Impact Analysis Statement – State Development and Public Works Organisation (Critical Minerals) Amendment Bill 2026

Lead department	Department of State Development, Infrastructure and Planning
Name of the proposal	State Development and Public Works Organisation (Critical Minerals) Amendment Bill 2026
Submission type	Summary IAS
Title of related legislative or regulatory instrument	*State Development and Public Works Organisation Act 1971* (SDPWO Act)
Date of issue	May 2026

Proposal type	Details
Minor and machinery in nature	The following proposals to the SDPWO Act are minor and machinery in nature: • Amendment of purposes of part 5A • For notices to decide, clarification that the minimum statutory period referred to at section 76J(2)(b) is that period without any further extension; • For step in notices, updating language at section 76L(3) about when a step in notice may be given to clarify the relationship with appeal periods • Allowing for declaration of a critical infrastructure project (renamed to State strategic project) under section 76E(4) at any time following a prescribed project declaration • Clarifying the Coordinator-General's ability to waive fees for a State development area (SDA) application • Separately-defined lapse periods for future SDA approvals that are material changes of use, reconfiguring of lots and other development in the SDPWO Act, consistent with the *Planning Act 2016* and *Economic Development Act 2012* • Clarifying the process to request and extend the currency period for an SDA approval and preventing an SDA approval from lapsing whilst the subject of a request to extend the currency period • Clarifying the operation and responsibilities for existing development approvals where an SDA development scheme comes into effect • Clarifying the circumstances where certain prior affected development requests can be made for development approved or otherwise lawful but not commenced prior to an SDA development scheme applying to the land • Clarifying that enforcement functions are available in respect of penalty offence provisions • Clarification of the grounds on which an investigator's authority for a private infrastructure facility (PIF) can be sought

	• Provisions allowing the use of new stated conditioning powers for existing coordinated projects that have not yet had an evaluation report issued under sections 34D or 34L • Provisions allowing use of new notices for prescribed projects that are also declared State strategic projects under part 5A of the SDPWO Act • Cost recovery for Coordinator-General functions *Amendment of purpose of part 5A (prescribed projects)* The current object of part 5A is contained at section 76A. The objects focus on identifying prescribed projects and providing a system for facilitating their undertaking in a timely manner. An update is necessary to amend the purposes to give better effect to the policy intention that prescribed projects and State strategic projects are the government's mechanism for identifying and overseeing the efficient delivery of projects of state significance. The change to the objects is primarily a matter for consideration by the decision-maker when exercising any functions under part 5A and has no direct impact or costs. *Clarification of effect of notice to decide* The drafting of section 76J(2)(b) provides that a notice to decide shall require the relevant decision-maker to make a prescribed decision within a period. That period is the lesser of 20 business days or the statutory period for making the relevant decision under the subject Act. The minor update clarifies that, in reference to the second limb, the statutory timeframe is the 'original' timeframe and cannot be extended, even if the relevant Act would ordinarily allow an extension. This is a correction to ensure the proper effect of the provision. *When a step in notice may be given when the prescribed decision has been appealed* The drafting of in-force section 76L(3) is difficult to interpret. The proposed amendment redrafts the section, maintaining its effect but improving its legibility, consistent with current drafting practice. *Clarifying the availability of declaration of State strategic projects* In-force section 76E(4) provides that the Minister may only declare a project to be a critical infrastructure project (now known as State strategic project) simultaneously with its declaration as a prescribed project. This results in an inability to later declare a project to be a State strategic project if the Minister becomes satisfied of the test at section 76E(4) and the project may materially benefit from access to the strategic infrastructure easement mechanism at part 6, division 8. This amendment corrects the section to allow separated sequential declarations, and amends the name of this designation to 'State strategic project' to avoid any unintended issues associated with the word 'infrastructure'. *Clarifying fee waivers for SDA applications* This amendment provides a minor update to clarify the Coordinator-General's power to waive fees specifically for SDA applications. This is accompanied by a savings provision that ensures, for the avoidance of doubt, that any prior decision made to accept as properly made an SDA application that had been subject to a fee waiver is a valid decision, ensuring no adverse retrospective effect for business. *Separately-defined lapse periods for SDA approvals* In-force section 84H provides for currency/lapsing of SDA approvals. The section uses outdated language (e.g. 'substantially starts') and is inconsistent with the regime and timings in other land-use regulatory frameworks (the *Planning Act 2016* and *Economic Development Act 2012*). The proposed amendments provide for a minor update that will make the language and

	periods consistent with those frameworks, improving understanding and transferability. Amendments to the language and default lapsing periods are prospective only, not affecting any existing SDA approval. *Clarifying the process to extend the currency period for an SDA approval* This proposed amendment is a clarification that outlines the process to request an extension to the currency period for an SDA approval and addresses the situation where an SDA approval can lapse whilst the Coordinator-General is considering a request to extend its currency via section 84H(2)(c). This change is consistent with other land-use regulatory frameworks, including the *Planning Act 2016*. This updated process will apply to existing SDA approvals, allowing applicants to benefit from provisions that prevent an SDA approval from inadvertently lapsing. *Clarifying the operation and responsibilities for existing development approvals in SDA on declaration* This proposed amendment provides a correction to an unintended circumstance relating to the continued operation and responsibilities for existing development approvals following declaration of an SDA. The proposal makes it clear that where a development approval is issued prior to an SDA declaration and that development has commenced, applications that would result in substantially different development or requests to extend the currency period may not be made. That is, holders of existing rights may seek to change them in minor ways or resile from them, but more significant changes must be subject of an SDA application under the relevant SDA development scheme for the SDA, which reflects the operation of section 84 of the Act. The proposal will also clarify that the existing authority (generally the local government) retains the enforcement powers in relation to the development approval afforded to them under their legislation. The proposed amendments reflect contemporary drafting (e.g. as exists under the *Economic Development Act 2012* section 45). *Clarifying the circumstances where certain prior affected development requests can be made* Prior affected development requests can be made under a development scheme for an SDA to enliven (among others) section 85 of the Act. Prior affected development requests provide a pathway for development that had not commenced, but which was approved, or did not require any approvals, prior to an SDA development scheme having effect. For development which previously did not require any approvals, the proposed amendments will update language to current drafting practice to align with contemporary planning legislation (*Planning Act 2016*) and also place a time limit on how long an applicant has to make a prior affected development request. Placing a time limit is a routine update to align with other jurisdictions (e.g. under the *Planning Act 2016* superseded planning scheme provisions) and also the compensation provisions under section 87 of the SPDWO Act which are triggered where a prior affected development request is refused. The time limit will not apply retrospectively. *Clarifying that enforcement functions are available in respect of penalty offence provisions* The current operation of part 7A of the Act provides for the Coordinator-General's enforcement functions, including the ability to give enforcement notices and enforcement orders where there is a contravention of an enforceable condition (section 157A and 157B). However, these tools are unavailable in respect of general offences under the Act, such as carrying out SDA assessable development without SDA approval (section 84A). The proposed amendments will correct this inability to use enforcement functions for offences under the Act that are unrelated to enforceable conditions. The penalties themselves are unchanged.

