponent, for an application, means a person who makes an application under section 9.2 of this development scheme and includes a person who under an agreement or other arrangement with the person who lodged the application becomes the proponent.

public sector entity see the SPA, schedule 3.

referral agency for an application means:

an agency that would have been an advice agency or concurrence agency if the application had been one for a development approval under the SPA; and

- (a) Whitsunday Regional Council; and
- (b) any other agency nominated by the Coordinator-General.

referral agency submission means a submission prepared by a referral agency under section 9.3(7) or (8) of this development scheme.

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

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

significant project means a project declared under section 26 of the SDPWOA to be a significant project.

SPA means the *Sustainable Planning Act 2009*.

submission means a submission that:

- (a) is made to the Coordinator-General in writing; and
- (b) is received on or before the last day of the submission period; and
- (c) is signed by each person who made the submission; and
- (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.

supporting material means the additional information provided by the proponent in response to a request by the Coordinator-General under section 9.2(5) and (6) and a referral agency under section 9.3(3) under this development scheme.

use of premises includes any ancillary use of the premises.

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

agriculture means the use of premises for:

- (a) the growing of crops and pastures on a commercial basis; and
- (b) the keeping, feeding or breeding generally free-range or depasturing of any animal. The term includes animal breeding establishments, holding yards, hatcheries, stables and all non-intensive animal husbandry including the keeping of working farm animals.

extractive industry means the use of premises for the extraction of sand, gravel, soil, rock, stone or similar substances from land. The term includes the ancillary use of such premises for:

- storage, loading and cartage of extracted substances;
- crushing, screening, washing or other treatment processes of the extracted substances;
- the use of any office and amenity building; or
- the storage of articles used in connection with or resulting from any such activity.

The term does not include to mine or to prospect under the *Mineral Resources Act 1989*.

forestry means the use of premises for the planting, growing or harvesting of trees as a commercial venture.

high impact industry means use of premises for industry of regional, State and national significance, including but not limited to:

- petroleum refining
- petroleum and coal product manufacture
- chemical manufacturing
- cement, lime, plaster and concrete manufacturing
- mineral product manufacturing or processing
- iron and steel manufacturing
- ferrous and non-ferrous metal manufacturing
- structural metal product manufacturing
- fertiliser manufacturing.

The term includes the storage of articles or materials associated with any of these activities.

infrastructure facility means the use of premises for any of the following:

- (a) a road, railway, bridge or other transport facility;
- (b) a jetty or port;
- (c) an electricity generation, transmission or distribution facility;
- (d) a storage, distribution or gathering or other transmission facility for –
 - (i) oil or gas; or
 - (ii) derivatives of oil or gas;
- (e) a storage or transportation facility for coal, any other mineral or any mineral concentrate;
- (f) a dam, water storage facility, pipeline, channel or other water management, distribution or reticulation facility; or
- (g) a cable, antenna, tower or other communication facility.

light industry means the use of premises for any small-scale industrial activity requiring co-location with industrial development of regional, State and national significance which is not ancillary to another on the site, including but not limited to:

- a process of manufacture;
- dismantling or breaking up of any article;
- treating waste material;
- laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or
- the storage of articles used in connection with the activity;

- testing or analysis.

local infrastructure means the use of premises for:

- (a) water reticulation, sewerage and stormwater drainage;
- (b) other public purposes carried out by or for the Whitsunday Regional Council under the *Local Government Act 2009*;
- (c) the provision of electricity, telecommunications or gas; or
- (d) public transport facilities.

temporary workers accommodation means the use of premises for accommodation for construction workers. The use may include common room facilities and the like, restaurant and conference facilities and a manager's residence/office.

waste disposal means a use of premises for the disposal of liquid or solid waste material from one or more industries.

