



Queensland

Sustainable Planning Amendment Regulation (No. 3) 2016

Subordinate Legislation 2016 No. 111

made under the

Sustainable Planning Act 2009

Contents

	Page
1	Short title 3
2	Commencement 3
3	Regulation amended 3
4	Amendment of s 4 (Designated regions—Act, s 22) 3
5	Amendment of s 4A (Guideline for reviewing LGIP—Act, s 94A) 4
6	Amendment of ss 5 and 7 4
7	Replacement of s 12 (Assessment manager for development applications—Act, s 246) 4
	12 Assessment manager for development applications—Act, s 246 4
8	Amendment of s 21B (Assessment manager application fee components for particular applications for vegetation clearing) 5
9	Amendment of s 21C (Assessment manager application fee components for particular applications for waterway barrier works) 5
10	Amendment of s 21D (Assessment manager application fee for particular applications for fast-track development) 6
11	Amendment of s 21E (Assessment manager application fee for applications by registered non-profit organisations) 6
12	Amendment of s 21I (Concurrence agency application fee components for particular applications for clearing vegetation) 6
13	Amendment of s 21J (Concurrence agency application fee components for particular applications for waterway barrier works) 6
14	Amendment of s 21K (Concurrence agency application fee for particular

Contents

	applications for fast-track development)	7
15	Amendment of s 21L (Concurrence agency application fee for applications by registered non-profit organisations)	7
16	Amendment of s 21M (Fee for request to change development approvals—Act, s 370)	7
17	Amendment of s 21N (Fee for extension request notice for development approvals—Act, s 383)	7
18	Amendment of sch 1 (Designated regions)	8
19	Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)	8
20	Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2))	10
21	Amendment of sch 5 (Applicable codes, laws, policies and prescribed matters for particular development)	10
22	Amendment of sch 6 (Assessment manager for development applications)	11
23	Amendment of sch 7A (Particular assessment manager and concurrence agency application fees)	11
24	Replacement of sch 20 (Court fees)	35
	Schedule 20 Court fees	35
25	Replacement of sch 21 (Building and development committee fees)	37
	Schedule 21 Building and development committee fees	37
26	Amendment of sch 26 (Dictionary)	39

1 Short title

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 3) 2016*.

2 Commencement

The following provisions commence on 22 July 2016—

- (a) section 7;
- (b) section 19(1);
- (c) section 20(1) and (2);
- (d) section 21;
- (e) section 22(1);
- (f) section 23(2);
- (g) section 26(1), to the extent it inserts the definitions *non-host lot*, *wind farm* and *wind turbine*;
- (h) section 26(2) and (3).

3 Regulation amended

This regulation amends the *Sustainable Planning Regulation 2009*.

4 Amendment of s 4 (Designated regions—Act, s 22)

- (1) Section 4, heading, ‘22’—
omit, insert—

32

- (2) Section 4(1), ‘22(1)(a)’—
omit, insert—

32(1)(a)

[s 5]

5 Amendment of s 4A (Guideline for reviewing LGIP—Act, s 94A)

Section 4A(b)—

omit, insert—

- (b) ‘Statutory guideline 01/16—Making and amending local planning instruments’, dated 19 April 2016.

6 Amendment of ss 5 and 7

Sections 5 and 7, from ‘called’—

omit, insert—

called ‘Statutory guideline 01/16—Making and amending local planning instruments’, dated 19 April 2016 and published by the department.

7 Replacement of s 12 (Assessment manager for development applications—Act, s 246)

Section 12—

omit, insert—

12 Assessment manager for development applications—Act, s 246

- (1) This section prescribes, for section 246(1) of the Act, the assessment manager for a development application.
- (2) For a development application for—
- (a) a material change of use for a wind farm and no other assessable development, the assessment manager is the chief executive; or
- (b) a material change of use for a wind farm and other assessable development—
- (i) if the other assessable development is prescribed assessable development

only, the assessment manager is the chief executive; or

(ii) otherwise—the assessment manager is the entity decided by the Minister.

(3) For a development application other than an application mentioned in subsection (2), schedule 6, column 2 states the assessment manager for the development application mentioned opposite the assessment manager in column 1.