	Transitional provisions for coordinated projects New condition-stating powers and streamlining with the regional interest development approval process will be available for projects with an in-effect coordinated project declaration at the time of commencement, so long as those projects are not yet the subject of a Coordinator-General's Evaluation Report under sections 34D or 34L. This will allow the benefits to accrue to projects currently undergoing the process (if, in their discretion, the proponents opt to provide the necessary information). These provisions will not be retrospective, i.e. the Coordinator-General will be unable to state such conditions for projects for which an evaluation report has already been issued. *Transitional provisions for prescribed projects that are State strategic projects* The power to issue the new state significance notice and make a modification order will be made available to any existing critical infrastructure project. The exercise of the power is discretionary, causing no immediate additional impact or burden associated with those projects. *Transitional provisions for private infrastructure facilities* The discontinuance of infrastructure facility provisions results in any existing undecided application for a private infrastructure facility to be withdrawn and any application fee returned; and any existing investigator authorities or private infrastructure facility designation to be ended on commencement. It also provides ongoing ability for owner's to make claims against the proponent under the previous provisions relating to any existing investigator authority, as well as proceedings for proponent offences to continue as if the Act had not been enacted. There are no current investigator authorities or private infrastructure facility designations. These provisions provide no additional impact or burden. *Transitional provisions about State development areas* In relation to the power to waive fees for SDA applications and requests, this power applies to SDA applications regardless of whether they are made before or after commencement. The SDA application and any subsequent SDA approval are also declared to be valid, despite a fee waiver being given prior to commencement. These provisions are beneficial and require no additional action to be taken by a proponent, and therefore have no additional impact or burden. In relation to the power to impose a condition for either infrastructure charges or an environmental offset (sections 84EA and 84EB respectively), these powers will apply to SDA applications made prior to commencement. The existing power to condition an SDA approval (section 84E) already permits conditions to be imposed on SDA approvals which could reasonably include infrastructure charges and environmental offsets. Sections 84EA and 84EB provide additional detail on how these matters can be conditioned but do not expand the existing conditioning power under section 84E. As such, the application of these to existing SDA applications is not considered to have an additional impact or burden. In relation to the changes to when an SDA approval lapses (section 84H), the ability for an SDA approval to not lapse whilst the Coordinator-General considers an extension request to that SDA approval applies to requests made before commencement. The provision is beneficial and reduces burden on proponents by ensuring SDA approvals do not inadvertently lapse. In relation to the changes to limit when a prior affected development request may be made (section 85), this limitation does not apply for requests for prior affected development made prior to commencement. There is no impact or burden.

	Transitional provisions about enforcement notices and enforcement orders The change to section 157B allows enforcement functions under part 7A to be available for a contravention of section 84A (SDA assessable development without an SDA approval). The change only relates to contraventions of section 84A that happen after commencement, providing no immediate impact or burden. The power to remedy a contravention of an enforcement notice (new section 157HA) applies only to enforcement notices given after commencement, providing no additional impact or burden. *Offset conditioning for SDA assessable development* Under the current SDPWO Act, the Coordinator-General has broad powers to condition the approval of development in an SDA, including requiring the provision of offsets. The proposal to separately identify this conditioning power in the SDPWO Act and to include SDA assessable development as a prescribed activity in the Environmental Offsets Regulation 2014 is minor and machinery in nature as it is essentially consequential to the offsets framework and permits the Coordinator-General to include offset conditions that are consistent with the *Environmental Offsets Act 2014* and associated instruments. *Cost recovery for Coordinator-General functions* The Coordinator-General can charge application fees for certain aspects under the SDPWO Act, such as for the coordinated project process. This power was introduced in 2009. The stated intention was to allow the Coordinator-General to recover costs, whether via fees or other recovery. The Coordinator-General's power to levy fees for coordinated projects is contained to section 25B, and power to enter contracts for the exercise of their functions generally is held in section 158. The drafting of the 2009 insertion did not make it sufficiently clear in section 158 that the power to contract in respect of an exercise of a function is to coexist with the power to levy a fee, with the effect that it is ambiguous whether any other head of power can be used to account for the costs of exercise of functions under the Act, or whether only sections such as section 25B could be used. By amending section 158, this ambiguity can be resolved. This will allow the Coordinator-General to enter into an agreement with a proponent to recover the costs of the exercise of functions under the Act. The use of the function is subject to the *Financial Accountability Act 2009*, particularly section 57(4). The existence of in-force section 130 provides a manner for the Coordinator-General to have recovered the payment of costs and compensation for compulsory acquisition of land under section 125 from a person nominated by the Governor in Council (GIC) by gazette. It is generally anticipated that the person nominated would be the ultimate beneficiary of the acquisition, e.g. the proponent. Section 130 provides for recovery of costs and the value of the compensation payable as a debt from the nominated person. It is not always desirable to use this power, as imposition of a debt can have adverse consequences for a proponent and recovery, and section 130(2) sets out a relatively short period for payment, which may be difficult or unsustainable for the ultimate beneficiary (especially if the acquisition is of very significant value). This provides limited commercial flexibility to the Coordinator-General or the ultimate beneficiary. It is ambiguous whether or not this displaces the operation of section 158, which allows for the Coordinator-General to enter contracts in respect of the exercise of functions. The proposal will correct this ambiguity by making it plain that, section 158 can be used by the Coordinator-General to reach a negotiated position about the recovery of costs incurred by the Coordinator-General or a

	cooperating person for the performance of functions or the exercise of powers imposed or conferred on the Coordinator-General under any Act. The contract however, must not permit the recovery of costs that have already otherwise been recovered by the Coordinator-General.
Regulatory proposals where no RIA is required	The following proposals under the SDPWO Act do not require an RIA: • Expanded conditioning powers for the *Transport Infrastructure Act 1994* and *Regional Planning Interests Act 2014* (RPI Act) • Coordinated project process integration with the regional interest development approval process under the RPI Act • Continuation of the effect of SDA approvals, SDA self-assessable development and SDA-related development where an SDA development scheme no longer regulates the development either due to it being varied or abrogated • Allowing for the making of an interim planning instrument, having effect in place of the local planning instrument for a temporary period, as part of the abrogation or variation process for an SDA development scheme • Introduction of a standalone development assessment process for SDAs • Making it such that land held by the Coordinator-General is only subject to the section 83 disposal rules if it was compulsorily acquired under section 82 • Making it such that the Coordinator-General is not required to obtain GIC approval for disposing of land in an SDA under section 83, if for the purpose of implementation of the development scheme *Expanded conditioning powers for the Transport Infrastructure Act 1994 and Regional Planning Interests Act 2014* These amendments provide for efficiencies in assessment and approvals processes by allowing for better integration and outcome certainty between the coordinated project EIS/impact assessment report (IAR) process and subsequent approvals under each of the named Acts. Currently, proponents undergoing the coordinated project process may undertake surveys, studies, and engineering to reflect impacts on matters regulated by these Acts during an EIS/IAR process, due to the scope of those processes, interrelatedness with other approvals requirements, and the expectation of the highest level of information in EIS/IAR processes. However, no outcome is provided for this effort and industry is re-exposed to assessment of these matters entirely when seeking the subsequent approval. These amendments are effectively deregulatory, reducing duplication and improving process coherence between the primary environmental impact assessment and subsequent permitting. The power does not create the ability for the Coordinator-General to impose 'new' conditions additional to that imposable by the administering authority for the relevant permit; only to set out conditions that that decision maker must ultimately impose when making their decision. *Coordinated project process integration with a regional interests development approval (RIDA)* In addition to conditioning powers, this proposal will be deregulatory by removing duplicative process requirements for projects that require a regional interests development approval under the RPI Act. The proposal will have the effect of removing the need for preparation of duplicative reports, re-undertaking of public notification, or further responses from referral agencies where a project seeking a RIDA has provided sufficient detail in a coordinated project process and publicly notified the relevant information for a RIDA (i.e. assessing the

