

Bundaberg State Development Area Development Scheme

December 2017

Amendment history

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The Department of State Development

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1. Introduction

1.1 The Bundaberg State Development Area

- (1) State development areas (SDAs) are areas declared by regulation under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- (2) The Bundaberg State Development Area (SDA) was declared in February 2017 by regulation.
- (3) Figure 1 identifies the boundary and development precincts of the Bundaberg SDA.

1.2 The Bundaberg SDA Development Scheme

- (1) This development scheme has been prepared pursuant to sections 79 to 80 of the SDPWO Act and takes effect on the date stated in the gazette notice published under section 80(1)(a) of the SDPWO Act.
- (2) This development scheme:
 - (a) identifies the area regulated by the development scheme on Figure 1
 - (b) identifies regulated development for the Bundaberg SDA
 - (c) for SDA assessable development, states the matters or things an SDA application for the development will be assessed against, including:
 - (i) the strategic vision for the Bundaberg SDA
 - (ii) the overall objectives for development in the Bundaberg SDA
 - (iii) the preferred development intent for each development precinct
 - (iv) SDA wide assessment criteria
 - (d) contains a development assessment framework and processes for making, assessing and deciding:
 - (i) an SDA application
 - (ii) a request to change an SDA application
 - (iii) a change application for an SDA approval
 - (iv) a request to state a later currency period for an SDA approval and
 - (v) a request to carry out a prior affected development
 - (e) for SDA self-assessable development, includes the requirements development must comply with and
 - (f) specifies other matters pertaining to the regulation of development in the Bundaberg SDA.
- (3) Schedule 1 provides the definitions for this development scheme.
- (4) Schedule 2 contains the development assessment processes for this development scheme.
- (5) Schedule 3 contains the requirements for SDA self-assessable development.
- (6) The Coordinator-General may prepare policies to provide guidance on certain aspects of this development scheme. Policies are available on the department's web site www.statedevelopment.qld.gov.au/sda.

1.3 Regulatory framework

- (1) A person may only carry out regulated development in the Bundaberg SDA in accordance with the SDPWO Act and this development scheme.
- (2) Development regulated by this development scheme is identified in Tables 1-5 as SDA assessable development or SDA self-assessable development.
- (3) Development that is not regulated by this development scheme may be regulated by other legislation and planning instruments, including the *Planning Act 2016* (Planning Act), the Bundaberg Regional Council's planning scheme, the *Transport Infrastructure Act 1994* and the Port of Bundaberg Land Use Plan.

1.3.1 Levels of assessment

- (1) Development identified in Tables 1-5 as SDA assessable development requires an SDA application to be made to the Coordinator-General in accordance with Schedule 2 in order to obtain an SDA approval.
- (2) Development identified in Table 2 as SDA self-assessable development does not require an SDA approval but must comply with the requirements identified in Schedule 3.
- (3) If a proponent is unable to comply with the requirements for SDA self-assessable development, the development or part thereof relevant to the requirement unable to be complied with is SDA assessable development and the proponent may make an application to the Coordinator-General in order to obtain an SDA approval.
- (4) Prior to undertaking SDA self-assessable development, a proponent is encouraged to discuss the proposed development with the Office of the Coordinator-General.

1.3.2 Excluded development

- (1) Development that would otherwise be SDA assessable development or SDA self-assessable development is not regulated development for this development scheme if:
 - (a) section 85 of the SDPWO Act applies to the development or
 - (b) a use of land is in accordance with an infrastructure designation for the land under Part 5 of the Planning Act or
 - (c) development is carried out by or on behalf of the State or public sector entity in accordance with Schedule 6 of the *Planning Regulation 2017* (Planning Regulation), or development a person is directed to carry out under a notice, order or direction made under a State law or
 - (d) development is categorised as prohibited development in accordance with Schedule 10 of the Planning Regulation or accepted development in accordance with the Schedule 7 of the Planning Regulation.
- (2) Also, SDA assessable development or SDA self-assessable development is not regulated development for this development scheme if:
 - (a) it is necessary and reasonable to avoid or reduce an imminent risk to a person's life or health, a building's structural safety or the operation or safety of land, facilities, services or utilities, other than a building and
 - (b) the person carrying out the development gives written notice to the Coordinator-General as soon as reasonably practicable after starting the development.

1.3.3 Regulated vegetation

- (1) For the purposes of the Planning Regulation, the following development precincts are urban areas:
 - (a) Port Related Industry Precinct and
 - (b) Infrastructure Corridors and Support Industry Precinct.

2. Development assessment in the Bundaberg SDA

2.1 Development assessment framework

2.1.1 SDA application for SDA assessable development

- (1) A person may make an SDA application for SDA assessable development in accordance with the process in Schedule 2.
- (2) Prior to lodging an SDA application under this development scheme, a person is encouraged to request a pre-lodgement consideration of the application by the Office of the Coordinator-General. The process for pre-lodgement is contained in Schedule 2.
- (3) An SDA application will be assessed against the following, to the extent they are considered relevant by the Coordinator-General:
 - (a) the strategic vision for the Bundaberg SDA
 - (b) the overall objectives for development in the Bundaberg SDA
 - (c) the preferred development intent for each development precinct and
 - (d) SDA wide assessment criteria.
- (4) SDA assessable development that is not consistent with the matters listed in subsection (3)(a) to (d) will generally be inconsistent with this development scheme.

2.1.2 Other applications and requests

- (1) A person may make:
 - (a) a request to change an SDA application (to make a minor change to the application only)
 - (b) a change application for an SDA approval
 - (c) a request to state a later currency period and
 - (d) a prior affected development request.

Note: The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the SDA application. Otherwise, the proponent should withdraw the application and submit a new SDA application.

- (2) Schedule 2 contains the relevant processes for obtaining the decision from the Coordinator-General for other applications and requests.
- (3) Requests to change an SDA application, change applications for an SDA approval, requests to state a later currency period and prior affected development requests will be assessed against the matters or things listed in subsection 2.1.1(3) to the extent they are considered relevant by the Coordinator-General.
- (4) Prior to making a change application or request under this development scheme, a person is encouraged to request a pre-lodgement consideration of the change application or request by the Office of the Coordinator-General. The process for pre-lodgement is contained in Schedule 2.

2.2 Strategic vision for the Bundaberg SDA

- (1) The vision for the Bundaberg SDA is to:
 - (a) encourage the establishment of industrial and port related development of regional, State or national significance, and other associated industries, facilities and local utilities to facilitate economic development and job creation
 - (b) promote the efficient use of land to maximise development opportunity
 - (c) facilitate sustainable development which supports the diversification and resilience of Bundaberg, the Wide Bay Burnett region and the State economy and maintains environmental and community values
 - (d) manage and plan for the establishment of industry, infrastructure and port related development to support the continued growth of the Port of Bundaberg as a multi-commodity port
 - (e) provide a coordinated approach to the provision of infrastructure, and maximise efficient use of existing and future infrastructure to service industry, the Port of Bundaberg and the Wide Bay Burnett region and
 - (f) ensure development does not compromise the long-term development opportunities within the SDA.
- (2) The strategic vision is supported by the overall objectives for development and preferred development intents of development precincts within the Bundaberg SDA.

