



The Coordinator-General



# Surat Basin Infrastructure Corridor 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 Surat Basin Infrastructure Corridor State Development Area.
- (2) This development scheme was prepared under section 79 of the *State Development and Public Works Organisation Act 1971* (SDPWOA) and takes effect on the date stated in the gazette notice published under section 80(1)(a) of the SDPWOA.

# 2. Definitions

- (1) In this development scheme:

**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 see SDPWOA, section 87(2)

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

**application** means an application for material change of use under section 8.2(1) of this development scheme

**approval** means a decision notice given under section 8.6(6) approving the application, with or without conditions

**approved use** for land see SDPWOA, section 87(2)

**authorised use** for land see SDPWOA, section 87(2)

**building** see SPA, schedule 3

**business day** see SPA, schedule 3

**change request** see section 10(1)

**community infrastructure** see SPA, schedule 3

**Coordinator-General** see SDPWOA, schedule 2

**currency period** see SDPWOA, section 84A(3)

**decision-making period** see section 8.6(1)

**decision notice** see section 8.6(6)

**development** see SPA, section 7

**development scheme** means the development scheme for the SBICSDA

**environmental impact statement (EIS)** means a statement or study that investigates and assesses environmental impact and includes an EIS required under section 26 of the SDPWOA

**environmental value** has the meaning given by the EP Act

**environmentally relevant activity** see the EP Act

**EP Act** means the *Environmental Protection Act 1994*

**extension request** see section 8.7(3)

**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 application, means a change that, in the Coordinator-General's opinion:

- (a) is not inconsistent with a recommendation in a referral agency submission for the application, unless the change is agreed to in writing by the referral agency; and
- (b) is not inconsistent with the development scheme; and
- (c) does not result in a substantially different development; and
- (d) would not, if the notification stage applied to the change, cause a person to make a submission objecting to the change.

**minor change** to an approval, means a change that, in the Coordinator-General's opinion:

- (a) is not inconsistent with a recommendation in a referral agency submission for the application to which the approval relates, unless the change is agreed to in writing by the referral agency; and
- (b) is not inconsistent with the development scheme; and
- (c) does not result in a substantially different development; and
- (d) would not, in the opinion of the Coordinator-General, if an application for the approval was remade including the change, cause a person to make a submission objecting to the proposal.

**owner**, of land see SPA schedule 3

**planning report** means a document containing the following:

- (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, including any policies;
- (d) a description and assessment of the impacts of the proposal;
- (e) a plan to manage any adverse impacts;
- (f) an assessment of the impacts of the proposal on existing infrastructure, including an analysis of the need for additional infrastructure.

**policy** means a policy prepared under section 6

**premises** see SPA, schedule 3

**previous approval** means:

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

**previous approval application** see section 13(1)

**properly made application**, see section 8.2(3)

**proponent**, for an application, means a person who makes an application or, if the application is changed under section 9 to change the proponent, the entity identified in the changed application as the proponent

**public sector entity** see SPA, schedule 3

**reconfiguring a lot** see SPA, section 10(1)

**referral agency** for an application or a previous approval application, means each of the following:

- (a) an agency that would have been a referral agency under the SPA if the application was a development application under the SPA;
- (b) Western Downs Regional Council;
- (c) Banana Shire Council;
- (d) any other entity nominated by the Coordinator-General.

**referral agency response period** see section 8.3(8)

**referral agency submission** see section 8.3(7)(b)

**reviewer** see section 8.5(1)

**SBICSDA** means the Surat Basin Infrastructure Corridor State Development Area

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

**significant project** see SDPWOA, section 26

**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, unless the application is made electronically; 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.

**submission period** see section 8.4(1)(b)

**supporting material** means any additional information provided by the proponent under sections 8.2(8)(a) or (b) or 8.3(5)(a) or (b)

**Surat Basin Infrastructure Corridor State Development Area** means that part of the Surat and Dawson regions declared the *Surat Basin Infrastructure Corridor State Development Area* under the *State Development and Public Works Organisation (State Development Areas) Regulation 2009* and any subsequent regulation

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

- (2) Uses referred to in the development scheme have the following meanings:

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

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

- a road, bridge or other transport facility;
- an electricity generation, transmission or distribution facility;
- a cable, antenna, tower or other communication facility.

