

Transport and Other Legislation Amendment Bill (No. 2) 2004

General Outline

Short Title

The short title of the Bill is the *Transport and Other Legislation Amendment Bill (No. 2) 2004*.

Policy Objectives of the Legislation

The objective of the *Transport and Other Legislation Amendment Bill (No. 2) 2004* is to amend Acts administered by the Department of Transport, as well as the *Integrated Planning Act 1997* which is administered by the Department of Local Government, Planning, Sport and Recreation.

The Bill seeks to address three significant issues for Queensland's transport legislation. Amendments are proposed to:

- Translate Queensland Transport's existing development powers into the development assessment framework under the *Integrated Planning Act 1997* (IPA);
- Provide appropriately trained Queensland Transport Inspectors with the power to stop and inspect vehicles for compliance with the *Explosives Act 1999*;
- Enable Queensland Transport to deal with certain approvals granted under transport regulations where it is in the public interest or where those approvals have, or could, endanger public safety.

Reasons for the Bill

The *Transport Infrastructure Act 1994*, *Transport Operations (Passenger Transport) Act 1994*, *Transport Planning and Coordination Act 1994* and *Integrated Planning Act 1997* are to be amended to allow Queensland Transport to assess and condition development applications within the *Integrated Planning Act 1997* framework.

The amendments to the *Integrated Planning Act 1997* allow Queensland Transport to assess and condition development applications under the Integrated Development Assessment System (IDAS) to ensure the provision of public passenger transport and the safety and operational integrity of a railway or future railway. These changes will be established by amendments to the *Integrated Planning Regulation 1998*.

The *Transport Infrastructure Act 1994* is to be amended to ensure the safety and operational integrity of railways and future railways. The chief executive may:

- assess and condition development through IDAS; and
- approve and condition decisions about a change in the management of a local government road.

The *Transport Operations (Passenger Transport) Act 1994* is to be amended to remove section 145 and 146 from this Act and replace it with a head of power for development assessment under the *Transport Planning and Coordination Act 1994*.

The *Transport Planning and Coordination Act 1995* is to be amended to ensure public passenger transport is provided in an integrated and coordinated way. The chief executive may:

- assess and condition development under IPA;
- provide a self-assessable code for road works on a local government road; and
- approve and condition decisions by a local government about a change in the management of a local government road if there is a significant adverse impact on the provision of public passenger transport.

The *Transport Operations (Road Use Management) Act 1995* is to be amended to allow:

- appropriately trained Queensland Transport inspectors to stop and inspect vehicles to check compliance with the *Explosives Act 1999*. This amendment results from agreement reached by the Council of Australian Governments (COAG) on 25 June 2004 to adopt national principles by 1 November 2004 for the regulation of security sensitive ammonium nitrate; and

- the Chief Executive of Queensland Transport to deal with certain approvals granted under transport regulations where it is in the public interest or where those approvals have, or could endanger public safety. This amendment will address a deficiency identified in the power of the chief executive to deal with approvals where the public interest or public safety demands it.

Achieving the Objectives

Translating development assessment into IPA

The principle objective of the Bill is to ensure that the development assessment regime for transport infrastructure is integrated into the IDAS framework. When the IPA was introduced, the IDAS was introduced as a new regulatory regime for development assessment. At the time, it was intended that development approvals existing in other legislation would be integrated under the IDAS framework. The IPA allows state agencies to assess and condition development applications if the agency is a referral agency under the IDAS. To date, Queensland Transport is not empowered to act as a referral agency for developments impacting on rail corridors or the provision of public passenger transport.

For consistency with other state agencies, the amendments in this Bill are proposed to integrate Queensland Transport's existing transport powers into the IDAS and ensure Queensland Transport becomes a referral agency. This change will not create new approval powers, but will ensure Queensland Transport's intended role in land use planning and development relating to transport, is included as part of the IDAS. This includes:

- protecting existing and future corridors, routes and associated infrastructure and facilities through detailed development assessment;
- integrating land use and transport through the IDAS process.

Section 145 of the *Transport Operations (Passenger Transport) Act 1994*, currently provides that local government must seek written approval from the chief executive if it intends to approve a development or make a change to a local government road if it has a significant adverse impact on the provision of public passenger transport. This approval power is separate to the IDAS conditioning powers. Accordingly, the bill ensures that transport approval mechanisms in section 145 are integrated in the IDAS, and includes making provision for a self-assessable code for local government

road works. For consistency with Queensland Transport's commitment to maximising the provision of public transport through integrated urban development, the amended development assessment powers are proposed for inclusion in the *Transport Planning and Coordination Act 1994*.

