



Queensland

State Development and Public Works Organisation Act 1971

State Development and Public Works Organisation Regulation 2010

Current as at 4 July 2014

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- The list of annotations endnote gives historical information at section level.

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State Development and Public Works Organisation Regulation 2010

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State Development and Public Works Organisation Regulation 2010

[as amended by all amendments that commenced on or before 4 July 2014]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *State Development and Public Works Organisation Regulation 2010*.

Part 2 Functions of Coordinator-General

2 Delegated power under repealed Industrial Development Act 1963—Act, s 10(1)

The Coordinator-General has the function of exercising a power delegated to the Coordinator-General under the repealed *Industrial Development Act 1963*, section 7.

Part 3 Works for dam sites

3 Definitions for pt 3

In this part—

affected area means the areas shown on drawings 100118,

[s 4]

100119 and 100120, prepared by Queensland Water Infrastructure and dated February 2007, as Wyaralong Dam affected areas.

Editor's note—

The drawings may be inspected on the department's website at <www.dlg.qld.gov.au>.

authorised works submission means Queensland Water Infrastructure's report of March 2007 called 'Submission to Coordinator-General for authorised works for proposed Traveston Crossing Dam and Wyaralong Dam' to the extent that it relates to the proposed Wyaralong Dam.

dam site project works means Wyaralong Dam works.

geo-technical investigations means investigations to determine the engineering feasibility of constructing a dam, including investigations of matters reasonably connected with, or incidental to, constructing a dam, on any part of the affected area.

Queensland Water Infrastructure means Queensland Water Infrastructure Pty Ltd (ACN 119 634 427).

reserved works means the parts of the dam site project works that, in the circumstances, can only be carried out with the exercise of a power the Coordinator-General may exercise under the Act only for or in connection with works undertaken by the Coordinator-General.

Wyaralong Dam works means the works reasonably connected with, or incidental to, carrying out the measure listed in the *Water Regulation 2002*, schedule 10B, item 13.

4 Queensland Water Infrastructure directed to undertake particular works—Act, s 100

- (1) Subsection (2) is a direction for section 100 of the Act.
- (2) Queensland Water Infrastructure must undertake all parts of the dam site project works that are not reserved works.

5 Coordinator-General directed to undertake particular works—Act, s 109

- (1) Subsection (2) is a direction for section 109 of the Act.
- (2) The Coordinator-General must undertake the following works in the affected area—
 - (a) geo-technical investigations;
 - (b) activities relating to cultural heritage and plant and animal surveys;
 - (c) reserved works.

6 Coordinator-General to keep particular documents available for inspection

The Coordinator-General must keep the drawings mentioned in section 3, definition *affected area* available for inspection on the department's website.

Editor's note—

The department's website is <www.dlg.qld.gov.au>.

Part 4 Drought contingency projects

7 Definitions for pt 4

In this part—

drought contingency report means the document titled 'Report on the Drought Contingency Projects—January 2009' held by the department and published on its website.

Editor's note—

The department's website is <www.dlg.qld.gov.au>.

eastern pipeline inter-connector project works means the works reasonably connected with, or incidental to—

- (a) carrying out early incidental works, land purchasing,

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surveys, planning and proposed investigations for the eastern pipeline inter-connector described in the drought contingency report; or

- (b) the construction of the mainland works, for the eastern pipeline inter-connector, as described in the drought contingency report.

Kuraby inter-connector project preliminary works means the works reasonably connected with, or incidental to, the carrying out of early incidental works, land purchasing, surveys, planning and investigations for the construction of a pipeline from the southern regional water pipeline to the pipeline connecting the Illaweena and Kuraby reservoirs, as described in the drought contingency report.

Lowood to Lake Wivenhoe project works means the works reasonably connected with, or incidental to, the construction of the pipeline to discharge water into Lake Wivenhoe as described in the drought contingency report.

northern pipeline inter-connector stage 1 project works means the works reasonably connected with, or incidental to, the construction of stage 1 of the northern pipeline inter-connector described in the drought contingency report.

northern pipeline inter-connector stage 2 construction project works means the works reasonably connected with, or incidental to, the construction of the pipeline between the Noosa water treatment plant and the northern pipeline inter-connector stage 1 pipeline near Eudlo, and associated works, mentioned in the drought contingency report.

northern pipeline inter-connector stage 2 project works means the works for stage 2 of the northern pipeline inter-connector that are reasonably connected with, or incidental to, carrying out early incidental works, land purchasing, surveys, planning and proposed investigations described in the drought contingency report.

project works means any of the following—

- (a) the south east Queensland (Gold Coast) desalination facility facilitation project works;

-
- (b) the south east Queensland (Gold Coast) desalination facility construction project works;
 - (c) the southern regional water pipeline project works;
 - (d) the eastern pipeline inter-connector project works;
 - (e) the northern pipeline inter-connector stage 1 project works;
 - (f) the northern pipeline inter-connector stage 2 project works;
 - (g) the western corridor recycled water project works;
 - (h) the Toowoomba pipeline project preliminary works;
 - (i) the Toowoomba pipeline project works;
 - (j) the Kuraby inter-connector project preliminary works;
 - (k) the northern pipeline inter-connector stage 2 construction project works.

reserved works, in relation to each of the project works, means the parts of the project works that, in the circumstances, can only be carried out with the exercise of a power that the Coordinator-General may exercise under the Act only for or in connection with works undertaken by the Coordinator-General.

South East Queensland (Gold Coast) Desalination Facility means the desalination facility of that name described in the drought contingency report.

south east Queensland (Gold Coast) desalination facility construction project works means the works reasonably connected with, or incidental to, the construction of the South East Queensland (Gold Coast) Desalination Facility.

south east Queensland (Gold Coast) desalination facility facilitation project works means the works reasonably connected with, or incidental to, facilitating the construction of the South East Queensland (Gold Coast) Desalination Facility.

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southern regional water pipeline project works means the works reasonably connected with, or incidental to, the construction of the southern regional water pipeline described in the drought contingency report.

Toowoomba pipeline project preliminary works means the Toowoomba pipeline project works comprising early incidental works, land purchasing, surveys, planning and investigations.

Toowoomba pipeline project works means the works reasonably connected with, or incidental to, the construction of a pipeline from Lake Wivenhoe to Lake Cressbrook as described in the drought contingency report.

town water supply project works means the works reasonably connected with, or incidental to, the construction of the pipeline to supply water to Benarkin, Blackbutt, Toogoolawah and Yarraman and described in the drought contingency report.

western corridor recycled water project works—

- (a) means the works reasonably connected with, or incidental to, the construction of the western corridor recycled water project described in the drought contingency report; and
- (b) includes—
 - (i) the town water supply project works; and
 - (ii) the Lowood to Lake Wivenhoe project works.

8 Local bodies directed to undertake particular works—Act, s 100

- (1) Each of subsections (2) to (4) is a direction for section 100 of the Act.
- (2) South East Queensland (Gold Coast) Desalination Company Pty Ltd (ACN 122 413 316) must undertake all parts of the following project works that are not reserved works—

-
- (a) the south east Queensland (Gold Coast) desalination facility facilitation project works;
 - (b) the south east Queensland (Gold Coast) desalination facility construction project works.
- (3) The Queensland Bulk Water Supply Authority must undertake all parts of the following project works that are not reserved works—
- (a) the eastern pipeline inter-connector project works;
 - (b) the northern pipeline inter-connector stage 1 project works;
 - (c) the northern pipeline inter-connector stage 2 project works;
 - (d) the southern regional water pipeline project works;
 - (e) the Toowoomba pipeline project preliminary works;
 - (f) the Toowoomba pipeline project works;
 - (g) the Kuraby inter-connector project preliminary works;
 - (h) the northern pipeline inter-connector stage 2 construction project works.
- (4) Western Corridor Recycled Water Pty Ltd (ACN 124 226 777) must undertake all parts of the western corridor recycled water project works that are not reserved works.
- (5) In this section—

Queensland Bulk Water Supply Authority means the Queensland Bulk Water Supply Authority (ABN 75 450 239 876) continued in existence under the *South East Queensland Water (Restructuring) Act 2007*, section 6.

