



Queensland

Sustainable Planning Amendment Regulation (No. 3) 2013

Subordinate Legislation 2013 No. 114

made under the

Sustainable Planning Act 2009

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1 Short title

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 3) 2013*.

2 Commencement

This regulation commences on 1 July 2013.

3 Regulation amended

This regulation amends the *Sustainable Planning Regulation 2009*.

4 Insertion of new s 10A

Part 3—

insert—

10A Prescribed matters for particular applications—Act, ss 255A, 255B and 255C

- (1) For each of sections 255A(2)(b), 255B(2)(b) and 255C(2)(b) of the Act, subsection (2) provides for the prescribed matters for assessing, as relevant—
 - (a) a part of an application to which section 255A(1)(b) or 255B(1)(b) of the Act applies; or
 - (b) an application to which section 255C(1) of the Act applies.
- (2) The prescribed matters are the relevant provisions of the State development assessment provisions that were in effect when the application was properly made.

[s 5]

5 Amendment of s 11 (Applicable codes, laws and policies for development)

- (1) Section 11, heading, ‘laws and policies’—

omit, insert—

laws, policies and prescribed matters

- (2) Section 11, ‘laws and policies’—

omit, insert—

laws, policies and prescribed matters

6 Insertion of new pt 3, div 3

After section 21—

insert—

Division 3 Fees

21A Assessment manager application fee—Act, s 260

- (1) For section 260(1)(d)(ii) of the Act, the prescribed fee (the ***assessment manager application fee***) for a development application for an aspect (the ***relevant aspect***) of development mentioned in schedule 7A, part 2, column 2, is the fee stated in schedule 7A, part 2, column 3, opposite—
- (a) the relevant aspect; and
- (b) the symbol ‘A’ stated in schedule 7A, part 2, column 4.
- (2) However, if the development application is for 2 or more relevant aspects of development, the assessment manager application fee for the application is each fee payable under subsection (1) for each relevant aspect of the development.

21B Concurrence agency application fee—Act, s 272

- (1) For section 272(1)(c)(i) of the Act, the prescribed fee (the *concurrence agency application fee*) for a development application for an aspect (the *relevant aspect*) of development mentioned in schedule 7A, part 2, column 2, is the fee stated in schedule 7A, part 2, column 3, opposite—
 - (a) the relevant aspect; and
 - (b) the symbol ‘C’ stated in schedule 7A, part 2, column 4.
- (2) However, if the development application is for 2 or more relevant aspects of development, the concurrence agency application fee for the application is each fee under subsection (1) for each relevant aspect of development.

Note—

Under section 249(a) of the Act, if an entity is the assessment manager and has 1 or more jurisdictions as a concurrence agency, the entity is not a concurrence agency.

21C Fee for request to change particular development approvals—Act, s 370

- (1) This section applies to a request, under section 369(1)(c) of the Act, to the chief executive as a concurrence agency to change a condition of a development approval imposed by the chief executive.
- (2) For section 370(2)(a)(ii) of the Act, the prescribed fee for the request is—
 - (a) \$285.65, if the development approval is only for—
 - (i) development for an environmentally relevant activity; or

[s 6]

- (ii) operational work that is high impact earthworks in a wetland protection area; or
- (b) \$506.60, if the development approval is only for—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work for fisheries development, other than for aquaculture; or
- (c) \$792.25, if the development approval is for—
 - (i) development mentioned in 1 of paragraph (a)(i) or (ii); and
 - (ii) development mentioned in 1 of paragraph (b)(i) or (ii).
- (3) In this section—

fisheries development means building work in a declared fish habitat area or operational work that is for—

 - (a) 1 or more of the following—
 - (i) constructing or raising waterway barrier works;
 - (ii) work carried out completely or partly within a declared fish habitat area;
 - (iii) removal, destruction or damage of a marine plant; and
 - (b) no other assessable development.

21D Fee for extension request notice for particular development approvals—Act, s 383

- (1) This section applies to an extension request notice for a development approval if—

- (a) the notice is given to the chief executive as the assessment manager for the development application to which the approval relates; and
 - (b) the approval is for development mentioned in section 21C(2)(a) or (b).
- (2) For section 383(3)(c)(ii) of the Act, the prescribed fee that must accompany the notice is \$285.65.
- (3) In this section—
extension request notice, for a development approval, means a notice, under section 383(1)(b) of the Act, asking the assessment manager to extend a period mentioned in section 341 of the Act for the approval.

7 Omission of s 40AA (Fee for assessing development application for Brisbane core port land)

Section 40AA—

omit.

8 Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)

- (1) Schedule 3, part 1, table 1, item 2—

omit, insert—

2	Building work in a declared fish habitat area if it is not self-assessable development under part 2	Code assessment, if the chief executive is the assessment manager
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- (2) Schedule 3, part 1, table 2, item 1, column 3, ‘administering the Environmental Protection Act’—

omit.

