



Queensland

State Development and Public Works Organisation Amendment Regulation (No. 2) 2014

Subordinate Legislation 2014 No. 210

made under the

State Development and Public Works Organisation Act 1971

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1 Short title

This regulation may be cited as the *State Development and Public Works Organisation Amendment Regulation (No. 2) 2014*.

2 Commencement

This regulation commences on 1 October 2014.

3 Regulation amended

This regulation amends the *State Development and Public Works Organisation Regulation 2010*.

4 Omission of pts 6 and 10

Parts 6 and 10—
omit.

5 Amendment of s 30 (Definitions for pt 12)

Section 30, definition *operational work*—
omit.

6 Amendment of s 32 (Definitions for pt 13)

- (1) Section 32, definition *EIS process*—
omit.
- (2) Section 32—
insert—

EIS process means the process in part 4, division 3, subdivision 1 of the Act for a coordinated project.

IAR process means the process in part 4, division 3, subdivision 2 of the Act for a coordinated project.

[s 7]

7 Amendment of s 33 (Application of pt 13)

Section 33(2), ‘EIS process’—

omit, insert—

EIS or IAR process for the project

8 Amendment of s 34 (Coordinator-General’s public notification about terms of reference and EIS)

(1) Section 34, heading—

omit, insert—

34 Requirements for public notification

(2) Before section 34(1)—

insert—

(1A) This section applies to the following—

- (a) public notification by the Coordinator-General under section 29(1)(b) of the Act;
- (b) public notification of a draft EIS under section 33(1) of the Act;
- (c) public notification of additional information under section 33(1) of the Act, as applied under section 34C(3)(a) of the Act;
- (d) public notification of a draft IAR under section 33(1) of the Act, as applied under section 34H(2) of the Act;
- (e) public notification of a revised draft IAR under section 33(1) of the Act, as applied under section 34K(3)(a) of the Act.

(3) Section 34(1), from ‘A public’ to ‘Act’—

omit, insert—

The public notification

- (4) Section 34(2), 'A notification mentioned in subsection (1)'—
omit, insert—

The public notification

9 Amendment of s 35 (Other matters about EIS)

- (1) Section 35, heading—

omit, insert—

35 Requirements for content of EIS

- (2) Section 35(2)—

omit.

10 Insertion of new s 35A

After section 35—

insert—

35A Minimum submission period for draft EIS or draft IAR

The submission period set by the Coordinator-General for a draft EIS or draft IAR must be at least 28 days starting on the day after the draft EIS or draft IAR is publicly notified under section 33(1) of the Act.

11 Amendment of s 36 (Coordinator-General's report)

- (1) Section 36(1), 'section 35(3)'—

omit, insert—

section 34D(2) or 34L(2)

- (2) Section 36(1)(d) and (e), 'EIS process'—

omit, insert—

EIS or IAR process for the project

[s 12]

12 Amendment of s 37A (Fees)

(1) Section 37A(1), ‘the Act, part 4’—

omit, insert—

part 4 of the Act

(2) Section 37A—

insert—

(1A) The fees payable under part 4A of the Act are stated in schedule 1BA.

(3) Section 37A(2), ‘the Act, section 84AA(2)(c)’—

omit, insert—

part 6, division 1 and division 2, subdivision 2 of the Act

(4) Section 37A(3), ‘the Act, part 6, division 7’—

omit, insert—

part 6, division 7 of the Act

13 Amendment of s 39 (Fees for the Act, part 4 for coordinated projects declared before 4 July 2014)

Section 39—

insert—

(3) However, this section applies to the project only if the proponent of the project complied with section 33(1) of the Act before 1 October 2014.

Note—

See also section 197 of the Act.

14 Amendment of sch 1 (Matters to be addressed by assessment)

Schedule 1, heading, ‘section 35(1)’—

omit, insert—

section 35

15 Amendment of sch 1B (Fees for the Act, part 4)

- (1) Schedule 1B, section 1A—

insert—

superseded lapse date, for a declaration under section 26 of the Act, means the date the declaration would have lapsed if the Coordinator-General had not, under section 27A(3) or 27B(3) of the Act, stated a later time for the declaration to lapse.

- (2) Schedule 1B, section 1(1), ‘the Act, section 25A’—

omit, insert—

section 25A of the Act

- (3) Schedule 1B, section 1(2), from ‘the Act’ to ‘and 3’—

omit, insert—

part 4 of the Act by the Coordinator-General that are stated in column 1 of tables 1 to 5

- (4) Schedule 1B, section 1(3)—

omit.