3. Background

- (1) Abbot Point is located approximately 20km to the west of Bowen and forms a key part of the Government's Northern Economic Triangle Infrastructure Plan 2007 - 2012. This plan is a Government initiative to "see the emergence of Mount Isa, Townsville and Bowen as a triangle of industrial development and mineral processing over the course of the next half century".
- (2) Declaration of the Abbot Point State Development Area enables the State to facilitate and effectively manage the planned development and operation of the area and associated infrastructure for industrial purposes of regional, State and national significance.
- (3) The establishment of industry at Abbot Point complements the existing deep water port adjacent to the Abbot Point State Development Area, the Port of Abbot Point.

4. Intent of APSDA development scheme

The intent of this development scheme is to:

- (1) Establish a set of objectives and requirements for the orderly development of the Abbot Point State Development Area.
- (2) Provide guidance and a framework for the assessment, determination and management of development of the Abbot Point State Development Area.
- (3) Establish a procedure for determination by the Coordinator-General of the suitability of uses in the Abbot Point State Development Area.
- (4) Establish procedures for effective referral and public consultation so that other government and semi-government agencies, the Whitsunday Regional Council and the community are engaged, where appropriate, in the assessment of applications for development.

- (5) Recognise that the Coordinator-General has primary carriage for the development, operation and management of land use in the Abbot Point State Development Area.
- (6) Identify a range of land use precincts within the Abbot Point State Development Area and specify the intended purpose of each land use precinct.
- (7) Assist in planning for infrastructure to support development and managing impacts of development on infrastructure.
- (8) Assist in achieving ecological sustainability of activities within the Abbot Point State Development Area.

5. Objectives of APSDA development scheme

The objectives of the development scheme are to:

- (1) Provide land and plan for the establishment of industrial development of regional, State and national significance, light industry requiring co-location with industrial development of regional, State and national significance, and associated infrastructure facilities and local utilities.
- (2) Manage and plan for the establishment of industry at Abbot Point to complement the existing deep water port at Abbot Point.
- (3) Provide land and plan for the establishment of dedicated, efficient and safe infrastructure, including essential services and infrastructure corridors, to adequately service development.
- (4) Manage and plan for the impacts of development on existing infrastructure.
- (5) Ensure the integrity and functionality of the Abbot Point State Development Area is maintained and protected from land uses and activities that may be incompatible with, or adversely affect, the continued use of the State development area for industrial development of regional, State and national significance.
- (6) Ensure the land resource is effectively utilised such that development does not consume land unnecessarily or compromise the future development of the Abbot Point State Development Area by appropriately siting of development and infrastructure.
- (7) Encourage the development of synergies between industries to minimise waste production and promote re-use and recycling of waste.
- (8) Ensure the physical characteristics of land are considered in determining the suitability and location of development.
- (9) Ensure development recognises and protects environmental, cultural heritage and community values.
- (10) Ensure the impacts of development on the environment, including cumulative impacts, are minimised to meet the requirements of applicable government policies.

- (11) Ensure areas of high ecological significance within and adjacent to the Abbot Point State Development Area are protected.
- (12) Provide land and plan for adequate areas of open space within the Abbot Point State Development Area.

6. Land use precincts

- (1) The Abbot Point State Development Area is divided into land use precincts. The precincts are shown on map APSDA_001_002; at Schedule 2.
- (2) The precincts and their purpose are as follows:

Industry Precinct:

- To provide for the establishment of industrial development that is of regional, State and national significance. In particular large scale, large plant footprint industrial development, requiring large undeveloped sites is generally encouraged.
- To provide for the establishment of light industrial uses requiring co-location with regional, State and national significance industry and local utilities, waste disposal, extractive industry, and infrastructure facilities; provided they do not compromise the establishment of future industry of regional, State and national significance.
- To prevent the establishment of uses that may be incompatible with, adversely affect, or constrain, existing or future industry of regional, State and national significance within the Industry Precinct.

Infrastructure and Corridors Precinct:

- To provide for the establishment of necessary infrastructure for development sites within the Abbot Point State Development Area including essential services and infrastructure corridors. Infrastructure facilities and local infrastructure are given priority over alternate land uses.
- To provide for multiple infrastructure users, with priority given to common use infrastructure. Infrastructure facilities envisaged are for the purposes of transporting materials, products, wastes and services by pipe, conveyor, road or rail. Local infrastructure including water, gas, electricity, sewerage and telecommunications will be located in this precinct.