9 Coordinator-General directed to undertake particular works—Act, s 109

- (1) Subsection (2) is a direction for section 109 of the Act.
- (2) The Coordinator-General must undertake the reserved works for each of the project works.

[s 9A]

9A Particular land is divested from Coordinator-General and vested in Toowoomba Regional Council—Act s 128(2)

The land mentioned in schedule 1A is divested from the Coordinator-General and vested in the Toowoomba Regional Council.

Part 5 Works for potential coal transport corridors

10 Definitions for pt 5

In this part—

geo-technical investigations means investigations to determine the engineering feasibility of constructing a railway or conveyor for transporting coal.

investigation area means the area shown on a map called ‘Tarong Energy Transport Investigation Corridor (TEIC_001_001)’ held by the Coordinator-General.

Tarong Energy means Tarong Energy Corporation Limited ACN 078 848 736.

11 Tarong Energy directed to undertake particular works—Act, s 100

- (1) Subsection (2) is a direction for section 100 of the Act.
- (2) Tarong Energy must undertake the following works within the investigation area to evaluate potential corridors for transporting coal from the coal deposit at Kunioon and the New Acland Mine to the Tarong Power Station—
 - (a) geo-technical investigations;
 - (b) surveys and valuations of land;

- (c) surveys of flora and fauna;
- (d) surveys of cultural heritage.

Part 6 **Connors River Dam Investigations**

12 Definitions for pt 6

In this part—

geo-technical investigations means investigations to determine the engineering feasibility of constructing a dam, including investigations of matters reasonably connected with, or incidental to, constructing a dam, on any part of the investigation area.

investigation area means the area shown as the Investigation Area (Full Supply Level EL 168.4m) on the map of 24 November 2006 titled 'Connors River Dam at Mt Bridget AMTD 95.7km' and held by the department.

13 Coordinator-General directed to undertake particular works—Act, s 109

- (1) Subsection (2) is a direction for section 109 of the Act.
- (2) The Coordinator-General must undertake the following works in the investigation area—
 - (a) geo-technical investigations;
 - (b) surveys of cultural heritage;
 - (c) surveys of flora and fauna;
 - (d) surveys and valuations of land.

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Part 7 Gold Coast University Hospital Project

14 Definitions for pt 7

In this part—

Gold Coast University Hospital facilities means the Gold Coast University Hospital facilities described in the project report.

Gold Coast University Hospital facilities works means the project works of that name described in the project report and comprising works reasonably connected with, or incidental to, the construction of the Gold Coast University Hospital facilities.

preliminary works means the project works comprising early incidental works, land purchasing, surveys, investigations, planning and preparation of detailed designs.

project report means the Coordinator-General’s report of August 2008 titled ‘Gold Coast University Hospital Second Project Report’ held by the Coordinator-General and published on the department’s website.

Editor’s note—

The department’s website is <www.dlg.qld.gov.au>.

project works means the works reasonably connected with, or incidental to, the construction of the Gold Coast University Hospital Project described in the project report.

15 Coordinator-General directed to undertake particular works—Act, s 109

- (1) Subsection (2) is a direction for section 109 of the Act.
- (2) The Coordinator-General must undertake the following works—
 - (a) the preliminary works;
 - (b) the Gold Coast University Hospital facilities works.

Part 8 Works for Fitzroy to Gladstone pipeline

16 Definitions for pt 8

In this part—

investigation area means the area shown as the proposed corridor investigation area on the map series of 17 November 2007 that—

- (a) is called ‘Proposed Investigation Area for Fitzroy to Gladstone Pipeline’; and
- (b) is held by the department; and
- (c) is available for inspection by members of the public.

pipeline investigations means the following works reasonably connected with the proposed construction of a pipeline for carrying water between the Fitzroy River and Gladstone—

- (a) investigations to determine the engineering feasibility of constructing the pipeline, including, for example, the drilling of test pits and bore holes;
- (b) surveys of flora and fauna;
- (c) surveys of soil and water quality;
- (d) surveys of cultural heritage;
- (e) valuations of land;
- (f) surveys of land and watercourses.

water board means Gladstone Area Water Board ABN 88 409 667 181.

17 Water board directed to undertake particular works—Act, s 100

- (1) Subsection (2) is a direction for section 100 of the Act.
- (2) The water board must undertake the pipeline investigations in the investigation area.

[s 18]

Part 9 Griffith University Facilities Project

18 Definitions for pt 9

In this part—

Griffith University means Griffith University established under the *Griffith University Act 1998*, section 4.

medicine and oral health centre means the Centre for Medicine and Oral Health described in the project report.

medicine and oral health centre project works means the works reasonably connected with, or incidental to, the construction of the Centre for Medicine and Oral Health building and the Common Use Teaching Facility building described in the supplementary project report.

preliminary works means the works comprising early incidental works, surveys, investigations, planning and preparation of detailed designs for—

- (a) the medicine and oral health centre; and
- (b) the student accommodation facilities.

project report means the Coordinator-General's report of November 2008 titled 'Griffith University Facilities Project Report' held by the Coordinator-General and published on the department's website.

Editor's note—

The department's website is <www.dlg.qld.gov.au>. The project report and the supplementary project report also may be inspected at the office of the Coordinator-General, 100 George Street, Brisbane.

science and engineering building works means the works reasonably connected with, or incidental to, the construction of the Science and Engineering Building described in the project report.

student accommodation facilities means the Student Accommodation Facilities described in the project report.

supplementary project report means the Coordinator-General's report of November 2010 titled 'Centre for Medicine and Oral Health Project Report' held by the Coordinator-General and published on the department's website.

19 Coordinator-General directed to undertake particular works—Act, s 109

- (1) Subsection (2) is a direction for section 109 of the Act.
- (2) The Coordinator-General must undertake the following works—
 - (a) the preliminary works;
 - (b) the science and engineering building works;
 - (c) the medicine and oral health centre project works.

19A Approval of terms of agreement to transfer works—Act, s 134(2)

The terms of the agreement negotiated between the Coordinator-General and Griffith University, as set out in schedule 2, are approved under section 134(2) of the Act.

Part 10 Cloncurry Pipeline Project

20 Definitions for pt 10

In this part—

Cloncurry pipeline project works means works reasonably connected with, or incidental to, the construction of the Cloncurry pipeline as described in the pipeline report.

Examples of works reasonably connected with, or incidental to, the construction of the pipeline—

- construction of a permanent or temporary road for access

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- installation of a pump, telecommunications facility or water storage facility

pipeline report means SunWater's report of 17 July 2009 called 'Cloncurry pipeline project description'.

reserved works means the parts of the Cloncurry pipeline project works that, in the circumstances, can only be carried out with the exercise of a power the Coordinator-General may exercise under the Act only for or in connection with works undertaken by the Coordinator-General.

Example of a power the Coordinator-General may exercise only for works undertaken by the Coordinator-General—

the power under section 160 of the Act to obtain material from a watercourse

SunWater means SunWater Limited ACN 131 034 985.

21 SunWater directed to undertake particular works—Act, s 100

- (1) Subsection (2) is a direction for section 100 of the Act.
- (2) SunWater must undertake all parts of the Cloncurry pipeline project works that are not reserved works.

