

# 2014 changes to the *State Development and Public Works Organisation Act 1971*

**The information in this document is advisory only. It is recommended that independent advice is sought in relation to the effect of the amendments on a coordinated project.**

## Background

The Coordinator-General coordinates departments of the government and local bodies throughout the State in activities aimed at ensuring proper account is taken of the environmental effects of declared 'coordinated projects'<sup>1</sup> under Part 4 of the *State Development and Public Works Organisation Act 1971* (the Act).

The Act was amended by the *State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014*. Key changes to the Coordinator-General's environmental impact assessment process for declared coordinated projects include:

- changes to the environmental impact statement (EIS) process including introduction of the new terms 'draft' and 'final' EIS and requirements associated with the finalisation of the EIS

- introduction of a new streamlined impact assessment report (IAR) process as an alternative to the EIS process
- removal of staged EIS assessments and 'coordinated projects not requiring an EIS'
- changes to lapsing provisions for coordinated project declarations, Coordinator-General's evaluation reports and change reports.

These changes are accompanied by amendments to the *State Development and Public Works Organisation Regulation 2010* (the Regulation).

## Transitional arrangements

The changes to Part 4 of the Act apply to coordinated projects:

- that are declared after commencement of the amendments, and
- for which public notification of the EIS under section 33(1) of the Act had not occurred before the commencement of the amendments.

<sup>1</sup> Prior to 21 December 2012, 'coordinated projects' were referred to as 'significant projects'.

The new EIS fees regime set out in the Regulation, which also commenced on 1 October 2014:

- applies from that date for:
  - new projects declared after 1 October 2014, and
  - existing projects for which public notification of the EIS has not occurred
- applies to all projects after 1 July 2015.

A new guideline on the amended fee regime may be downloaded from:

[www.statedevelopment.qld.gov.au/assessment-s-and-approvals/fees.html](http://www.statedevelopment.qld.gov.au/assessment-s-and-approvals/fees.html)

## EIS process

The EIS process has been changed to better define the points at which the Coordinator-General decides on the adequacy of EIS information. Prior to the amendments, the proponent was required to give an EIS to the Coordinator-General and, following the submission period, the Coordinator-General could request supplementary information before preparing the evaluation report.

Proponents are required to prepare a draft EIS which will be publicly notified. Following the public notification period, the Coordinator-General must consider the draft EIS and any submissions, and decide whether or not to accept the draft EIS as the final EIS. The Coordinator-General can decide not to accept the draft EIS if further information is required, in which case, the information must be provided by the proponent. The Coordinator-General may require that additional information be publicly notified. Once the Coordinator-General is satisfied that no further information is required, the Coordinator-General must decide to accept the draft EIS as the final EIS and then proceed to preparing a report evaluating the EIS

## Alternative IAR process

The Act amendments introduce a 'fit-for-purpose' IAR process as an alternative to the EIS process.

The Coordinator-General may declare a project to be a coordinated project requiring an IAR if satisfied the environmental effects of the project do not, having regard to their scale and extent, require assessment through the EIS process.

The key differences between the two assessment processes are that the IAR process does not include a terms of reference (TOR) and public notification is only mandatory where subsequent statutory approvals require it. However, the Coordinator-General has the discretion to decide the draft IAR must be publicly notified regardless.

The intent is for the streamlined IAR to focus on the assessment of key risk factors associated with each project and to directly address subsequent statutory approval requirements rather than complete a wide-ranging EIS process requiring detailed studies of matters that are assessed to be a low risk of causing environmental impact.

The scope of investigations required to be undertaken for an IAR may be influenced by the proponent's preparedness to conform with the relevant local plan, State Planning Policy, published standardized conditions and standards, and recently approved established industry best practice. The scope of the IAR will also be influenced by the characteristics of the project location and the nature of the potential impacts.

## Lapsing of coordinated project declarations

Prior to the amendments, proponents were required to give an EIS to the Coordinator-General within 18 months of the final TOR being issued. For projects declared prior to 21 December 2012,

an EIS is required to be given to the Coordinator-General within two years of the final TOR being issued.

Under the new provisions:

- the declaration of coordinated projects requiring an EIS lapses if, within 18 months of the TOR being finalised, the Coordinator-General has not accepted a draft EIS for the project as the final EIS
- the declaration of coordinated projects requiring an IAR lapses if, within 18 months of the declaration being made, the Coordinator-General has not accepted a draft IAR for the project as the final IAR.

The Coordinator-General may state a later date for the lapsing of declarations for projects requiring an EIS or IAR, by written notice to the proponent.

## Other changes

Other changes to the Act relating to staged EIS assessments, fee powers and Coordinator-General's report lapsing provisions are summarised in Table 1.

**Table 1 Summary of other amendments**

Before	After
<b>EIS staging</b>	
A proponent may submit an EIS for a stage of a project.	No provision exists for a staged EIS.
<b>Lapsing of a Coordinator-General's report</b>	
The report lapses three years after the completion of the report unless the proponent applies for an approval for the project. For projects declared prior to 21 December 2012, the report lapses four years after the completion of the report unless the proponent applies for an approval for the project.	The report lapses three years after the completion of the report unless the proponent applies for each relevant approvals for the project.
<b>Lapsing of a Coordinator-General's change report</b>	
The change report lapses at the time of lapsing for the Coordinator-General's evaluation report.	The Coordinator-General may set a separate lapse date for the change report so it is not linked to the evaluation report.
<b>Waiving or reducing fees</b>	
The Coordinator-general may waive or reduce fees relating to change reports only.	The Coordinator-General may waive or reduce any fees under part 4 of the Act.

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