The Bill also proposes to amend section 258 of the *Transport Infrastructure Act 1994* to ensure that the chief executive is empowered to assess and condition developments in relation to the safety and operational integrity of railways and future railways.

The proposed amendments to the *Integrated Planning Regulation 1998* (IP Regulation) are intended to establish referral arrangements.

By streamlining transport planning requirements, it is intended there will be greater certainty and consistency for the planning and development industry, local government and Queensland Transport. This will also allow more transparent and accountable decision making. Referral agency status will allow Queensland Transport to operate consistently with government policy for development assessment.

Transport of Explosives

Part 3 of the *Transport Operations (Road Use Management) Act 1995* (TORUMA) currently provides appropriately trained Queensland Transport Inspectors with the power to stop vehicles to check whether those vehicles comply with a transport Act. Amendments to Part 3 will extend that power to allow Inspectors to stop and inspect vehicles to ensure compliance with the *Explosives Act 1999*.

Dealing with approvals

Section 18 of the TORUMA specifies grounds on which an 'approval' granted by Queensland Transport can be subsequently amended, suspended or cancelled. Amendments to section 18 will extend those grounds to allow the Chief Executive to amend, suspend or cancel an approval where public safety has been or is likely to be endangered or where the chief executive considers it is necessary in the public interest.

Administrative Costs

It is not anticipated that the proposed amendments will incur any additional administrative costs.

Fundamental Legislation Principles

There are no breaches to the fundamental legislation principles.

Translating development assessment into IPA

The proposed amendments relate to development assessment and decisions about a change in the management of a local government road, to ensure the safety and operational integrity of a railway and the provision of public passenger transport.

The fundamental legislative principles require sufficient regard to the rights and liberties of individuals. The amendments for integrated transport planning clearly set out the criteria for decision making by reference to the objectives of Part 2A of the *Transport Planning and Coordination Act 1994* and section 2(d) of the *Transport Infrastructure Act 1994*. For the purposes of development assessment under IDAS, it is intended that a regulation amendment to the *Integrated Planning Regulation 1998* will clarify Queensland Transport's jurisdiction for development assessment by reference to these objectives.

The IDAS framework sets out a process for review under the *Integrated Planning Act 1997*. It is intended that the principles of judicial review set out in the *Judicial Review Act 1999* will apply to the amended section 258A of the *Transport Infrastructure Act 1994*. For decisions made under the amended section 8D of the *Transport Planning and Coordination Act 1994*, the review and appeal mechanisms in Part 5 of this Act will apply.

In relation to the principles of natural justice, for ease of understanding and to ensure general awareness, it is proposed that guidelines will be developed in conjunction with regulation amendments for:

- the proposed self-assessable code for road works on a local government road under the amended section 8C of the *Transport Planning and Coordination Act 1994*; and
- development thresholds for the amended section 258 of the *Transport Infrastructure Act 1994* and section 8B of the *Transport Planning and Coordination Act 1994*.

For the self-assessable code, the notification requirements in section 8C of the *Transport Planning and Coordination Act 1994* ensure local government is aware of local government roads which are part of a public passenger transport route requiring compliance with the code. The IDAS framework also sets out a regime for self-assessment. The proposed code

will set out clear standards for local government road works to ensure the objectives of the amended section 8A are met.

For decisions about a change in the management of a road, section 8D provides examples of when approval is required and exempts local government from the requirement to seek approval if reasonable grounds exist, for example in emergency situations which are in the interests of road safety.

By comparison, it is anticipated that the amended section 258A of the *Transport Infrastructure Act 1994* will only apply in limited situations. Section 258A is supported by existing powers relating to access and safety for railways under Chapter 7 of the *Transport Infrastructure Act 1994*.

The proposed amendment to section 4.3.8 of the *Integrated Planning Act 1997* exempts the chief executive from a procedural requirement to issue a show cause notice to ensure the safety and operational integrity of a railway. This is consistent with the amended section 258 and the objectives of the *Transport Infrastructure Act 1994* which provide that the safety and efficiency of railways is paramount. Procedural delays in issuing a show cause notice may endanger the health and safety of passengers and other users of a railway. This is consistent with the intention of section 4.3.8 and for this reason, it is considered reasonable to reduce the procedural requirements in this instance.