22 Coordinator-General directed to undertake particular works—Act, s 109

- (1) Subsection (2) is a direction for section 109 of the Act.
- (2) The Coordinator-General must undertake the reserved works.

23 Coordinator-General authorised to undertake particular works—Act, s 140

For the Cloncurry pipeline project works, the Coordinator-General is authorised to undertake works in, on, over, through or across the Cloncurry River.

24 Coordinator-General authorised to take sand etc.—Act, s 140(1)(a)

The Coordinator-General is authorised—

- (a) to take sand, stone, gravel and other material from the Cloncurry River; and
- (b) to use the sand, stone, gravel and other material for the Cloncurry pipeline project works.

25 Exempt development—Act, s 140(1)(b)

- (1) Subsection (2) is a direction for section 140(1)(b) of the Act.
- (2) The taking, and use for the Cloncurry pipeline project works of sand, stone, gravel and other material authorised under section 24 is exempt development under the *Sustainable Planning Act 2009*.

Part 11 Wyaralong water treatment plant and Cedar Grove and Karawatha inter-connectors

26 Definitions for pt 11

In this part—

Cedar Grove and Karawatha inter-connector project works means works reasonably connected with, or incidental to—

- (a) carrying out early incidental works, land purchasing, surveys, planning and proposed investigations for pipelines connecting the Wyaralong water treatment plant to the South East Queensland Water Grid, specifically the southern regional water pipeline and the Kuraby reservoir; or
- (b) construction of the pipelines.

[s 27]

project works means—

- (a) Cedar Grove and Karawatha inter-connector project works; or
- (b) Wyaralong water treatment plant project works.

Queensland Bulk Water Supply Authority means the Queensland Bulk Water Supply Authority (ABN 75 450 239 876) continued in existence under the *South East Queensland Water (Restructuring) Act 2007*, section 6.

reserved works, in relation to each of the project works, means the parts of the works that, in the circumstances, can only be carried out with the exercise of a power the Coordinator-General may exercise under the Act only for or in connection with works undertaken by the Coordinator-General.

Wyaralong water treatment plant means the proposed water treatment plant at Wyaralong to process water extracted from Wyaralong Dam and the Logan River system.

Wyaralong water treatment plant project works means works reasonably connected with, or incidental to—

- (a) carrying out early incidental works, land purchasing, surveys, planning and investigations for the Wyaralong water treatment plant; or
- (b) the construction of the Wyaralong water treatment plant.

27 Queensland Bulk Water Supply Authority directed to undertake particular Wyaralong water treatment plant project works—Act, s 100

- (1) Subsection (2) is a direction for section 100 of the Act.
- (2) The Queensland Bulk Water Supply Authority must undertake all parts of the Wyaralong water treatment plant project works that are not reserved works.

28 Queensland Bulk Water Supply Authority directed to undertake particular Cedar Grove and Karawatha inter-connector project works—Act, s 100

- (1) Subsection (2) is a direction for section 100 of the Act.
- (2) The Queensland Bulk Water Supply Authority must undertake all parts of the Cedar Grove and Karawatha inter-connector project works that are not reserved works.

29 Coordinator-General directed to undertake particular works—Act, s 109

- (1) Subsection (2) is a direction for section 109 of the Act.
- (2) The Coordinator-General must undertake the reserved works.

Part 12 Gold Coast Rapid Transit Project

30 Definitions for pt 12

In this part—

GCRT facilitation works means—

- (a) operational work that is—
 - (i) the clearing of native vegetation on land in the project area; and
 - (ii) undertaken to facilitate the carrying out of the GCRT precinct works; or
- (b) other works reasonably connected with, or incidental to, carrying out the work mentioned in paragraph (a).

GCRT precinct works means the works of that name described in the project report.

native vegetation means vegetation under the *Vegetation Management Act 1999*.

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operational work see the *Sustainable Planning Act 2009*, section 10(1).

project area means the following areas shown at appendix A of the project report on the drawing stated for the area—

- (a) clearing area ‘A’—A1195200-620B;
- (b) clearing area ‘B’—A1195200-620C;
- (c) clearing area ‘C’—A1195200-620D;
- (d) clearing area ‘D’—A1195200-620E;
- (e) clearing areas ‘E1’ and ‘E2’—A1195200-620F.

project report means the Coordinator-General’s report of October 2009 titled ‘Gold Coast Rapid Transit – Gold Coast Health and Knowledge Precinct – Project Report’ held by the Coordinator-General and published on the department’s website.

Editor’s note—

The department’s website is <www.dlg.qld.gov.au>.

31 Coordinator-General directed to undertake particular works—Act, s 109

- (1) Subsection (2)—
 - (a) is a direction for section 109 of the Act; and
 - (b) applies only if the relevant Ministers have, before any GCRT facilitation works are undertaken, agreed in writing to an arrangement satisfactory to the Ministers about addressing adverse environmental effects of the works.
- (2) The Coordinator-General is directed to undertake the GCRT facilitation works.
- (3) In this section—

relevant Ministers means each of the following—

- (a) the Minister administering the *Vegetation Management Act 1999*;

- (b) the Minister administering the *Nature Conservation Act 1992*.

Part 13 Environmental coordination

32 Definitions for pt 13

In this part—

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.

33 Application of pt 13

- (1) This part applies to a project only if—
- (a) the project is a coordinated project under part 4 of the Act; and
 - (b) before or after it becomes a coordinated project, either of the following apply—
 - (i) the Commonwealth Minister has, under the Commonwealth Environment Act—
 - (A) decided the approach for assessing the relevant impacts of the project is assessment by an accredited assessment process; and

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- (B) given notice of the decision;
 - (ii) the relevant impacts of the project are to be assessed under a bilateral agreement; and
 - (c) part 4A of the Act does not apply to the project.
- (2) Any steps or actions taken in the EIS process after the project becomes a coordinated 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).

34 Coordinator-General's public notification about terms of reference and EIS

- (1) A public notification under section 29(1)(b) or 33(1) of the Act must state each of the following—
- (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 Environment Act, part 3, mentioned in section 34 of that Act.

35 Other matters about EIS

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

36 Coordinator-General's report

- (1) A report under section 35(3) of the Act must contain the following matters—
 - (a) a description of the following—
 - (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, or 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.

relevant submissions means properly made submissions, or other submissions accepted by the Coordinator-General under section 34 of the Act.

Part 13A Assessment and approval of particular coordinated projects under bilateral agreement

36A Required information for draft protected matters report

For the Act, section 54P(3)(a), a draft protected matters report must include the information stated in schedule 1AA.

36B Notification requirements and minimum submission period

- (1) Subsections (2) and (3) state the requirements for the notification of—
 - (a) a draft protected matters report for the Act, section 54Q(4)(b); and
 - (b) an amendment application for the Act, section 54ZB(2)(b).

-
- (2) The notification must state each of the following—
 - (a) the project's title;
 - (b) the proponent's full name;
 - (c) a brief description of the project;
 - (d) the location of the project.
 - (3) The notification must be published—
 - (a) in a newspaper circulating throughout Australia; or
 - (b) in each State—in a newspaper circulating generally in the State.
 - (4) For the Act, sections 54Q(4)(d) and 54ZB(2)(d), the minimum period for the submission period is 28 days starting on the day after the day of notification.