Restricted Development Precinct:

- To restrict incompatible land uses from establishing near the Industry Precinct.
- To provide for the physical separation of significant industrial and infrastructure activities within the Abbot Point State Development Area from sensitive land uses outside the Abbot Point State Development Area.
- To provide for the utilisation of limited areas within the Precinct for uses which will have no adverse impact on premises located outside of the Abbot Point State Development Area and are compatible with being in close proximity to industry.

- To provide areas for open space where remnant vegetation, wetlands, waterways and areas of ecological significance can remain and where revegetation can occur.

Environmental Management/Materials Transportation Precinct:

- To recognise, protect and maintain areas of high ecological significance.
- To provide infrastructure where it is essential for transportation between the Industry Precinct and the port in a manner which ensures areas of ecological significance are recognised and managed taking into account environmental values.
- To provide areas for open space where remnant vegetation, wetlands, waterways and areas of ecological significance can remain and where revegetation can occur.
- To restrict incompatible land uses from establishing near the Industry Precinct.
- To provide for the physical separation of significant industrial and infrastructure activities within the Abbot Point State Development Area from sensitive land uses outside the Abbot Point State Development Area.
- To provide for the utilisation of limited areas within the Precinct for uses which will have no adverse impact on premises located outside of the Abbot Point State Development Area and are compatible with being in close proximity to industry.

7. Policies

- (1) The Coordinator-General may prepare Policies, which are consistent with the objectives and intent of this development scheme to assist in the implementation of the development scheme.
- (2) The Policies prepared for the Abbot Point State Development Area shall be used by the Coordinator-General, infrastructure providers and proponents to guide development.

8. Land use approval

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

Note: See also section 204 of the SPA.

- (4) The Coordinator-General shall have regard to the intent, objectives and purpose of the land use precincts and policies within this development scheme in considering the suitability of proposed land uses.
- (5) Schedule 1 identifies the uses considered highly likely to meet, that may meet, or are considered likely to compromise the purpose of the Abbot Point State Development Area.
- (6) The Coordinator-General must hold for inspection details of decisions issued under this development scheme.

9. Assessment procedure and process

9.1 Pre-lodgement stage

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

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

9.2 Application stage

- (1) A proponent may make application to the Coordinator-General for a material change of use of premises as set out in Schedule 1 of this development scheme, in the Abbot Point State Development Area.
- (2) An application must:
 - (a) include an accurate description of the land, the subject of the application; and
 - (b) include the name and address of the proponent; and
 - (c) identify the proposed use or uses for which approval is sought; and
 - (d) include the written consent of the owner of the land to the making of the application; and
 - (e) include the application fee determined by the Coordinator-General; and
 - (f) be accompanied by
 - (i) a planning report; or
 - (ii) an EIS.
- (3) An application which complies with subsection (2) is a properly made application.
- (4) The consent of the owner of the land is not required to the extent that:
 - (a) the land, the subject of the application, is acquisition land; and
 - (b) the application relates to the purpose for which the land is to be taken or acquired.
- (5) The Coordinator-General must, within 20 business days after receiving the application:
 - (a) decide to:
 - (i) request additional information from the proponent; or
 - (ii) advise the proponent the proposed use is under consideration for declaration as a significant project pursuant to section 26 of the SDPWOA; or
 - (iii) advise the proponent the proposed use has been declared a significant project pursuant to section 26 of the SDPWOA; or
 - (iv) require the proponent to provide an EIS and, if the Coordinator-General so requires, advise its terms of reference; or
 - (v) process the application without further information; and
 - (b) give the proponent written notification of the decision under subsection (5)(a) and a timeframe for providing any additional information or an EIS.