	impact of the activity) as part of their EIS/IAR, and the Coordinator-General has made a recommendation as to whether to approve or refuse an application and stated any conditions for it. This will prevent proponents from having to re-open these matters when applying for a RIDA and allowing proponents, the regulator and community to draw from common sources of information (EIS/IAR and the Coordinator-General's evaluation report) about the activity. *Continuation of the effect of SDA approvals, SDA self-assessable development and SDA-related development on the abrogation or variation of an SDA development scheme* This proposal serves to address interactions between government entities where an SDA development scheme no longer regulates development, either due to the scheme being varied or abrogated. Currently, where development is no longer regulated by an SDA development scheme, this has an unclear effect on SDA approvals and SDA self-assessable development under the previous SDA development scheme, and enforcement jurisdiction for the development is unclear. This can cause issues for the new administering authority, as well as community and industry, who can be unsure who has responsibility for monitoring and managing the development. The proposal will require the subsequent administering authority, such as a local government or port authority, to assume responsibility for regulating the SDA approval or SDA self-assessable development as if the development was approved or authorised under the new authority's jurisdiction. This includes the ability to assess changes and undertake compliance and enforcement. The Coordinator-General will assist in the transition period. *Allowing for the introduction of an interim planning instrument as part of the variation or abrogation process for an SDA development scheme* The variation or abrogation process for an SDA development scheme can result in the application of a new planning system that is not properly equipped to regulate the land. This could be evident through incompatible land use intents (such as outdated zonings), or that the new instrument does not deal with matters (such as material changes of use) which were previously regulated by the SDA development scheme. The proposed changes to the SDPWO Act would permit an interim planning instrument to be prepared and approved which would override the local planning instrument for a temporary period, to adequately deal with the former SDA development. The interim instrument will provide an option for the Coordinator-General to assist in managing the regulatory transition, with the interim instrument having effect as a temporary local planning instrument under the Planning Act for a fixed period of time. This fixed period of time will permit the local government adequate time to appropriately amend their planning scheme in the manner they see fit. Abrogating an SDA development scheme would only occur following extensive consultation and cooperative planning between the Coordinator-General and affected authorities, which may include assistance in preparing planning scheme amendments if necessary (depending on the SDA). Abrogating an SDA development scheme, as part of the revocation of an SDA is generally only contemplated where the SDA becomes redundant (i.e. no longer required for a specific purpose such as a linear corridor) or targeted outcomes have been achieved (all planned industrial/essential services development has been carried out and no further major development activities are anticipated). *Introduction of a standalone development assessment process for SDAs* The in-force SDPWO Act does not outline the detailed process for making SDA applications and requests, with this detail set out in each SDA's respective

	development scheme. The result is that each SDA development scheme is subject to differing application and assessment processes. The proposal seeks to reduce the regulatory complexity of navigating SDA approval processes by establishing a power to prescribe a single, standalone development assessment process that will apply to all SDAs, unless the SDA development scheme includes a tailored process. This will be deregulatory by reducing the compliance burden on industry and improve process clarity for community and other stakeholders, who will be able to access a single point of reference for the application and assessment process. The new process document would only have effect within an SDA once the current SDA development scheme has been amended. *Compliance with section 83 only required for land taken under section 82* The Coordinator-General is constrained in dealing with land within an SDA, regardless of how it comes to be vested in the Coordinator-General. Despite the Coordinator-General's power as a corporation sole to deal in land generally (section 8(3)), and despite the Coordinator-General's power to dispose of land taken by other purposes without further authorisation, the Coordinator-General may only dispose of land in an SDA in accordance with section 83(2). This has the unwanted consequence of limiting the effect of section 8 and section 129, preventing the Coordinator-General from dealing commercially in land or from selling, leasing, licencing, transferring or surrendering land in an SDA that does not serve to implement the development scheme. This can result in unwelcome costs accruing for the government in managing the land where it could be put to some other productive or protective public use or released to the private market. The proposal seeks to solve this issue by only requiring compliance with section 83(2) where land was compulsorily acquired under section 82(1). Land otherwise obtained shall be dealt with freely, subject to sections 8 and 129. This minor update is considered a proposal to assist with internal management of the public sector. The right of a landholder to object to acquisition and to be compensated for taking of land by the Coordinator-General is not affected.

Other proposals

1. Prescribed development reform
What is the nature, size and scope of the problem? What are the objectives of government action?
Problem identification The SDPWO Act contains a mechanism for infrastructure planning for the resources sector (prescribed development – now known as infrastructure coordination plans). However, it has fallen into disuse as it has not been maintained. Currently, proponents are subject to an uncoordinated constellation of infrastructure charges levied by local government and service providers, which may not reflect actual proportionate burden on infrastructure demand and hinder minerals development. Queensland's undeveloped resources often lie in remote provinces that are not as well-served by enabling infrastructure as developed regions, such as the Bowen Basin. These undeveloped areas have often been the subject of exploration for significant periods, but development has been slow. Resources, such as critical minerals, are increasing in economic importance due to recent developments in technology creating markets for their refining and use. Historic development of Queensland's resources has been backed by significant capital, as well as government assistance. Much of this investment has come from major development partners with day-one offtake contracts, or been underpinned by the availability of take-or-pay contracts for commodities. Others still have been driven by clearly identified market gaps which can be met by Queensland's

resources owing to competitive advantages such as resource quality, proximity to Asian markets, and favourable, stable governance.

Modern resources development is increasingly driven by smaller miners, with limited capital backing. Prospects can be located in remote regions such as the North West Minerals Province, with significant shortfalls in enabling and export infrastructure, such as water and energy supply, local transport networks, and freight capacity. Competition for resources and infrastructure capacity creates significant room for unsurmountable first-mover advantages and monopolistic behaviour.

This set of circumstances poses two connected but distinct challenges. The first is providing for the planning, funding and delivery of common-user infrastructure for resources precincts. The second is establishing a mechanism for proportionate funding of local government infrastructure and services, commensurate with the increase in demand associated with resources project development.

Unlike the urban, regional and industrial planning sectors, there is no standardised statutory framework for planning enabling or trunk common-user infrastructure for the resources sector. Proponents are generally disincentivised from cooperating to plan common-user enabling and export infrastructure, given the cost burden, distortionary effect of the first-mover advantage, and concerns about free riders. It is potentially more rational to only build infrastructure to capacity needed for a single project, especially if other users would be direct competitors. However, this may not represent an optimal outcome for government and communities, as 'selfish servicing' does not serve to catalyse development of the industry or region in the way larger trunk infrastructure would. Under-scaled or monopolised infrastructure can prevent market entry and stall or frustrate investment.

Early analysis prepared for the government indicates that there are significant shortfalls against the infrastructure requirements for development of mineral resources in the North West.

Poor access to superior infrastructure solutions can cause reliance on less-efficient solutions. For example, poor access to regional power transmission infrastructure may increase the reliance individual proponents place on transporting gas by road to fuel on-site generation facilities. This in turn places additional strain on transport networks that is ultimately absorbed by local government and the state, as well as other negative externalities such as increased emissions.

Resources sector development generates its own demand, such as for water and local transport network capacity, as well as more indirect demand associated with population growth. Workers who temporarily or permanently move to mining region communities put pressure on public services and infrastructure, particularly on population-supporting services such as healthcare, childcare, education and community services. However, as many workers are non-permanent, they do not fall within service level calculations for health and education services, and therefore do not attract additional investment by providers. Where resource projects impact on trunk infrastructure networks, local governments and communities are forced to absorb the financial costs. Councils may seek to enter commercial agreements with developers, but these are typically on a one-on-one basis where the proponent has significant leverage; local governments have limited impact on whether mines proceed. These agreements also are non-statutory, and it is more difficult for councils to rely on the assumptions in their infrastructure plans as they (necessarily) do not contemplate the impacts of resources sector development.