2.3 Overall objectives for development in the Bundaberg SDA

- (1) Development within the Bundaberg SDA will:
 - (a) be consistent with the strategic vision for the Bundaberg SDA, the development precincts and the precincts preferred development intent
 - (b) maximise the efficient, effective and adaptable use of land, and existing and planned infrastructure

- (c) minimise and mitigate adverse impacts to sensitive uses and environmental values outside the Bundaberg SDA
- (d) support the provision of multi-user infrastructure to create efficiencies and minimise environmental impacts
- (e) achieve adequate levels of immunity from flood and coastal processes to protect the safety and security of people and property, whilst avoiding adverse changes outside of the SDA
- (f) create economies of scale and scope for industry by facilitating clustering
- (g) support the continued viable use of land for agricultural production, whilst providing opportunities for diversification to other industries where appropriately mitigated
- (h) support the continued utilisation of viable Key Resource Areas (KRA), and protect haulage routes from incompatible land uses
- (i) recognise and manage or mitigate impacts on environmental values, including (but not limited to) biodiversity, the coastal environment, Great Sandy Marine Park, water and wetland values associated habitats consistent with current best practice and
- (j) appropriately conserve and consider cultural heritage values and community values, consistent with current best practice.

2.4 Bundaberg SDA development precincts

- (1) The Bundaberg SDA has five precincts identified in Figure 1.
- (2) The preferred development intent for each precinct is described below.
- (3) Each precinct description is followed by a table which identifies regulated development in the relevant precinct.

2.4.1 Infrastructure Corridors and Support Industry Precinct – preferred development intent

- (1) The preferred development intent for the Infrastructure Corridors and Support Industry Precinct is described below.
 - (a) This precinct will primarily accommodate infrastructure corridors, to support development within the Bundaberg SDA and the Port of Bundaberg, including:
 - (i) roads, bridges, or other transport infrastructure
 - (ii) electricity and gas transmission
 - (iii) water or waste water reticulation and
 - (iv) materials transportation.
 - (b) Infrastructure corridors are located to maximise development opportunities within the precinct, with co-location of infrastructure encouraged.
 - (c) The precinct may also accommodate industry, where
 - (i) these uses support industrial development within the SDA and port-related activities and
 - (ii) the use has minimal impact on the provision of infrastructure corridors in the precinct.

- (d) Defined uses which may meet the precinct intent include:
 - (i) linear infrastructure facility
 - (ii) low impact industry
 - (iii) port facilities
 - (iv) transport depot
 - (v) utility installation and
 - (vi) warehouse.
- (e) Medium and high impact industry may be considered where appropriate.

Table 1 Regulated development within the Infrastructure Corridors and Support Industry Precinct

SDA assessable development within the precinct
Material change of use
All uses

Note: This table must be read in conjunction with section 1.3

2.4.2 Port Related Industry Precinct – preferred development intent

- (1) The preferred development intent for the Port Related Industry Precinct is described below.
 - (a) This precinct will primarily accommodate industrial activities and infrastructure that have a connection to the Port of Bundaberg and benefit from close proximity to port related infrastructure and services.
 - (b) The precinct may also accommodate other industries and facilities which support the continued growth of the port and industrial development in the SDA.
 - (c) Development within the precinct supports the function of the Port of Bundaberg and does not interfere with the ability of the Port to carry out operations and avoids adverse impacts on existing or planned port infrastructure.
 - (d) The precinct will accommodate development that minimises and mitigates adverse amenity impacts on existing residential areas outside of the SDA.
 - (e) Development minimises and mitigates impacts on the biodiversity values of environmentally sensitive areas, including the existing migratory bird habitat areas.
 - (f) Defined uses which may meet the precinct intent include:
 - (i) linear infrastructure facility
 - (ii) medium impact industry
 - (iii) port facilities
 - (iv) utility installation and
 - (v) warehouse.
 - (g) High impact industry may be considered where appropriate.

Table 2 Regulated development within the Port Related Industry Precinct

Column 1 - SDA self-assessable development within the precinct	Column 2 – SDA assessable development within the precinct
<p>Material change of use</p> <ul style="list-style-type: none"> Warehouse where able to comply with the requirements for SDA self-assessable development 	<p>Material change of use</p> <ul style="list-style-type: none"> All other uses <p>Development identified in column 1 as SDA self-assessable development, if not able to comply with the requirements for SDA self-assessable development</p>

Note: This table must be read in conjunction with section 1.3

2.4.3 Industry Investigation Precinct – preferred development intent

- (1) The preferred development intent for the Industry Investigation Precinct is described below.
 - (a) This precinct will provide opportunities for the location of future industrial development of regional and state significance.
 - (b) The precinct will also provide for infrastructure corridors, such as for transport and material conveyance, to service development within the SDA and provide regional connections.
 - (c) The precinct will accommodate development that minimises and mitigates adverse amenity impacts on the existing residential areas outside the SDA.
 - (d) The precinct will accommodate the staged transition of the existing KRA to industrial and infrastructure development of regional and state significance.
 - (e) High impact uses may be considered within this precinct where impacts on community, cultural and environmental values can be managed and where infrastructure can be provided efficiently.

Table 3 Regulated development within the Industry Investigation Precinct

SDA assessable development within the precinct
<p>Material change of use</p> <p>All uses</p>

Note: This table must be read in conjunction with section 1.3

2.4.4 Rural Uses Precinct – preferred development intent

- (1) The preferred development intent for the Rural Uses Precinct is described below.
 - (a) This precinct will primarily accommodate the ongoing operation of productive agricultural uses and other rural activities.
 - (b) Development does not compromise the environmental values of the adjoining environmental management precinct.
 - (c) Development may be appropriate within the precinct, where impacts on flood characteristics, the viability of the agricultural land and environmental values can be managed.

- (d) Sensitive uses that limit the ability to establish and operate industry within this precinct and in surrounding precincts are unlikely to be supported.
- (e) The precinct may accommodate linear infrastructure of regional and State significance.

Table 4 Regulated development within the Rural Uses Precinct

SDA assessable development within the precinct
Material change of use
All uses

Note: This table must be read in conjunction with section 1.3

2.4.5 Environmental Management Precinct – preferred development intent

- (1) The preferred development intent for the Environmental Management Precinct is described below.
 - (a) This precinct may provide opportunities for the location of environmental offsets, where required by development elsewhere in the Bundaberg SDA.
 - (b) The precinct may accommodate linear infrastructure of regional and State significance.
- (2) This precinct will provide opportunities for the enhancement and management of the coastal wetlands, fauna habitat and vegetation within the Bundaberg SDA and recognise and protect cultural heritage, community and environmental values.

Table 5 Regulated development within the Environmental Management Precinct

SDA assessable development within the precinct
Material change of use
All uses

Note: This table must be read in conjunction with section 1.3

2.5 SDA wide assessment criteria

2.5.1 Services

- (1) Development is designed to maximise efficiency and minimise cost for telecommunications, transport, water, wastewater, recycled water and energy networks.
- (2) Development plans for and manages the impacts of the development on existing and future known telecommunications, transport, water, wastewater, recycled water and energy networks.
- (3) Development is adequately serviced by telecommunications, transport, water, wastewater, recycled water and energy networks as relevant.
- (4) The use of reticulated town water supply is minimised using alternative water supply sources where appropriate.