- (3) Schedule 3, part 1, table 2, items 5 to 7, 10 and 11, column 3 for each item—

omit, insert—

Code assessment, if the chief executive is the assessment manager

- (4) Schedule 3, part 1, table 2, item 10, column 2, from ‘For assessing’ to ‘making’—

omit, insert—

Making

- (5) Schedule 3, part 1, table 4, items 1, 4 and 6 to 10, column 3 for each item—

omit, insert—

Code assessment, if the chief executive is the assessment manager

- (6) Schedule 3, part 1, table 4, item 3, column 2, from ‘For assessing’ to ‘operational’, second mention—

omit, insert—

Operational

- (7) Schedule 3, part 1, table 4, item 3, column 3, ‘administering the *Water Act 2000*’—

omit.

- (8) Schedule 3, part 1, table 4, item 5, column 3, ‘administering the Coastal Protection and Management Act’—

omit.

- (9) Schedule 3, part 1, table 4, items 6 to 8, column 2 for each item, from ‘For assessing’ to ‘operational’, second mention—

omit, insert—

Operational

- (10) Schedule 3, part 1, table 5, items 1 and 2, column 3 for each item—

omit, insert—

Code assessment, if the chief executive is the assessment manager

9 Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2))

Schedule 4, table 5, item 10A, ‘1 July 2013’—

omit, insert—

1 July 2015

10 Amendment of sch 5 (Applicable codes, laws and policies for particular development)

- (1) Schedule 5, heading, ‘laws and policies’—

omit, insert—

laws, policies and prescribed matters

- (2) Schedule 5, part 1, tables 1 to 5 and part 2, tables 1, 2 and 4, column 2, heading for each table, ‘laws and policies’—

omit, insert—

laws, policies and prescribed matters

- (3) Schedule 5, part 1, table 1, item 2 and table 2, item 8, column 2 for each item—

omit, insert—

(a) the relevant provisions of the State development assessment provisions; and

(b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area

- (4) Schedule 5, part 1, table 2, item 1, column 2—

omit, insert—

(a) either—

(i) if the chief executive is the assessment manager—the relevant provisions of

the State development assessment provisions; or

- (ii) if a local government is the assessment manager—the provisions of chapter 3, part 1, division 3A of the *Environmental Protection Regulation 2008*; and

- (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area

- (5) Schedule 5, part 1, table 2, item 5, column 2—

omit, insert—

The current land use plan for the airport land approved under the *Airport Assets (Restructuring and Disposal) Act 2008*, chapter 3, part 1

The relevant provisions of the State development assessment provisions

- (6) Schedule 5, part 1, table 2, items 6 and 7, column 2 for each item—

omit, insert—

The relevant provisions of the State development assessment provisions

- (7) Schedule 5, part 1, table 2, item 9, column 2—

omit, insert—

Wild Rivers Act 2005, section 42

The relevant provisions of the State development assessment provisions

- (8) Schedule 5, part 1, table 4, item 1, column 2—

omit, insert—

- (a) either—

- (i) if the chief executive is the assessment manager—the relevant provisions of

-
- the State development assessment provisions; or
 - (ii) if a local government is the assessment manager—any relevant code under the Vegetation Management Act; and
 - (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
- (9) Schedule 5, part 1, table 4, item 3, column 2—
omit, insert—
- (a) either—
 - (i) if the chief executive is the assessment manager—the relevant provisions of the State development assessment provisions; or
 - (ii) if a local government is the assessment manager—the relevant provisions of the following—
 - (A) the *Water Act 2000*;
 - (B) the codes mentioned in the *Water Regulation 2002*, section 61A; and
 - (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
- (10) Schedule 5, part 1, table 4, item 4, column 2—
omit, insert—
- (a) either—
 - (i) if the chief executive is the assessment manager—the relevant provisions of the State development assessment provisions; or

[s 10]

- (ii) if a local government is the assessment manager—the relevant provisions of the *Water Act 2000*; and
 - (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
- (11) Schedule 5, part 1, table 4, item 5, column 2, ‘Water Supply Act’—
omit, insert—
State development assessment provisions
- (12) Schedule 5, part 1, table 4, item 6, column 2—
omit, insert—
 - (a) the relevant provisions of the following—
 - (i) the IDAS code in the *Coastal Protection and Management Regulation 2003*, schedule 4A;
 - (ii) any applicable planning scheme, temporary local planning instrument, master plan or preliminary approval to which section 242 of the Act applies; and
 - (b) for a wild river area—
 - (i) the Coastal Protection and Management Act, section 104A; and
 - (ii) any applicable code for the development mentioned in the wild river declaration for the wild river area
- (13) Schedule 5, part 1, table 4, item 7—

omit, insert—

7	Tidal works or work in a coastal management district— (a) requiring code assessment under schedule 3, part 1, table 4, item 5; and (b) for which the chief executive is the assessment manager	(a) the relevant provisions of the State development assessment provisions; and (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
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(14) Schedule 5, part 1, table 4, items 8 to 10, column 2—

omit, insert—

(a) either—

(i) if the chief executive is the assessment manager—the relevant provisions of the State development assessment provisions; or

