

Queensland



State Development and Public Works Organisation Act 1971

STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION REGULATION 1999

**Reprinted as in force on 14 August 2001
(includes amendments up to SL No. 137 of 2001)**

Reprint No. 1C

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the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 14 August 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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**STATE DEVELOPMENT AND PUBLIC
WORKS ORGANISATION REGULATION
1999**

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STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION REGULATION 1999

[as amended by all amendments that commenced on or before 14 August 2001]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *State Development and Public Works Organisation Regulation 1999*.

PART 2—SOUTH BANK PEDESTRIAN AND CYCLE BRIDGE

2 Definitions for pt 2

In this part—

“**bridge plan**” means plan number A-1-901 dated July 1999, held by the department.

“**museum plan**” means the document called ‘Maritime Museum Master Plan—South Bank Parklands’ made by Cox Rayner Architects and Planners and Buchanan Architects dated June 1999, a copy of which is held by the department.¹

3 Approval

The Coordinator-General may undertake the following—

¹ The bridge plan and the copy of the museum plan may be inspected at the department’s office at 100 George Street, Brisbane.

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- (a) the project called the ‘South Bank Pedestrian and Cycle Bridge’ in accordance with, or substantially in accordance with, the bridge plan;
- (b) additions to the Queensland Maritime Museum or alterations to its buildings and other structures that—
 - (i) are in accordance with, or substantially in accordance with, the museum plan; and
 - (ii) the Coordinator-General considers are necessary for the project or are desirable to be undertaken with the project;
- (c) work necessary to allow—
 - (i) an existing path or road to be connected to the bridge to which the project mentioned in paragraph (a) relates; or
 - (ii) connections between the bridge and an existing path or road;
- (d) incidental or temporary work necessary for the project, additions and alterations or work mentioned in paragraphs (a) to (c).

4 Authority to undertake works on relevant foreshores or land

(1) The Coordinator-General may undertake works mentioned in section 3 in, on, over, through or across—

- (a) a foreshore in the areas shown on the bridge plan and the museum plan; or
- (b) land lying under waters in the areas.

(2) It is directed that the *Harbours Act 1955*, section 86 does not apply to the exercise of the authority given under subsection (1).²

5 Expiry of pt 2

This part expires on 31 December 2001.

² *Harbours Act 1955*, section 86 (Works on tidal lands or waters etc., not to be constructed without sanction of Governor in Council).

See also *Transport Infrastructure Act 1994*, section 236 (Continuation of certain provisions of *Harbours Act* requiring approval for certain matters).

PART 3—AIRLIE BEACH LAGOON

6 Definition for pt 3

In this part—

“draft impact assessment study” means the document called ‘Vision Airlie Development—Draft Impact Assessment Study’ prepared by Kinhill Pty Ltd (ACN 007 660 317) dated October 1998, a copy of which is held by the department.³

7 Approval

The Coordinator-General may undertake—

- (a) the works called the ‘Airlie Beach Lagoon’ in accordance with, or substantially in accordance with, the draft impact assessment study, paragraph 2.1.1;⁴ and
- (b) incidental or temporary works necessary for the works mentioned in paragraph (a).

8 Authority to undertake works on relevant foreshores or land

(1) The Coordinator-General may undertake works mentioned in section 7 in, on, over, through or across—

- (a) a foreshore in the areas shown in the draft impact assessment study, paragraph 2.1.1, figures 2.1 and 2.2;⁵ or
- (b) land lying under waters in the areas.

3 A copy of the draft impact assessment study may be inspected at the department’s office at 100 George Street, Brisbane.

4 Draft impact assessment study, paragraph 2.1.1 (Airlie Beach Lagoon)

5 Draft impact assessment study, paragraph 2.1.1, figures 2.1 (Airlie Beach Lagoon—Stage 1) and 2.2 (Airlie Beach Lagoon—Stage 2)

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(2) It is directed that the *Harbours Act 1955*, section 86 does not apply to the exercise of the authority given under subsection (1).⁶

9 Expiry of pt 3

This part expires on 31 December 2001.

PART 4—LANG PARK STADIUM PROJECT

10 Definitions for pt 4

In this part—

“**project**” means the Lang Park Stadium Project declared under section 29B⁷ of the Act to be a significant project by declaration gazetted on 17 December 1999 at page 1575.