**rail infrastructure** means the use of premises for any of the following:

- (a) railway track;
- (b) any other thing required for or ancillary to the construction or operation of a railway including the following:
  - ancillary buildings;
  - bridges;
  - communication systems;
  - construction works;
  - crew change facilities;
  - drainage structures;
  - storage of machinery and other equipment (including rollingstock and track monitoring equipment);
  - marshalling yards;
  - noticeboards, notice markers and signs;
  - overhead electrical power supply systems;
  - over-track structures;
  - platforms;
  - power and communication cables;

- rail administration;
- rolling stock maintenance and provisioning facilities;
- service roads;
- signalling facilities and equipment;
- stations;
- survey stations, pegs and marks;
- train operation control facilities;
- tunnels;
- under-track structures.

**services infrastructure** means the use of premises for sewerage, stormwater drainage or water storage, distribution or reticulation

**stock route** means a route by which animals are driven by foot, other than on land where the stock are ordinarily pastured, and includes the use of travelling stock facilities such as those supplied by the State or a local government on the stock route network, including the following:

- (a) a water facility;
- (b) a stock holding yard, loading ramp or enclosure;
- (c) a fence, other than a boundary fence;
- (d) a bridge or water crossing for use by travelling stock;
- (e) a gate, grid or signage to assist persons moving stock.

### 3. Background

- (1) The Queensland Government has identified that the development of a railway to connect the existing Western Railway and Moura Railway systems in southern and central Queensland is critical to open up new mines in the Surat Basin to allow the export of coal from the Port of Gladstone.
- (2) In December 2006, the Queensland Government granted an exclusive mandate to a private sector consortium, the Surat Basin Rail Joint Venture, to develop the project as an open access coal and freight railway with the capacity to meet demand from all users.
- (3) Under the exclusive mandate, the State will recommend (subject to the fulfilment of its statutory obligations and processes) the acquisition of the rail corridor and will provide appropriate tenure to the Surat Basin Rail Joint Venture for construction and operation of the railway, subject to the execution of relevant contractual agreements between the State and the Surat Basin Rail Joint Venture, and the Surat Basin Rail Joint Venture securing all necessary approvals and complying with its obligations under the Exclusive Mandate.
- (4) Queensland Rail also proposes to upgrade its existing rail infrastructure and construct new rail infrastructure within the SBICSDA.
- (5) Although the corridor is intended principally for rail infrastructure, the Government views it as a strategic infrastructure corridor and other critical infrastructure for the development of the Surat Basin, such as water pipelines, may be developed within the corridor in the future. The development of the key infrastructure projects may be accommodated within the SBICSDA, where such development

will not conflict with the primary use of the corridor for construction and operation of rail infrastructure.

## **4. Intent of development scheme for SBICSDA**

The intent of the development scheme is to:

- (a) establish a purpose and identify land uses considered appropriate for the SBICSDA; and
- (b) establish a set of objectives for the assessment of development in the SBICSDA; and
- (c) establish a procedure for assessment and determination by the Coordinator-General of the suitability of uses in the SBICSDA; and
- (d) establish procedures for effective referral and public consultation about proposed developments so that other government and semi-government agencies, Western Downs Regional Council, Banana Shire Council and the community are engaged, where appropriate, in the assessment of applications for use of the land; and
- (e) recognise the Coordinator-General has primary carriage of the development, operation and management of land use in the SBICSDA; and
- (f) assist in achieving ecological sustainability of activities within the SBICSDA.

## **5. Objectives of development scheme for SBICSDA**

- (1) The objectives of the development scheme are to:
  - (a) provide, manage and plan land for the establishment of an open access multi-user railway of regional, state and national significance, other rail infrastructure and the establishment of other key infrastructure projects to facilitate economic development; and
  - (b) manage and plan for the impacts of development on existing infrastructure; and
  - (c) ensure that the integrity and functionality of the SBICSDA is maintained and protected from land uses and activities that may be incompatible with, or adversely affect, the use of the SBICSDA for an open access multi-user railway of regional, state and national significance and other rail; and
  - (d) ensure the physical characteristics of land are considered in determining the suitability and location of development; and
  - (e) ensure development recognises and protects cultural heritage and community values; and
  - (f) ensure the impacts of development on the environment, including cumulative impacts, are minimised to meet the requirements of applicable government policies; and

- (g) ensure areas of high ecological significance within and adjacent to the SBICSDA are protected.
- (2) The objectives of the SBICSDA include allowing existing uses to continue on a temporary basis where those existing uses are not inconsistent with the objectives set out in subsection (1).