2.5.2 Emissions

- (1) Development is designed to avoid or otherwise minimise emissions that will adversely affect the health and safety, wellbeing and amenity of communities and individuals.
- (2) Development supports the achievement of the relevant acoustic and air quality objectives of the *Environmental Protection (Noise) Policy 2008* and the *Environmental Protection (Air) Policy 2008*.
- (3) Development is to minimise potential impacts arising from (but not limited to) spray drift, odour, noise, dust, smoke or ash emissions on sensitive uses, for example by providing for effective separation between land uses or management at the source.

2.5.3 Natural hazards – flooding

- (1) Development, in accordance with current best practice, is to:
 - (a) achieve an appropriate level of flood immunity and
 - (b) not adversely affect existing flow rates, flood heights or cause or contribute to other flooding impacts on upstream, downstream, or adjacent properties. This includes potential impacts from changes to stormwater flows and local flooding.
- (2) Development is located, designed and constructed to avoid or mitigate potential flood damage, ensure no net worsening and avoid risks to public safety.
- (3) Development ensures that prior to or during a flood event, the self-evacuation of occupants and visitors to a safely shelter within the site, or evacuation via safe routes from the hazard to an area of safety is provided.
- (4) Development does not adversely impact on flood immunity of the road corridors which provide for evacuation in a flood.
- (5) The risk of, and the adverse impacts from flooding are avoided, minimised or mitigated to protect people, property and the environment.
- (6) Flood mitigation measures consider environmental impacts including potential impacts on fish passage.
- (7) Development maintains the safety of noxious and hazardous materials and chemicals manufactured or stored in bulk during flood events.
- (8) Development provides for efficient evacuation and access for evacuation resources including emergency services during flood events, or otherwise plans for the prospect and impact of isolation or hindered evacuation during flooding.

2.5.4 Contaminated land

- (1) Development on land likely to be contaminated or recorded on the Environmental Management Register or Contaminated Land Register does not adversely impact on human health or the environment by exposure, management, or movement of contaminants.
- (2) Where required, develop a strategy to manage any existing contamination and the potential for additional contamination such that human health and the environment are not adversely affected.

2.5.5 Acid sulfate soils

- (1) Development, in accordance with current best practice, is to:

- (a) avoid the disturbance of acid sulfate soils (ASS) or
- (b) ensure that the disturbance of ASS avoids or minimises the mobilisation and release of acid and metal contaminants.

2.5.6 Transport

- (1) Increased traffic arising from development is either able to be accommodated within existing road networks or works are undertaken to minimise adverse impacts caused or contributed to by the development on existing and future uses and road networks.
- (2) Local road networks within the Bundaberg SDA are to be designed to accommodate the proposed vehicle type and predicted traffic volumes associated with the development and the precincts.
- (3) Development is designed to facilitate safe and efficient vehicular ingress and egress and does not unduly impact on the safe and efficient operation of the use of external road, rail or transport infrastructure.
- (4) Access shall be provided from the local road network with direct access from State Controlled Roads avoided where practicable.
- (5) Adequate car parking for number and nature of vehicles expected are provided.
- (6) The safety, efficiency and operational integrity of the Bundaberg Airport are protected from adverse impacts from development within the SDA.

2.5.7 Environment, cultural heritage and community

- (1) Environmental values, cultural heritage values and community values of the premises on which the development is undertaken and immediate surrounds are identified and managed, consistent with current best practice.
- (2) Development is designed to avoid the clearing of remnant vegetation or where avoidance is not possible, minimise clearing to:
 - (a) avoid land degradation
 - (b) avoid the loss of biodiversity and
 - (c) maintain ecological processes.
- (3) Development avoids significant adverse environmental impacts on matters of national or State significance, or where significant impacts cannot be avoided are minimised. Any residual significant adverse impacts are offset in accordance with the relevant Commonwealth and Queensland environmental offset framework.
- (4) Where the development triggers the need for a buffer to mitigate the impacts of the development, that buffer must be accommodated within the development site.
- (5) Development in wetland protection areas is designed, constructed and operated to prevent the loss or degradation of wetland environmental values.

2.5.8 Engineering standards

- (1) Development is to be designed and constructed in accordance with the relevant engineering standards (and any subsequent revisions to the relevant standards) stated in Table 6 below, unless it can be demonstrated that an alternative solution that at least produces the same outcome is appropriate.

Table 6 Relevant engineering standards

Soil erosion	<ul style="list-style-type: none"> • International Erosion Control Association – Best Practice Erosion and Sediment Control.
Filling	<ul style="list-style-type: none"> • AS3798 – Guidelines on Earthworks for Commercial and Residential Developments.
Stormwater quality	<ul style="list-style-type: none"> • Water sensitive urban design: Design objectives for urban stormwater management • Construction and Establishment Guidelines, Swales, Bioretention Systems and Wetlands • Concept Design Guidelines for Water Sensitive Urban Design • Standard Drawings for Water Sensitive Urban Design • Queensland Urban Drainage Manual (QUDM) • Australian Rainfall and Runoff - where referenced by QUDM.
Roads (major)	<ul style="list-style-type: none"> • Department of Transport and Main Roads (DTMR's) Road Planning and Design Manual - A guide to Queensland Practice • DTMR Pavement Design Manual • DTMR Bridge Design Manual • QUDM - Chapter 7 • DTMR Drainage Design Manual • Manual of Uniform Traffic Control Devices • DTMR Guide to Pavement Markings • Australian Standard AS1158 (Street Lighting) • Complete Streets Manual 2010 (Section 17: Industrial Streets).
Roads (minor)	<ul style="list-style-type: none"> • Relevant local government construction standards.
Site access	<ul style="list-style-type: none"> • Relevant local government construction standards.
Footpaths and cycle paths	<ul style="list-style-type: none"> • Relevant local government construction standards • Austroads – Guide to Road Design Part 6A: Pedestrian and Cyclist Paths.

2.5.9 Other government matters

- (1) Development is to demonstrate consistency with any other relevant legislative requirements that may be required for the development to proceed and operate and to the extent practicable, be consistent with regional plans, the State Planning Policy, and the State Development Assessment Provisions where the State interests articulated by these instruments are likely to be affected by the development.
- (2) Development is to avoid or minimise adverse impacts on existing or proposed State or local government infrastructure.

2.5.10 Energy and water efficiency

- (1) Building, site design and layout maximises energy efficiency having regard to:
 - (a) building orientation and passive solar design
 - (b) maximising opportunities for cross ventilation

- (c) appropriate shade treatments and
- (d) landscaping treatments to the western side of the building.
- (2) Water efficiency is optimised through the use of alternative water supply sources, including:
 - (a) rainwater harvesting systems and
 - (b) recycled water source.

2.5.11 Visual impacts

- (1) Visual impacts of buildings and any retaining structures are minimised through building design and landscaping when viewed from a publicly accessible view point such as major roads.
- (2) Development incorporates high quality urban design and landscape treatments particularly for those areas highly visible from public roads.

2.5.12 Built form

- (1) The scale, character and built form of development contributes to a high standard of amenity.
- (2) Development must incorporate crime prevention through environmental design principles.

2.5.13 Landscaping

- (1) Development provides landscaping that:
 - (a) minimises the visual impacts of the development
 - (b) incorporates at least 50% local species
 - (c) is low maintenance and
 - (d) maintains and enhances significant vegetation.

2.5.14 Natural hazards – other

- (1) Development, in accordance with current best practice:
 - (a) identifies relevant natural hazards that may impact upon the project
 - (b) appropriately manages risk associated with identified hazards
 - (c) avoids increasing the severity of the natural hazard and
 - (d) for coastal hazards, avoids erosion prone areas wherever possible.