(4) In this section—

prescribed assessable development means assessable development for which, if a separate development application were made for the development, the chief executive would be the assessment manager.

8 Amendment of s 21B (Assessment manager application fee components for particular applications for vegetation clearing)

(1) Section 21B(1)(b), (2) and example, ‘\$11,686’—

omit, insert—

\$12,095

(2) Section 21B(2), example, ‘(b)(iv)’—

omit, insert—

(b)(ii)

9 Amendment of s 21C (Assessment manager application fee components for particular applications for waterway barrier works)

Section 21C(1)(b), (2) and example, ‘\$11,686’—

omit, insert—

\$12,095

[s 10]

10 Amendment of s 21D (Assessment manager application fee for particular applications for fast-track development)

Section 21D(1)(b) and (2), '\$730'—

omit, insert—

\$756

11 Amendment of s 21E (Assessment manager application fee for applications by registered non-profit organisations)

(1) Section 21E, example 1, '\$11,686, is \$5843'—

omit, insert—

\$12,095, is \$6048

(2) Section 21E, example 2, '\$730, is \$365'—

omit, insert—

\$756, is \$378

12 Amendment of s 21I (Concurrence agency application fee components for particular applications for clearing vegetation)

(1) Section 21I(1)(b), (2) and example, '\$11,686'—

omit, insert—

\$12,095

(2) Section 21I(2), example, '(b)(iv)'—

omit, insert—

(b)(ii)

13 Amendment of s 21J (Concurrence agency application fee components for particular applications for waterway barrier works)

Section 21J(1)(b), (2) and example, '\$11,686'—

omit, insert—

\$12,095

14 Amendment of s 21K (Concurrence agency application fee for particular applications for fast-track development)

Section 21K(1)(b) and (2), '\$730'—

omit, insert—

\$756

15 Amendment of s 21L (Concurrence agency application fee for applications by registered non-profit organisations)

(1) Section 21L, example 1, '\$11,686, is \$5843'—

omit, insert—

\$12,095, is \$6048

(2) Section 21L, example 2, '\$730, is \$365'—

omit, insert—

\$756, is \$378

16 Amendment of s 21M (Fee for request to change development approvals—Act, s 370)

(1) Section 21M(2)(a), '\$730'—

omit, insert—

\$756

(2) Section 21M(2)(b), '\$1460'—

omit, insert—

\$1511

17 Amendment of s 21N (Fee for extension request notice for development approvals—Act, s 383)

(1) Section 21N(2)(a), '\$365'—

[s 18]

omit, insert—

\$378

(2) Section 21N(2)(b), ‘\$730’—

omit, insert—

\$756

18 Amendment of sch 1 (Designated regions)

Schedule 1—

insert—

**Part 12 North Queensland
region**

Burdekin

Charters Towers

Hinchinbrook

Palm Island

Townsville

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

(1) Schedule 3, part 1, table 2—

insert—

For a wind farm		
11	Making a material change of use of premises for a wind farm, unless all of the premises comprise land designated for community infrastructure for operating works under the <i>Electricity Act 1994</i> for a wind farm	<p>Code assessment, if—</p> <p>(a) all wind turbines for the wind farm are at least 1500m from a sensitive land use on a non-host lot; or</p> <p>(b) 1 or more wind turbines for the wind farm are less than 1500m from a sensitive land use on a non-host lot and the owner of the non-host lot has, by deed, agreed to the turbines being less than 1500m from the sensitive land use</p> <p><i>Note for paragraph (b)—</i></p> <p>See the <i>Property Law Act 1974</i>, section 45 for the formal requirements for deeds executed by individuals.</p> <p>Impact assessment, for all other circumstances</p>

(2) Schedule 3, part 1, table 5, item 1, column 2, from ‘if an allocation’ to ‘removal’—

omit.