(ii) if a local government is the assessment manager—the relevant provisions of the Fisheries Act; and

(b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area

(15) Schedule 5, part 1, table 4, item 11, column 2—

insert—

The relevant provisions of the State development assessment provisions

(16) Schedule 5, part 1, table 5, item 2, column 2, after ‘part 1’—

insert—

The relevant provisions of the State development assessment provisions

(17) Schedule 5, part 1, table 5, item 3, column 2—

omit, insert—

(a) either—

- (i) if the chief executive is the assessment manager—the relevant provisions of the State development assessment provisions; or
 - (ii) if a local government is the assessment manager—the relevant provisions of the *Water Act 2000*; and
 - (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
- (18) Schedule 5, part 1, table 5, item 4, column 2—
omit, insert—
The relevant provisions of the State development assessment provisions
- (19) Schedule 5, part 2, table 1, item 3, column 2—
omit, insert—
 - (a) the IDAS codes mentioned in the *Fisheries Regulation 2008*, section 702; and
 - (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
- (20) Schedule 5, part 2, table 2, item 1, column 2—
omit, insert—
 - (a) the IDAS codes mentioned in the *Fisheries Regulation 2008*, section 703; and
 - (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
- (21) Schedule 5, part 2, table 4, item 1, column 2—
omit, insert—
 - (a) the codes mentioned in the *Water Regulation 2002*, section 62; and

- (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
- (22) Schedule 5, part 2, table 4, item 3, column 2—
omit, insert—
 - (a) the IDAS codes mentioned in the *Fisheries Regulation 2008*, section 705; and
 - (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area
- (23) Schedule 5, part 2, table 4, item 4, column 2—
omit, insert—
 - (a) the IDAS codes mentioned in the *Fisheries Regulation 2008*, section 706; and
 - (b) for a wild river area, any applicable code for the development mentioned in the wild river declaration for the wild river area

11 **Amendment of sch 6 (Assessment manager for development applications)**

- (1) Schedule 6, table 2, item 2, column 2—
omit, insert—

The chief executive
- (2) Schedule 6, table 3, item 1, column 2, ‘administering the Environmental Protection Act’—
omit.
- (3) Schedule 6, table 3, items 2 to 7 and 9 to 13, column 2 for each item—
omit, insert—

The chief executive
- (4) Schedule 6, table 4—

[s 12]

omit, insert—

Table 4	
Column 1 Application type	Column 2 Assessment manager
Applications involving multiple jurisdictions	
1 If tables 1, 2 and 3 do not apply and the application is for— (a) 2 or more aspects of development mentioned in table 3, item 1(a), 2(a), 3(a), 4(a), 5(a), 6(a), 7(a), 9(a), 10(a), 11(a), 12(a) or 13(a); and (b) no other assessable development	The chief executive

12 Amendment of sch 7 (Referral agencies and their jurisdictions)

- (1) Schedule 7, table 1, items 8, 11, 12 and 14 to 16, column 2 for each item—

omit, insert—

The chief executive—as a concurrence agency

- (2) Schedule 7, table 1, items 8, 11, 12 and 14 to 16, column 3 for each item—

omit, insert—

The purpose of the Act

- (3) Schedule 7, table 2, item 1—

omit, insert—

1 A material change of use for an environmentally relevant activity made assessable under schedule 3, part 1, table 2, item 1	(a) for an environmentally relevant activity that is devolved to a local government under the <i>Environmental Protection Regulation 2008</i> , the local government—as a concurrence agency (b) for all other environmentally relevant activities mentioned in column 1, the chief executive—as a concurrence agency	For an environmentally relevant activity mentioned opposite in column 2, paragraph (a), the purposes of the Environmental Protection Act to the extent it applies to each environmental objective mentioned in the <i>Environmental Protection Regulation 2008</i> , schedule 5, part 3, table 2 For an environmentally relevant activity mentioned opposite in column 2, paragraph (b), the purpose of the Act
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- (4) Schedule 7, table 2, items 2 to 5, 7 to 15A, 19, 22 to 34A, 39 and 41 to 43A, column 2 for each item—

omit, insert—

The chief executive—as a concurrence agency

- (5) Schedule 7, table 2, items 2 to 5, 7 to 15A, 19, 22 to 34A and 41 to 43A, column 3 for each item—

omit, insert—

The purpose of the Act

- (6) Schedule 7, table 2, item 20, column 2, from ‘If the catchment area is not’ to ‘agency’—

omit.