- (6) If the proponent is advised under subsection (5)(a)(ii) and the proposed use is not declared a significant project, then the Coordinator-General must within 10 business days of deciding that the proposed use is not to be declared a significant project:
 - (a) decide to:
 - (i) request additional information from the proponent; or
 - (ii) process the application without further information; and
 - (b) give the proponent written notification of the decision under subsection (6)(a) and a timeframe for providing any additional information.
- (7) If the proponent receives a request under subsection (5)(a)(i) or (6)(a)(i), the proponent must respond by giving the Coordinator-General:
 - (a) all the information requested; or
 - (b) part of the information requested together with a notice asking the Coordinator-General to proceed with the assessment of the application; or
 - (c) a notice stating the information requested will not be provided and asking the Coordinator-General to proceed with the assessment of the application.
- (8) If the proposed use is declared a significant project pursuant to section 26 of the SDPWOA or if the Coordinator-General makes a decision under subsection (5)(a)(iv) of this development scheme, the proponent is required to provide to the Coordinator-General an EIS.
- (9) An application lapses if the proponent does not respond under subsection (7) within the time specified by the Coordinator-General under subsection 5(b).
- (10) The Coordinator-General may decide that sections 9.3, 9.4 or 9.5 do not apply in whole or in part to an application:
 - (a) for which the proponent has provided an EIS and a report evaluating the EIS has been prepared by the Coordinator-General; or
 - (b) accompanied by documentation providing sufficient information for the Coordinator-General to be satisfied no further information is needed to assess the application; or
 - (c) that has already been subject to some form of referral to stakeholders or public consultation that the Coordinator-General is satisfied meets the requirements of sections 9.3, 9.4 or 9.5.
- (11) In making a decision under subsection (10) that section 9.3 does not apply or applies only in part to the referral agencies, the Coordinator-General must consult with the referral agencies.

9.3 Referral stage

- (1) The Coordinator-General:
 - (a) shall refer the application to all referral agencies within the 10 business days after the completion of any of the following:
 - (i) the receipt of an application accompanied by a planning report for which further information is not required; or

- (ii) the receipt of an application accompanied by an EIS; or
 - (iii) the receipt of additional information from the proponent in response to a request by the Coordinator-General and satisfactory to the Coordinator-General; and
- (b) shall give written notification to the proponent of the referral of the application to each referral agency.
- (2) The Coordinator-General may, by written notice to the proponent and without the proponent's agreement, extend the period under subsection (1) by not more than 10 business days.
- (3) The Coordinator-General may, within 20 business days after completing the requirements in subsection (1) and after consultation with each referral agency, by written request ask the proponent to give additional information to a referral agency which is needed to assess the application.
- (4) The Coordinator-General may, by written notice to the proponent and without the proponent's agreement, extend the period under subsection (3) by not more than 20 business days.
- (5) If the proponent receives a request for additional information, the proponent must, within a period of not more than 60 business days or such longer period as may be granted by the Coordinator-General, give each requesting referral agency and the Coordinator-General a written response supplying:
 - (a) all of the information requested; or
 - (b) part of the information requested together with a notice asking the requesting referral agency to proceed with the assessment of the application; or
 - (c) a notice stating that the information requested will not be provided and asking the requesting referral agency to proceed with the assessment of the application.
- (6) An application lapses if the proponent does not respond within the time specified by the Coordinator-General under subsection (5).
- (7) If the proponent is not required to give further information to a referral agency under subsection (2), each referral agency must within 30 business days after receiving the application under subsection (1):
 - (a) assess the application; and
 - (b) give to the Coordinator-General a written submission on the application including any recommendations to address the impact of the material change of use.
- (8) If the proponent is required to give further information to a referral agency, each referral agency must within 30 business days after receiving a written response from the proponent under subsection (3):
 - (a) assess the application; and
 - (b) give to the Coordinator-General a written submission on the application including any recommendations to address the impact of the material change of use.

- (9) If a referral agency does not respond within the required time the Coordinator-General may proceed to the next stage of the assessment process as if the agency had assessed the application, and had no requirements for the application.