*Examples – grazing and residential uses<sup>1</sup>*

## **6. Policies**

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.

## **7. Land use approval**

- (1) Subject to this development scheme, no person may carry out a material change of use on any premises in the SBICSDA without the approval of the Coordinator-General.
- (2) An application for an approval for a material change of use of premises in the SBICSDA must be made under section 8 of this development scheme.

*Note:* SPA applies to development, other than a material change of use of premises.

- (3) Schedule 1 identifies the uses that:
  - are highly likely to meet the intent and objectives of the development scheme; or
  - may meet the intent and objectives of the development scheme; or
  - are likely to compromise the intent and objectives of the development scheme.
- (4) The Coordinator-General must hold for inspection details of decisions issued under this development scheme.
- (5) Subsection (1) does not apply to a public sector entity carrying out a material change of use of premises on land designated for community infrastructure under SPA.

*Note:* See also section 204 of SPA.

- (6) Subsection (5) does not apply if the material change of use is assessable development or self-assessable development under the *Sustainable Planning Regulation 2009*, schedule 3.

## **8. Assessment procedure and process**

### **8.1 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.

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<sup>1</sup> See also section 85 of the SDPWOA in relation to continued existing lawful uses

- (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 8.2 and assessed by the Coordinator-General in accordance with the development scheme.
- (5) In deciding a subsequent application under section 8.6, the Coordinator-General is not bound by any advice given under subsection (3).

## 8.2 Application stage

- (1) A proponent may make an application to the Coordinator-General for approval to carry out a material change of use of premises in the SBICSDA.
- (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, or has been, taken or acquired.
- (5) The Coordinator-General must, within 20 business days after receiving a properly made application:
  - (a) decide to:
    - (i) request that the proponent provide additional information by a specified date; or
    - (ii) advise the proponent that the proposed use is under consideration for declaration as a significant project under section 26 of the SDPWOA; or
    - (iii) advise the proponent that the proposed use has been declared a significant project under section 26 of the SDPWOA; or
    - (iv) request the proponent to provide an EIS by a specified date and advise of the terms of reference for the EIS, if any; or
    - (v) process the application without requiring any further information; and
  - (b) give the proponent written notice of the decision under paragraph (a).
- (6) If subsection (5)(a)(ii) or (iii) applies and the proposed use is not declared a significant project, or is declared a significant project for which an EIS is not required, the Coordinator-General must within 10 business days of making the decision under section 26 of the SDPWOA:
  - (a) decide to:
    - (i) request that the proponent provide additional information by a specified date; or
    - (ii) request that the proponent provide an EIS by a specified date and advise of the terms of reference for the EIS, if any; or
    - (iii) process the application without requiring any further information; and
  - (b) give the proponent written notice of the decision under paragraph (a).
- (7) If the proposed use is declared a significant project for which an EIS is required, the assessment process for an application under this development scheme stops until the Coordinator-General gives a report under section 35(3) of the SDPWOA and re-starts from subsection (5).
- (8) 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 written notice asking the Coordinator-General to proceed with the assessment of the application; or

- (c) a written notice stating the information requested will not be provided and asking the Coordinator-General to proceed with the assessment of the application.
- (9) If the proponent receives a request under subsection (5)(a)(iv) or (6)(a)(ii), the proponent must give the Coordinator-General an EIS by the date specified in the notice.
- (10) If subsection (8) or (9) applies, the application lapses if the proponent does not respond within the time specified in the notice given under subsection (5)(b) or (6)(b).
- (11) The Coordinator-General may decide that sections 8.3, 8.4 or 8.5 do not apply in whole or in part to an application:
  - (a) if the proponent has prepared an EIS and a report evaluating the EIS has been prepared by the Coordinator-General under section 35 of the SDPWOA; 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 referred to any referral agencies for comment and the Coordinator-General is satisfied the referral is equivalent to the requirements of section 8.3; or
  - (d) for which public consultation has been carried out and the Coordinator-General is satisfied the consultation is equivalent to the requirements of section 8.4.
- (12) If the Coordinator-General decides under subsection (11) that sections 8.3, 8.4 or 8.5 do not apply, the Coordinator-General must give written notice of the decision to:
  - (a) the proponent; and
  - (b) any referral agencies.