Objectives of government action

The objective of government action is to improve the existing but unused statutory planning mechanism for resources sector infrastructure, to give government the tool necessary to plan, identify means for funding, and provide for delivery of common-user infrastructure for this sector. This will allow for the better management of impacts on local communities and support the sector's development.

What options were considered?

Option 1 – No action

The existing provisions could be allowed to remain in place without new specific provisions for the planning and funding of common-user infrastructure for critical minerals projects.

Option 2 – Reform the mechanisms for planning common-user infrastructure

This option involves remaking the disused statutory planning mechanism for resources sector development (the prescribed provisions of the SDPWO Act). This will create a tool to facilitate the

cooperation of benefiting parties. The tool may also allow local governments to incorporate demand generated by resource projects into the planning and funding of their own infrastructure.

Option 3 – pursue a case-specific solution for a target area

This option would involve development of a quasi- or non-regulatory solution to coordinate development of a specific region. This may involve a policy statement of the government that informs what the government considers acceptable to approve, and/or use of existing regulatory tools to control or guide development. The North West Mineral Province is a hypothetical example.

This option could involve a combination of stated government positions and use of other, existing planning tools. This was the approach taken for the development of coal rail corridors in the Galilee Basin, combining a policy statement of the government with a regulatory approach by declaration of the Galilee Basin SDA.

What are the impacts?

Option 1 – No action

Benefits

- There are limited benefits associated with this option.
- It is the option which proposes the least possible intervention in the market – noting that resources vest in the Crown and their development is a product of regulation.

Costs

- Potential for underdevelopment or no development of State's resources
- Reliance on limited non-regulatory options for the State and private proponents to address infrastructure issues, including building and administering complete towns
- Potential for inadequate provision of infrastructure in local government areas due to increased demand for services
- Potential reduction of competition and future monopoly advantages for some proponents as operators are prevented from entering the market
- Risk of uncoordinated and unoptimized buildouts that sterilises additional land and requires greater capital, labour and material resources than a consolidated solution
- Reduced capacity of the State to assist development opportunities
- Lack of a mechanism to bind parties and prevent actors taking steps inconsistent with effective planning of common-user infrastructure
- Maintenance of an ineffective regulatory mechanism

Option 2 – Reform government mechanism for common-user infrastructure

Benefits

- Option available to government to use a fit-for-purpose statutory mechanism for multi-user resource infrastructure
- Improved efficiency of infrastructure delivery to boost resources development and investment
- Potential for use of government delivery functions which may be more efficient or less constrained than private delivery (e.g. assignment of delivery responsibility to Coordinator-General, other government entities, government owned corporations (GOCs)
- Potential to enhance the competitiveness of the sector whilst enabling a more resilient multi-operator market
- Enhanced capacity of the State to plan, coordinate and deliver infrastructure efficiently

- Ability for government to assume first-mover risk where aligned with policy and priorities to catalyse development of regions/industries, with recovery of costs built in and potential for return on investment where deployed effectively
- More equitable distribution of burden of resources development between government (particularly local government) and resource sector operators, especially where there is a need for public goods associated with the development
- Reduction of impacts on landholders, communities and the environment by reducing the potential for wider-scale impacts from multiple pieces of infrastructure
- Potential for more efficient allocation of investment by government and industry
- Opportunity for significant economic benefits from development, if plan catalyses development of a competitive industry

Costs

- Use of the mechanism creates potential for proponents to be liable for costs of development of infrastructure which is used by operators other than themselves
- Significant costs may be incurred by government if the mechanism is used to catalyse development, particularly if the government elects to carry first-mover risk
- Risk of significant unrecovered costs if government constructs over-built infrastructure that is never taken up by subsequent proponents
- May be seen as constraining or unwelcome by proponents, particularly if required to bear cost contributions/development obligations in excess of that which would be needed to service their own project(s)
- May interfere with market if settings are that projects will not be supported/approved if inconsistent with the infrastructure coordination plan
- May result in greater incurred costs to government than allowing proponents to develop independently
- Potential for development applications to be referred to SDPWO Act Minister, decided with limited regard to categorising instruments and not be subject to appeal can reduce community involvement in planning processes and undermine perceived integrity of planning system
- Risk of asset stranding for government/proponent if development effort fails or commodity prices fall to unsustainable levels for the projects

<u>Option 3 – Utilise mechanisms available to government for common-user infrastructure</u>

Benefits

- Potential for limited direct regulatory impact or compliance costs
- Use of commercial/contractual pathways is generally flexible
- Potentially requires no ‘new’ systems or functions
- Government can rely on established commercial negotiation pathways to support development, if desired
- Opportunity for significant economic benefits from development, if intervention leads to development of a competitive industry

Costs

- Can represent a very significant interference in the market if policy position is that some development will not be supported
- Limited visibility or transparency for both accountability and planning purposes
- No/limited statutory tool means wholesale reliance on contract, which can be difficult for government if negotiating leverage is limited and create information asymmetry for other participants

- May not actually reduce risk of monopoly or exclusionary behaviour
- May reinforce first-mover advantage if capital available
- May result in development failure if expectation is that proponents will cooperate without other funding or incentives, if capital is tight
- Does not directly address the issue of unrecovered burden on local and state government infrastructure and services

Who was consulted?

Internal-to-government consultation has been undertaken with:

- Department of the Premier and Cabinet
- Queensland Treasury
- Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development
- Department of the Environment, Tourism, Science and Innovation
- Department of Transport and Main Roads
- Department of State Development, Infrastructure and Planning
- Department of Local Government, Water and Volunteers
- Department of Primary Industries
- Department of Justice
- Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism.

External consultation has been undertaken with:

- Queensland Resources Council
- Association of Mining and Exploration Companies
- Australian Energy Producers
- Local Government Association of Queensland
- Planning Institute of Australia
- Urban Development Institute of Australia (Queensland)
- Coexistence Queensland
- Queensland Major Contractors Association
- Infrastructure Association of Queensland
- Powerlink
- Energy Queensland
- Sunwater
- Port of Townsville Limited
- North Queensland Bulk Ports Corporation Limited
- Gladstone Ports Corporation Limited.

What is the recommended option and why?

Option 2 to amend the SDPWO Act to modernise the government's mechanism for common-user infrastructure coordination in the resource sector is recommended as it will allow for the effective planning, funding and delivery of common-user infrastructure to boost the development of the sector.

There are potential risks for government associated with all three considered options. Importantly, Option 2 establishes a pathway and mechanism for making a targeted intervention to catalyse priority development, but does not commit the government to its use. The decision to use the mechanism would be informed by a comprehensive investigation of the potential costs and benefits of its use in each instance, considering the potential costs and risks outlined above.

The mechanism is intended to be used sparingly, with the effects generally localised to a small collection of geographically close projects. The mechanism can place a burden on proponents to comply with the infrastructure coordination plan which they would not otherwise be subject to. However, this is considered a limited impact in the circumstances and taking into account change from the base case, where proponents are still effectively required to undertake the same or similar steps to self-source their own infrastructure needs. It is anticipated that the mechanism would be used where the investigation (i.e. analysis) determines that coordinated infrastructure imposes a similar or reduced burden on proponents, or, if imposing a higher burden, that it is compensated by an advantage elsewhere for industry (such as an expedited approvals process or reallocation of liability between the proponent and state) and for the community/government, such as reduced impact, more efficient investment, better return on investment (e.g. royalties and taxes), and superior distributed economic benefits. The mechanism would only be effective if it can be proven that it is more effective and efficient for all parties. As such, regulatory impacts are not anticipated to be significant.

