

Contents

	Schedule 1AA	Information to be included in draft protected matters report	
	1	Definition for sch 1AA	7
	2	General information	7
	3	Description	8
	4	Relevant environmental impacts	9
	5	Proposed safeguards and mitigation measures	10
	6	Other approvals and conditions	10
	7	Proponent's environmental record	11
	8	Information sources	11
9		Amendment of sch 1B (Fees for the Act, part 4)	11
	1A	Definitions for sch 1B	11
	Part 2	Tables of fees	

1 Short title

This regulation may be cited as the *State Development and Public Works Organisation Amendment Regulation (No. 1) 2014*.

2 Commencement

This regulation commences on 4 July 2014.

3 Regulation amended

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

4 Amendment of s 32 (Definitions for pt 13)

Section 32, definitions *Commonwealth Environment Act* and *Commonwealth Minister*—
omit.

5 Amendment of s 33 (Application of pt 13)

(1) Section 33, ‘significant’—

omit, insert—

coordinated

(2) Section 33(1)—

insert—

(c) part 4A of the Act does not apply to the project.

6 Insertion of new pt 13A

After section 36—

insert—

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.
- (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

[s 7]

- (b) otherwise—as soon as practicable after the application is made, or the document is given or issued, under the Act.

7 Insertion of new pt 16

After part 15—

insert—

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.

8 Insertion of new sch 1AA

After schedule 1—

insert—

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.

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

- (1) Schedule 1B, part 1, before section 1—

insert—

1A Definitions for sch 1B

In this schedule—

[s 9]

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.

- (2) Schedule 1B, section 1(2), ‘the table’—

omit, insert—

tables 1, 2 and 3

- (3) Schedule 1B, section 2, ‘the table in part 2’—

omit, insert—

tables 1, 2 and 3 in part 2

- (4) Schedule 1B, section 3(1)—

omit, insert—

- (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.
- (5) Schedule 1B, section 3—

insert—

- (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.

[s 9]

(6) Schedule 1B, part 2—

omit, insert—

Part 2 Tables of fees

Table 1—Coordinated project declaration (the Act, part 4, division 2)

Column 1 Matter for which fee is payable	Column 2 Event when payment is required	Column 3 Amount of general fee (up to 1 July 2015) \$	Column 4 Amount of part 13 project fee (up to 1 July 2015) \$	Column 5 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	7 421.00	4 241.00
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

[s 9]

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

Column 1 Matter for which fee is payable	Column 2 Event when payment is required	Column 3 Amount of fee (up to 1 July 2015) \$
application for evaluation of environmental effects of proposed change under 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	4 200.00
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	7 000.00

ENDNOTES

- 1 Made by the Governor in Council on 3 July 2014.
- 2 Notified on the Queensland legislation website on 4 July 2014.
- 3 The administering agency is the Department of State Development, Infrastructure and Planning.

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Authorised by the Parliamentary Counsel