### **8.3 Referral stage**

- (1) The Coordinator-General must:
  - (a) give a copy of the application to any referral agencies within 10 business days after giving the proponent a written notice acknowledging:
    - (i) the receipt of a properly made application for which further information or an EIS is not required under section 8.2(5); or
    - (ii) the receipt of the proponents response under section 8.2(8) or (9); and
  - (b) give written notice to the proponent of compliance with paragraph (a).
- (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 complying with subsection (1), request in writing that the proponent give additional information to a referral agency.

- (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 under subsection (3), the proponent must, within 60 business days from the giving of the request or such longer period as may be agreed by the Coordinator-General, respond by giving the relevant referral agency and the Coordinator-General:
  - (a) all of the information requested; or
  - (b) part of the information requested together with a written notice asking the referral agency to proceed with the assessment of the application; or
  - (c) a written notice stating that the information requested will not be provided and asking the referral agency to proceed with the assessment of the application.
- (6) An application lapses if the proponent does not respond within the time specified under subsection (5).
- (7) A referral agency must:
  - (a) assess the application; and
  - (b) give to the Coordinator-General a written submission (**referral agency submission**) about the application including any recommendations to address the impact of the material change of use.
- (8) The referral agency submission must be given to the Coordinator-General within (**referral agency response period**):
  - (a) if the proponent is not required to give further information to a referral agency under subsection (3) - 40 business days after receiving the application under subsection (1); or
  - (b) if the proponent is required to give further information to a referral agency under subsection (3) - 30 business days after receiving a written response from the proponent under subsection (5).
- (9) If a referral agency does not respond within the referral agency response period, 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.

## 8.4 Public notification stage

- (1) After the end of the referral agency response period, the Coordinator-General must give written notice to the proponent:
  - (a) advising whether or not the application requires public notification; and
  - (b) if public notification is required - stating the period (**submission 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 SBICSDA; and
  - (b) place a notice on each road frontage of the land, which remains in place for the whole of the submission period; and

- (c) give written notice to the owners of all land adjoining the land the subject of the application.
- (3) The proponent must comply with subsection (2) within 30 business days after receiving notice from the Coordinator-General under subsection (1).
- (4) A notice referred to in subsection (2) must state the following:
  - (a) an accurate description of the land, the subject of the application;
  - (b) a brief description of the proposed development;
  - (c) that the application is available for inspection and purchase from the Coordinator-General;
  - (d) that any person may make a submission in writing to the Coordinator-General;
  - (e) the address for making submissions;
  - (f) details of the submission period;
  - (g) the requirements for a submission.
- (5) If public notification is required, the Coordinator-General must make the application, including the planning report or EIS, and any supporting material, available for inspection and purchase by the public for the whole of the submission period.
- (6) A person may, on or before the last day of the submission period, make a submission to the Coordinator-General about the application.
- (7) Within five business days after the end of the submission period, the proponent must provide the Coordinator-General with a statutory declaration which establishes that the proponent has complied with subsections (2), (3) and (4) and states the last day of the submission period.

## 8.5 Review stage

- (1) The Coordinator-General may appoint a qualified person (**reviewer**) to review a submission or a referral agency submission.
- (2) The reviewer must be appointed within 15 business days after the last of the following actions is carried out:
  - (a) the proponent gives the Coordinator-General a statutory declaration under section 8.4(7); or
  - (b) the referral agency submission for which a reviewer is to be appointed is received by the Coordinator-General.
- (3) If a reviewer is appointed, the Coordinator-General must, within 15 business days of the appointment, give the proponent written notice of the appointment.
- (4) The reviewer must review the submission or referral agency submission having regard to matters including, but not limited to, the following:
  - (a) the application, including the planning report or EIS;
  - (b) all submissions or referral agency submissions referred to the reviewer;
  - (c) any supporting material;
  - (d) this development scheme;
  - (e) any relevant policies.