36C Coordinator-General must publish particular documents

- (1) The Coordinator-General must publish each of the following documents on the department's website—
 - (a) an application for a bilateral project declaration made under the Act, section 54K;
 - (b) a draft protected matters report notified under the Act, section 54Q;
 - (c) a final protected matters report given under the Act, section 54R;
 - (d) a notice given under the Act, section 54X;
 - (e) an assessment report given under the Act, section 54X;
 - (f) an environmental approval issued under the Act, section 54Y;
 - (g) an amendment application made under the Act, section 54Z;
 - (h) a notice given under the Act, section 54ZD;
 - (i) an amended approval issued under the Act, section 54ZE.

[s 37]

- (2) The document must be published—
 - (a) for a draft protected matters report—during the submission period, under the Act, section 54Q(4), for the coordinated project to which the report relates; or
 - (b) otherwise—as soon as practicable after the application is made, or the document is given or issued, under the Act.

Part 14 Miscellaneous provisions

37 Existing approval of terms of agreement to transfer works

The repeal of the *State Development and Public Works Organisation Regulation 1999* (the **repealed regulation**) does not affect the approval for section 134(2) of the Act, given under the repealed regulation, section 18, of the following—

- (a) the terms of the agreement negotiated between the Coordinator-General and the Stadium Redevelopment Authority, as set out in the repealed regulation, schedule 2;
- (b) the terms of the agreement negotiated between the Coordinator-General and the State represented by the Department of Public Works, as set out in the repealed regulation, schedule 3.

37A Fees

- (1) The fees payable under the Act, part 4 are stated in schedule 1B.
- (2) The fees payable under the Act, section 84AA(2)(c) are stated in schedule 1C.
- (3) The fees payable under the Act, part 6, division 7 are stated in schedule 1D.

- (4) The fees payable in relation to a request to take land for particular infrastructure facilities are stated in schedule 1E.

37B Refund of fees

The Coordinator-General may refund all or part of a fee paid for an application or request under the Act if the Coordinator-General considers the refund is reasonable having regard to the stage reached of the assessment process for the application or request or any other relevant matter.

Part 15 Repeal

38 Repeal of regulation

The State Development and Public Works Organisation Regulation 1999, SL No. 188 is repealed.

Part 16 Transitional provision for State Development and Public Works Organisation Amendment Regulation (No. 1) 2014

39 Fees for the Act, part 4 for coordinated projects declared before 4 July 2014

- (1) This section applies in relation to a coordinated project if the declaration made under the Act, section 26(1) for the project was made before 4 July 2014.
- (2) Schedule 1B, as in force immediately before 4 July 2014, continues to apply in relation to the coordinated project as if

*the State Development and Public Works Organisation
Amendment Regulation (No. 1) 2014* was not made.

40 Expiry

This part expires on 30 June 2015.

Schedule 1 Matters to be addressed by assessment

section 35(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;

- (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 about 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.

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 *Sustainable Planning Act 2009* 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;
- (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 *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*, 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.

Schedule 1AA Information to be included in draft protected matters report

section 36A

1 Definition for sch 1AA

In this schedule—

relevant environmental impacts, of a coordinated project, means the impacts the project has, will have, or is likely to have, on a matter protected by a specified provision.

2 General information

A protected matters report must include information about the background of the project, including the following—

- (a) the project's title;
- (b) the 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.

3 Description

A protected matters report must include information that describes the project, including the following—

- (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 environmental 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 environmental impacts;
- (d) the project's relevant environmental impacts;
- (e) proposed safeguards and mitigation measures for dealing with the project's relevant environmental impacts;
- (f) any other requirements for, or conditions of, approval applying, or the proponent reasonably believes are likely to apply, to the project;
- (g) economic and social matters that have arisen, or will or are likely to arise, from the project being undertaken;
- (h) to the extent reasonably practicable, any feasible alternatives to the project, including the following—
 - (i) if relevant, the alternative of not proceeding with the project;
 - (ii) a comparative description of the impacts of each alternative on the matters protected by specified provisions for the project;
 - (iii) sufficient detail to clarify why any alternative is preferred to another;
- (i) 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 environmental impacts;
- (j) an identification of affected persons, including a statement mentioning any communities that may be affected and describing their views.

4 Relevant environmental impacts

Information given under section 3(d) must include the following—

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

5 Proposed safeguards and mitigation measures

Information given under section 3(e) must include the following—

- (a) for each of the mitigation measures for dealing with the project's relevant environmental impacts—
 - (i) a description of the measure; and
 - (ii) an assessment of the expected or predicted effectiveness of the measure;
- (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 environmental 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 environmental impacts, including measures proposed to be taken by the State, a local government or the proponent.

6 Other approvals and conditions

Information given under section 3(f) must include the following—

- (a) details of Commonwealth or State policies, guidelines or other instruments that are relevant to the relevant environmental impacts;
- (b) a description of any approval obtained from a Commonwealth or State entity, including any approval conditions applying to the project;
- (c) a statement identifying any other required approval;
- (d) a description of the monitoring, enforcement and review procedures applying, or proposed to apply, to the project.

7 Proponent's environmental record

A protected matters report must include information about the proponent's environmental record.

8 Information sources

The protected matters report must state the following about information given in the report—

- (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.

**Schedule 1A Land divested from
Coordinator-General and
vested in Toowoomba Regional
Council**

section 9A

Easement A in lot 12 on SP109132 on SP224489
Easement A in lot 58 on CSH2241 on SP224508
Easement A in lot 129 on RP805037 on SP224494
Easement AA in lot 18 on CA31814 on SP224500
Easement AB in lot 62 on CA311589 on SP224501
Easement AC in lot 12 on CA31780 on SP224502
Easement AD in lot 946 on CSH669 on SP224503
Easement AE in lot 19 on CA31827 on SP224504
Easement AF in lot 41 on CSH403 on SP224506
Easement AG in lot 41 on CSH403 on SP224506
Easement AH in lot 41 on CSH403 on SP224506
Easement AI in lot 41 on CSH403 on SP224506
Easement AJ in lot 2 on RP171758 on SP224507
Easement AK in lot 2 on RP171758 on SP224507
Easement AL in lot 2 on RP171758 on SP224507
Easement B in lot 4 on RP215418 on SP224478
Easement C in lot 5 on RP142462 on SP224479
Easement E in lot 209 on CSH2114 on SP224481
Easement F in lot 1 on RP199226 on SP224482
Easement H in lot 203 on CSH2029 on SP224483
Easement I in lot 11 on RP217483 on SP224484

Easement J in lot 2 on SP219259 on SP224485
Easement K in lot 3 on RP213665 on SP224486
Easement L in lot 213 on CSH2236 on SP224487
Easement M in lot 2 on RP20797 on SP224488
Easement P in lot 2 on RP20833 on SP224490
Easement Q in lot 1 on RP20834 on SP224491
Easement R in lot 5 on RP129520 on SP224492
Easement RA in lot 5 on RP129520 on SP222909
Easement S in lot 40 on RP805037 on SP224493
Easement U in lot 109 on RP805037 on SP224495
Easement V in lot 117 on CA31373 on SP224496
Easement W in lot 122 on CA31377 on SP224497
Easement X in lot 127 on CA31414 on SP224498
Easement XX in lot 241 on SP222905
Easement Y in lot 271 on CA311037 on SP224499
Easement Z in lot 18 on CA31814 on SP224500
Lot 3 on SP 222905

Schedule 1B Fees for the Act, part 4

section 37A(1)

Part 1 General provisions

1A Definitions for sch 1B

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.

part 13 project means a project to which part 13 applies.

resource project see the *Environmental Protection Act 1994*, section 112.

resource tenure see the *Environmental Protection Act 1994*, schedule 4.

significant off-tenure project means a project that—

- (a) relates to a resource project; and
- (b) is carried out on land, other than land to which the resource tenure for the resource project applies.