2.5.15 Lighting impacts

- (1) Lighting associated with the construction and operation of development is designed to limit the impacts on aquatic wildlife, including turtles and migratory species.

3. Compliance with this development scheme

3.1 Procedural compliance

- (1) If a procedural requirement of this development scheme has not been fully complied with, but the Coordinator-General is satisfied the non-compliance, or partial compliance, has not substantially restricted the opportunity for a person to exercise rights by this development scheme, the Coordinator-General may deal with the matter in the way the Coordinator-General considers appropriate.
- (2) Anything done by the Coordinator-General under this development scheme is not invalid merely because it was not done within a timeframe required by this development scheme.
- (3) The Coordinator-General may vary a timeframe contained in Schedule 2, based on the Coordinator-General's consideration of the scope and complexity of the application or request.

3.2 Placing an application or request on hold

- (1) At any point during the relevant process contained in Schedule 2 for an application or request made under this development scheme, a proponent may, by written notice to the Coordinator-General, request that their application or request be placed on hold (hold request). The notice must outline the reasons for the hold request.
- (2) If the Coordinator-General is satisfied that the application should be placed on hold, the Coordinator-General may place the application or request on hold for a specified period, but not longer than 12 months from the date the request is made. The Coordinator-General must notify the proponent by written notice within 10 business days after receipt of the hold request:
 - (a) whether the hold request is approved or refused and
 - (b) if approved - the specified period the application or request will be on hold.

- (3) Time does not run under this development scheme from the day the hold request is made, until the day after:
 - (a) the Coordinator-General notifies the proponent by written notice that the hold request is refused or
 - (b) the specified period under subsection (2)(b) ends.

3.3 Withdrawing an application or request

- (1) A proponent may withdraw an application or request made under this development scheme at any time before it is decided by giving written notice to the Coordinator-General.

4. Decisions made under this development scheme

- (1) Sections 84G and 84H of the SDPWO Act provide when an SDA approval has effect and when an SDA approval lapses.
- (2) There is no right of appeal under the SDPWO Act against any decision of the Coordinator-General made under this development scheme.
- (3) The Coordinator-General must hold for inspection a copy of all decision notices given under this development scheme.

5. Approval attaches to land

- (1) An SDA approval given under this development scheme attaches to the land and binds the owner, the owner's successors in title and any occupier of the land.
- (2) To remove any doubt, it is declared that subsection (1) applies even if later development (including reconfiguring a lot) is carried out on the land (or the land is reconfigured).

6. Transitional provisions

- (1) Subject to subsection (2), applications or requests made, but not decided, before the commencement of a varied development scheme for the Bundaberg SDA will continue to be assessed and decided under the development scheme as in force at the time the application or request was made.
- (2) A request to change an SDA application must be made under this development scheme even if the SDA application was made, but not decided, before the commencement of this development scheme. If the Coordinator-General decides to approve the request to change an SDA application, assessment of the SDA application will continue under the development scheme as in force at the time the SDA application was made as if the change was part of the original SDA application. If the Coordinator-General decides to refuse the request to change an SDA application, assessment of the SDA application will continue under the development scheme as in force at the time the SDA application was made.
- (3) In assessing the application or request, the Coordinator-General may give the weight the Coordinator-General considers appropriate to the varied development scheme.
- (4) Development that is approved by an SDA approval is not SDA assessable development under a varied development scheme for the Bundaberg SDA, provided it complies with any conditions attached to the SDA approval.
- (5) SDA self-assessable development is taken to meet the requirements of a varied development scheme for the Bundaberg SDA if it continues to meet the requirements for the SDA self-assessable development in effect at the time the SDA self-assessable development commenced.

Schedule 1—Definitions

Unless stated otherwise, terms used in this development scheme that are defined in the SDPWO Act have the same meaning as in that Act.

1. Administrative

(1) In this development scheme:

acquisition land means land:

- (a) proposed to be taken or acquired under the SDPWO Act or the *Acquisition of Land Act 1967* and
- (b) in relation to which a notice of intention to resume under the SDPWO Act or the *Acquisition of Land Act 1967*, has been served, and the proposed taking or acquisition has not been discontinued and
- (c) that has not been taken or acquired.

approved form means a form approved by the Coordinator-General as an approved form in accordance with the SDPWO Act.

building see the Planning Act.

business day means a day that is not:

- (a) a Saturday or Sunday or
- (b) a public holiday, special holiday or bank holiday in the place in which the relevant action is to be done or
- (c) a day between 26 December of a year and 1 January of the next year.

change an SDA application means a request made under this development scheme to change an existing SDA application.

community value means the values a local community associate with the places, areas, events or people that make their local community a special place. Regarding this development scheme the community values most likely to be affected are associated with public safety and amenity, air quality, noise and nuisance, rights of access, employment, cultural values and the environment.

consultation period means the period for the community to provide comments on an application under this development scheme to the Coordinator-General.

cultural heritage value means qualities such as knowledge, culture, and tradition, and/or physical characteristics of indigenous and non-indigenous cultural heritage that require consideration, assessment and management under relevant legislation and policies and/or values of importance to local communities affected by the Bundaberg SDA.

current best practice means a standard or methodology recognised by either State or national legislation, policy or authorised governing body.

development precinct means an area identified as a precinct by this development scheme.

domestic outbuilding see the Planning Act.

environmental impact assessment document means an environmental impact statement (EIS) required by the SDPWO Act or EP Act, or a similar statement to address environmental effects for a project or an impact assessment report (IAR) required by the SDPWO Act.

EIS or IAR evaluation report means a report issued by the relevant authority that the EIS or IAR has been completed to the satisfaction of the relevant authority.

environmental value see the EP Act

EP Act means the *Environmental Protection Act 1994*.

matters of national environmental significance means the matters protected by a provision of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

minor change means:

- (a) in relation to an SDA application, a change that the Coordinator-General considers does not substantially alter the original application in a way that would:
 - (i) result in a substantially different application
 - (ii) result in an application that is not properly made
 - (iii) cause a referral entity to make or alter a referral entity submission, if one has already been made
 - (iv) cause a person to make a submission about the change, or alter a submission that has already been made or
 - (v) otherwise compromise the ability of the Coordinator-General to make a decision on the original application.
- (a) in relation to an SDA approval, a change that the Coordinator-General considers does not substantially alter the original SDA approval in a way that would:
 - (i) result in a substantially different development, for example:

- A. involves a use that is different to the approved use or
- B. results in different or additional impacts that have not been assessed as part of the process to gain the original SDA approval or
- (ii) if the proposed change would have been included in the process to gain the original SDA approval – have caused:
 - A. the Coordinator-General or a referral entity to request additional information about the change
 - B. a referral entity to make or alter a referral entity submission about the change unless the referral entity agrees in writing that the change is minor or
 - C. substantially alters any other matter of the original SDA approval.

natural hazards means a naturally occurring situation or condition, such as a flood, bushfire, or landslide, with the potential for loss or harm to the community, property or environment.

owner means for land held as an estate in fee simple, the registered owner of the land; for other land – the State.

plan of subdivision see the *Land Title Act 1994* or *Land Act 1994*, as relevant.

Planning Act means the *Planning Act 2016*.