9.4 Public notification stage

- (1) The Coordinator-General must give written notice to the proponent:
 - (a) advising whether or not the application requires public notification; and
 - (b) the period during which a submission may be made, being not less than 15 business days starting on the day after the last action under subsection (2) is carried out.
- (2) If public notification is required, the proponent must:
 - (a) publish a notice at least once in a newspaper circulating generally in the locality of the Abbot Point State Development Area;
 - (b) place a notice on the road frontage of the land for the duration of the period during which a submission may be made; and
 - (c) give notice to the owners of all land adjoining the land the subject of the application.
- (3) The proponent must undertake public notification of an application within 30 business days after receiving notification from the Coordinator-General under subsection (1).
- (4) Any notice referred to in subsection (2) must include notification that any person may make a submission in writing to the Coordinator-General and details of the last date for the receipt of such submission.
- (5) If public notification is required, the Coordinator-General must make the application, the planning report, EIS or other relevant documentation as the case may be, and the supporting material available for inspection and purchase by the public.
- (6) A person may, on or before the last day for the receipt of submissions, make a submission to the Coordinator-General in respect of the application.
- (7) Within 5 business days after the last date for the receipt of submissions, the proponent is to provide the Coordinator-General with a statutory declaration in a form approved by the Coordinator-General which establishes that the proponent has complied with subsections (2), (3) and (4) and states the last date for the receipt of submissions.

9.5 Review stage

- (1) The Coordinator-General may appoint a qualified person or persons to review a submission received in response to the application by any person or a referral agency.
- (2) The reviewer must be appointed within 15 business days after the last of the following actions:

- (a) the proponent giving the Coordinator-General a statutory declaration under section 9.4(7) of this development scheme; or
 - (b) receipt of a referral agency submission from each referral agency.
- (3) The reviewer must review each submission having regard to, but not limited to:
- (a) the application; and
 - (b) the planning report or EIS; and
 - (c) all submissions referred to the reviewer; and
 - (d) the supporting material; and
 - (e) this development scheme; and
 - (f) the policies.
- (4) The reviewer may invite a submitter to attend a hearing conducted by the reviewer, which hearing shall occur within 15 business days of the reviewer receiving the submission.
- (5) The reviewer must give the Coordinator-General a report on the submission:
- (a) within 15 business days after the date of completing the hearing; or
 - (b) within 25 business days after receiving the submission, where no hearing was conducted by the reviewer.
- (6) The Coordinator-General may, on request by the reviewer, extend the period for the reviewer to give a report to the Coordinator-General by 20 business days or such longer period as the Coordinator-General determines.
- (7) The report of the reviewer must:
- (a) advise on the merits of the submission; and
 - (b) identify what the implications of the submission are for the application; and
 - (c) identify any means of overcoming the issues raised in the submission; and
 - (d) make recommendations about the issues raised in the submissions and how those submissions should be responded to.
- (8) If a reviewer does not respond within the required time the Coordinator-General may proceed to the next stage of the assessment process as if the Coordinator-General had not appointed a reviewer under subsection (1) of this development scheme.

9.6 Decision stage

- (1) The Coordinator-General must decide an application within thirty (30) business days of the completion of the last of the following:
- (a) receiving an application satisfactory to the Coordinator-General; or
 - (b) receiving a report of the reviewer; or
 - (c) the proponent giving the Coordinator-General a statutory declaration under section 9.4(7) of this development scheme; or
 - (d) the receipt of a submission from each referral agency under section 9.3(7) or 9.3(8) of this development scheme; or