[s 20]

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

(1) Schedule 4, table 1—

omit, insert—

Table 1—Building work	
For a wind farm	
1	Building work for a wind farm

(2) Schedule 4, table 2—

insert—

For a wind farm	
3	Making a material change of use of premises for a wind farm

(3) Schedule 4, table 5, item 10C—

omit, insert—

10C	<p>All aspects of development for the railway infrastructure project known as Cross River Rail to provide rail transport infrastructure along the route shown on the map called ‘Cross River Rail Proposed Alignment’ dated April 2016</p> <p><i>Editor’s note—</i></p> <p>The map is available for inspection at the offices of the Department of Transport and Main Roads during business hours and on the Queensland Government website for the Cross River Rail project.</p>
-----	--

21 Amendment of sch 5 (Applicable codes, laws, policies and prescribed matters for particular development)

Schedule 5, part 1, table 2—

insert—

Wind farms	
9	<p>Development requiring code assessment or impact assessment under schedule 3, part 1, table 2, item 11</p> <p>The relevant provisions of the State development assessment provisions</p>

22 Amendment of sch 6 (Assessment manager for development applications)

- (1) Schedule 6, before table 1—

*insert—**Note—*

See section 12(2) for the assessment manager for a development application for, or including, a material change of use for a wind farm.

- (2) Schedule 6, table 3, item 5, column 1, paragraph (a), from ‘if an allocation’ to ‘2000’—

*omit.***23 Amendment of sch 7A (Particular assessment manager and concurrence agency application fees)**

- (1) Schedule 7A, part 1—

omit, insert—

Part 1 Assessment manager application fees

Note—

See also sections 21B to 21F.

1	2	3
	Development to which application relates	Application fee \$
Brisbane core port land		
1	Development mentioned in the Transport Infrastructure Act, section 283ZP(1)— (a) if the development is consistent with the Brisbane port LUP and requires code assessment (b) if the development is inconsistent with the Brisbane port LUP and requires—	8818.00

[s 23]

1	2	3
	Development to which application relates	Application fee \$
	(i) code assessment	13,858.00
	(ii) impact assessment	25,195.00
Airport land		
2	Development mentioned in schedule 6, table 2, item 2	1511.00
Environmentally relevant activities		
3	Development mentioned in schedule 6, table 3, item 1(a)— (a) if the environmentally relevant activity involves intensive animal feedlotting, pig keeping or poultry farming (b) otherwise— (i) if the aggregate environmental score for the environmentally relevant activity is 25 or less (ii) if the aggregate environmental score for the environmentally relevant activity is more than 25, but no more than 74 (iii) if the aggregate environmental score for the environmentally relevant activity is more than 74	3024.00 1511.00 3024.00 12,095.00
Vegetation clearing		
4	Operational work mentioned in schedule 6, table 3, item 2(a)— (a) for high value agriculture clearing or irrigated high value agriculture clearing— (i) if the total area to be cleared is 30ha or less— (A) for an area that includes an endangered regional ecosystem or of concern regional ecosystem (B) otherwise (ii) if the total area to be cleared is more than 30ha (b) for necessary environmental clearing—	6048.00 3024.00 12,095.00

1	2	3
	Development to which application relates	Application fee \$
	<ul style="list-style-type: none"> (i) if the clearing is necessary to restore the ecological and environmental condition of land (ii) if the clearing is necessary to divert existing natural channels in a way that replicates the existing form of the natural channels (iii) if the clearing is necessary to prepare for the likelihood of a natural disaster (iv) if the clearing is necessary to remove contaminants from land (c) for a purpose other than reconfiguring a lot, a material change of use of premises, high value agriculture clearing, irrigated high value agriculture clearing or necessary environmental clearing, if the clearing is— <ul style="list-style-type: none"> (i) of an area less than 5ha and is for establishing a necessary fence, firebreak, road or vehicular track, or necessary built infrastructure (ii) for fodder harvesting (iii) for thinning (iv) the clearing of encroachment (v) necessary for controlling non-native vegetation or declared pests (vi) necessary for ensuring public safety (d) otherwise 	<ul style="list-style-type: none"> nil 6048.00 nil nil 3024.00 3024.00 3024.00 3024.00 nil nil 12,095.00
Taking or interfering with water		
5	Operational work mentioned in schedule 6, table 3, item 3(a)— <ul style="list-style-type: none"> (a) if the work involves the taking of water (b) if the work involves interfering with water 	<ul style="list-style-type: none"> 151.00 6048.00
6	Operational work mentioned in schedule 6, table 3, item 3A(a)—	