- (7) Schedule 7, table 2, item 43B—

[s 13]

omit, insert—

43B Operational work made assessable under schedule 3, part 1, table 4, item 10 if the chief executive is not the assessment manager	The chief executive—as a concurrence agency	The purpose of the Act
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- (8) Schedule 7, table 3, items 1 to 2, 5, 6, 10, 11, 14 to 15C, 21A, 25, 27 and 28, column 2 for each item—

omit, insert—

The chief executive—as a concurrence agency

- (9) Schedule 7, table 3, items 1 to 2, 5, 6, 10, 11, 14 to 15C, 21A, 25, 27 and 28, column 3 for each item—

omit, insert—

The purpose of the Act

- (10) Schedule 7, table 3, item 4, column 2, from ‘If the catchment area is not’ to ‘agency’—

omit.

- (11) Schedule 7, table 3, item 29, column 1, paragraph (a), ‘SCL chief executive’—

omit, insert—

chief executive

13 Insertion of new sch 7A

After schedule 7—

insert—

Schedule 7A Particular assessment manager and concurrence agency application fees

sections 21A and 21B

Part 1 Preliminary

1 Meaning of symbols used in sch 7A

In column 4, for an entry for an aspect of development mentioned in column 2—

A means the fee stated opposite in column 3 is the assessment manager application fee for a development application for that aspect of development; and

C means the fee stated opposite in column 3 is the concurrence agency application fee for a development application for that aspect of development.

Part 2 Application fees

1	2	3	4
	Development to which application relates	Application fee	
Brisbane core port land			
1	Development on Brisbane core port land that is assessable development under the Brisbane port LUP—		

[s 13]

1	2	3	4
	Development to which application relates	Application fee	
	(a) if the development is consistent with the Brisbane port LUP and requires code assessment	5 126.85	A
	(b) if the development is inconsistent with the Brisbane port LUP and requires—		
	(i) code assessment; or	7 690.55	A
	(ii) impact assessment	17 867.00	A
Environmentally relevant activities			
2	A material change of use of premises for an environmentally relevant activity	570.30	A, C
Clearing vegetation			
3	Operational work that is the clearing of vegetation, for reconfiguring a lot—		
	(a) if the reconfiguration is the reconfiguration of 1 lot to create 2 lots	378.40	A, C
	(b) otherwise—		
	(i) if the total area of the lots to which the reconfiguration relates is less than 5ha; or	3 428.95	A, C
	(ii) if the total area of the lots to which the reconfiguration relates is 5ha or more	5 714.25	A, C
4	Operational work that is the clearing of native vegetation for a material change of use of premises—		
	(a) if the total area to be cleared is less than 5ha; or	3 428.95	A, C
	(b) otherwise	5 714.25	A, C
5	Operational work that is the clearing of native vegetation, other than for reconfiguring a lot or for a material change of use of premises—		
	(a) for a project declared to be a coordinated project under the <i>State Development and Public Works Organisation Act 1971</i> , section 26; or	5 714.25	A, C
	(b) for establishing a necessary fence, firebreak, road, vehicular track or necessary built infrastructure—		

1	2	3	4
	Development to which application relates	Application fee	
	(i) if the total area to be cleared is less than 5ha; or	378.40	A, C
	(ii) otherwise	1 370.35	A, C
	(c) that is associated with development for an extractive industry—		
	(i) if the industry is in a key resource area; or	3 428.95	A, C
	(ii) otherwise	1 370.35	A, C
	(d) that is a natural and ordinary consequence of other assessable development for which—	378.40	A, C
	(i) a development approval was given under the repealed IPA; or		
	(ii) an application was made under that Act, before 16 May 2003		
	(e) for fodder harvesting	378.40	A, C
	(f) for thinning	378.40	A, C
	(g) for clearing of encroachment	378.40	A, C
	(h) for clearing regrowth vegetation on freehold land, indigenous land or land the subject of a lease issued under the <i>Land Act 1994</i> for agriculture or grazing purposes, in an area shown as a registered area of agriculture on a registered area of agriculture map in a wild river high preservation area	378.40	A, C
Taking or interfering with water			
6	Operational work for taking or interfering with water under the <i>Water Act 2000</i> , other than operational work for the construction of a dam or that is carried out in relation to a dam—		
	(a) if the application is made with an application for a water licence under the <i>Water Act 2000</i>	nil	
	(b) otherwise	109.80	A, C

[s 13]