- (e) public notification of the report prepared by the Coordinator-General evaluating an EIS for a proposed use declared a significant project pursuant to section 26 of the SDPWOA, as advised under section 9.2(5)(a)(iii).
- (2) The Coordinator-General may, by written notice given to the proponent, extend the decision making period by 45 business days or such longer period as the Coordinator-General determines.
- (3) The Coordinator-General must assess the application having regard to, but not limited to:
 - (a) the application; and
 - (b) the planning report, EIS or Coordinator-General's report evaluating the EIS for a significant project; and
 - (c) the supporting material; and
 - (d) each referral agency submission; and
 - (e) each submission received in response to the application; and
 - (f) the report of the reviewer; and
 - (g) this development scheme; and
 - (h) the policies.
- (4) In deciding the application, the Coordinator-General may:
 - (a) approve the application; or
 - (b) approve the application subject to conditions decided by the Coordinator-General; or
 - (c) refuse the application.
- (5) A condition under subsection (4)(b) may, amongst other things:
 - (a) place a limit on how long a lawful use may continue or works may remain in place; or
 - (b) require any necessary restoration of the premises and/or decommissioning of works; or
 - (c) relate to infrastructure, including imposition of requirements for infrastructure including payment of monetary contributions towards the cost of supplying infrastructure and entry into an infrastructure agreement; or
 - (d) give effect to the intent, objectives and purpose of the land use precincts and policies within this development scheme.
- (6) The Coordinator-General must give written notice of the decision to:
 - (a) the proponent; and
 - (b) each referral agency; and
 - (c) each person who made a submission in response to the application.
- (7) The decision notice must be given within 10 business days after the day the decision is made under subsection (5) and must include the following:
 - (a) whether the application is approved, approved subject to conditions or refused; and

- (b) if the application is approved subject to conditions, the conditions.

9.7 Term of approval

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

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

10. Minor change to an approval

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

11. Existing use rights

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

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

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

- (c) the policies.
- (4) The Coordinator-General may, by written notice given to the proponent, extend the decision making period by 20 business days or such longer period as the Coordinator-General determines.
- (5) In deciding the application, the Coordinator-General may:
 - (a) approve the application consistent with the previous approval; or
 - (b) approve the application subject to conditions decided by the Coordinator-General, and/or amended conditions of the previous approval after having consulted with relevant referral agencies; or
 - (c) refuse the application.
- (6) The Coordinator-General must within 10 business days of deciding the application give written notice of the decision to:
 - (a) the proponent; and
 - (b) each referral agency.

13. Claim for compensation

- (1) An owner of an interest in land is entitled to be paid reasonable compensation by the Coordinator-General in accordance with the SDPWOA.

14. Compliance with development scheme

- (1) If the Coordinator-General finds that a procedural requirement of this development scheme, has not been complied with, or fully complied with, but is satisfied the non compliance, or partial compliance, has not substantially restricted the opportunity for a person to exercise the rights conferred on the person by the development scheme, the Coordinator-General may deal with the matter in the way the Coordinator-General considers appropriate.
- (2) In the case where this development scheme is amended in accordance with the SDPWOA, current applications will be assessed and determined under the scheme in force at the time of the decision by the Coordinator-General.

15. Approval attaches to land

- (1) The approval of the Coordinator-General attaches to the land, the subject of the application, 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 approved for the land (or the land as reconfigured).

Schedule 1 - Consistent use table

Column A	Column B	Column C
Uses that are considered highly likely to meet the purpose of the land use designation	Uses that may meet the purpose of the land use designation	Uses that are considered likely to compromise the purpose of the land use designation
Industry Precinct		
<ul style="list-style-type: none"> High Impact Industry 	<ul style="list-style-type: none"> Agriculture Extractive Industry Forestry Light Industry Infrastructure Facility Local Infrastructure Waste Disposal 	<ul style="list-style-type: none"> All other uses not specified in Columns A and B
Infrastructure and Corridors Precinct		
<ul style="list-style-type: none"> Infrastructure Facility Local Infrastructure 	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> All other land uses not specified in Columns A
Restricted Development Precinct		
<ul style="list-style-type: none"> Agriculture 	<ul style="list-style-type: none"> Extractive industry Forestry Infrastructure Facility Local Infrastructure Temporary Workers Accommodation 	<ul style="list-style-type: none"> All other uses not specified in Columns A and B
Environmental Management/Materials Transportation Precinct		
<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Agriculture Infrastructure Facility Local Infrastructure 	<ul style="list-style-type: none"> All other uses not specified in Columns B

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