- (5) Schedule 1B, section 2, ‘tables 1, 2 and 3’—

omit, insert—

tables 1 to 5

- (6) Schedule 1B, section 3(3), definition *prescribed amount*, paragraph (a), ‘table 1’—

omit, insert—

table 1, 2 or 3

- (7) Schedule 1B, section 3(3), definition *prescribed amount*, paragraph (b), ‘table 2 or 3’—

omit, insert—

table 4 or 5

- (8) Schedule 1B, part 2, tables 1, 2 and 3—

[s 15]

omit, insert—

Table 1—Coordinated project declaration (the Act, section 27AA)

Column 1	Column 2	Column 3	Column 4	Column 5
Matter for which fee is payable	Event when payment is required	Amount of general fee (up to 1 July 2015) \$	Amount of part 13 project fee (up to 1 July 2015) \$	Amount of significant off-tenure project fee (up to 1 July 2015) \$
application for declaration of coordinated project under section 27AA of the Act	making the application	16,940.00	nil	3520.00

Table 2—EIS process (the Act, part 4, division 3, subdivision 1)

Column 1	Column 2	Column 3	Column 4	Column 5
Matter for which fee is payable	Event when payment is required	Amount of general fee (up to 1 July 2015) \$	Amount of part 13 project fee (up to 1 July 2015) \$	Amount of significant off-tenure project fee (up to 1 July 2015) \$
notice of requirement for EIS under section 29 of the Act, finalising the terms of reference for the EIS under section 30 of the Act and the matters mentioned in section 31 of the Act	giving the proponent a copy of the finalised terms of reference under section 30 of the Act	50,820.00	24,640.00	10,560.00

[s 15]

Table 2—EIS process (the Act, part 4, division 3, subdivision 1)

Column 1	Column 2	Column 3	Column 4	Column 5
Matter for which fee is payable	Event when payment is required	Amount of general fee (up to 1 July 2015) \$	Amount of part 13 project fee (up to 1 July 2015) \$	Amount of significant off-tenure project fee (up to 1 July 2015) \$
considering the draft EIS under section 32(2) of the Act, considering the draft EIS (other than a revised draft EIS) and other material under section 34A of the Act, and preparing a report evaluating the EIS under section 34D(2) of the Act	the Coordinator-General decides, under section 32(2) of the Act, that the proponent has prepared a draft EIS to the satisfaction of the Coordinator-General	86,240.00	31,360.00	17,920.00
considering a revised draft EIS and other material under section 34A of the Act	giving the proponent notice, under section 34B(1) of the Act, of the Coordinator-General's decision not to accept the draft EIS	45,000.00	nil	nil

Table 3—IAR process (the Act, part 4, division 3, subdivision 2)

Column 1	Column 2	Column 3	Column 4	Column 5
Matter for which fee is payable	Event when payment is required	Amount of general fee (up to 1 July 2015) \$	Amount of part 13 project fee (up to 1 July 2015) \$	Amount of significant off-tenure project fee (up to 1 July 2015) \$
for a draft IAR requiring public notification under section 34H of the Act— considering the draft IAR under section 34H(2) of the Act, considering the draft IAR (other than a revised draft IAR) and other material under section 34I of the Act, and preparing a report evaluating the IAR under section 34L(2) of the Act	the Coordinator-General decides, under section 34H(2) of the Act, that the proponent has prepared a draft IAR to the satisfaction of the Coordinator-General	84,000.00	16,755.00	7181.00

[s 15]

Table 3—IAR process (the Act, part 4, division 3, subdivision 2)

Column 1	Column 2	Column 3	Column 4	Column 5
Matter for which fee is payable	Event when payment is required	Amount of general fee (up to 1 July 2015) \$	Amount of part 13 project fee (up to 1 July 2015) \$	Amount of significant off-tenure project fee (up to 1 July 2015) \$
for a draft IAR that does not require public notification under section 34H of the Act— considering the draft IAR (other than a revised draft IAR) and other material under section 34I of the Act, and preparing a report evaluating the IAR under section 34L(2) of the Act	the Coordinator-General receives the draft IAR	70,000.00	13,389.00	5738.00

Table 3—IAR process (the Act, part 4, division 3, subdivision 2)