1	2	3	4
	Development to which application relates	Application fee	
Declared catchment areas			
7	Development in an area declared to be a catchment area under the <i>Water Act 2000</i>	109.80	C
Quarrying in a watercourse or lake			
8	Operational work for removing quarry material from a watercourse or lake if an allocation notice is required under the <i>Water Act 2000</i>	109.80	A, C
Tidal works or work within a coastal management district			
9	A material change of use of premises completely or partly within a coastal management district— (a) if the material change of use is associated with the construction of a canal (b) otherwise	20 123.50 2 007.90	C C
10	Reconfiguring a lot completely or partly within a coastal management district— (a) if the reconfiguration is associated with the construction of a canal (b) otherwise, for reconfiguring the lot to create— (i) 1 or 2 lots (ii) 3 lots (iii) 4 lots (iv) 5 lots (v) more than 5 lots	20 123.50 666.55 1 001.90 1 338.25 1 673.60 2 007.90	C C C C C
11	Operational work that is undertaking tidal works, or works completely or partly within a coastal management district— (a) for tidal works that are to include works within the boundaries of a canal—for each metre, or part of a metre, of land fronting the works; or (b) for works for a private purpose—	13.90	A, C

1	2	3	4
	Development to which application relates	Application fee	
	(i) relating to only 1 residence;	267.95	A, C
	(ii) relating to 2 or more residences, but not to a structure used for used for berthing a vessel	267.95	A, C
	(iii) relating to 2 or more residences and 1 or more structures used for berthing a vessel—for each structure; or	267.95	A, C
	(c) for works for another purpose for which the value of the completed works is—		
	(i) \$10000 or less; or	693.45	A, C
	(ii) more than \$10000 but no more than \$25000; or	1 229.60	A, C
	(iii) more than \$25000 but no more than \$50000; or	1 470.75	A, C
	(iv) more than \$50000 but no more than \$100000; or	2 451.90	A, C
	(v) more than \$100000 but no more than \$250000; or	2 947.70	A, C
	(vi) more than \$250000 but no more than \$500000; or	3 888.50	A, C
	(vii) more than \$500000 but no more than \$1 million; or	6 837.20	A, C
	(viii) more than \$1 million but no more than \$2.5 million; or	8 314.15	A, C
	(ix) more than \$2.5 million but no more than \$5 million; or	13 950.75	A, C
	(x) more than \$5 million but no more than \$10 million; or	16 097.35	A, C
	(xi) more than \$10 million but no more than \$25 million; or	22 805.20	A, C
	(xii) more than \$25 million	26 831.35	A, C
Aquaculture			
12	A material change of use of premises for aquaculture—		

[s 13]

1	2	3	4
	Development to which application relates	Application fee	
	(a) for which there is only 1 referral agency, other than the chief executive, for the application—		
	(i) if the premises is in the area mentioned in a resource allocation authority for the development	2 218.85 658.55	A C
	(ii) if the aquaculture is carried out in a tank, pond or hatchery on land and the material change of use is not expected to cause the discharge of waste into Queensland waters	3 588.70 2 028.40	A C
	(iii) if the aquaculture is carried out in a tank, pond or hatchery on land and the material change of use is expected to cause the discharge of waste into Queensland waters	5 448.20 3 887.90	A C
	(b) for which there are 2 or more referral agencies, other than the chief executive, for the application—		
	(i) if paragraph (a)(i) applies; or	3 649.25 658.55	A C
	(ii) if paragraph (a)(ii) applies; or	5 109.10 2 028.40	A C
	(iii) if paragraph (a)(iii) applies	6 878.55 3 887.90	A C
Fisheries development other than aquaculture			
13	Operational work for constructing or raising waterway barrier works—		
	(a) for which there is only 1 referral agency, other than the chief executive, for the application and 1 or more of the following apply—	2 218.85 658.55	A C
	(i) the applicant has a fish movement exemption notice for the application that is in force;		
	(ii) the waterway barrier works—		
	(A) are to be constructed or raised in a non-tidal waterway; and		

1	2	3	4
	Development to which application relates	Application fee	
	(B) are to be in place for more than 1 year; and		
	(C) are not waterway barrier works to which the temporary waterway barrier works code applies; (iii) the waterway barrier works are a bridge to be constructed— (A) in the bankfull width of a waterway; and (B) without a scour protection component; (b) for which there are 2 or more referral agencies, other than the chief executive, for the application and 1 or more of paragraphs (a)(i) to (iii) apply	3 649.25 658.55	A C
14	Operational work for constructing or raising waterway barrier works— (a) for which there is only 1 referral agency, other than the chief executive, for the application and 1 or more of the following apply— (i) the waterway barrier works are expected to be capable of impounding a maximum of 1000 megalitres; (ii) the waterway barrier works are to be constructed or raised— (A) in the bankfull width of a waterway; and (B) with a scour protection component; (iii) the waterway barrier works— (A) are expected to cross a non-tidal waterway; and (B) are not waterway barrier works to which the minor waterway barrier works code applies; (iv) the waterway barrier works—	3 588.70 2 084.40	A C

[s 13]