Planning Regulation means the *Planning Regulation 2017*.

planning report means a document containing:

- (a) an accurate description of the land, the subject of the application
- (b) a detailed description of all aspects of the proposed development, including a detailed site plan (to scale) and other plans necessary to describe the proposed development
- (c) a description of the current and historic (if known) land uses
- (d) a list of other approvals required for the development to proceed and the process for obtaining those approvals
- (e) a description of and operational works necessary for the material change of use the subject of the SDA application to proceed
- (f) a description of adjacent land uses, including distances from any sensitive receptors, and a statement of the likely impact on the surrounding land uses from the proposed development
- (g) a detailed assessment of how the proposed development satisfies the strategic vision, overall objectives, the preferred development intent of the development precincts and relevant SDA wide assessment criteria including:
 - (i) a detailed description and assessment of any adverse impacts of the proposed development
 - (ii) detailed description of how any adverse impacts are to be managed
 - (iii) an assessment of any impact the proposed development may have on existing and planned infrastructure and
 - (iv) identification of any need for upgrades to existing infrastructure or the need for any future infrastructure to support the proposed development

- (h) relevant supporting information such as plans, drawings and management plans. All supplied information must be prepared by a suitably qualified person in accordance with current best practice. The relevant information must demonstrate that:
 - (i) they have been prepared by a suitably qualified person
 - (ii) they have been prepared in accordance with current best practice and
 - (iii) the development satisfies the strategic vision, overall objectives, the preferred development intent of the precincts and relevant assessment criteria.

Relevant supporting information may be required to demonstrate how issues associated with the following may be addressed:

- (i) environmental, cultural heritage and community values
- (ii) engineering
- (iii) hydrological and hydraulic
- (iv) public safety
- (v) emissions
- (vi) contaminated land
- (vii) acid sulfate soils
- (viii) traffic and
- (ix) water quality of receiving waters etc.

premises see the Planning Act.

proponent means a person or their representative who makes an application or request under this development scheme or who carries out SDA self-assessable development.

public consultation means the process by which the public are informed of certain applications made under this development scheme and submissions sought.

public sector entity see the Planning Act but does not include local government.

referral entity means an entity nominated by the Coordinator-General from who the Coordinator-General may, under this development scheme, seek technical advice about any element of an SDA application or other application or request.

referral entity submission means a document prepared by a referral entity in response to a request by the Coordinator-General for comments in relation to an application.

SDA means State development area.

SDPWO Act means the *State Development and Public Works Organisation Act 1971*.

sensitive land use see the Planning Act

submission means a document submitted in response to public consultation that:

- (a) is made to the Coordinator-General in writing or electronically
- (b) is received on or before the last day of the consultation period
- (c) is signed by each person who made the submission
- (d) states the name and address of each person who made the submission and

- (e) states the grounds of the submission and the facts and circumstances relied on in support of the grounds.

suitably qualified person means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

supporting material includes the planning report, EIS or IAR and EIS or IAR evaluation report (if any), any referral entity submission and any additional information provided in response to a notice from the Coordinator-General.

2. Development

- (1) Development referred to in this development scheme has the following meanings:

Use

agriculture means the use of premises for the purposes of growing crops, fruits, vegetables and similar produce to supply food and fibre.

aquaculture means premises used for the cultivation of aquatic animals or plants in a confined area that may require the provision of food either mechanically or by hand.

caretaker's accommodation means the use of premises for a dwelling for a caretaker of a non-residential use operating on the same premises.

dwelling house means a residential use of premises involving:

- (a) 1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or
- (b) 1 dwelling for a single household, a secondary dwelling and any domestic outbuildings associated with either dwelling.

high impact industry means the use of premises for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:

- (c) potential for significant impacts on sensitive land uses due to off-site emissions including aerosol, fume, particle, smoke, odour and noise
- (d) potential for off-site impacts in the event of fire, explosion or toxic release
- (e) generates high traffic flows in the context of the locality or the road network
- (f) the use may involve night time and outdoor activities
- (g) onsite controls are required for emissions and dangerous goods risks.

Note: examples of high impact industry include abattoirs, concrete batching plant, boiler making and engineering and metal foundry.

linear infrastructure facility means land used for a pipeline or conveyor to transport materials including gas, bulk materials, liquid, slurry or any other mineral.

low impact industry means the use of premises industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- (a) negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise
- (b) minimal traffic generation and heavy vehicle usage
- (c) demands imposed upon the local infrastructure network consistent with surrounding uses
- (d) the use generally operates during the day (eg. 7am to 6pm)
- (e) offsite impacts from storage of dangerous goods are negligible
- (f) the use is primarily undertaken indoors.

Note: examples of low impact industry include repairing motor vehicles, fitting and turning workshop.

major electricity infrastructure means the use of premises for

- (a) a transmission grid or supply network or
- (b) a telecommunication facility, if the use is ancillary to the use in subparagraph (a).

Note: the use of premises does not include a supply network or private electricity works unless the use involves a new zone substation or bulk supply substation; or the augmentation of a zone substation or bulk supply substation that significantly increases the input or output standard voltage.

marine industry means the use of waterfront premises for—

- (a) manufacturing, storing, repairing or servicing vessels or maritime infrastructure or
- (b) providing fuel or disposing of waste, if the use is ancillary to the use in paragraph (a).

Examples of marine industry— boat building, boat storage, dry dock.

medium impact industry means the use of premises for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- (a) potential for noticeable impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise
- (b) generates high traffic flows in the context of the locality or road network
- (c) generates an elevated demand on local infrastructure network
- (d) potential for noticeable offsite impacts in the event of fire, explosion or toxic release
- (e) onsite controls are required for emissions and dangerous goods risks
- (f) the use is primarily undertaken indoors
- (g) evening or night activities are undertaken indoors and not outdoors.

Note: examples of medium impact industry include spray painting and surface coating, wooden and laminated product manufacturing (including cabinet making, joining, timber truss making or wood working).

office

- (a) means the use of premises for—
 - (i) providing an administrative, financial, management or secretarial service or function or
 - (ii) the practice of a profession or
 - (iii) providing business or professional advice or services but
- (b) does not include the use of premises for making, selling or hiring goods.

Examples of an office— bank, real estate agency.

port facilities means the use of premises for the loading/unloading, stockpiling and transferring of commodities by ship. The use includes, but is not limited to, the following activities:

- (a) bulk terminal storage
- (b) storage of goods or materials (including stockpiles)
- (c) processing and transfer of goods or materials for shipment
- (d) water storage and treatment
- (e) ancillary services (workshops, warehouses, fuel storage, abrasive blasting, spray painting etc)
- (f) port related offices
- (g) port services including, customs, port pilotage, AQIS, and shipping agents
- (h) quarantine waste facilities
- (i) transport of goods/materials, whether by road, rail or air
- (j) maritime support facilities including vessel refuelling/servicing/and repair and waste management
- (k) facilities for terminal operators including car parking and other general amenities
- (l) uses that facilitate the expansion, improvement or maintenance of port handling activities (including lay down areas, engineering works, concrete batching plants, roads, utilities, material offloading facilities etc)
- (m) extractive industry or
- (n) utilities, including electrical, water and sewerage infrastructure.

renewable energy facility means the use of premises for the generation of electricity or energy from a renewable energy source, including, for example, sources of bioenergy, geothermal energy, hydropower, ocean energy, solar energy or wind energy.

service industry means the use of premises for an industrial activity that—

- (a) does not result in off-site air, noise or odour emissions and
- (b) is suitable for location with other non-industrial uses.