2. Priority project facilitation

What is the nature, size and scope of the problem? What are the objectives of government action?

Problem identification

Queensland established the statutory function of the Coordinator-General in 1938. The Act provides some regulatory functions (such as the State Development Area framework) but also houses the State's tools for identifying and facilitating projects of state significance. The ability to compulsorily acquire land for private proponents, issue notices to expedite or assume control of decision-making processes, and enter agreements to manage the effects of projects outside of their statutory requirements are all powers made available to facilitate projects that the government has designated as priority projects.

Recently, other Australian jurisdictions have taken inspiration from the Queensland Coordinator-General to establish similar functions. These jurisdictions have also innovated when establishing their equivalent of the Act in their own jurisdictions. In several jurisdictions (including both the NT and WA in 2025), a new type of power has been created that provides for modification of the operation of legislation as it applies to a given project. Queensland does not have this advantage. Currently, if a project encounters a regulatory challenge, such as being unable to proceed with approval processes because of an unintended statutory barrier to making an application, or falling foul of a criteria which did not contemplate the technology a project uses, the project must be placed on hold until regulatory amendments are made that facilitate its progression.

Delay is among the greatest costs incurred in approval processes, far greater than the cost of surveys, studies, EIA development or application fees. Delays in progression erode the net present value of a project, and can be fatal to a project's viability if key market windows close. This is a key threat in emerging critical minerals markets particularly. Critical minerals projects (at scale) are relatively new in Queensland, involving new technologies and located in areas which have experienced limited industrial or extractive development. They can be confronted with regulatory challenges because the pace of their development overtakes the state's progressive reform programs.

Additionally, despite their status as state-significant, some projects can experience greater issues with land access and acquisition than minor resource projects or routine public utility projects. There are land access provisions under the resources acts and *Mineral and Energy Resources (Common Provisions) Act*

2014 that allow entry for low-impact resource activities, such as studies and surveys. No equivalent provision is available for major state-significant development, which can impede progress where access is needed, for example to undertake ecological studies. Similarly, despite existing provisions in the SDPWO Act that provide for compulsory acquisition of land where negotiations have been unsuccessful, the provisions do not extend to the majority of projects recognised as significant to the state. South Australia's *State Development and Facilitation Act 2025* introduced compulsory acquisition provisions for these types of projects through their 'designated project' declaration. In addition, whilst enabling works powers exist under the SDPWO Act as part of land entry provisions, those powers are mainly available for the purpose of investigating land's suitability for development.

Objectives of government action

The primary objective of government action is to remain competitive with other jurisdictions by having the tools to facilitate priority state-significant projects. The aim is to ensure Queensland remains an investment location of choice for priority sectors. This may include having the tools to account for new technologies. In particular, the objective is to create an urgent response tool that can seek to deal with unprecedented regulatory challenges, such as managing water requirements or allowing land access for ecological studies, which provides a solution and keeps Queensland competitive with other resource-rich jurisdictions.

What options were considered?

Option 1 – No action

The existing provisions could be allowed to remain in place without new specific provisions for priority projects.

Option 2 – Create new project facilitation tools and improve existing ones

This option involves amending the SDPWO Act to create a legislative option that can swiftly deal with unanticipated regulatory issues and facilitating state significant projects, without wholesale reform of the entire development regulation framework. These include:

- modification orders to allow the Government to vary application of legislation for projects where duplicative or in the state interest, subject to a series of threshold tests and requirements
- State significance notices to require decision makers to consider the Act and specified matters to make decisions on projects (modelled on Western Australia's *State Development Act 2025*)
- extending land access provisions to prescribed projects and providing for enabling works that support the development where the project is also declared a State strategic project
- amending compulsory acquisition for private infrastructure facilities to those declared State strategic projects
- amendments to step in provisions to enable the Coordinator-General, with the Minister's approval, to step in at any time to facilitate prescribed projects
- allow registration and transfer of a critical infrastructure easement (now known as strategic infrastructure easement) to all State strategic project proponents.

Modification orders and State significance notices represent two new powers for the Coordinator-General under the Act. The use of modification orders is intended to align with similar measures in the Western Australia *State Development Act 2025* and Northern Territory's *Territory Coordinator Act 2025*. This will be a measure to remove a key roadblock or resolve an unintended statutory interaction for a project. The intent of the State significance notice is that the Minister may give a notice to a decision-maker that requires them to consider the purposes of part 5A of the Act, as well as relevant matters set out in the notice. This will allow the decision-making criteria to be extended to matters that might ordinarily not be relevant or known to the decision-maker, or where the Minister becomes aware of constraints on a decision-maker's ability to consider broader matters.

What are the impacts?

Option 1 – No action

Benefits

- Ensures the sole right of Parliament to provide approval for variations from standard approvals processes, through legislation, is fully retained
- In the absence of State significance notices, the Minister can still seek to inform decision-making processes through engagement with decision-makers
- Preserves public utility easement for the sole use of public utility providers
- Provides for minimal interference with decision-making except where timeliness is at issue

Costs

- Regulatory challenges that would be the subject of modification orders will instead be required to progress through the routine program of regulatory reform (including Parliament), resulting in costly delay and uncertainty for projects
- Duplication of easements imposes additional burden on landholders and is less efficient than taking up latent capacity in public utility easements
- Decisions which are bounded, or which cannot be made in the public interest, could be decided in ways that frustrate State significant projects
- Projects of critical significance to the State or a region are delayed or prevented from occurring where unable to successfully negotiate the purchase of land, access or enabling works

Option 2 – Create new project facilitation tools and improve existing ones

a) Modification order

Benefits

- Ensures a level playing field with other jurisdictions by establishing new powers and improving the operation of existing functions
- Provides the government with a rapid response tool to resolve regulatory challenges for priority projects
- Subject to a threshold test of necessity, stringent impact-avoidance use test, and Parliamentary scrutiny
- Does not impose a compliance cost on industry generally or community
- Made by subordinate legislation and so is subject to certification by the Office of the Queensland Parliamentary Council (OQPC), regulation impact assessment, Cabinet deliberation (significant subordinate legislation), GIC approval, providing for opportunities to test rationale and mitigated unwanted consequences, costs or risks
- Ensures accountability and lawfulness by maintaining ability to seek judicial review

Costs

- Interferes with Parliamentary primacy
- Inconsistencies with fundamental legislative principles
- Likely to attract reputational risk for government, Minister, administering agency and subject proponent
- May expose government to challenges of validity of the subordinate legislation
- Can be used to affect rights of persons, particularly in respect of appeals, consultation processes
- May also have the potential to grant advantages to individual proponents over others in the same sector/region/market, interfering with competitiveness and neutrality
- May impose some costs on the single subject project/proponent, associated with the order. Costs expected to be relatively minor.

b) State significance notice

Benefits

- Provides a level playing field with other jurisdictions
- Provides a mechanism to ensure consideration of State's interests, as well as any potential discrete matters, in approval process
- Shields from appeal prevent costs of proceeding and delays
- Preserves decision-making autonomy of original decision-maker
- Does not create compliance costs for industry or community
- Ensures accountability and lawfulness by maintaining ability to seek judicial review

Costs

- Requirement to consider additional matters and stop-the-clock mechanism may create delays and place some resource burden on assessment authority – isolated to the subject project only, in respect of a single decision
- Shields from appeal may deprive a range of stakeholders of their right to appeal government decision making. Affected stakeholders may include interest groups, individuals, and other business operators if adversely affected by the decision.