Column 1	Column 2	Column 3	Column 4	Column 5
Matter for which fee is payable	Event when payment is required	Amount of general fee (up to 1 July 2015) \$	Amount of part 13 project fee (up to 1 July 2015) \$	Amount of significant off-tenure project fee (up to 1 July 2015) \$
considering a revised draft IAR and other material under section 34I of the Act	giving the proponent notice, under section 34J(1) of the Act, of the Coordinator-General's decision not to accept the draft IAR	33,800.00	nil	nil

[s 15]

Table 4—Evaluation of changes to coordinated project (the Act, part 4, division 3A)

Column 1 Matter for which fee is payable	Column 2 Event when payment is required	Column 3 Amount of fee (up to 1 July 2015) \$
application for evaluation of environmental effects of proposed change under section 35C of the Act or because of section 35N(4)(b) of the Act	making the application	10,200.00
Coordinator-General's activity in relation to the matters mentioned in sections 35F to 35J of the Act if— (a) the Coordinator-General decides under section 35G of the Act not to require public notification; and (b) the decision notice under section 35G of the Act does not accompany the Coordinator-General's change report under section 35J of the Act	giving the decision notice under section 35G of the Act	21,900.00
the matters mentioned in sections 35F to 35J of the Act if the Coordinator-General decides under section 35G of the Act to require public notification	giving the decision notice under section 35G of the Act	47,200.00

Table 5—Extension of lapse date (the Act, part 4, division 2, subdivision 3 and division 3, subdivision 3)

Column 1 Matter for which fee is payable	Column 2 Event when payment is required	Column 3 Amount of fee (up to 1 July 2015) \$
request to state a later time under section 27A(3) or 27B(3) of the Act for the declaration to lapse	making the request	4200.00
continuing administration, after the superseded lapse date for the declaration, of the matters mentioned in sections 31, 32(2), 34A and 34B of the Act for a draft EIS	giving notice under section 27A(3) of the Act stating a later time for the declaration to lapse	13,800.00
continuing administration, after the superseded lapse date for the declaration, of the matters mentioned in sections 34H(2) and (4), 34I and 34J of the Act for a draft IAR	giving notice under section 27B(3) of the Act stating a later time for the declaration to lapse	9108.00
request to state a later time under section 35A(4) of the Act for the Coordinator-General's report for the EIS or IAR for a project to lapse	making the request	7000.00

16 Insertion of new sch 1BA

After schedule 1B—

insert—

Schedule 1BA Fees for the Act, part 4A

section 37A(1A)

Part 1 General provisions

1 Definitions for sch 1BA

In this schedule—

amendment application, for an environmental approval, see section 54Z(1) of the Act.

assessment and approval process means the process in part 4A, division 3 of the Act for a coordinated project.

bilateral project declaration see section 54J(1) of the Act.

CPI indexed, for a financial year (the *relevant financial year*), means the addition of any amount that equates to any percentage increase in the CPI between the following quarters—

- (a) the March quarter for the financial year before the previous financial year to the relevant financial year;
- (b) the March quarter for the previous financial year to the relevant financial year.

environmental approval see section 54I of the Act.

protected matters report see section 54I of the Act.

reinstatement request, for an environmental approval, see section 54ZJA(2) of the Act.

2 Operation of sch 1BA

This schedule provides for the fees for—

- (a) an application for a bilateral project declaration under section 54K(1) of the Act; and
- (b) the assessment and approval process for a coordinated project for which a bilateral project declaration has been made; and
- (c) an amendment application for an environmental approval; and
- (d) a reinstatement request for an environmental approval under section 54ZJA(2) of the Act.

3 When fees are payable

The fee for each of the matters stated in part 2, table 1 or 2, column 1 is payable on the happening of the event stated opposite the matter in column 2 of the table.

4 Amount of fees

- (1) The amount of the fee for each of the matters is—
 - (a) if the fee becomes payable before 1 July 2015—the amount stated opposite the matter in part 2, table 1 or 2, column 3 (*column 3*); or
 - (b) if the fee becomes payable during the financial year beginning 1 July 2015—the amount stated opposite the matter in column 3, CPI indexed for the financial year beginning 1 July 2015; or
 - (c) if the fee becomes payable during any later financial year—the amount stated opposite the matter in column 3, CPI indexed for the financial year beginning 1 July 2015 and all subsequent financial years.

[s 16]

- (2) However, if the amount provided for under subsection (1) is an amount that is or includes a fraction of a dollar, the amount is taken to be the amount that is the nearest dollar, rounded up.