Examples of service industries— audio visual equipment repair, bicycle repairs, clock and watch repairs, computer repairs, dry cleaning, film processing, hand engraving, jewellery making, laundromat, locksmith, picture framing, shoe repairs, tailor.

shop means the use of premises for—

- (a) displaying, selling or hiring goods or
- (b) providing personal services or betting to the public.

Examples of a shop— betting agency, corner store, department store, discount variety store, hair dressing salon, liquor store, supermarket.

special industry means the use of premises for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:

- (a) potential for extreme impacts on sensitive land uses due to offsite emissions including aerosol fume, particle, smoke, odour and noise
- (b) potential for extreme offsite impacts in the event of fire, explosion or toxic release
- (c) onsite controls are required for emissions and dangerous goods risks
- (d) the use generally involves night time and outdoor activities
- (e) the use may involve the storage and handling of large volumes of dangerous goods or
- (f) requires significant separation from incompatible uses.

Note: examples of special industry include tanneries, rendering plants, oil refineries, waste incineration, manufacturing or storing explosives, power plants, manufacturing fertilisers

substation means premises forming part of a transmission grid or supply network under the *Electricity Act 1994*, and used for:

- (a) converting or transforming electrical energy from one voltage to another
- (b) regulating voltage in an electrical circuit
- (c) controlling electrical circuits
- (d) switching electrical currents between circuits
- (e) a switchyard
- (f) telecommunication facilities for 'operating works' as defined under the *Electricity Act 1994* or
- (g) workforce operational and safety communications.

telecommunications facility means the use of premises for a facility that is capable of carrying communications and signals by guided or unguided electromagnetic energy.

transport depot means the use of premises for—

- (a) storing vehicles, or machinery, that are used for a commercial or public purpose or
- (b) cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph (a).

Note: examples of a transport depot include using premises to store buses, taxis, trucks, heavy vehicles or heavy machinery.

utility installation means the use of premises for:

- (a) a service for supplying or treating water, hydraulic power, or gas
- (b) a sewerage, drainage or stormwater service
- (c) a transport service

- (d) a waste management facility or
- (e) a maintenance depot, storage depot or other facility for a service stated in (a) to (d).

warehouse means the use of premises for—

- (a) storing or distributing goods, whether or not carried out in a building or
- (b) the wholesale of goods, if the use is ancillary to the use in paragraph (a).

Note: examples of a warehouse include self-storage facility, storage yard.

3. Interpretation

- (1) Unless displaced wholly or partly by a contrary intention appearing in this development scheme or the SDPWO Act, the *Acts Interpretation Act 1954* applies when interpreting this development scheme.
- (2) In this development scheme, a reference to:
 - (a) a section, paragraph or schedule is a reference to a section or paragraph of, or schedule to, this development scheme
 - (b) a document or instrument means the latest version of the document or instrument and
 - (c) an Act includes any Regulation or instrument made under it and includes any amending or replacement Act.

Schedule 2—Processes for making, assessing and deciding applications and requests

1. Request for pre-lodgement consideration

- (1) Prior to lodging any SDA application or change application for an SDA approval, a person is encouraged to request a pre-lodgement consideration¹ of the proposed development from the Office of the Coordinator-General.
- (2) To be a properly made request for formal pre-lodgement consideration of a proposed SDA application or change application for an SDA approval, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the application and
 - (i) the proponent's name, address and contact details
 - (c) identify the development for which approval may be sought
 - (d) state the relevant referral triggers under the Planning Act and
 - (e) provide sufficient detail to identify any issues associated with the proposed development, including:
 - (i) photographs of the site and the surrounding area
 - (ii) concept or detailed plans
 - (iii) potential impacts
 - (iv) preliminary assessment against the strategic vision, overall objectives, the preferred development intent for the relevant precincts and assessment criteria of this development scheme or
 - (v) any details of location, design or operational issues that need to be discussed and

¹ A person may also make a request for an informal pre-lodgement consideration of any proposed application or request. The pre-lodgement consideration form may be used for this purpose.

- (f) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within 20 business days of receiving a properly made request for formal pre-lodgement consideration, the Coordinator-General must provide the proponent with written advice on relevant matters which may include:
 - (a) initial advice on general suitability and likely issues relevant to the development proposal
 - (b) material that should be provided as part of an application and
 - (c) the referral entities for the application.
- (4) In deciding an SDA application, the Coordinator-General is not bound by any advice given under subsection (3).

2. Making an SDA application

2.1. Application stage

- (1) A person may make an SDA application at any time.
- (2) To be a properly made application, the application must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the application and
 - (ii) the proponent's name, address and contact details
 - (c) identify the development for which approval is being sought
 - (d) subject to subsection (3), include the written consent of the owner of the land
 - (e) state the referral triggers under the Planning Act (and referral entities if known) for the application
 - (f) if the application is part of a larger development, include a description of the larger development and details of how the application relates to the larger development
 - (g) include a statement on whether the development has been, is, or will be subject to an EIS or IAR
 - (h) be accompanied by:
 - (i) a planning report and
 - (ii) if one has been prepared, an EIS or IAR relevant to the application including an EIS or IAR evaluation report and
 - (iii) payment of the relevant fee, if prescribed by regulation.
- (3) The consent of the owner of the land is not required if the land, the subject of the application, is acquisition land and the application relates to the purpose for which the land is to be taken or acquired.
- (4) Within 20 business days of receiving the application, the Coordinator-General must issue a written notice to the proponent that:
 - (a) states:
 - (i) the application is accepted as a properly made application
 - (ii) the referral entities for the application

- (iii) whether the proponent has to provide additional information by a specified date and
 - (iv) whether certain stages of the assessment processes need not be complied with or
- (b) states the application is not accepted as a properly made application and the reasons for the decision.
- (5) If the Coordinator-General issues a written notice in accordance with subsection (4)(b), the application is taken to have never been made. The proponent may submit a new SDA application under subsection (1).
- (6) If the Coordinator-General issues a notice under subsection (4)(a) that requires the proponent to provide additional information, the application will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (7) The Coordinator-General may determine during this stage that the referral and/or public consultation stages of the assessment process under this development scheme do not apply to the application because:
 - (a) the development the subject of the application has already been subject to another referral and/or public consultation process and this information is contained within the planning report accompanying the application and
 - (b) the Coordinator-General is satisfied with the referral and/or public consultation undertaken
 - (c) the Coordinator-General is satisfied the development subject to the application will not impact adversely on the interests of a third party.
- (8) If making a determination under subsection (7) the Coordinator-General must issue a written notice to the proponent informing them of the decision, including the reasons for the decision.
- (9) The application stage ends:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that requires the proponent to provide additional information under 4(a)(iii) - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that does not require the proponent to provide additional information - when the Coordinator-General issues the notice.

2.2. Referral stage

- (1) This stage applies unless the Coordinator-General gave notice to the proponent during the application stage that the referral stage does not apply to the application.
- (2) The Coordinator-General must, within five business days of the end of the application stage, by written notice:
 - (a) give a copy of the application and any additional information provided by the proponent during the application stage to the referral entities and
 - (b) request that the referral entities:
 - (i) request any additional information required to assess the application or
 - (ii) assess the application and provide a referral entity submission.