c) Land access provisions for prescribed projects and enabling works for State strategic projects

Benefits

- Provides for a pathway to land access and enabling works used as a last resort for projects of State significance, where there is evidence that negotiated access attempts have failed
- Bridges a gap for land access, which is available to infrastructure service providers and resources proponents but not all State significant development
- Does not preclude the requirement to hold the land or obtain an owner's consent to make approval applications for the relevant project
- Accompanied by advance notice, compensation mechanism to ensure landholders not left worse off
- Process includes limitation on activities permitted during entry
- Application is voluntary and the change does not create any compliance cost for industry or community generally

Costs

- Interferes with property rights of subject landholder
- Reputational risk for proponent and government where granting access for investigating or enabling works is against express wishes of landholder

d) Amendments to compulsory acquisition powers

Benefits

- Provides a level playing field with other jurisdictions
- Provides for a pathway to tenure as a last resort for projects of State significance, where there is evidence that negotiated access attempts have failed
- Bridges a gap for tenure acquisition, which is available to infrastructure facility projects but not all State significant development
- Accompanied by established compensation mechanism
- The change does not create any compliance cost for industry or community generally

Costs

- Interferes with property rights of subject landholder

- Reputational risk for proponent and government

e) Amendments to step in power

Benefits

- Provides a mechanism for government to intervene in decision making where it is important to the State's interests
- Removes cost/resource burden of assessment from decision-maker
- May be faster/more efficient for proponent than otherwise allowing process to continue, reducing costs of delay
- Ousting of appeal prevents delays and costs of litigation
- Coordinator-General can recover reasonable costs of seeking advice or services in assessment process from proponent
- No significant compliance cost created for industry or community

Costs

- Greater latitude for interference with decision-maker's autonomy
- May not be faster or more effective than original process, e.g. where an unfamiliar decision to Coordinator-General
- Removal of appeal rights may deprive a wide range of stakeholders of their right to appeal government decision making, as prescribed projects can be a wide class. Expanding the circumstances where step in can be used increases the possibility of this impact occurring. Affected stakeholders may include interest groups, individuals, as well as the subject proponent and other business operators if adversely affected by the decision.
- Additional costs may be placed on proponent, if Coordinator-General seeks to recover costs of services/advice as part of assessment process

f) Transfer of strategic infrastructure easements to any State strategic project proponent

Benefits

- Reduces impact on landholders as compared to registration of an additional easement
- Reduces delay and costs in reaching tenure solution for private/non-public utility proponents
- Allows for additional productive use of land already dedicated for use by public utility providers, including allowing for increasing of revenue by use of latent unproductive easement capacity
- Low likelihood of material impact to productivity or value of underlying land, as already burdened by existing easement and infrastructure
- Gated behind GIC approval process, providing for highest level of executive government oversight
- No significant compliance cost for industry or community generally

Costs

- Potential for interference with efficient operation of existing public utility (although noting significant mitigations available, including that public utility's rights in easement will prevail to extent of inconsistency)
- May have some temporary impact on burdened landholder during construction and ongoing through maintenance (terms of easement can be set by Minister, e.g. proponent to provide consideration to compensate for impacts)
- Some potential cost to be borne by proponent in exchange for obtaining the land-use right and ongoing cost to meet obligations under terms of easement – likely not significantly different (in most instances, anticipated to be less) than the costs associated with obtaining an easement through other means

- Some potential reputational cost to Government associated with allowing private sector to use land set aside for public purposes

Who was consulted?

Internal-to-government consultation has been undertaken with:

- Department of the Premier and Cabinet
- Queensland Treasury
- Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development
- Department of the Environment, Tourism, Science and Innovation
- Department of Transport and Main Roads
- Department of State Development, Infrastructure and Planning
- Department of Local Government, Water and Volunteers
- Department of Primary Industries
- Department of Justice
- Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism.

External consultation has been undertaken with:

- Queensland Resources Council
- Association of Mining and Exploration Companies
- Australian Energy Producers
- Local Government Association of Queensland
- Planning Institute of Australia
- Urban Development Institute of Australia (Queensland)
- Coexistence Queensland
- Queensland Major Contractors Association
- Infrastructure Association of Queensland
- Powerlink
- Energy Queensland
- Sunwater
- Seqwater
- Port of Townsville Limited
- North Queensland Bulk Ports Corporation Limited
- Gladstone Ports Corporation Limited.

What is the recommended option and why?

Option 2: amend the Act to create new facilitation tools is recommended. This will ensure the amendments meets the government's objectives of ensuring Queensland remains an investment location of choice while providing for a way for the Government to facilitate projects of State significance and ensure that regulators give effective regard to government priorities.

Compliance costs associated with option 2 are minimal and impacts are likely to arise in only extraordinary circumstances. Mitigation is inherent to use of all powers through conditioning, controls/constraints/tests,

and compensation mechanisms (particularly for modification orders, strategic infrastructure easement transfers, compulsory acquisition, land access and enabling works provisions).

The primary impact arising from the use of these powers are impacts on landowners who do not support the sale or access of their property, and communities associated with the loss of the ability to appeal and, in the case of the modification order, interference with Parliamentary primacy. Depending on the subject project, the number of directly impacted stakeholders may be limited, e.g. the proponent and persons with legal rights that interact with the project, such as landholders. However, indirect impacts may be more distributed, i.e. loss of appeal rights can deprive persons not directly affected of their opportunity to seek merits review of a decision.

The loss of merits review (appeal) is commensurate with Ministerial decision-making conventions. It is typical that where a decision is made by a Minister or under their supervision/influence, merits review is unavailable as the Minister's decision-making is taken to embody the public interest. Given the high threshold to be met for a State strategic project, the number of instances and range of stakeholders affected is anticipated to be limited and the impact would occur very infrequently.

Although the amendments will limit access to merits review, judicial review remains available. This provides that these groups retain an avenue to contest projects proceeding. The frequency and extent of impacts nonetheless remains limited to projects of economic or social importance or strategic significance to the State or a region, and therefore the majority of Queenslanders and businesses are not anticipated to be materially impacted.

3. Infrastructure planning and charging in SDAs

What is the nature, size and scope of the problem? What are the objectives of government action?

Problem identification

Development within SDAs is subject to an SDA development scheme which primarily deals with the regulation of land use planning matters. Planning for infrastructure to service SDAs, or required as a consequence of development, is generally undertaken by infrastructure providers, such as local governments, state agencies and other infrastructure providers. The planning for infrastructure in SDAs does not always reflect the land use intent for the SDA and the requirements of applicants to address impacts on infrastructure networks are often not clear. As a result, currently an applicant could be levied charges for impacts on an infrastructure network as an SDA approval condition, through the requirements of a separate infrastructure agreement, and as a separate charge notice at a later stage of the development (building works).

Charges are not controlled by the Coordinator-General, nor necessarily commensurate with the impact on infrastructure networks associated with the SDA. Some charges may be levied despite limited connection between the development and the infrastructure network – for example, charges could be levied for open space and recreation or enhanced pedestrian-cyclist-vehicle carriageways, despite this infrastructure having limited or no connection with or input on industrial development in an SDA. The current system could allow for the infrastructure of service providers to be subsidised by development that gains limited or no benefit from that infrastructure and/or places limited or no burden on that infrastructure.

This issue primarily affects State Development Areas intended for industrial purposes (for example, Gladstone, Townsville, Bromelton etc) and primarily for large scale industrial development that has an impact on the infrastructure networks.