1	2	3	4
	Development to which application relates	Application fee	
	(A) are to be in place for more than 1 year; and (B) are not waterway barrier works to which the temporary waterway barrier works code applies; (v) items 15 and 16 do not apply to the waterway barrier works; (b) for which there are 2 or more referral agencies, other than the chief executive, for the application and 1 or more of paragraphs (a)(i) to (v) apply	5 019.10 2 084.40	A C
15	Operational work for constructing or raising waterway barrier works— (a) for which there is only 1 referral agency, other than the chief executive, for the application and 1 or more of the following apply— (i) the waterway barrier works are expected to be capable of impounding a maximum of more than 1000 megalitres, but no more than 30000 megalitres; (ii) the waterway barrier works are to be in place for less than 1 year; (iii) the waterway barrier works are to be constructed or raised— (A) in the bankfull width of a waterway; and (B) with a scour protection component; (iv) the waterway barrier works— (A) are to be in a tidal area; and (B) are not waterway barrier works to which the minor waterway barrier works code applies; (v) the waterway barrier works— (A) are to be in a tidal area; and	5 448.20 3 887.90	A C

1	2	3	4
	Development to which application relates	Application fee	
	(B) are to be in place for less than 1 year;		
	(vi) the waterway barrier works are to be constructed or raised in— (A) a mainstream waterway; or (B) a major tributary;		
	(b) for which there are 2 or more referral agencies, other than the chief executive, for the application and 1 or more of paragraphs (a)(i) to (vi) apply	6 878.60 3 887.90	A C
16	Operational work for constructing or raising waterway barrier works that are expected to be capable of impounding a maximum of more than 30000 megalitres— (a) for which there is only 1 referral agency, other than the chief executive, for the application (b) for which there are 2 or more referral agencies, other than the chief executive, for the application	21 335.50 19 775.20 22 765.90 19 775.20	A C A C
17	Operational work completely or partly within a declared fish habitat area— (a) for which there is only 1 referral agency for the application— (i) if the resource allocation authority for the operational work authorises all the operational work (ii) otherwise (b) for which there are 2 or more referral agencies, other than the chief executive, for the application and paragraph (a)(i) applies (c) for which there are 2 or more referral agencies, other than the chief executive, for the application and paragraph (a)(ii) applies	2 218.85 658.55 3 588.70 2 028.40 3 649.25 658.55 5 019.10 658.55	A C A C A C A C

[s 13]

1	2	3	4
	Development to which application relates	Application fee	
18	Operational work that is the removal, destruction or damage of marine plants—		
	(a) for which there is only 1 referral agency, other than the chief executive, for the application and 1 or more of the following apply— (i) the operational work is the removal, destruction or damage of marine plants covering an area of less than 5m²; (ii) the operational work is for the restoration of a declared fish habitat area; (iii) the operational work is the removal of dead marine wood, from land other than unallocated State land, for trade or commerce; (iv) before the operational work is to start, the marine plants cover an area of less than 500m² that is above the level of the highest astronomical tide; (v) the operational work is for education or research or for monitoring the impact of development on marine plants; (vi) the operational work relates to works described as public (community benefit) works under the fish habitat management operational policy; (vii) the operational work is for beach replenishment for the protection of infrastructure; or (b) for which there are 2 or more referral agencies, other than the chief executive, for the application and 1 or more of paragraphs (a)(i) to (vii) apply	2 218.85 658.55 3 649.25 658.55	A C A C
19	Operational work that is the removal, destruction or damage of marine plants—		
	(a) for which there is only 1 referral agency, other than the chief executive, for the application and 1 or more of the following apply— (i) the operational work—	3 588.70 2 028.40	A C

1	2	3	4
	Development to which application relates	Application fee	
	(A) is the removal, destruction or damage of plants covering an area of at least 5m², but less than 50m²; and (B) is expected to cause a loss of capacity of tidal land; (ii) the operational work— (A) is the removal, destruction or damage of plants covering an area of less than 100m²; and (B) is not expected to cause a loss of capacity of tidal land; (iii) the plants cover an area of more than 500m² that is above the level of the highest astronomical tide; (iv) the plants cover an area up to 50 per cent greater than the area described under the maintenance works declared fish habitat area code as the maximum allowable disturbance for removing, destroying or damaging marine plants and for works in a declared fish habitat area around an existing lawful structure; (b) for which there are 2 or more referral agencies, other than the chief executive, for the application and 1 or more of paragraphs (a)(i) to (iv) apply	5 019.10 2 028.40	A C
20	Operational work that is the removal, destruction or damage of marine plants— (a) for which there is only 1 referral agency, other than the chief executive, for the application and 1 or more of the following apply— (i) the operational work— (A) is the removal, destruction or damage of plants covering an area of at least 50m², but less than 250m²; and (B) is expected to cause a loss of capacity of tidal land;	5 448.20 3 887.90	A C