1 Operation of sch 1B

- (1) This schedule provides for the fees mentioned in the Act, section 25A.

- (2) The fees are for the matters relating to the administration of the Act, part 4 by the Coordinator-General that are stated in column 1 of tables 1, 2 and 3 in part 2.
- (3) If, under section 32(1)(b) of the Act, the process under the Act, part 4, division 3 involves an EIS for a stage of a coordinated project, the fees apply as if each stage of the project were a whole coordinated project.

2 When fees are payable

The fee for each of the matters stated in column 1 of tables 1, 2 and 3 in part 2 is payable on the happening of the event stated opposite the matter in column 2 of the table.

3 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 prescribed amount; or
 - (b) if the fee becomes payable during the financial year beginning 1 July 2015—the prescribed amount, CPI indexed for the financial year beginning 1 July 2015; or
 - (c) if the fee becomes payable during any later financial year—the prescribed amount, 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) In this section—

prescribed amount means—

 - (a) for a matter mentioned in part 2, table 1—
 - (i) if subparagraphs (ii), (iii) and (iv) do not apply—the amount stated opposite the matter in column 3 of the table; or

- (ii) if the project is a part 13 project, but not a significant off-tenure project—the sum of the amounts stated opposite the matter in columns 3 and 4 of the table; or
 - (iii) if the project is a significant off-tenure project, but not a part 13 project—the sum of the amounts stated opposite the matter in columns 3 and 5 of the table; or
 - (iv) if the project is a part 13 project and a significant off-tenure project—the sum of the amounts stated opposite the matter in columns 3, 4 and 5 of the table; or
- (b) for a matter mentioned in part 2, table 2 or 3—the amount stated opposite the matter in column 3 of the table.

4 Access to adjusted amounts

- (1) From and including 2013, 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 3.
- (2) A failure to comply with subsection (1) does not limit or otherwise affect the operation of section 3.

Part 2 Tables of fees

Table 1—Coordinated project declaration (the Act, part 4, division 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) \$ |
| application for declaration of coordinated project under the Act, section 27AA | the making of the application | 20,410.00 | 7421.00 | 4241.00 |
| notice of requirement for EIS under the Act, section 29 and finalising terms of reference under the Act, section 30 and the matters mentioned in the Act, sections 31, 32 and 33(1) relating to an EIS | the giving to the proponent of a copy of the finalised terms of reference under the Act, section 30(1) | 63,084.00 | 22,940.00 | 13,108.00 |

Table 1—Coordinated project declaration (the Act, part 4, division 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) \$ |
| Coordinator-General's evaluation of EIS, submissions, other material (other than supplementary information or comment) and preparation of report under the Act, section 35 | when the submission period for the EIS ends under the Act, section 33(1)(d) | 70,506.00 | 25,639.00 | 14,651.00 |
| Coordinator-General's request for, and consideration of, supplementary information or comment under the Act, section 35(2) and (6) to (9) | the giving to the proponent of a request for supplementary information or comment under the Act, section 35(2) | 45,000.00 | nil | nil |

Table 2—Evaluation of changes to coordinated project (the Act, part 4, division 3A)

| 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) \$ |
| application for evaluation of environmental effects of proposed change under the Act, section 35C or because of the Act, section 35N(4)(b) | the making of the application | 10,200.00 |
| Coordinator-General's activity in relation to the matters mentioned in the Act, sections 35F to 35J if— (a) the Coordinator-General decides under the Act, section 35G not to require public notification; and (b) the decision notice under the Act, section 35G does not accompany the Coordinator-General's change report under the Act, section 35J | the giving of the decision notice under the Act, section 35G | 21,900.00 |
| the matters mentioned in the Act, sections 35F to 35J if the Coordinator-General decides under the Act, section 35G to require public notification | the giving of the decision notice under the Act, section 35G | 47,200.00 |

Table 3—Evaluation of application for extension of lapse date (the Act, part 4, division 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) \$ |
|--|--|--|
| evaluation of request to fix a later date under the Act, section 32(4)(b) for giving an EIS | the making of the request | 4200.00 |
| continuing administration of the matters mentioned in the Act, sections 31, 32 and 33(1) | the giving of written notice under the Act, section 32(4)(b) fixing a later date for giving an EIS | 13,800.00 |
| evaluation of request to fix a later time under the Act, section 35A(3) for the Coordinator-General's report for an EIS to lapse | the making of the request | 7000.00 |

Schedule 1C Fees for an approval of a use of land

section 37A(2)

Part 1 General provisions

1 Definitions for sch 1C

In this schedule—

minor assessment process means a process under a development scheme used to make, assess and decide an application for approval of a use of land under section 84(4)(b) of the Act because of the potential minor nature of the impacts associated with the proposed use.

minor change means—

- (a) a change to an application under section 84AA(1) of the Act that under a development scheme does not require the making of a new application under that section; and
- (b) a change to an approval under section 84(4)(b) of the Act that under a development scheme does not require the making of a new application for a use of land under section 84AA(1) of the Act.

pre-lodgement consideration means written advice to the proponent by the Coordinator-General about the Coordinator-General's consideration of a proposed application for a use of land under section 84(4)(b) of the Act.

prior affected use means an alternative lawful use, approved use or authorised use.

2 Operation of sch 1C

- (1) This schedule provides for the fees mentioned in section 84AA(2)(c) of the Act.

-
- (2) For a request for pre-lodgement consideration of an application for approval of a use of land, the fee payable for the request is 5% of the fee payable for the proposed application.
 - (3) For a request for a minor change to an approval given under section 84(4)(b) of the Act, the fee payable for the request is 25% of the fee payable for the application for the approval.

3 When fees are payable

The fee for each of the matters stated in column 1 of the table in part 2 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 2013—the amount stated opposite the matter in column 3 of the table in part 2 (*column 3*); or
 - (b) if the fee becomes payable during 2013—the amount stated opposite the matter in column 3, CPI indexed for 2013; or
 - (c) if the fee becomes payable during any later year—the amount stated opposite the matter in column 3, CPI indexed for 2013 and all years since 2013.
- (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) From and including 2013, 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 Table of fees

| Column 1 | Column 2 | Column 3 |
|---------------------------------|--------------------------------|----------------------------------|
| Matter for which fee is payable | Event when payment is required | Amount of fee (up to 2013) \$ |

Applying for approval of a use of land under an approved development scheme for a State development area—particular uses

application for approval of a use of land under the Act, section 84(4)(b) for any of the following uses, other than an application for an approval under a minor assessment process—

| | | |
|---|-------------------------------|-----------|
| (a) extractive industry | the making of the application | 45,000.00 |
| (b) industry other than an extractive industry | the making of the application | 75,000.00 |
| (c) gas transportation infrastructure facility | the making of the application | 45,000.00 |
| (d) infrastructure facility other than a gas transportation infrastructure facility | the making of the application | 65,000.00 |

Applying for approval of a use of land under an approved development scheme for a State development area—other uses

| | | |
|--|-------------------------------|-----------|
| application for approval of any other use of land under the Act, section 84(4)(b) other than an application for an approval under a minor assessment process | the making of the application | 45,000.00 |
|--|-------------------------------|-----------|

| Column 1 | Column 2 | Column 3 |
|--|--------------------------------|----------------------------|
| Matter for which fee is payable | Event when payment is required | Amount of fee (up to 2013) |
| | | \$ |
| application for an approval under a minor assessment process | the making of the application | 5000.00 |
| Applications and requests for other matters relating to the use of land under an approved development scheme for a State development area | | |
| request to change a currency period under the Act, section 84A(3)(c) | the making of the request | 5000.00 |
| request for minor change to an application | the making of the request | 5000.00 |
| application, under a development scheme, for prior affected use | the making of the application | 2000.00 |

Schedule 1D Fees for the Act, part 6, division 7

section 37A(3)

Part 1 General provisions

1 Operation of sch 1D

- (1) This schedule provides for the fees mentioned in sections 153AA(2)(d) and 153AJ of the Act.
- (2) The fees are for the matters relating to the exercise of powers under section 125(1)(f) and part 6, division 7 of the Act by the Coordinator-General that are stated in column 1 of the table in part 2.