- (5) The reviewer may invite the person who made the submission or the referral agency to attend a hearing conducted by the reviewer.
- (6) The hearing must occur within 15 business days of the reviewer receiving the submission or referral agency submission.
- (7) The reviewer must give the Coordinator-General a report on the submission or referral agency submission within:
  - (a) 15 business days after the date of completing the hearing; or
  - (b) 25 business days after receiving the submission or referral agency submission, where no hearing was conducted by the reviewer.
- (8) The Coordinator-General may, if requested in writing by the reviewer, extend the period mentioned in subsection (7) by not more than 20 business days.
- (9) The report 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 issues should be responded to.
- (10) The Coordinator-General must give a copy of the report to the proponent.
- (11) If the reviewer does not respond within the time specified in subsection (7), 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).

## 8.6 Decision stage

- (1) The Coordinator-General must decide an application within 30 business days of the last of the following to occur (***decision-making period***):
  - (a) receiving the properly made application; or
  - (b) receiving the report of a reviewer; or
  - (c) the proponent giving the Coordinator-General a statutory declaration under section 8.4(7); or
  - (d) the receipt of a referral agency submission; or
  - (e) public notification of a report prepared by the Coordinator-General evaluating an EIS for a significant project under section 35(5)(a) of the SDPWOA.
- (2) The Coordinator-General may, by written notice given to the proponent and without the proponent's agreement, extend the decision-making period by not more than 45 business days.
- (3) The Coordinator-General must assess the application having regard to the following:
  - (a) the application, including the planning report or the EIS;
  - (b) any Coordinator-General's report evaluating the EIS for a significant project prepared under section 35(3) of the SDPWOA;
  - (c) any supporting material;
  - (d) any referral agency submissions;

- (e) any submissions received about the application;
  - (f) the report of the reviewer;
  - (g) this development scheme;
  - (h) any relevant policies;
  - (i) any other matter the Coordinator-General considers to be relevant.
- (4) In deciding the application, the Coordinator-General may:
- (a) approve the application; or
  - (b) approve the application subject to conditions; or
  - (c) refuse the application.
- (5) Without limiting subsection (4)(b), a condition imposed on an approval may:
- (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 or decommissioning of works; or
  - (c) relate to infrastructure, including imposing requirements for infrastructure such as payment of monetary contributions towards the cost of supplying infrastructure, or requiring entry into an infrastructure agreement; or
  - (d) give effect to the intent and objectives of this development scheme, including policies made under this development scheme.
- (6) The Coordinator-General must give written notice of the decision (**decision notice**) to:
- (a) the proponent; and
  - (b) any referral agencies; and
  - (c) any person who made a submission about the application.
- (7) The decision notice must be given within 10 business days after the day the decision is made under subsection (4) and must include the following:
- (a) whether the application is approved, approved subject to conditions or refused;
  - (b) if the application is approved subject to conditions, the conditions.

## 8.7 Term of approval

- (1) If an application is approved under section 8.5 or an approval is given under section 13, the approval takes effect from the later of the following:
- (a) the time that notice of the decision is given; or
  - (b) where the application is for a material change of use for an environmentally relevant activity, the time when:
    - (i) the approval for the material change of use takes effect under section 339 of the SPA; or
    - (ii) the application to be a registered operator or for an environmental authority (mining activities) or environmental authority (Chapter 5A activities) is granted under the EP Act.

- (2) An approval under section 8.6 lapses at the end of the currency period for the approval unless:
  - (a) if the use is, under this development scheme, a material change of use – the change of use happens before the end of the currency period; or
  - (b) otherwise – the change of use substantially starts before the end of the currency period.
- (3) The person having the benefit of the approval may, before the approval lapses, request in writing that the Coordinator-General extend the approval period (***extension request***).
- (4) An extension request must:
  - (a) if the person making the request is not the owner of the land the subject of the approval, include the consent of the owner of the land; and
  - (b) include the reasons for the request; and
  - (c) be made before the end of the currency period.
- (5) Subsection (4)(a) does not apply to the extent that:
  - (a) the land the subject of the approval is acquisition land; and
  - (b) the application relates to the purpose for which the land is to be, or has been, taken or acquired
- (6) The Coordinator-General must consult with any referral agencies for the application to which the approval relates about the extension request before deciding the request.
- (7) The Coordinator-General must make a decision on the extension request within 30 business days after receiving the request.
- (8) The Coordinator-General may either approve or refuse the extension request.
- (9) If the extension request is approved, the currency period may be extended for a period specified by the Coordinator-General.
- (10) The Coordinator-General must, within 10 business days of deciding the request, give written notice of the decision to the person who made the request and any referral agencies for the application to which the approval relates.