- (3) If requesting additional information in accordance with a notice given under subsection (2), a referral entity must provide the Coordinator-General with a written notice requesting additional information about the application within 10 business days or a later period as specified in the notice given under subsection (2).
- (4) If the Coordinator-General receives a request for additional information under subsection (3), the Coordinator-General must, within 10 business days of the end of period specified under subsection (3):
 - (a) coordinate a single request for additional information and
 - (b) give the proponent written notice of the request for additional information and that a written response must be provided to the Coordinator-General by the date specified in the notice.
- (5) If the proponent receives a written notice under subsection (4)(b), the application will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice.
- (6) After the proponent responds to the notice given under subsection (4), the Coordinator-General must, within five business days, and by written notice, provide referral entities with the proponent's response and request that the referral entities proceed with the assessment of the application and the additional information by a specified date.
- (7) A referral entity must assess the application and may provide a referral entity submission to the Coordinator-General by one of the following referral entity response periods:
 - (a) if a request is not made under subsection (3) – 20 business days after receiving the application under subsection (2) or a later period if specified by the notice or
 - (b) if a request is made under subsection (3) – 20 business days after receiving the proponent's response under subsection (6) or a later period if specified by the notice.
- (8) If a referral entity does not respond by the relevant referral entity response period, the Coordinator-General may proceed to the next stage of the assessment process as if the referral entity had assessed the application and had no requirements.
- (9) The referral stage ends at the earlier of the following:
 - (a) the end of the relevant referral entity response period or
 - (b) when a referral entity submission from each referral entity has been received by the Coordinator-General.

2.3. Public consultation stage

- (1) This stage applies unless the Coordinator-General gave notice to the proponent during the application stage that the public consultation stage does not apply to the application.
- (2) The Coordinator-General must, within five business days after the end of the application stage, if the referral stage does not apply, or at the end of the referral stage, give a written notice to the proponent stating that:
 - (a) the application does not require public consultation or
 - (b) public consultation is required for a specified period (the consultation period) of not less than 15 business days starting on the day after the last action under subsection (3) is carried out, and the requirements for public consultation as per subsections (3) to (5) and (9).
- (3) If public consultation is required, the proponent must:

- (a) publish a notice in a newspaper(s) in accordance with the notice issued under subsection (2)(b)
 - (b) place a notice on each road frontage of the land for the duration of the consultation period, or otherwise place a notice on the land in the way directed by the Coordinator-General and
 - (c) give written notice to the owners of all land adjoining the land the subject of the application.
- (4) The proponent must comply with subsection (3) within 20 business days after receiving notice from the Coordinator-General under subsection (2) and notify the Coordinator-General five business days prior to commencement of public consultation of the date public consultation will commence, and the last day of the consultation period.
- (5) The notices referred to in subsection (3) must:
- (a) include an accurate description of the land, the subject of the application
 - (b) include a brief description of the proposed development
 - (c) state that the application and the supporting material is available for inspection from the Coordinator-General
 - (d) state that any person may make a submission to the Coordinator-General
 - (e) state the last day of the consultation period and
 - (f) state what constitutes a submission in accordance with the definition in this development scheme.
- (6) The application lapses if the proponent does not carry out public consultation in accordance with subsections (3) to (5).
- (7) The Coordinator-General must make the application and the supporting material available for inspection by the public for the whole of the consultation period.
- (8) Any person may, on or before the last day of the consultation period, make a submission to the Coordinator-General in respect of the application.
- (9) Within five business days after the end of the consultation period, the proponent must provide the Coordinator-General with a statutory declaration stating that the proponent has complied with subsections (3) to (5).
- (10) The public consultation stage ends when:
- (a) the Coordinator-General issues a written notice to the proponent under subsection (2)(a) or
 - (b) the proponent provides the Coordinator-General with a statutory declaration under subsection (9).

2.4. Review stage

- (1) This stage applies only if the Coordinator-General requests advice from any person the Coordinator-General considers is appropriate to provide advice on any matter related to the application at any time before the end of five business days after the end of the:
- (a) application stage, if both the referral and public consultation stages are not applicable or
 - (b) referral stage, if the public consultation stage is not applicable or
 - (c) public consultation stage.

- (2) The Coordinator-General must provide a written notice to the proponent at the same time as making the request for advice under subsection (1) that the review stage has commenced.
- (3) The written notice under subsection (2) must state:
 - (a) the matters for which the Coordinator-General has requested advice and
 - (b) that the application is on hold until the Coordinator-General has received the requested advice.
- (4) Upon receipt of the requested advice or if the Coordinator-General is satisfied that the requested advice is no longer required, the Coordinator-General must issue the proponent written notice:
 - (a) to provide additional information based upon the advice by a specified date or
 - (b) that no additional information is required and that the application will proceed to the decision stage.
- (5) If the proponent receives a written notice for additional information under subsection 4(a), the application will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice.
- (6) The review stage ends:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that requires the proponent to provide additional information by a specified date - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) when the Coordinator-General issues a written notice to the proponent under subsection 4(b).

2.5. Decision stage

- (1) The Coordinator-General must decide the application within 30 business days (the decision-making period) of the end of the:
 - (a) application stage, if the referral, public consultation and review stages are not applicable or
 - (b) referral stage, if the public consultation and review stages are not applicable or
 - (c) public consultation stage, if the review stage is not applicable or
 - (d) review stage.
- (2) The Coordinator-General may, by written notice given to the proponent, extend the decision making period by not more than 30 business days.
- (3) The Coordinator-General must assess the application having regard to:
 - (a) the application and all supporting material
 - (b) any submissions received
 - (c) any advice and/or additional information received during the review stage
 - (d) this development scheme and
 - (e) any other matter the Coordinator-General considers to be relevant.
- (4) In making a decision, the Coordinator-General will consider, amongst other matters, if, in the opinion of the Coordinator-General:
 - (a) the proponent has adequately responded to any request for additional information and

- (b) the application adequately addresses any issues raised in a referral entity submission or submission.
- (5) In deciding the application, the Coordinator-General may:
 - (a) issue an SDA approval or
 - (b) refuse the application.
- (6) Without limiting subsection 5(a), a condition attached to an SDA approval may:
 - (a) state how long the use may continue or
 - (b) require any necessary decommissioning or restoration of any matter arising from the SDA approval or
 - (c) address external requirements for the development, such as payment of monetary contributions towards the cost of supplying external services or networks for the development or
 - (d) give effect to any aspect of this development scheme.
- (7) Within 10 business days of deciding the application, the Coordinator-General must give the decision notice to:
 - (a) the proponent
 - (b) any referral entities who made a referral entity submission about the application and
 - (c) any person who made a submission about the application.
- (8) The decision notice must state:
 - (a) whether all or part of the application is approved, approved subject to conditions or refused, and if refused, the reasons for the decision
 - (b) if the application is approved subject to conditions, the conditions and
 - (c) if the application is approved, the date from which the SDA approval takes effect and, if a different currency period is approved, the period.

3. Making a request to change an SDA application

- (1) A proponent that has made an SDA application may make a request to change the application if:
 - (a) the application was properly made and has not lapsed and
 - (b) the application has not been decided.