Transport of Explosives

The amendments to the *Transport Operations (Road Use Management) Act 1995* providing appropriately trained Transport Inspectors the power to stop vehicles to check compliance with the *Explosives Act 1999* may interfere with an individual's right to freedom of movement.

However, Transport Inspectors currently have the power to stop any heavy vehicle to check if it complies with a transport Act. In recognition of increasing security concerns, it is appropriate to extend inspection powers under the *Explosives Act 1999* to properly trained Transport Inspectors and to provide them the power to stop heavy vehicles for this purpose.

Transport Inspectors' existing power in relation to stopping private vehicles is restricted to only those circumstances in which the Inspector has a reasonable belief the vehicle does not comply with a transport Act. This restriction is in recognition of an individual's right to undertake ordinary activities. The current amendments will mirror that restriction in that Transport Inspectors will only be able to stop a private vehicle if they have a reasonable belief the vehicle is carrying explosives.

Given the nature of the materials in question – that is, explosives – and the right of the community to safety, the extent of the interference with individual rights is reasonable and proportionate.

Dealing with approvals

The amendments to the TORUMA relating to 'approvals' granted by Queensland Transport may be seen as unduly interfering with an individual's rights and liberties. The ability to amend, suspend or cancel an approval on the basis of public safety already exists for certain approvals. This proposal will extend the power to take action on the basis of public safety to all approvals. It will also allow the chief executive to amend, suspend or cancel an approval where it is considered necessary in the public interest. The exercise of these powers by the chief executive will remain subject to existing review and appeal rights. On balance, the general interests of the public, including the protection of public safety, should be afforded higher priority than individual rights.

Consultation

The proposed amendments have been supported by stakeholders. For the amendments about the integration of development assessment, this includes state agencies, peak bodies for the development industry and local government. Further consultation will occur to finalise detail in the proposed amendments to the *Integrated Planning Regulation 1998*.

Notes on Provisions

Part 1 – Preliminary

Short Title

Clause 1 states that the short title of the Act is to be the *Transport and Other Legislation Amendment Bill (No. 2) 2004*.

Commencement

Clause 2 states that other than Part 4, the Act commences on proclamation. Part 4 commences on assent.

Part 2 – Amendment of Transport Infrastructure Act 1994

Clause 3 states that this Act amends the *Transport Infrastructure Act 1994*.

Clause 4 amends section 258 to recognise the chief executive's proposed powers as referral agency under the *Integrated Planning Act 1997*. This section is consistent with the new section 8B of the *Transport Planning and Coordination Act 1994*.

For the amended section 258, it is intended that the chief executive will have a power to assess and condition development applications as a referral agency or assessment manager under the *Integrated Planning Act 1997* to ensure the safety and operational integrity of existing and future railways is not compromised by development. It is intended that specific thresholds will be set out in a proposed *Integrated Planning Regulation 1998*. These thresholds will determine what development the chief executive will assess and condition under the IDAS. It is intended that the reasonableness and relevance of conditions under the IPA will extend to conditions which are intended to mitigate development impacts which threaten the safety and operational integrity of a railway or future railway.

For example, conditions may be imposed to ensure:

- works adjacent to a railway do not impact on the drainage or structural capacity of a railway;
- works adjacent to a railway mitigate noise levels, for example, by requiring buffering, noise fencing and structural redesign;
- a proposed development does not significantly increase the number of vehicles crossing a railway line;
- safe vehicular and pedestrian access to railways.

As some railways provide for passenger transport, the new Part 2A of the *Transport Planning and Coordination Act 1994* will also be relevant. For a

development which impacts on a passenger railway or future passenger railway, the development may also be assessed for its impact on the:

- safety and operational integrity of the railway or future railway under section 258; and
- provision of public passenger transport under Part 2A of the *Transport Planning and Coordination Act 1994*.

This means that conditions may be imposed by the chief executive under section 258 and Part 2A of the *Transport Planning and Coordination Act 1994*. For example, for road works on a local government road, the local government must comply with:

- a self-assessable code under section 8C of the *Transport Planning and Coordination Act 1994*; and
- any other conditions that may be imposed under section 258 for the road works.

Section 258A requires local government to seek approval from the chief executive if a local government intends to change the management of a local government road and this change meets one of two tests. This approval is separate from the chief executive's assessment and conditioning powers under IPA. It allows the chief executive to impose conditions in respect of a change in the management of a local government road, to ensure the objectives of section 2(d) of the Act are met. This includes setting conditions to ensure the safety and operational integrity of a railway or future railway.