“**report**” means the document called ‘Construction of Certain Works by the Coordinator-General Under the provisions of the *State Development and Public Works Organisation Act 1971*’ prepared on behalf of the Coordinator-General dated 6 November 2000.

11 Approval

The Coordinator-General may undertake the following—

- (a) the works mentioned in the report as works proposed to be constructed by the Coordinator-General and shown on the authorised works drawings, plans 1 to 21, for the project;⁸

6 *Harbours Act 1955*, section 86 (Works on tidal lands or waters etc., not to be constructed without sanction of Governor in Council).

See also *Transport Infrastructure Act 1994*, section 236 (Continuation of certain provisions of Harbours Act requiring approval for certain matters).

7 Section 26 (Declaration of significant project) of the Act

8 A copy of the report and the authorised works drawings may be inspected, free of charge, at the department’s office at 100 George Street, Brisbane.

- (b) incidental or temporary works necessary for the works mentioned in paragraph (a).

12 Expiry of pt 4

This part expires on 29 September 2004.

PART 5—ENVIRONMENTAL COORDINATION

13 Definitions for pt 5

In this part—

“Commonwealth Environment Act” means the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

“Commonwealth Minister” means the Minister of the Commonwealth responsible for administering the Commonwealth Environment Act.

“controlling provision”, for a project, means a provision of the Commonwealth Environment Act, chapter 2, part 3, decided by the Commonwealth Minister as a controlling provision for the project under that Act, chapter 4, part 7, division 2.

“designated proponent”, for a project, means the person designated as a proponent for the action the subject of the project under the Commonwealth Environment Act, section 75(3).

“EIS process” means the process in part 4, division 3 of the Act.

“relevant impacts” has the meaning given by the Commonwealth Environment Act, section 82.

14 Application of pt 5

(1) This part applies to a project only if—

- (a) the project is a significant project under part 4 of the Act; and
- (b) before or after it becomes a significant project, either of the following apply—

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- (i) the Commonwealth Minister has, under the Commonwealth Environment Act⁹—
 - (A) decided the approach for assessing the relevant impacts of the project is assessment by an accredited assessment process; and
 - (B) given notice of the decision;
- (ii) the relevant impacts of the project are to be assessed under a bilateral agreement.

(2) Any steps or actions taken in the EIS process after the project becomes a significant project and before the action mentioned in subsection (1)(b)(i) happens are taken to have complied with this part.

(3) In this section—

“**bilateral agreement**” has the meaning given by the Commonwealth Environment Act, section 45(2).¹⁰

15 Coordinator-General’s public notification about terms of reference and EIS

(1) A public notification under section 29(b) or 33(1)¹¹ of the Act must state each of the following—

9 See the Commonwealth Environment Act, chapter 4, part 8, division 3 (Decision on assessment approach)

10 Commonwealth Environment Act, section 45(2)—

‘(2) A **bilateral agreement** is a written agreement between the Commonwealth and a State or a self-governing Territory that:

- (a) provides for one or more of the following:
 - (i) protecting the environment;
 - (ii) promoting the conservation and ecologically sustainable use of natural resources;
 - (iii) ensuring an efficient, timely and effective process for environmental assessment and approval of actions;
 - (iv) minimising duplication in the environmental assessment and approval process through Commonwealth accreditation of the processes of the State or Territory (or vice versa); and
- (b) is expressed to be a bilateral agreement.’.

11 Section 29 (Notice of requirement for EIS and of draft terms of reference) or 33 (Public notification of EIS) of the Act

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- (a) the project's title;
- (b) the proponent's name;
- (c) the name of the entity intending to take the action the subject of the project;
- (d) if the proponent and designated proponent are not the same entity—the designated proponent's name;
- (e) a brief description of the project;
- (f) the location of the project;
- (g) the protected matters for the project.

(2) A notification mentioned in subsection (1) must be published—

- (a) in a newspaper circulating throughout Australia; or
- (b) in each State or Territory in a newspaper circulating generally in the State or Territory.

(3) In this section—

“protected matter” means a matter protected by a provision of the Commonwealth Act, part 3, mentioned in section 34¹² of that Act.