Objectives of government action

The objectives are to provide for holistic industrial planning, combining land use and infrastructure planning. This is to be achieved by ensuring that the costs of infrastructure service provision for SDAs is borne by developers commensurate with the demand placed on that infrastructure, and to provide for a more efficient and coordinated process for collecting and allocating payment for the costs of the impact.

What options were considered?

Option 1 – No action

This option maintains the status quo, whereby service providers impose infrastructure charges on SDA development at a late stage in development and on the basis of (primarily) local government planning assumptions, rather than on the basis of impacts on infrastructure networks specifically associated with industrial development in the SDA. Infrastructure providers may also seek to enter into separate infrastructure agreements with developers where existing infrastructure planning has not contemplated the proposed development.

Option 2 – Infrastructure charges can be levied by service providers at time of SDA approval

This option will create a specific head of power for infrastructure charges to be levied when the Coordinator-General issues an SDA approval (rather than at a later stage for development not regulated by the SDA development scheme, such as building works).

Option 3 – SDA infrastructure charging and planning

This option will allow the Coordinator-General to prepare an infrastructure plan for an SDA that will prescribe infrastructure charges liability, which will be conditioned by the Coordinator-General at the point of approval. The charges would ultimately be paid to the entity who is responsible for the delivery or maintenance of the relevant infrastructure network.

An SDA infrastructure plan would outline the required infrastructure network augmentations to support development in an SDA, and provide a method for calculating an individual development's contribution to support the infrastructure provision. The infrastructure plan would form part of the SDA development scheme and would require approval by GIC as an amendment to that scheme. A separate power would allow the Coordinator-General to condition an SDA approval for a contribution towards the infrastructure network. The conditioning power would allow the Coordinator-General to direct the payment to be provided to the relevant infrastructure provider.

What are the impacts?

Option 1 – No action

Benefits

- Status quo. Local governments and infrastructure providers can continue to obtain infrastructure charges from land uses they do not regulate
- Ability for local governments and infrastructure providers to enter into infrastructure agreements, particularly for large out of sequence development
- Ability for the Coordinator-General to prepare an informal infrastructure plan, but no clarity around its status or requirement for parties to utilise the plan

Costs

- Inefficient and potentially unnecessary infrastructure charges billed to SDA proponents despite limited/no impact on or service obtained from the relevant infrastructure network
- Charges levied in accordance with local government planning assumptions, rather than specific to the development envisaged for the SDA
- Significant time and costs associated with negotiating and executing infrastructure agreements where these are advanced by either the infrastructure provider or developer
- Limited ability to recover costs for major State infrastructure upgrades required to support development
- No formal status of any infrastructure plan prepared by the Coordinator-General.

Option 2 – Infrastructure charges can be levied by service providers at time of SDA approval

Benefits

- Local governments able to obtain infrastructure charges related to land uses they do not regulate

- Clear head of power to levy charges at land use approval stage rather than a subsidiary stage (e.g. building works), allowing proponents to better price in the cost of infrastructure charges and avoiding potential missed charges
- Prevents land use changes from proceeding without accounting for demand on infrastructure
- Where inefficient and/or unnecessary infrastructure charges are proposed, the Coordinator-General can challenge these prior to imposing on an SDA approval

Costs

- Charges levied in accordance with local government planning assumptions, rather than specific to the SDA industrial development
- No ability for Coordinator-General to prepare an infrastructure plan that signals to market the expected capacity/demand/level of service of infrastructure networks in/for an SDA
- Limited ability to recover costs for major State infrastructure upgrades required to support development.

Option 3 – SDA infrastructure charging and planning

Benefits

- Allows Coordinator-General to prepare an infrastructure plan that sends a clear signal to market about the types and capacity of infrastructure to be provided in an SDA
- Allows Coordinator-General to prescribe the costs that will attach to SDA development to account for demands placed on servicing infrastructure, making the holistic price of development clear to proponents
- Allows for more efficient collection and distribution of collected infrastructure funding by the Coordinator-General than piecemeal collection by service providers, reducing regulatory burden and complexity, while still providing for funding of infrastructure through charges to be distributed to infrastructure providers
- Allows recovery of infrastructure costs for non-local government infrastructure, reducing externalised costs to be borne by other service providers
- Possibility to overall lower infrastructure charges costs by only charging for demand identified in SDA infrastructure plan, rather than other external networks
- Ensures user-pays principle respected

Costs

- Creates a new regulatory scheme for planning and charging in SDAs that must be learnt
- Potential for increase in cost of infrastructure charges in an SDA with an infrastructure plan compared to one without
- Potential lost revenue to local governments and infrastructure providers where the SDA infrastructure plan does not reflect their current infrastructure plan
- Costs associated with the preparation of the SDA infrastructure plan would be borne by the Coordinator-General.

Who was consulted?

Internal-to-government consultation has been undertaken with:

- Department of the Premier and Cabinet
- Queensland Treasury
- Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development
- Department of the Environment, Tourism, Science and Innovation
- Department of Transport and Main Roads

- Department of State Development, Infrastructure and Planning
- Department of Local Government, Water and Volunteers
- Department of Primary Industries
- Department of Justice
- Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism.

External consultation has been undertaken with:

- Queensland Resources Council
- Association of Mining and Exploration Companies
- Australian Energy Producers
- Local Government Association of Queensland
- Planning Institute of Australia
- Urban Development Institute of Australia (Queensland)
- Coexistence Queensland
- Queensland Major Contractors Association
- Infrastructure Association of Queensland
- Powerlink
- Energy Queensland
- Sunwater
- Port of Townsville Limited
- North Queensland Bulk Ports Corporation Limited
- Gladstone Ports Corporation Limited.

What is the recommended option and why?

Option 3: SDA infrastructure charging and planning. This option represents the most efficient option to solve the problem of uncoordinated infrastructure charging in SDAs and to give best effect to the government's objective of providing for holistic industrial planning, combining land use and infrastructure planning. The proposal will empower the Coordinator-General to prepare an infrastructure plan for the SDA, which would be prepared in conjunction with local governments, infrastructure providers and state agencies. The proposal would not result in removing funding from service providers such as local councils to provide infrastructure.

Powers to require infrastructure charges exist under the *Planning Act 2016*, or as part of the broad conditioning power of the Coordinator-General in relation to SDA approvals (section 84E). Likewise, infrastructure providers each have individual heads of power to prepare infrastructure plans. The proposal would reduce duplication and/or separation of requirements to provide clarity to proponents, infrastructure providers and the broader community by providing a single source for infrastructure contribution requirements for development within an SDA. The Coordinator-General will also be responsible for ensuring infrastructure networks are planned adequately, and that infrastructure charges fairly apportion the costs for network upgrades.

There are some compliance costs for industry associated with this proposal. However, they are costs effectively already borne through the disconnected system of infrastructure planning and charging between local governments and other service providers. Because the current system is uncoordinated, there are likely additional unaccounted costs associated with dealing with multiple systems and charge requests. Combining those multiple processes into a single requirement associated with a primary SDA approval will reduce the burden of regulatory compliance. The preparation of an SDA infrastructure plan would also reduce the need for infrastructure agreements to be entered into for large, out of sequence

development. The preparation and execution of infrastructure agreements, as currently occurs, has significant time and cost impacts for developers and infrastructure providers.

The actual charge to be levied would depend on the planning for each SDA. Until such time as an SDA infrastructure plan is in place, the Coordinator-General would likely continue to pass on infrastructure charge requirements from providers as a condition or requirement of an SDA approval. Development of the plan would involve consultation with industry and service providers to communicate the effects, and to minimise infrastructure providers (particularly local government) being left worse-off in funding and delivering infrastructure than before the SDA infrastructure plan commenced.