Under this section, written approval will not be required from the chief executive if the change has already been considered under IDAS for impacts on the safety and operational integrity of a railway or future railway.

A reference to the chief executive applies for the purposes of Chapter 7, *Transport Infrastructure Act 1994*. It is important to note that this provision does not restrict the operation of section 42 of the *Transport Infrastructure Act 1994*. Accordingly, local government is still required to seek written approval from the chief executive for Chapter 6, *Transport Infrastructure Act 1994*, for impacts of local government decisions on state-controlled roads.

The balance of this section sets out timeframes which apply for approvals. Review and appeal mechanisms will apply in accordance with the *Judicial Review Act 1999*.

This clause also includes a new section 258B about guidelines when undertaking development or making a change to the management of a local government road. This provision transfers the existing guideline making power into a new section. It also requires the chief executive to provide guidelines to each of the relevant local governments.

Part 3 – Amendment of Transport Operations (Passenger Transport) Act 1994

Clause 5 states that this Act amends the *Transport Operations (Passenger Transport) Act 1994*.

Clause 6 amends the heading in Chapter 6, part 2, division 2 to ensure the heading reflects the defined term ‘scheduled passenger services’.

Clause 7 removes sections 145 and 146.

Clause 8 amends schedule 2 by removing the reference to section 145 (1) and (3) as this section is removed in clause 7.

Clause 9 amends Chapter 13 by inserting a new Part 1B. This part is a transitional provision which provides that the existing powers in section 145 of the *Transport Operations (Passenger Transport) Act 1994* continue to apply if a local government has asked for chief executive approval before the repeal of sections 145 and 146 take effect. Any guidelines which have been developed for section 145 continue to take effect as guidelines for the purposes of section 145.

Part 4 – Amendment of Transport Operations (Road Use Management) Act 1995

Clause 10 states that this part amends the *Transport Operations (Road Use Management) Act 1995*.

Clause 11 amends section 18 of the Act. Section 18 specifies grounds on which approvals granted by Queensland Transport can be dealt with – that is, on which they can be amended, suspended or cancelled. This clause

will insert two new grounds into section 18. The existing section 18(g) of the Act includes a power for the chief executive to deal with certain approvals if, because of those approvals, public safety has been endangered or is likely to be endangered. The new section 18(h) will extend the power of the chief executive to act in those circumstances to include approvals other than those already covered by section 18(g). The new section 18(i) will allow the chief executive to deal with an approval if the chief executive considers it necessary to do so in the public interest.

Clause 12 inserts a new subsection (2) into section 31 of the Act which will allow authorised officers who have also been appointed inspectors under the *Explosives Act 1999* to stop a private vehicle to find out whether the vehicle is carrying explosives. New section 19(2)(b) provides, however, that this power in relation to private vehicles can only be exercised where the officer reasonably believes the vehicle is carrying explosives. It is anticipated that the only authorised officers who will be appointed inspectors under the *Explosives Act 1999* will be Queensland Transport Inspectors. The clause will also renumber existing provisions to take account of new subsection (2).

Clause 13 inserts a new subsection (2) into section 32 of the Act. Section 32 currently allows Transport Inspectors to stop any heavy vehicle to check whether the vehicle or the person in control of the vehicle comply with a transport Act. The amendments will extend that power to allow Transport Inspectors who are also inspectors under the *Explosives Act 1999* to stop a heavy vehicle to check whether it is carrying explosives. The clause will also renumber existing provisions to take account of new subsection (2).

Clause 14 will insert a new section 39A into the *Transport Operations (Road Use Management) Act 1995* which will apply if a Transport Inspector stops a vehicle under the new provisions in sections 31 and 32 relating to checking for explosives. This new section provides that once the vehicle has been stopped the Inspector can check, firstly, whether the vehicle is carrying explosives and if it is, secondly, whether those explosives are being carried in accordance with the *Explosives Act 1999*. Importantly, new section 39A(3) confirms that the Inspector has the power to inspect for compliance with a transport Act, compliance with the *Explosives Act 1999* or both. This provision is to put beyond doubt the ability of an Inspector to simultaneously exercise powers under both Acts. For example, an Inspector who has stopped a vehicle to check compliance with a transport Act will be entitled to check that vehicle for explosives and, if the vehicle is found to be carrying explosives, to check if the *Explosives Act 1999* is being complied with.