2 When fees are payable

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

3 Amount of fees

- (1) The amount of the fee for each of the matters is—
 - (a) if the fee becomes payable before 2013—the amount stated opposite the matter in column 3 of the table in part 2 (*column 3*); or
 - (b) if the fee becomes payable during 2013—the amount stated opposite the matter in column 3, CPI indexed for 2013; or
 - (c) if the fee becomes payable during any later year—the amount stated opposite the matter in column 3, CPI indexed for 2013 and all years since 2013.

- (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.

4 Access to adjusted amounts

- (1) From and including 2013, 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 3.
- (2) A failure to comply with subsection (1) does not limit or otherwise affect the operation of section 3.

Part 2 Table of fees

| Column 1 | Column 2 | Column 3 |
|---|--------------------------------|----------------------------------|
| Matter for which fee is payable | Event when payment is required | Amount of fee (up to 2013) \$ |
| Private infrastructure facility application under the Act, section 153AA | | |
| 1 private infrastructure facility application | the making of the application | 113,410.00 |
| Applying for an investigator's authority under the Act, section 143 | | |
| 2 application for an investigator's authority under the Act, section 143 | the making of the application | 30,930.00 |

Schedule 1E Fees relating to particular requests to take land

section 37A(4)

Part 1 General provisions

1 Definitions for sch 1E

In this schedule—

commencement means the commencement of this schedule.

former, in relation to a provision of the Act, means the provision of the Act as in force immediately before the commencement.

2 Application of sch 1E

This schedule applies to—

- (a) an infrastructure facility the subject of a request made before the commencement to the Coordinator-General seeking, for an infrastructure facility, the Governor in Council's approval under the Act, former section 125(1)(f)(ii); and
- (b) an infrastructure facility approved under the Act, former section 125(1)(f)(ii).

3 Amount of fees

- (1) The amount of the fee for each of the matters is—
 - (a) if the fee becomes payable before 2013—the amount stated opposite the matter in column 2 of the table in part 2 (*column 2*); or
 - (b) if the fee becomes payable during 2013—the amount stated opposite the matter in column 2, CPI indexed for 2013; or

- (c) if the fee becomes payable during any later year—the amount stated opposite the matter in column 2, CPI indexed for 2013 and all years since 2013.
- (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.

4 Access to adjusted amounts

- (1) From and including 2013, 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 3.
- (2) A failure to comply with subsection (1) does not limit or otherwise affect the operation of section 3.

Part 2 Table of fees

| | |
|--|--|
| Column 1 | Column 2 |
| Matter for which fee is payable | Amount of fee (up to 2013) \$ |

Asking the Coordinator-General to take land for a proposed infrastructure facility under the Act, former section 125(1)(f)

| | |
|---|-----------|
| assessing a request to take land under the Act, former section 125(1)(f) and complying with the Act, former sections 125(6) and 126 and any guidelines made under the Act, former section 174(1)(a) | 56,705.00 |
|---|-----------|

Schedule 2 **Terms of agreement negotiated
between Coordinator-General
and Griffith University**

section 19A

The Coordinator-General

Griffith University

**Transfer of Science
and Engineering
Building (G39)**

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Date 16 May 2012

Parties

The Coordinator-General ABN 25 166 523 889 of Level 5, 100 George Street, Brisbane, Queensland (**CG**)

Griffith University ABN 78 106 094 461 of Nathan Campus, Nathan, Queensland (**Griffith**)

Background

- A Pursuant to the Regulation, the CG was directed to undertake the Project Works for the Griffith University Facilities Project.
 - B The Contract Administration Deed sets out the basis on which the CG carried out the Project Works.
 - C The Project Works have been completed and in accordance with section 134 of the Act the CG has, subject to Governor in Council approval by regulation pursuant to section 134(2) of the Act, agreed to transfer ownership of the Works to Griffith on the terms and conditions set out in this document.
-

Agreed terms

1 Interpretation

1.1 Definitions

In this document:

Act means *State Development and Public Works Organisation Act 1971* (Qld).

Building Contract means the contract between the CG and Hindmarsh Constructions Queensland Pty Ltd ABN 76 100 120 027 dated 23 December 2008.

Business Day means a day which is not a Saturday, Sunday or bank or public holiday in Brisbane.

Claim means any claim, loss, action, liability, damage, cost, charge, expense, outgoing, payment, diminution in value or deficiency of any kind or character which the CG pays, suffers or incurs or is liable for including:

- (a) liabilities on account of Tax;

- (b) interest and other amounts payable to third parties; and
- (c) legal and other expenses incurred in connection with investigating or defending any claim or action, whether or not resulting in any liability and/or amounts paid in settlement of any claim or action.

Contract Administration Deed means the deed between the CG and Griffith dated 23 December 2008.

CG means the corporation sole constituted under section 8 of the Act.

Effective Date means the date of commencement of the regulation referred to in **clause 2.2**.

Griffith means the body corporate established under the *Griffith University Act 1998* (Qld).

Project Works has the meaning given in Part 41 of the *State Development and Public Works Organisation Regulation 2010* and relates to the works required to deliver the Griffith University Facilities Project.

Regulation means *State Development and Public Works Organisation Amendment Regulation (No. 7) 2008* in respect of the works under the Building Contract inserting Part 41 of the *State Development and Public Works Organisation Regulation 2010*.

State means the State of Queensland.

Tax includes:

- (a) all taxes levied, imposed or assessed under the Tax Act or any other statute, ordinance or law in Australia or elsewhere; and
- (b) taxes in the nature of sales tax, consumption tax, value added tax, payroll tax, group tax, PAYE, PAYG, undistributed profits, fringe benefits tax, recoupment tax, withholding tax, land tax, water rates, municipal rates, stamp duties, gift duties or other State, territorial, Commonwealth or municipal charges or impositions levied, imposed or collected by any governmental body,

together with any additional tax, interest, penalty, charge, fee or other amount of any kind assessed, charged or imposed in relation to the late or short payment of the same or the failure to file any return.

Tax Act means the *Income Tax Assessment Act 1936* (Cth) and the *Income Tax Assessment Act 1997* (Cth).

Works has the meaning given in the Building Contract.

1.2 Construction

Unless expressed to the contrary, in this document:

- (a) words in the singular include the plural and vice versa;
- (b) any gender includes the other genders;
- (c) if a word or phrase is defined its other grammatical forms have corresponding meanings;

Schedule 2

- (d) "includes" means includes without limitation;
- (e) no rule of construction will apply to a clause to the disadvantage of a party merely because that party put forward the clause or would otherwise benefit from it;
- (f) a reference to:
 - (i) a person includes a partnership, joint venture, unincorporated association, corporation and a government or statutory body or authority;
 - (ii) a person includes the person's legal personal representatives, successors, assigns and persons substituted by novation;
 - (iii) any legislation includes subordinate legislation under it and includes that legislation and subordinate legislation as modified or replaced;
 - (iv) an obligation includes a warranty or representation and a reference to a failure to comply with an obligation includes a breach of warranty or representation;
 - (v) a right includes a benefit, remedy, discretion or power;
 - (vi) time is to local time in Brisbane;
 - (vii) "\$" or "dollars" is a reference to Australian currency;
 - (viii) this or any other document includes the document as novated, varied or replaced and despite any change in the identity of the parties;
 - (ix) writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes fax transmissions;
 - (x) this document includes all schedules and annexures to it; and
 - (xi) a clause, schedule or annexure is a reference to a clause, schedule or annexure, as the case may be, of this document;
- (g) if the date on or by which any act must be done under this document is not a Business Day, the act must be done on or by the next Business Day; and
- (h) where time is to be calculated by reference to a day or event, that day or the day of that event is excluded.

