



Queensland

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

Subordinate Legislation 2012 No. 258

made under the

State Development and Public Works Organisation Act 1971

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[s 1]

1 Short title

This regulation may be cited as the *State Development and Public Works Organisation Amendment Regulation (No. 2) 2012*.

2 Commencement

This regulation commences on 21 December 2012.

3 Regulation amended

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

4 Amendment of pt 14, hdg (Miscellaneous provision)

Part 14, heading, ‘provision’—
omit, insert—
‘provisions’.

5 Insertion of new ss 37A and 37B

Part 14, after section 37—
insert—

‘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.’.

6 Insertion of new schs 1B–1E

After schedule 1A—

insert—

‘Schedule 1B Fees for the Act, part 4

section 37A(1)

‘Part 1 General provisions

‘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 the table 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 the table in part 2 is payable on the happening of the event stated opposite the matter in column 2 of the table.

[s 6]

‘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)
		\$

Coordinated project declaration and EIS process (the Act, part 4, divisions 2 and 3)

application for declaration of coordinated project under the Act, section 27AA	the making of the application	28 097.00
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Column 1	Column 2	Column 3
Matter for which fee is payable	Event when payment is required	Amount of fee (up to 2013) \$
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)	81 080.00
Coordinator-General's evaluation of EIS, submissions, other material and preparation of report under the Act, section 35	when the submission period for the EIS ends under the Act, section 33(1)(d)	54 053.00
Evaluation of changes to coordinated project (the Act, part 4, division 3A)		
application for evaluation of environmental effects of proposed change under the Act, section 35C or section 35N(4)(b)	the making of the application	1 071.00

[s 6]

Column 1	Column 2	Column 3
Matter for which fee is payable	Event when payment is required	Amount of fee (up to 2013) \$
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 35G(7)	the giving of the decision notice	27 027.00
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	54 053.00

‘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
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[s 6]

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	5 000.00
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	5 000.00
request for minor change to an application	the making of the request	5 000.00
application, under a development scheme, for prior affected use	the making of the application	2 000.00

'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.

[s 6]

‘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.

[s 6]

'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'.
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ENDNOTES

- 1 Made by the Governor in Council on 20 December 2012.
- 2 Notified in the gazette on 21 December 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of State Development, Infrastructure and Planning.

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