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1	2	3	4
	Development to which application relates	Application fee	
	(a) for which there is only 1 referral agency, other than the chief executive, for the application	21 335.50 19 775.20	A C
	(b) for which there are 2 or more referral agencies, other than the chief executive	22 765.90 19 775.20	A C
Wetland protection areas			
23	High impact earthworks in a wetland protection area associated with a material change of use of premises—		
	(a) for urban purposes	5 548.65	A, C
	(b) for any other purpose—		
	(i) if the premises is at least 200m from the closest point on any boundary of a wetland	554.75	A, C
	(ii) if the premises is less than 200m from the closest point on any boundary of a wetland	2 219.05	A, C
24	High impact earthworks in a wetland protection area associated with reconfiguring a lot—		
	(a) for urban purposes	5 548.65	C
	(b) for any other purpose—		
	(i) if the lot is at least 200m from the closest point on any boundary of a wetland	554.75	C
	(ii) if the lot is less than 200m from the closest point on any boundary of a wetland	2 219.05	C
25	High impact earthworks in a wetland protection area other than high impact earthworks mentioned in item 23 or 24—		
	(a) for urban purposes	5 548.65	A, C
	(b) for any other purpose—		
	(i) if the high impact earthworks are carried out at least 200m from the closest point on any boundary of a wetland	554.75	A, C

[s 14]

1	2	3	4
	Development to which application relates	Application fee	
	(ii) if the high impact earthworks are carried out less than 200m from the closest point on any boundary of a wetland	2 219.05	A, C
SCL or potential SCL			
26	Reconfiguring a lot completely or partly on SCL or potential SCL	535.10	A, C
27	A material change of use of premises completely or partly on SCL or potential SCL—		
	(a) if the footprint of the material change of use of the premises is no more than 3000m ²	535.10	A, C
	(b) if the footprint of the material change of use of the premises is more than 3000m ² but no more than 10000m ²	9 678.30	A, C
	(c) if the footprint of the material change of use of the premises is more than 10000m ²	29 194.25	A, C

14 Replacement of schs 20 and 21

Schedules 20 and 21—

omit, insert—

Schedule 20 Court fees

section 22

\$

1	Filing notice of appeal—	
	(a) if there is only 1 party initiating the appeal and the party is an individual, or if there is more than 1 party initiating the appeal and they are all individuals	532.40
	(b) otherwise.	1 054.00
2	Filing an originating application— <i>Planning and Environment Court Rules 2010</i> , rule 6—	
	(a) if there is only 1 applicant and the applicant is an individual, or if there is more than 1 applicant and all applicants are individuals	532.40
	(b) otherwise.	1 054.00
3	Issuing a certificate on a final judgment, order, finding or decision	56.20
4	Filing a document (the first document), other than any subsequent document relating to the first document, for which no other fee is provided	80.80
5	Issuing a copy of a record of the court, a document or exhibit filed in the registry or reasons for judgment—	
	(a) first copy—each page	2.15
	(b) maximum fee for first copy	60.00
	(c) additional copy—each page	0.55
	(d) maximum fee for additional copy.	23.60
6	Opening or keeping open the registry after hours	438.10
7	Searching the record in an appeal or other proceeding—for each name or file	20.90
8	Attending a view—	
	(a) for each hour or part of an hour	93.15
	(b) but not more than, for each day	465.95

[s 14]

		\$
9	Making an appointment for assessment of a costs statement.	93.15
10	Assessing a costs statement—for each \$100 or part of \$100 allowed.	11.25

**Schedule 21 Building and
development
committee fees**

section 23

		\$
1	Declaration under chapter 7, part 2, division 3, subdivision 1 of the Act.	227.70
2	Appeal under section 519, 520, 521, 522, 523, 524 or 525 of the Act—	
	(a) if the appeal is to be decided by a building and development committee without a site inspection by the committee or a member of the committee.	335.30
	(b) if the appeal is to be decided by a building and development committee after a site inspection by the committee or a member of the committee.	557.85
3	Appeal under section 527, 528, 529, 530, 531, 532 or 533 of the Act about a class 1 building or a class 10 building or structure—	
	(a) if the appeal is to be decided by a building and development committee without a site inspection by the committee or a member of the committee.	335.30
	(b) if the appeal is to be decided by a building and development committee after a site inspection by the committee or a member of the committee.	557.85