## **9. Minor change to an application**

- (1) Before an application is decided, the proponent may change the application by giving the Coordinator-General written notice of the change.
- (2) When the Coordinator-General receives notice of the change, the Coordinator-General must give a copy of the notice to any referral agencies for the original application.
- (3) If the Coordinator-General is satisfied that the change is a minor change, the process in section 8 continues.
- (4) If the Coordinator-General is satisfied that the change is not a minor change, the process in section 8 recommences from section 8.2(6).

## 10. Minor change to an approval

- (1) The proponent may at any time request in writing that the Coordinator-General approve a change to an approval, including a change to a condition of the approval (***change request***).
- (2) If the person making the change request 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) Section 10(2) does not apply to the extent that:
  - (a) the land the subject of the approval is acquisition land; and
  - (b) the approval and the change request relate to the purpose for which the land is to be, or has been, taken or acquired.
- (4) The Coordinator-General may approve the change request only if the change is, in the opinion of the Coordinator-General, a minor change to the approval.
- (5) The Coordinator-General must decide whether to approve or refuse the request, and must give written notice of the decision to the proponent and any referral agencies for the application to which the approval relates.

## 11. References to development scheme

- (1) For the purposes of sections 8.6(3)(g) and 13(4)(b), a reference to the development scheme is a reference to the development scheme in effect at the time the application or previous approval application was made.
- (2) In assessing an application or previous approval application, the Coordinator-General may give the weight the Coordinator-General is satisfied is appropriate to a development scheme or an amendment to the development scheme that came into effect after the application was made.

## 12. Existing use rights

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

## 13. Approval of an authorised, alternative lawful or approved use

- (1) Under the SDPWOA, an owner of an interest in land may make a written application (***previous approval application***) to the Coordinator-General to approve a material change of use under a previous approval if:
  - (a) the previous approval was in effect immediately before the development scheme started applying to the land; and
  - (b) after the development scheme started applying to the land, the material change of use under the previous approval would have been an offence under section 84 of the SDPWOA.

- (2) A previous approval 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 previous approval application within 20 business days of receiving the application.
- (4) When assessing the previous approval application, the Coordinator-General must have regard to the following:
  - (a) the previous approval application;
  - (b) the development scheme;
  - (c) any relevant policies;
  - (d) the previous approval.
- (5) The Coordinator-General may, by written notice given to the person making the application under subsection (1) and without that person's agreement, extend the period mentioned in subsection (3) by not more than 20 business days.
- (6) 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 after having consulted with any relevant referral agencies; or
  - (c) refuse the application.
- (7) The Coordinator-General must, within 10 business days of deciding the application, give written notice of the decision to:
  - (a) the person who made the application; and
  - (b) any referral agencies.

## **14. Claim for compensation**

An owner of an interest in land is entitled to be paid reasonable compensation by the Coordinator-General in accordance with section 87 of the SDPWOA and in accordance with the *Acquisition of Land Act 1967*, part 4.

## **15. 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) Subject to section 11, if this development scheme is amended or replaced, applications or requests made, but not decided, before the amendment or new development scheme takes effect, will continue to be assessed and decided under the development scheme in force at the time the application or request was made.

## **16. Approval attaches to land**

- (1) An approval given under sections 8.6(4) or 13(6) 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 carried out on the land or the land as reconfigured.