Clause 15 amends section 47 of the Act which deals with the power for authorised officers to set up checkpoints to inspect vehicles for compliance with a transport Act. The clause will allow the chief executive to approve a program under which authorised officers who are also appointed inspectors under the *Explosives Act 1999* can set up checkpoints to inspect motor vehicles to ensure compliance with the *Explosives Act 1999*.

Part 5 - Amendment of Transport Planning and Coordination Act 1994

Clause 16 states that this Act amends the *Transport Planning and Coordination Act 1994*.

Clause 17 amends section 3 by adding new definitions in the *Transport Planning and Coordination Act 1994*. The amendments provide new definitions to clarify the amending provisions.

Clause 18 amends the Act by inserting a new Part 2A for ‘Land Use and Transport Coordination’. The new part reflects, to some extent, the scope of section 145 of the *Transport Operations (Passenger Transport) Act 1994* and is intended to operate consistently with the IDAS. Under the new sections 8B, 8C and 8D, development will be treated in three different ways. The three categories are:

- assessable development through IDAS;
- self-assessable development which is local government road works under a code for IDAS; and
- a decision to change the management of a local government road.

The new section 8A sets out specific objects for application in the new sections 8B, 8C and 8D. The objects are intended to ensure the efficiency of public passenger transport through land use and transport coordination. Public passenger transport is not defined but is considered transport for the provision of public passenger services in the *Transport Operations (Passenger Transport) Act 1994*. To further clarify the objectives in section 8A, it is important to consider the objectives set out in section 1(3) of the *Transport Operations (Passenger Transport) Act 1994* which are referenced for consistency with the *Transport Planning and Coordination Act 1994*.

It is intended that public passenger transport infrastructure be provided in a timely and coordinated way.

For the new section 8B, it is intended that the chief executive will have a power to assess and condition development applications as a referral agency or assessment manager under the *Integrated Planning Act 1997*. The proposed *Integrated Planning Regulation 1998* will set out thresholds which determine what developments must be referred to the chief executive. The chief executive will be required to assess the impact of the development to ensure the development takes into account the objectives of this part.

Under the *Integrated Planning Act 1997*, if the development does not meet the objectives of this part, the chief executive may refuse the application or approve the application subject to conditions. Examples include developments which:

- Make it difficult for pedestrians to access a transit node due to badly designed street networks;
- Provide only for car access without any consideration of more sustainable alternatives;
- Maximise rather than minimise car parks;
- Create unsafe public passenger transport stops, for example, a bus stop that is badly designed so that patrons are unlikely to use the stop due to negative perceptions of personal safety;
- Do not provide facilities, or provide minimal or inaccessible facilities, for pedestrians and cyclists; and
- Create difficulty for buses to access new residential subdivisions due to street networks not connecting to other residential areas, or because street networks are designed in a way which restricts bus services.

If the chief executive decides to approve the development, conditions may be imposed which ensure the development meets each of the objectives of the part. This includes imposing conditions which are intended to:

- ameliorate or mitigate any adverse impacts the development may have; and
- improve the provision of public passenger transport.

In this way, conditions may be imposed which ensure the development provides for public passenger transport, despite the fact that there are no or

limited existing public passenger services for the development. For example, this might include ensuring:

- new roads are constructed in such a way to facilitate the operation of bus services for a new residential subdivision;
- pedestrian footpaths and cycleways, lockers and other cycle facilities are provided for access to public passenger transport;
- road networks are designed to provide safe and direct access to different forms of public passenger transport;
- the development meets the Government's social justice objectives for mobility and disabled access;
- the development enables the provision of public passenger transport infrastructure in a coordinated and efficient way.

The new section 8C provides that local government must comply with a code for road works on a local government road if it meets one of two tests. Under the first limb, a self-assessable code applies if road works are carried out on local government road and the chief executive has notified local government that a code applies. For example, the code will apply if the road forms part of a bus route and the chief executive has notified local government that the bus route forms part of a public passenger transport route.

Under the second limb of this section, the code applies where the road works limit access or remove public passenger transport infrastructure. For example, this might include road works which result in the closure of a road or part of a road, whether temporary or not, to the extent that a taxi rank or bus stop is removed. As a consequence, access to taxi or bus services is limited for intending passengers, operators and drivers of those services. The proposed code is intended to ensure that users of public passenger services have access to taxi ranks and bus stops, and are aware of any change resulting from local government road works.