\$

- | | | |
|---|---|----------|
| 4 | Appeal under section 527, 528, 529, 530, 531, 532 or 533 of the Act about a class 2, 3, 4, 5, 6, 7, 8 or 9 building with a floor area of 500m ² or less— | |
| | (a) if the appeal is to be decided by a building and development committee without a site inspection by the committee or a member of the committee | 488.50 |
| | (b) if the appeal is to be decided by a building and development committee after a site inspection by the committee or a member of the committee | 704.80 |
| 5 | Appeal under section 527, 528, 529, 530, 531, 532 or 533 of the Act about a class 2, 3, 4, 5, 6, 7, 8 or 9 building with a floor area more than 500m ² — | |
| | (a) if the appeal is to be decided by a building and development committee without a site inspection by the committee or a member of the committee | 704.80 |
| | (b) if the appeal is to be decided by a building and development committee after a site inspection by the committee or a member of the committee | 1 047.40 |
| 6 | Appeal under section 535 or 849 of the Act | 587.85 |

15 Amendment of sch 26 (Dictionary)

- (1) Schedule 26, definition *footprint*—

omit.

- (2) Schedule 26

insert—

assessment manager application fee see section 21A(1).

bankfull width, for schedule 7A, has the meaning given by the minor waterway barrier works code.

beach replenishment, for schedule 7A, has the meaning given by the fish habitat management operational policy.

Brisbane core port land see the Transport Infrastructure Act, section 283K.

Brisbane port LUP means the plan, approved under the Transport Infrastructure Act, chapter 8, part 3C, that regulates development on Brisbane core port land.

concurrence agency application fee see section 21B(1).

declared catchment area, for schedule 7A, see the *Water Act 2000*, schedule 4.

encroachment, for schedule 7A, see the Vegetation Management Act, schedule.

fisheries department means the department in which the Fisheries Act is administered.

fish habitat management operational policy, for schedule 7A, means the document called ‘Management and Protection of marine plants and other tidal fish habitats–Fish habitat management operational policy FHMOP 001’, dated November 2007 and published by the fisheries department.

fish movement exemption notice, for schedule 7A, see the *Fisheries Act 2008*, schedule.

fodder harvesting, for schedule 7A, see the Vegetation Management Act, schedule.

footprint—

- 1 *Footprint*, for schedule 7, table 3, item 27 or 29 or schedule 7A, part 2, item 27, see the SCL Act, section 85(2).
- 2 *Footprint*, for a provision about development, unless otherwise provided, means the portion of the land to which the development relates that is covered by—
 - (a) buildings or structures measured to their outermost projection; and

- (b) any of the following relating to the buildings or structures or the development—
 - (i) asphalt, concrete or another hard built surface;
 - (ii) a carpark;
 - (iii) a road or access track;
 - (iv) an area used for vehicle movement or parking;
 - (v) an area used or that may be used for storage.

loss of capacity, of tidal land, in relation to operational work, means the loss of the capacity of the land to sustain marine plants of the quality or quantity sustained on the land before the operational work is approved.

maintenance works declared fish habitat area code, for schedule 7A, means the document called ‘Code for self-assessable development–Maintenance works on existing lawful structures (other than powerlines and on-farm drains) in a declared Fish Habitat Area or involving the removal, destruction or damage of marine plants, Code number: MP02’, dated January 2013 and published by the fisheries department.

mainstream waterway, for schedule 7A, means a waterway that is directly connected to tidal water.

major tributary, for schedule 7A, means a tributary that is directly connected to a mainstream waterway.

minor waterway barrier works code, for schedule 7A, means the document called ‘Code for self-assessable development–Minor waterway barrier works–part 3: culvert crossings, Code

number: WWBW01', dated April 2013 and published by the fisheries department.

private purpose, for schedule 7A, see the *Coastal Protection and Management Regulation 2003*, schedule 5.

registered area of agriculture map, for schedule 7A, see the Vegetation Management Act, section 20AD.

regrowth vegetation, for schedule 7A, see the Vegetation Management Act, schedule.

residence, for schedule 7A, part 2, item 11, see the *Coastal Protection and Management Regulation 2003*, schedule 5.

resource allocation authority, for schedule 7A, means a resource allocation authority issued under the *Fisheries Regulation 2008*, chapter 5, part 3.

scour protection component, for waterway barrier works, means the part of the waterway barrier works that is designed to prevent erosion of the bed or banks of the waterway where the waterway barrier works are, or are to be, constructed or raised.

State development assessment provisions means the document called 'State development assessment provisions', dated 21 June 2013 and published by the department.

Editor's note—

The document can be inspected on the department's website at <www.dsdp.qld.gov.au>

temporary waterway barrier works code, for schedule 7A, means the document called 'Code for self-assessable development—Temporary Waterway Barrier Works, Code number: WWBW02', dated April 2013 and published by the fisheries department.

thinning, for schedule 7A, see the Vegetation Management Act, schedule.

waterway, for a provision about constructing or raising waterway barrier works, see the Fisheries Act, schedule.

ENDNOTES

- 1 Made by the Governor in Council on 27 June 2013.
- 2 Notified in the gazette on 28 June 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of State Development, Infrastructure and Planning.

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