5 Access to adjusted amounts

- (1) The Coordinator-General must publish on the department's website the amount of the fee for each of the matters as worked out under section 4.
- (2) A failure to comply with subsection (1) does not limit or otherwise affect the operation of section 4.

Part 2 Tables of fees

Table 1— Bilateral project declaration and assessment and approval process for coordinated project (the Act, part 4A, divisions 2 and 3)

Column 1 Matter for which fee is payable	Column 2 Event when payment is required	Column 3 Amount of fee (up to 1 July 2015) \$
application for a bilateral project declaration under section 54K(1) of the Act	making the application	3000.00
considering the draft protected matters report under section 54Q(1) of the Act, the matters under section 54S of the Act, and making a decision under section 54T of the Act	the Coordinator-General decides, under section 54Q(1) of the Act, the proponent has prepared a draft protected matters report to the satisfaction of the Coordinator-General	37,000.00

Table 2— Amendment applications and reinstatement requests (the Act, part 4A, divisions 4 and 5)

Column 1 Matter for which fee is payable	Column 2 Event when payment is required	Column 3 Amount of fee (up to 1 July 2015) \$
amendment application for an environmental approval under section 54Z(1) of the Act, if section 54ZB of the Act applies to the amendment application	making the amendment application	32,100.00
amendment application for an environmental approval under section 54Z(1) of the Act, if section 54ZB of the Act does not apply to the amendment application	making the amendment application	57,400.00
reinstatement request for an environmental approval	making the reinstatement request	10,000.00

17 Replacement of sch 1C (Fees for an approval of a use of land)

Schedule 1C—

*omit, insert—***Schedule 1C Fees for the Act, part 6**

section 37A(2)

Part 1 Preliminary

1 Definitions for sch 1C

In this schedule—

CPI indexed, for a financial year (the ***relevant financial year***), means the addition of any amount that equates to any percentage increase in the CPI between the following quarters—

- (a) the March quarter for the financial year before the previous financial year to the relevant financial year;
- (b) the March quarter for the previous financial year to the relevant financial year.

minor assessment process means a process under an approved development scheme for assessing and deciding an SDA application for a material change of use if the impacts of the proposed development are potentially minor in nature.

minor change means—

- (a) a change to an SDA application that is identified as a minor change to an application under the approved development scheme for the State development area to which the application relates; or
- (b) a change to an SDA approval that is identified as a minor change to an approval under the approved development scheme for the State development area to which the approval relates.

pre-lodgement consideration, for a proposed SDA application, means written advice given by the Coordinator-General to the person proposing to make the application.

2 Operation of sch 1C

This schedule provides for the fees for—

- (a) an SDA application; and
- (b) a change application for an SDA approval; and
- (c) pre-lodgement consideration of a proposed SDA application; and
- (d) other requests made under an approved development scheme.

Part 2 Amount of fees

3 Fees for SDA applications for operational work

- (1) The fee for an SDA application for operational work is—
 - (a) if the construction cost of the operational work is less than \$500,000—an amount that is 2.5% of the construction cost, rounded up to the nearest dollar; or
 - (b) if the construction cost of the operational work is \$500,000 or more—an amount that is 1.5% of the construction cost, rounded up to the nearest dollar.
- (2) However, if the amount of the fee worked out under subsection (1) for the SDA application—
 - (a) is less than \$5000—the fee for the application is \$5000; or
 - (b) is more than \$200,000—the fee for the application is \$200,000.
- (3) This section is subject to section 5.
- (4) In this section—

construction cost, of operational work, means an amount that is the total cost of the operational work stated in a document—

- (a) certified by a person registered as a registered professional engineer under the *Professional Engineers Act 2002*; and
- (b) given to the Coordinator-General with the SDA application.

4 Fees for matters in pt 4

- (1) The fee for each of the matters stated in part 4, table 1, column 1 is—
 - (a) if the fee becomes payable before 1 July 2015—the amount stated opposite the matter in part 4, table 1, column 3 (**column 3**); or
 - (b) if the fee becomes payable during the financial year beginning 1 July 2015—the amount stated opposite the matter in column 3, CPI indexed for the financial year beginning 1 July 2015; or
 - (c) if the fee becomes payable during any later financial year—the amount stated opposite the matter in column 3, CPI indexed for the financial year beginning 1 July 2015 and all subsequent financial years.
- (2) However, if the amount provided for under subsection (1) is an amount that is or includes a fraction of a dollar, the amount is taken to be the amount that is the nearest dollar, rounded up.
- (3) This section is subject to section 5.