1.3 Headings

Headings do not affect the interpretation of this document.

2 Ownership and transfer of the Works

2.1 Transfer

In consideration of the payments made by Griffith under the Building Contract in accordance with the Contract Administration Deed, the CG transfers title to and ownership of the Works to Griffith on and from the Effective Date.

2.2 Governor in Council approval

The transfer in **clause 2.1** is subject to approval of the terms of this document by the Governor in Council by regulation pursuant to section 134(2) of the Act.

2.3 Acceptance of Works

Griffith accepts title to and ownership of the Works on and from the Effective Date on an "as is/where is" basis with all their faults and defects (if any) latent and patent.

2.4 Indemnity

Griffith shall indemnify and keep indemnified the CG, its employees, consultants and agents against all Claims arising directly or indirectly under or in connection with the Works and this document, except and to the extent that a Claim is caused or contributed to by the acts or omissions of the CG or employees or consultants of the State but the exception does not apply to employees or consultants acting in accordance with directions given by Griffith.

3 Notices

3.1 General

A notice, demand, certification, process or other communication relating to this document must be in writing in English and may be given by an agent of the sender.

3.2 How to give a communication

In addition to any other lawful means, a communication may be given by being:

- (a) personally delivered;
- (b) left at the party's current address for notices;
- (c) sent to the party's current address for notices by pre-paid ordinary mail or, if the address is outside Australia, by pre-paid airmail; or
- (d) sent by fax to the party's current fax number for notices.

3.3 Particulars for delivery of notices

- (a) The particulars for delivery of notices are initially:

CG

Address: The Coordinator-General
Department of Infrastructure and Planning
Level 5, 100 George Street, Brisbane, Qld 4000

Schedule 2

Fax: (07) 3224 4683
Attention: Project Director
Gold Coast University Hospital Project
Government Development Projects

Griffith

Address: Facilities Management Building (N23)
Griffith University
170 Kessels Road
Nathan, QLD 4111

Fax: (07) 3735 7746
Attention: Mr Geoffrey Smith

- (b) Each party may change its particulars for delivery of notices by notice to each other party.

3.4 Communications by post

Subject to **clause 3.6**, a communication is given if posted:

- (a) within Australia to an Australian address, three Business Days after posting; or
(b) in any other case, ten Business Days after posting.

3.5 Communications by fax

Subject to **clause 3.6**, a communication is given if sent by fax, when the sender's fax machine produces a report that the fax was sent in full to the addressee. That report is conclusive evidence that the addressee received the fax in full at the time indicated on that report.

3.6 After hours communications

If a communication is given:

- (a) after 5.00 pm in the place of receipt; or
(b) on a day which is a Saturday, Sunday or bank or public holiday in the place of receipt,

it is taken as having been given at 9.00 am on the next day which is not a Saturday, Sunday or bank or public holiday in that place.

3.7 Process service

Any process or other document relating to litigation, administrative or arbitral proceedings relating to this document may be served by any method contemplated by this **clause 3** or in accordance with any applicable law.

4 General

4.1 Duty

- (a) Griffith as between the parties is liable for and must pay all duty (including any fine or penalty except where it arises from default by the other party) on or relating to this document, any document executed under it or any dutiable transaction evidenced or effected by it.
- (b) If a party other than Griffith pays any duty (including any fine or penalty) on or relating to this document, any document executed under it or any dutiable transaction evidenced or effected by it, Griffith must pay that amount to the paying party on demand.

4.2 GST

- (a) In this **clause 4.2**:
 - (i) words and expressions which are not defined in this document but which have a defined meaning in GST Law have the same meaning as in the GST Law;
 - (ii) **GST Law** has the same meaning given to that expression in the *A New Tax System (Goods and Services Tax) Act 1999*; and
 - (iii) references to GST payable and input tax credit entitlement include GST payable by, and the input tax credit entitlement of, the representative member for a GST group of which the entity is a member.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this document are exclusive of GST.
- (c) If GST is payable on any supply made by a party (or any entity through which that party acts) (**Supplier**) under or in connection with this document, the recipient will pay to the Supplier an amount equal to the GST payable on the supply.
- (d) The recipient will pay the amount referred to in **clause 4.2(c)** in addition to and at the same time that the consideration for the supply is to be provided under this document.
- (e) The Supplier must deliver a tax invoice or an adjustment note to the recipient before the Supplier is entitled to payment of an amount under **clause 4.2(c)**. The recipient can withhold payment of the amount until the Supplier provides a tax invoice or an adjustment note, as appropriate.
- (f) If an adjustment event arises in respect of a taxable supply made by a Supplier under this document, the amount payable by the recipient under **clause 4.2(c)** will be recalculated to reflect the adjustment event and a payment will be made by the recipient to the Supplier or by the Supplier to the recipient as the case requires.

- (g) Where a party is required under this document to pay or reimburse an expense or outgoing of another party, the amount to be paid or reimbursed by the first party will be the sum of:
 - (i) the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other party is entitled; and
 - (ii) if the payment or reimbursement is subject to GST, an amount equal to that GST.

4.3 No Merger

Clause 4.2 does not merge in the completion or termination of this document or on the transfer of the Building under this document.

4.4 Legal costs

Except as expressly stated otherwise in this document, each party must pay its own legal and other costs and expenses of negotiating, preparing, executing and performing its obligations under this document.

4.5 Rights cumulative

Except as expressly stated otherwise in this document, the rights of a party under this document are cumulative and are in addition to any other rights of that party.

4.6 Further steps

Each party must promptly do whatever any other party reasonably requires of it to give effect to this document and to perform its obligations under it.

4.7 Governing law and jurisdiction

- (a) This document is governed by and is to be construed in accordance with the laws applicable in Queensland.
- (b) Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts exercising jurisdiction in Queensland and any courts which have jurisdiction to hear appeals from any of those courts and waives any right to object to any proceedings being brought in those courts.

4.8 Counterparts

This document may consist of a number of counterparts and, if so, the counterparts taken together constitute one document.

4.9 Entire understanding

- (a) This document contains the entire understanding between the parties as to the subject matter of this document.
- (b) All previous negotiations, understandings, representations, warranties, memoranda or commitments concerning the subject matter of this document are merged in and superseded by this document and are of no effect. No party is liable to any other party in respect of those matters.

- (c) No oral explanation or information provided by any party to another:
 - (i) affects the meaning or interpretation of this document; or
 - (ii) constitutes any collateral agreement, warranty or understanding between any of the parties.

4.10 Relationship of parties

This document is not intended to create a partnership, joint venture or agency relationship between the parties.

Schedule 2

Executed as a deed.