For this section, the term infrastructure is not intended to include works for public passenger transport.

The new section 8D provides that a local government must seek the written approval of the chief executive before making a change to the management of a local government road if the change has a significant adverse impact on the provision of public passenger transport. Examples of management decisions which require approval are included. For the purposes of this

section, a public passenger transport route includes a route mentioned in the amended section 8C(3).

For consistency with section 8B, it is intended that conditions may be imposed which ensure the change meets the objectives of the part. For example, this includes conditions which:

- ameliorate or mitigate any adverse impacts the change may have; and
- improve the provision of public passenger transport.

Under this section, written approval will not be required from the chief executive if the change has already been considered under IDAS for impacts on the provision of public passenger transport.

A reference to the chief executive applies for the purposes of Part 2A, *Transport Planning and Coordination Act 1994*. It is important to note that this provision does not restrict the operation of section 42 of the *Transport Infrastructure Act 1994*. Accordingly, local government is still required to seek written approval from the chief executive for Chapter 6, *Transport Infrastructure Act 1994*, for impacts of local government decisions on state-controlled roads. In addition, conditions may also be imposed under the amended section 258A of the *Transport Infrastructure Act 1994*, in respect of railways or future railways.

This provision sets out timeframes and appeal rights. Local government is exempted from the requirement to seek written approval, if the change is required urgently to ensure the safety of the road network.

The new section 8E reflects the existing guideline making powers in section 145 *Transport Operations (Passenger Transport) Act 1994*.

Clause 19 amends section 38 by amending section 38(2). The new section 38(2) provides a power to make an IDAS code for inclusion in a regulation for the purposes of Part 2A.

For example, it is intended that a self-assessable code will be developed for road works on a local government road in the *Transport Planning and Coordination Regulation 1994* for the purposes of section 8C. The code will prescribe what steps local government should take to minimise the impact to public passenger services arising as a result of, and during the course of, road works on a local government road. In this way, the proposed code will set out construction requirements and engineering standards for local government roads to ensure that public passenger services such as a scheduled passenger service provided by a bus, operate

safely and efficiently along roads which form part of a bus route. In addition, it is intended that the proposed code will specify what measures and standards a local government must comply with to ensure access to public passenger transport infrastructure is not restricted or limited.

The regulation making power in this amendment also allows the chief executive to make a regulation setting out costs or require works to be carried out to rectify the impact of a decision to change the management of a local government road.

Part 6 – Amendment of Integrated Planning Act 1997

Clause 20 states that this Act amends the *Integrated Planning Act 1997*.

Clause 21 amends the definition of ‘operational work’ to include road works on a local government road. Road works has the same meaning as defined in the *Transport Infrastructure Act 1994*.

Clause 22 amends section 3.5.32(2) to allow Queensland Transport to condition development by requiring monetary payments or works to be carried out to ensure the safety and efficiency of railways and the provision of public passenger transport through public passenger transport infrastructure. Under the existing section 3.5.32(2)(a), monetary payments or works are limited to state owned or state controlled transport infrastructure. Passenger transport infrastructure such as taxi ranks or bus stops are not state owned or state controlled. Not all railways are owned or controlled by the state.

The amendment to this section is therefore intended to ensure the efficiency of the public passenger transport service network through the provision of infrastructure for public passenger transport which is not necessarily state owned or state controlled. In particular, it should be noted that this includes infrastructure for public passenger transport which is:

- vehicle parking and set down facilities for intending passengers of a public passenger service, including a commuter car park; and
- pedestrian and cycle facilities for intending passengers of a public passenger service, including footpaths and cycleways.

For the purposes of this section, infrastructure may also include land for public passenger transport.

Clause 23 amends section 4.3.8 by exempting the chief executive from issuing a show cause notice if the work required for a development is an immediate threat to the safety or operational integrity of a railway. This is consistent with the chief executive's power to stop work under section 168, *Transport Infrastructure Act 1994*.

Clause 24 amends the new section 5.1.28(2) for consistency with the proposed section 3.5.32(2)(b).

Clause 25 amends Schedule 8, by clarifying development that is assessable or self-assessable by reference to proposed regulation amendments.

Clause 26 amends Schedule 8A, specifies when the chief executive is empowered to assess developments as an assessment manager.

Clause 27 amends the definitions in Schedule by adding a definition for 'local government road', 'public passenger transport infrastructure' and 'road works'.