16 Other matters about EIS

(1) An EIS must address the matters mentioned in the schedule.

(2) The submission period set under section 33(1)(d) of the Act must be at least 28 days starting on the day after the date of the notification under the section.

17 Coordinator-General's report

(1) A report under section 35(3) of the Act¹³ must contain the following matters—

- (a) a description of the following—

12 Commonwealth Environment Act, section 34 (What is *matter protected* by a provision of Part 3?)

13 Section 35 (Coordinator-General evaluates EIS, submissions, other material and prepares report) of the Act

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- (i) the project;
- (ii) the places affected by the project;
- (iii) the controlling provisions for the project;
- (b) a summary of the project's relevant impacts;
- (c) a description of feasible mitigation measures, changes to the project or procedures, to prevent or minimise the project's relevant impacts, proposed by the proponent or suggested in relevant submissions;
- (d) to the extent practicable, a description of feasible alternatives to the project identified in the EIS process, and the likely impact of the alternatives on matters of national environmental significance;
- (e) a statement of conditions of approval for the project that may be imposed to address impacts, identified in the EIS process, on matters of national environmental significance;
- (f) a statement of requirements for, and conditions of, approval applying, or proposed to apply, to the project when the report is prepared, including a description of the monitoring, enforcement and review procedures applying, or proposed to apply, to the project.

(2) After completing the report, the Coordinator-General must give a copy of it to the Commonwealth Minister.

(3) In this section—

“matters of national environmental significance” means matters of national environmental significance mentioned in the Commonwealth Environment Act, chapter 2, part 3, division 1.¹⁴

“relevant submissions” means properly made submissions, or other submissions accepted by the Coordinator-General under section 34¹⁵ of the Act.

14 Commonwealth Environment Act, chapter 2, part 3, division 1 (Requirements relating to matters of national environmental significance)

15 Section 34 (Making submissions on EIS) of the Act

SCHEDULE

MATTERS TO BE ADDRESSED BY ASSESSMENT

section 16(1)

1 General information

The background of the project including the following—

- (a) the project's title;
- (b) the designated proponent's full name and postal address;
- (c) a clear outline of the project's objective;
- (d) the project's location;
- (e) the background to the project's development;
- (f) how the project relates to any other actions, of which the proponent should reasonably be aware, that have been, or are being, taken or that have been approved in the area affected by the project;
- (g) the project's current status;
- (h) the consequences of not proceeding with the project.

2 Description

A description of the project, including the following information—

- (a) the project's components;
- (b) the precise location of works to be undertaken, structures to be built or components of the project that may have relevant impacts;
- (c) how the works are to be undertaken and design parameters for aspects of the structures or components of the project that may have relevant impacts;
- (d) the project's relevant impacts;

SCHEDULE (continued)

- (e) proposed safeguards and mitigation measures for dealing with the project's relevant impacts;
- (f) any other requirements for, or conditions of, approval applying, or that the proponent reasonably believes are likely to apply, to the project;
- (g) to the extent reasonably practicable, any feasible alternatives to the project, including the following—
 - (i) if relevant, the alternative of taking no action;
 - (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the project;
 - (iii) sufficient detail to clarify why any alternative is preferred to another;
- (h) any consultation about the project, including the following—
 - (i) consultation taken and any documented response to, or result of, the consultation;
 - (ii) proposed consultation about the project's relevant impacts;
- (i) an identification of affected persons, including a statement mentioning any communities that may be affected and describing the communities' views.

3 Relevant impacts

Information given under section 2(d) must include the following—

- (a) a description of the project's relevant impacts;
- (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (d) an analysis of the significance of the relevant impacts;
- (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

SCHEDULE (continued)

4 Proposed safeguards and mitigation measures

Information given under section 2(e) must include the following—

- (a) a description, and an assessment of the expected or predicted effectiveness, of the mitigation measures for dealing with the project's relevant impacts;
- (b) any statutory or policy basis for the mitigation measures;
- (c) the cost of the mitigation measures;
- (d) an outline of an environmental management plan setting out the framework for continuing management, mitigation and monitoring programs for the project's relevant impacts, including any provision for independent environmental auditing;
- (e) the name of the entity responsible for endorsing or approving each mitigation measure or monitoring program;
- (f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the project's relevant impacts, including mitigation measures proposed to be taken by the State, a local government or the proponent.