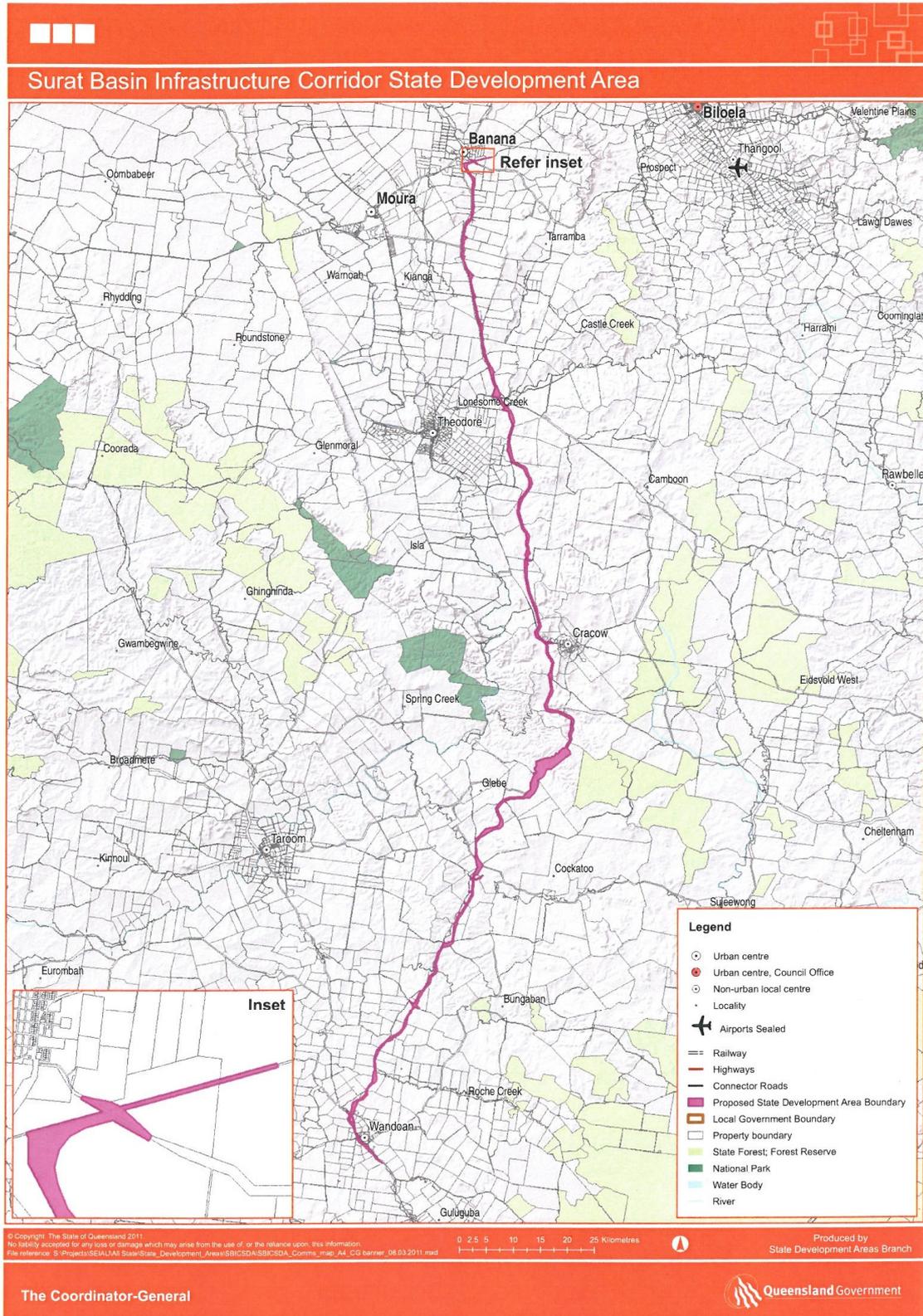
## **17. Decision**

There is no appeal against any decision of the Coordinator-General made under this development scheme.

# Schedule 1 – Consistent Use Table

Column A	Column B	Column C
Uses that are considered <b>highly likely to meet</b> the Objectives of the Surat Basin Infrastructure Corridor State Development Area	Uses that are considered <b>may meet</b> the Objectives of the Surat Basin Infrastructure Corridor State Development Area	Uses that are considered <b>likely to compromise</b> the Objectives of the Surat Basin Infrastructure Corridor State Development Area
<ul style="list-style-type: none"> <li>• infrastructure facility</li> <li>• rail infrastructure</li> <li>• services infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• animal husbandry or grazing</li> <li>• stock route</li> </ul>	all other uses not specified in Columns A and B

# Schedule 2 – Map of the SBICSDA



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