4. SDA-related development

What is the nature, size and scope of the problem? What are the objectives of government action?

Problem identification

Development within an SDA boundary is subject to an SDA development scheme. However, there are scenarios where the inability to regulate development outside an SDA can potentially compromise the objectives of the SDA. These are:

1. Where development is major enabling development with a direct relationship with the SDA – such as major power generation or distribution infrastructure
2. Where development commences within an SDA and continues outside it, such as linear infrastructure (pipelines, railways etc)
3. Where a land use take place over a lot or multiple lots, which are partly within and partly outside the SDA.

In these instances, the only current solution is multiple approvals, such as the need to obtain both an SDA approval and a development permit under the *Planning Act 2016*. These approvals are progressed independently of one another by different authorities, despite pertaining to the same development or impacting the SDA development scheme.

This creates regulatory duplication and can result in inconsistency in outcomes. For example, industrial development may be approved under the SDA development scheme, but may be inconsistent with the local government planning scheme and so must be refused or changed in a way that frustrates the objectives of the SDA. It may also be the case that the other authority does not have the tools, experience or systems to assess high impact industrial development (which is often not included in local government schemes). The other authority also is required for ongoing monitoring and compliance of the portion of the development taking place in their jurisdiction, parallel to the Coordinator-General's own monitoring and compliance. There is also the possibility that assessing only a portion of a development could be considered to be piecemeal, as the full impacts of the development cannot be adequately assessed.

Objectives of government action

The objectives are to prevent the need for duplicative approval processes for major industrial and infrastructure development and ensure that the objectives of SDA development schemes are achieved.

What options were considered?

Option 1 – No action

Major industrial development and infrastructure will continue to require multiple approvals. Where infrastructure sits outside of an SDA but is critical to its function, the Coordinator-General has limited visibility or control over these processes.

Option 2 – Amend the boundary of the SDA

This option would involve amending the boundary of the SDA and amending the relevant SDA development scheme to include the project, or part of the project, which sits outside of the boundary of the SDA but is considered necessary for the functioning of the SDA.

Option 3 – SDA-related development

Certain development will be able to be identified as SDA-related development in the SDA development scheme, or declared SDA-related development at a later time. Such development will be assessed and decided by the Coordinator-General in accordance with the nominated relevant SDA development scheme.

What are the impacts?

Option 1 – No action

Benefits

- Benefits of this option are limited.
- Local governments and other land use regulators, such as port authorities, will retain their decision-making autonomy

Costs

- The requirement for multiple approvals for effectively the same development is highly duplicative and inefficient and creates the potential for unaligned outcomes that can hinder development
- Applicants are required to lodge separate development applications, with separate information requirements, duplicative application fees and differing assessment timeframes.

Option 2 – Amend the boundary of the SDA

Benefits

- Coordinator-General would have control over the land the subject of the external development to be able to assess the entire project
- Proponents and the wider community would have certainty around regulatory authority for the project
- Applicants would only need to make a single development application, with a single fee and a single assessment process.

Costs

- Amending the boundary of the SDA and putting in place a new SDA development scheme takes a significant amount of time and negates the time and cost saving intended by the measure
- The Coordinator-General will be responsible for other types of development in the newly amended boundary of the SDA creating legislative complexity and potentially unintended consequences
- Requires regulatory change through an amendment to the State Development and Public Works Organisation (State Development Areas) Regulation 2019, and two separate executive council decisions
- In the event the project is refused or approved but not commenced, the SDA would still be in effect for the portion of land and would require further executive council processes to revert to the original SDA boundary and SDA development scheme.

Option 3 – SDA-related development

Benefits

- Allows Coordinator-General to control development that is specifically related to SDAs
- Removes the need for duplicative approvals, ensures a coordinated assessment and approval outcome for that development and reduces compliance costs and regulatory burden for industry
- Allows an SDA-related development to progress without having to take the more significant steps of extending the SDA boundary and having to amend the development scheme before an application can be made (which removes the entire area from the jurisdiction of the previous authority)

- Allows for assessment of development in accordance with the SDA development scheme, rather than in accordance with another categorising instrument which may not anticipate the development
- Allows the Coordinator-General to carry on compliance and enforcement of that development holistically, rather than splitting the operational burden between authorities
- Allows the Coordinator-General to consider the entire development, avoiding piecemeal assessments which do not consider the full impacts of a development proposal.

Costs

- Local government authorities and other land use regulators may lose autonomy over certain development in their jurisdiction
- Potential for unanticipated industrial/infrastructure development in other areas (noting that SDA-related development declaration does not imply approval of a development)
- May impact on merits appeal rights if an SDA-related development does not undergo public notification and the project would have otherwise been subject to notification under the other legislation (for example, subject to impact assessment under the *Planning Act 2016*)

Who was consulted?

Internal-to-government consultation has been undertaken with:

- Department of the Premier and Cabinet
- Queensland Treasury
- Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development
- Department of the Environment, Tourism, Science and Innovation
- Department of Transport and Main Roads
- Department of State Development, Infrastructure and Planning
- Department of Local Government, Water and Volunteers
- Department of Primary Industries
- Department of Justice
- Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism.

External consultation has been undertaken with:

- Queensland Resources Council
- Association of Mining and Exploration Companies
- Australian Energy Producers
- Local Government Association of Queensland
- Planning Institute of Australia
- Urban Development Institute of Australia (Queensland)
- Coexistence Queensland
- Queensland Major Contractors Association
- Infrastructure Association of Queensland
- Powerlink
- Energy Queensland
- Sunwater

- Port of Townsville Limited
- North Queensland Bulk Ports Corporation Limited
- Gladstone Ports Corporation Limited.

What is the recommended option and why?

Option 3: SDA-related development

SDA-related development replicates similar and familiar functions under the *Economic Development Act 2012* (Priority Development Area-associated development) and *Planning Act 2016* section 48(6) (Minister determine assessment manager) to ensure that development is assessed and approved in a holistic manner. SDA-related development reduces regulatory burden and complexity for industry and provides clarity of process for community.

The SDA-related development mechanism is preferable to other ways to bringing development under the Coordinator-General's authority, such as by extension of SDA boundaries and accompanying scheme amendments, as doing so fully displaces the jurisdiction of another entity for the land itself, rather than for a single development. This is likely to have undesirable consequences for the authority and persons affected (such as businesses and residents) and could result in fragmentation of regions that causes planning inefficiencies and regulatory confusion. Declaration of SDA-related development nonetheless would involve consultation with the authority of original jurisdiction as well as others, such as service providers and environmental and tenure regulators.

Exercise of the function is anticipated to be limited to a very small number of projects in specific circumstances. The community and industry at large are expected to not be impacted. Compliance costs are anticipated to be negligible, associated only with having to undertake development under the SDA scheme in lieu of another planning instrument.

Impact assessment

	First full year	First 10 years
Direct costs – *Compliance costs*	There are no significant compliance costs to business or community as a result of the proposed amendments to the Act.	There are no significant compliance costs to business or community as a result of the proposed amendments to the Act.
Direct costs – *Government costs*	There are no significant government costs as a result of the proposed amendments to the Act.	There are no significant government costs as a result of the proposed amendments to the Act.

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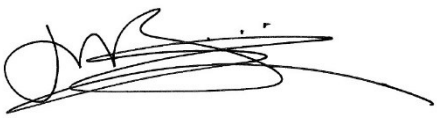
Gerard Coggan

Coordinator-General

Department of State Development, Infrastructure and Planning

Date: 20 / 05 / 2026



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Jarrod Bleijie MP

Deputy Premier,

Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

Date: 20 / 05 / 2026