5 Other approvals and conditions

(1) Information given under section 2(f) must include the following—

- (a) details of any planning instrument under the *Integrated Planning Act 1997*¹⁶ dealing with the project including the following—
 - (i) what environmental assessment of the project has been, or is being, carried out under the planning instrument;
 - (ii) how the planning instrument provides for preventing, minimising and managing the project's relevant impacts;
- (b) a description of any approval, other than the Commonwealth approval, obtained from a State or Commonwealth entity, including any approval conditions applying to the project;

¹⁶ *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

“**planning instrument**” means a State planning policy, planning scheme, temporary local planning instrument or planning scheme policy.

SCHEDULE (continued)

- (c) a statement identifying any other required approval, other than the Commonwealth approval;
- (d) a description of the monitoring, enforcement and review procedures applying, or proposed to apply, to the project.

(2) In this section—

“Commonwealth approval” means the Commonwealth Minister’s approval of the action the subject of the project under the Commonwealth Act, chapter, 4, part 9.

6 Proponent’s environmental record

(1) Details of any proceedings under a law of the Commonwealth or a State for the protection of the environment or the conservation and sustainable use of natural resources (an **“environmental law”**) against—

- (a) the proponent; and
- (b) the applicant for any permit under an environmental law for the project.

(2) If the proponent is a corporation, details of the corporation’s environmental policy and planning framework.

7 Information sources

The EIS must state the following about information given in the EIS—

- (a) the source of the information;
- (b) how recent the information is;
- (c) how the reliability of the information was tested;
- (d) any uncertainties in the information.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 14 August 2001. Future amendments of the State Development and Public Works Organisation Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	18 August 1999
1A	to SL No. 340 of 1999	23 December 1999
1B	to SL No. 300 of 2000	30 November 2000

5 List of legislation

**State Development and Public Works Organisation Regulation 1999 SL No. 188
(prev State Development (South Bank Pedestrian and Cycle Bridge)
Regulation 1999**

made by the Governor in Council on 12 August 1999
notfd gaz 13 August 1999 pp 2052–3
commenced on date of notification
exp 1 September 2009 (see SIA s 54)

as amended by—

**State Development (South Bank Pedestrian and Cycle Bridge) Amendment
Regulation 1999 SL No. 340**

notf gaz 17 December 1999 pp 1586–9
commenced on date of notification

**State Development and Public Works Organisation Amendment Regulation (No. 1)
2000 SL No. 300**

notfd gaz 24 November 2000 pp 1188–89
commenced on date of notification

**State Development and Public Works Organisation Amendment Regulation (No. 1)
2001 SL No. 137**

notfd gaz 10 August 2001 pp 1390–1
commenced on date of notification

6 List of annotations

PART 1—PRELIMINARY

pt hdg ins 1999 SL No. 340 s 3

Short title

s 1 amd 1999 SL No. 340 s 4

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PART 2—SOUTH BANK PEDESTRIAN AND CYCLE BRIDGE

pt hdg ins 1999 SL No. 340 s 5
exp 31 December 2001 (see s 5)

Definitions for pt 2

prov hdg sub 1999 SL No. 340 s 6
s 2 amd 1999 SL No. 340 s 6
exp 31 December 2001 (see s 5)

Approval

s 3 exp 31 December 2001 (see s 5)

Authority to undertake works on relevant foreshores or land

s 4 exp 31 December 2001 (see s 5)

Expiry of pt 2

prov hdg amd 1999 SL No. 340 s 7(1)
s 5 amd 1999 SL No. 340 s 7(2)
exp 31 December 2001 (see s 5)

PART 3—AIRLIE BEACH LAGOON

pt 3 (ss 6–9) ins 1999 SL No. 340 s 8
exp 31 December 2001 (see s 9)

PART 4—LANG PARK STADIUM PROJECT

pt 4 (ss 10–12) ins 2000 SL No. 300 s 3
exp 29 September 2004 (see s 12)

PART 5—ENVIRONMENTAL COORDINATION

pt 5 (ss 13–17) ins 2001 SL No. 137 s 3

SCHEDULE—MATTERS TO BE ADDRESSED BY ASSESSMENT

ins 2001 SL No. 137 s 4