Note: The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the application. Otherwise, the proponent should withdraw the application and submit a new SDA application.
- (2) If a request to change an SDA application is made, assessment of the original application is on hold until the Coordinator-General makes a decision on the request to change the application.
- (3) To be a properly made request to change an SDA application, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) identify the original application to which the request applies
 - (c) identify the change to the original application which is being sought

- (d) include sufficient information to support that the request can be assessed as a minor change and
- (e) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (4) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice to the proponent that:
 - (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request is not accepted as properly made, the reasons for the decision and that the assessment of the original application will recommence.
- (5) If the Coordinator-General issues a written notice in accordance with subsection (4)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (6) If the proponent receives a written notice for additional information under (4)(a)(ii), the request will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice. If the request lapses, assessment of the original application recommences.
- (7) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (8) The Coordinator-General must make a decision on the request within 20 business days (the decision-making period) of:
 - (a) if no additional information is requested – the Coordinator-General issues the notice to the proponent under subsection (4)(a) or
 - (b) if additional information is requested –when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice.
- (9) In deciding the request the Coordinator-General must either approve or refuse the request.
- (10) The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the SDA application.
- (11) The Coordinator-General must give the notice of the decision to the proponent within 5 business days after making the decision.
- (12) The notice of the decision must include:
 - (a) whether the request is approved or refused
 - (b) if the request is approved, a statement that the assessment of the original application can continue as if the change was part of the original application or
 - (c) if the request is refused, the reasons for the decision and a statement that assessment of the original application will continue.
- (13) If the decision is to refuse the request, assessment of the original application recommences.

4. Making a change application for an SDA approval

- (1) A change application for an SDA approval must follow one of two application processes:
 - (a) if the change application only relates to a change to the currency period – the process under Schedule 2, Part 5 or
 - (b) otherwise, subject to subsection (2), a change application must be made in accordance with the process for making an SDA application set out in Schedule 2, Part 2 as if a reference to an application were to the change application.
- (2) If the proposed change to an SDA approval is, in the opinion of the Coordinator-General, a minor change:
 - (a) consent of the owner is not required to make the change application
 - (b) the referral, public consultation and review stages do not apply to the change application
and
 - (c) the relevant fee is the fee prescribed by regulation for a minor change to an SDA application.

5. Requesting a later currency period for an SDA approval

- (1) A proponent may make a request to the Coordinator-General to state a later currency period for an SDA approval under section 84H of the SDPWO Act.
- (2) To be a properly made request, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) sufficient information to identify the SDA approval to which the request applies
and
 - (ii) the proponent's name, address and contact details
 - (c) include sufficient information to support the request
 - (d) be accompanied by payment of the relevant fee, if prescribed by regulation and
 - (e) be accepted as a properly made request 30 business days before the end of the currency period for the SDA approval.
- (3) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice that:
 - (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date
or
 - (b) states the request is not accepted as a properly made request and the reasons for the decision.

- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written notice for additional information, the request will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (6) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (7) The Coordinator-General must assess the request against the matters listed in section 2.1.1(3) of this development scheme and make a decision on the request within 20 business days (the decision-making period) of:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date, when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information, when the Coordinator-General issues the notice.
- (8) In deciding the request, the Coordinator-General must either approve or refuse the request.
- (9) The Coordinator-General must give the notice of the decision to the proponent and any referral entities affected by the decision.
- (10) The notice of the decision must be given within 10 business days after the day the decision is made and include:
 - (a) whether the request is approved or refused, and if refused, the reasons for the decision and
 - (b) if the request is approved, the date of the later currency period.

6. Request to carry out prior affected development

- (1) An owner of land (proponent) may make a prior affected development request to the Coordinator-General if immediately before an approved development scheme started applying to the land; there was a prior affected development for the land.
- (2) To be a properly made request, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the request
 - (ii) the name, address and contact details of the owner of the land
 - (c) identify the development for which approval is being sought
 - (d) if for an alternative lawful development, include documentation that demonstrates that the development was an as of right development prior to this development scheme taking effect

- (e) if for an approved development or authorised development, include a copy of the previous approval or permit, including any conditions, to the which the previous approval or permit applies
 - (f) include sufficient information to support the request and
 - (g) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within 20 business days of receiving the request, the Coordinator-General must issue a written notice that:
- (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request has not been accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written request for additional information, the request will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice.
- (6) The Coordinator-General must make a decision on the request within 20 business days of:
- (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information - when the Coordinator-General issues the notice.
- (7) When assessing the request, the Coordinator-General must consider if, in the opinion of the Coordinator-General, the request:
- (a) is consistent with or would not compromise any aspect of this development scheme or
 - (b) does not meet paragraph (a) but there are mitigating circumstances for approving the request.
- (8) When making a decision, the Coordinator-General must have regard to the following:
- (a) the planning scheme for the relevant local government that was in effect at the time this development scheme came into effect
 - (b) this development scheme
 - (c) the nature of the proposed development and its potential impacts on matters listed in section 2.1.1(3) of this development scheme
 - (d) the currency period of any previous approval and
 - (e) any other matters the Coordinator-General considers relevant.
- (9) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (10) In deciding the request the Coordinator-General must either approve or refuse the request.

- (11) The Coordinator-General may impose a condition on an approval to:
 - (a) place a limit on how long the development may continue or
 - (b) require any necessary decommissioning or restoration of the premises or
 - (c) give effect to any aspect of this development scheme.
- (12) The Coordinator-General must give the notice of the decision to the proponent within 10 business days after the day the decision is made and include:
 - (a) whether the request is approved or refused, and if refused, the reasons for the decision
 - (b) the currency period for any approval and
 - (c) if refused, a statement that under section 87 of the SDPWO Act, the owner of an interest in land may be entitled to compensation.

Schedule 3—Requirements for SDA self-assessable development

- (1) This Schedule identifies the requirements for SDA self-assessable development.
- (2) The requirements support the strategic vision, overall objectives and the preferred development intent for the precinct.
- (3) A proponent who carries out SDA self-assessable development must comply with all relevant requirements set out in section (1) below.
- (4) A proponent must obtain all other development permits, licences or approvals as required to lawfully undertake the development.

1. Specific requirements for SDA self-assessable development

- (1) Specific requirements are contained in Table 7.

Table 7 Specific Requirements for SDA self-assessable development

SDA self-assessable development	Precinct	Requirements
Material change of use for a Warehouse	Port Related Industry Precinct	<ol style="list-style-type: none"> (1) Provide written notification to the Coordinator-General of the date of the commencement of use. (2) Permit the Coordinator-General, or any person authorised by the Coordinator-General, to inspect any aspect of the development or use. (3) The use does not occur for more than three months in any 12 month period. (4) Permanent buildings, structures, infrastructure or services are not constructed. (5) Access to the site is to be via sealed public roads. (6) Traffic from the site must not result in the cartage of material (dust, soil, waste) onto roads. (7) Traffic generated from the use is limited to 10 vehicle movements per day (averaged over a seven day period). (8) All vehicle parking is to be provided on site. (9) The use does not generate any emissions that impact on air and water quality. (10) All noise associated with the use must not exceed the levels specified in the <i>Environmental Protection (Noise) Policy 2008</i> at any sensitive receptor. (11) Temporary lighting is operated to prevent light spillage onto sensitive receptors. (12) All waste associated with the use is to be disposed of in accordance with relevant local government requirements. (13) No solid waste or liquid, other than stormwater, is discharged to land or waters. (14) The use does not involve the storage of hazardous contaminants or dangerous goods. (15) On completion of the use the site must be restored to its original condition. (16) The development does not cause or contribute to adverse flooding impacts on upstream, downstream, or adjacent properties.