Signed sealed and delivered for and)
by on behalf of The Coordinator-General)
ABN ABN-25 466 523 889 on this)
24 830 236 406) 2012
16th day of my 2011)
by: BARRY EDWARD BROE)



in the presence of:

S. Speak
Signature of Witness

SIOBHAN REBECCA SPEAK
Name of Witness in full (print)

Signed sealed and delivered for and)
on behalf of Griffith University)
ABN 78 106 094 461 on this)
18th day of July 2011)
by: COLIN Mc ANDREW)

Colin McAndrew
Signature

in the presence of:

Michelle Jackson
Signature of Witness

MICHAEL ANTHON COLLIERE-JACKSON
Name of Witness in full (print)

Endnotes

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|--------|--------------------------------|---------|---|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amdt | = amendment | prov | = provision |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renum | = renumbered |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro) | = retrospectively |
| notfd | = notified | rv | = revised version |
| num | = numbered | 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 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

Endnotes

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Reprint No. | Amendments included | Effective | Notes |
|-------------|---------------------|------------------|-------|
| 1 | none | 14 May 2010 | |
| 1A | 2010 SL No. 358 | 10 December 2010 | |
| 1B | 2011 SL No. 18 | 17 March 2011 | |
| 1C | 2012 SL No. 79 | 29 June 2012 | |
| 1D | 2012 SL No. 81 | 30 June 2012 | |
| 1E | 2012 SL No. 258 | 21 December 2012 | |
| 1F | 2012 SL No. 240 | 1 January 2013 | |

| | | |
|-----------------|---------------------|---------|
| Current as at | Amendments included | Notes |
| 1 February 2013 | 2013 SL No. 2 | RA s 44 |
| 4 July 2014 | 2014 SL No. 148 | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

State Development and Public Works Organisation Regulation 2010 SL No. 85

made by the Governor in Council on 13 May 2010

notfd gaz 14 May 2010 pp 121–2

commenced on date of notification

exp 1 September 2020 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**State Development and Public Works Organisation Amendment Regulation (No. 1)
2010 SL No. 358**

notfd gaz 10 December 2010 pp 1082–6
commenced on date of notification

**State Development and Public Works Organisation Amendment Regulation (No. 1)
2011 SL No. 18**

notfd gaz 11 March 2011 pp 409–10
ss 1–2 commenced on date of notification
remaining provisions commenced 17 March 2011 (see s 2)

**State Development and Public Works Organisation Amendment Regulation (No. 1)
2012 SL No. 79**

notfd gaz 29 June 2012 pp 704–10
commenced on date of notification

**South East Queensland Water (Restructuring) and Another Regulation Amendment
Regulation (No. 1) 2012 SL No. 81 pts 1, 3**

notfd gaz 29 June 2012 pp 704–10
ss 1–2 commenced on date of notification
remaining provisions commenced 30 June 2012 (see s 2)

**South East Queensland Water (Restructuring) and Other Legislation Amendment
Regulation (No. 1) 2012 SL No. 240 ss 1–2, 3(2), sch**

notfd gaz 14 December 2012 pp 548–52
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2013 (see s 2)

**State Development and Public Works Organisation Amendment Regulation (No. 2)
2012 SL No. 258**

notfd gaz 21 December 2012 pp 599–602
ss 1–2 commenced on date of notification
remaining provisions commenced 21 December 2012 (see s 2)

Economic Development Regulation 2013 SL No. 2 pts 1, 3 div 7

notfd gaz 1 February 2013 pp 192–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 February 2013 (see s 2)

**State Development and Public Works Organisation Amendment Regulation (No. 1)
2014 SL No. 148**

notfd <www.legislation.qld.gov.au> 4 July 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 4 July 2014 (see s 2)

5 List of annotations

Delegated power under repealed Industrial Development Act 1963—Act, s 10(1)

prov hdg amd 2013 SL No. 2 s 21(1)
s 2 amd 2013 SL No. 2 s 21(2)

Endnotes

Local bodies directed to undertake particular works—Act, s 100

s 8 amd 2012 SL No. 81 s 8; 2012 SL No. 240 s 3(2) sch

Particular land is divested from Coordinator-General and vested in Toowoomba Regional Council—Act s 128(2)

s 9A ins 2011 SL No. 18 s 4

Definitions for pt 9

s 18 def *Griffith University* ins 2012 SL No. 79 s 3
def *medicine and oral health centre project works* ins 2010 SL No. 358 s 3(1)
def *project report* amd 2010 SL No. 358 s 3(2)
def *supplementary project report* ins 2010 SL No. 358 s 3(1)

Coordinator-General directed to undertake particular works—Act, s 109

s 19 amd 2010 SL No. 358 s 4

Approval of terms of agreement to transfer works—Act, s 134(2)

s 19A ins 2012 SL No. 79 s 4

Definitions for pt 11

s 26 def *LinkWater* ins 2012 SL No. 81 s 9(2)
om 2012 SL No. 240 s 3(2) sch
def *Queensland Bulk Water Supply Authority* ins 2012 SL No. 240 s 3(2) sch
def *Seqwater* om 2012 SL No. 240 s 3(2) sch
def *Southern Regional Water Pipeline Company* om 2012 SL No. 81 s 9(1)

Queensland Bulk Water Supply Authority directed to undertake particular Wyaralong water treatment plant project works—Act, s 100

prov hdg amd 2012 SL No. 240 s 3(2) sch

s 27 amd 2012 SL No. 240 s 3(2) sch

Queensland Bulk Water Supply Authority directed to undertake particular Cedar Grove and Karawatha inter-connector project works—Act, s 100

prov hdg amd 2012 SL No. 81 s 10; 2012 SL No. 240 s 3(2) sch

s 28 amd 2012 SL No. 81 s 10; 2012 SL No. 240 s 3(2) sch

Definitions for pt 13

s 32 def *Commonwealth Environment Act* om 2014 SL No. 148 s 4

def *Commonwealth Minister* om 2014 SL No. 148 s 4

Application of pt 13

s 33 amd 2014 SL No. 148 s 5

PART 13A—ASSESSMENT AND APPROVAL OF PARTICULAR COORDINATED PROJECTS UNDER BILATERAL AGREEMENT

pt 13A (ss 36A–36C) ins 2014 SL No. 148 s 6

PART 14—MISCELLANEOUS PROVISIONS

pt hdg amd 2012 SL No. 258 s 4

Fees

s 37A ins 2012 SL No. 258 s 5

Refund of fees

s 37B ins 2012 SL No. 258 s 5

PART 16—TRANSITIONAL PROVISION FOR STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AMENDMENT REGULATION (NO. 1) 2014

pt hdg ins 2014 SL No. 148 s 7
exp 30 June 2015 (see s 40)

Fees for the Act, part 4 for coordinated projects declared before 4 July 2014

s 39 ins 2014 SL No. 148 s 7
exp 30 June 2015 (see s 40)

Expiry

s 40 ins 2014 SL No. 148 s 7
exp 30 June 2015 (see s 40)

SCHEDULE 1AA—INFORMATION TO BE INCLUDED IN DRAFT PROTECTED MATTERS REPORT

ins 2014 SL No. 148 s 8

SCHEDULE 1A—LAND DIVESTED FROM COORDINATOR-GENERAL AND VESTED IN TOOWOOMBA REGIONAL COUNCIL

ins 2011 SL No. 18 s 5

SCHEDULE 1B—FEES FOR THE ACT, PART 4

ins 2012 SL No. 258 s 6
amd 2014 SL No. 148 s 9

SCHEDULE 1C—FEES FOR AN APPROVAL OF A USE OF LAND

ins 2012 SL No. 258 s 6

SCHEDULE 1D—FEES FOR THE ACT, PART 6, DIVISION 7

ins 2012 SL No. 258 s 6

SCHEDULE 1E—FEES RELATING TO PARTICULAR REQUESTS TO TAKE LAND

ins 2012 SL No. 258 s 6

SCHEDULE 2—TERMS OF AGREEMENT NEGOTIATED BETWEEN COORDINATOR-GENERAL AND GRIFFITH UNIVERSITY

ins 2012 SL No. 79 s 5