5 Fees if SDA application involves more than 1 aspect of development

Despite sections 3 and 4, if an SDA application is for 2 or more aspects of development, the fee for the SDA application is each fee payable under sections 3 and 4 for each aspect of development.

Examples—

- 1 An SDA application is for a material change of use and operational work. The required fee for the SDA application is the total of the amount payable under section 3 for an SDA application for operational work and the amount payable under section 4 for an SDA application for the material change of use.
- 2 An SDA application is for a material change of use for an extractive activity and a gas transportation infrastructure facility. The required fee for the SDA application is the total of the amount payable under section 4 for an SDA application for a material change of use for an extractive industry and for a material change of use for a gas transportation infrastructure facility.

6 Fees for pre-lodgement consideration of proposed SDA application

For a request for pre-lodgement consideration of a proposed SDA application, the fee payable for the request is 5% of the fee payable for the proposed SDA application.

7 Fees for change applications

The fee payable for a change application for an SDA approval is—

- (a) if the change application is for a minor change to the SDA approval—an amount that is 25% of the fee payable for an SDA application for the SDA approval; or
- (b) otherwise—the fee payable for an SDA application for the SDA approval.

Part 3 Paying and adjusting fees

8 When fees are payable

- (1) The fee for an SDA application for operational works is payable on the day the application is made.
- (2) The fee for a matter stated in part 4, table 1, column 1 is payable on the happening of the event stated opposite the matter in column 2 of the table.
- (3) The fee for a request for pre-lodgement consideration of a proposed SDA application is payable on the day the request is made.
- (4) The fee for a change application for an SDA approval is payable on the day the change application is made.

9 Access to adjusted amounts

- (1) The Coordinator-General must publish on the department's website the amount of the fee for each of the matters mentioned in section 2 as worked out under part 2.
- (2) A failure to comply with subsection (1) does not limit or otherwise affect the operation of part 2.

Part 4 Table of fees

Table 1— SDA applications and other requests (the Act, part 6)

Column 1 Matter for which fee is payable	Column 2 Event when payment is required	Column 3 Amount of fee (up to 1 July 2015) \$
Making an SDA application—material change of use		
SDA application for a material change of use of premises for any of the following uses—	making the SDA application	
(a) extractive industry		46,772.00
(b) industry other than an extractive industry		77,958.00
(c) gas transportation infrastructure facility		46,772.00
(d) infrastructure facility other than a gas transportation infrastructure facility		67,560.00
SDA application for a material change of use of premises for any other use, other than an SDA application for which a minor assessment process applies	making the SDA application	46,772.00
SDA application for a material change of use of premises for any other use, if a minor assessment process applies	making the SDA application	5197.00

[s 17]

Table 1— SDA applications and other requests (the Act, part 6)

Column 1	Column 2	Column 3
Matter for which fee is payable	Event when payment is required	Amount of fee (up to 1 July 2015) \$
Making an SDA application—other development		
SDA application for reconfiguring a lot if the number of lots created is—	making the SDA application	
(a) 5 or fewer		5000.00
(b) 6 lots		5500.00
(c) 7 lots		6000.00
(d) 8 lots		6500.00
(e) 9 lots		7000.00
(f) 10 lots		7500.00
(g) more than 10 lots		8000.00
SDA application for all other development, other than operational work	making the SDA application	45,000.00
Other requests		
request, under an approved development scheme, to state a later currency period under section 84H(2)(c) of the Act	making the request	2000.00
request, under an approved development scheme, to make a minor change to an SDA application	making the request	5197.00

Table 1— SDA applications and other requests (the Act, part 6)

Column 1	Column 2	Column 3
Matter for which fee is payable	Event when payment is required	Amount of fee (up to 1 July 2015) \$
request, under an approved development scheme, to carry out a prior affected development	making the request	2079.00
request to approve a plan for a reconfiguration under an SDA approval—	making the request	
(a) if the plan is for no more than 5 lots		250.00
(b) if the plan is for more than 5 lots but less than 11 lots		500.00
(c) if the plan is for 11 lots or more—		
(i) for the first 11 lots		500.00
(ii) for each additional lot		100.00

ENDNOTES

- 1 Made by the Governor in Council on 25 September 2014.
- 2 Notified on the Queensland legislation website on 26 September 2014.
- 3 The administering agency is the Department of State Development, Infrastructure and Planning.