1	2	3
	Development to which application relates	Application fee \$
	<p>(A) is to be constructed or raised in a low-risk waterway; and</p> <p>(B) does not have as its primary purpose the impounding of water</p> <p>(b) for each waterway barrier works the subject of the application, if 1 or both of the following apply—</p> <p>(i) the waterway barrier works is a bridge to be constructed in a major-risk waterway;</p> <p>(ii) the waterway barrier works—</p> <p>(A) is to be constructed or raised in a moderate-risk waterway or high-risk waterway; and</p> <p>(B) does not have as its primary purpose the impounding of water</p> <p>(c) for each waterway barrier works the subject of the application, if 1 or both of the following apply—</p> <p>(i) the primary purpose of the waterway barrier works is to impound water;</p> <p>(ii) the waterway barrier works—</p> <p>(A) is to be constructed or raised in a major-risk waterway or an unmapped tidal waterway; and</p> <p>(B) is not a bridge</p> <p>(d) otherwise, for each waterway barrier works the subject of the application</p>	<p>6048.00</p> <p>12,095.00</p> <p>3024.00</p>
14	<p>Operational work mentioned in schedule 6, table 3, item 11(a)(ii)—</p> <p>(a) if the applicant holds a resource allocation authority for all the operational work</p> <p>(b) otherwise—</p> <p>(i) for operational work that is expected to cause a permanent loss of capacity of tidal land—</p>	1511.00

[s 23]

1	2	3
	Development to which application relates	Application fee \$
	<p>(A) if the operational work is to be carried out in an area of no more than 500m²</p> <p>(B) otherwise</p> <p>(ii) for operational work that is not expected to cause a permanent loss of capacity of tidal land—</p> <p>(A) if the operational work is to be carried out in an area of no more than 1500m²</p> <p>(B) otherwise</p>	<p>6048.00</p> <p>12,095.00</p> <p>6048.00</p> <p>12,095.00</p>
15	<p>Operational work mentioned in schedule 6, table 3, item 11(a)(iii)—</p> <p>(a) if 1 or more of the following apply—</p> <p>(i) the operational work is the removal, destruction or damage of marine plants covering an area less than 25m²;</p> <p>(ii) the operational work is to be carried out in an area that is above the level of the highest astronomical tide;</p> <p>(iii) the operational work is for education or research</p> <p>(b) if either or both of the following apply—</p> <p>(i) the operational work—</p> <p>(A) is the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 500m²; and</p> <p>(B) is expected to cause a loss of capacity of tidal land;</p> <p>(ii) the operational work—</p> <p>(A) is the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 1500m²; and</p> <p>(B) is not expected to cause a loss of capacity of tidal land</p>	<p>3024.00</p> <p>6048.00</p>

1	2	3
	Development to which application relates	Application fee \$
	(c) if either or both of the following apply— (i) the operational work— (A) is the removal, destruction or damage of marine plants covering an area of more than 500m ² ; 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 marine plants covering an area of more than 1500m ² ; and (B) is not expected to cause a loss of capacity of tidal land	12,095.00
Development in wetland protection area		
17	Development mentioned in schedule 6, table 3, item 13(a)	3024.00
Decided by the Minister		
18	Development mentioned in schedule 6, table 5, item 1	nil

- (2) Schedule 7A, part 1—
insert—

Wind farms		
19	Development that is a material change of use for a wind farm	12,095.00

- (3) Schedule 7A, part 2—
omit, insert—

Part 2 Concurrence agency application fees

Note—

See also sections 21H to 21L.

[s 23]

1	2	3
	Development to which application relates	Application fee \$
State-controlled road		
1	Building work for which a referral agency is stated in schedule 7, table 1, item 8	3024.00
2	Reconfiguring a lot for which a referral agency is stated in schedule 7, table 2, item 2— (a) if the reconfiguration results in 50 lots or less (b) if the reconfiguration results in more than 50 lots, but no more than 200 lots (c) otherwise	1511.00 3024.00 6048.00
3	Operational work for which a referral agency is stated in schedule 7, table 2, item 3	3024.00
4	Material change of use of premises for which a referral agency is stated in schedule 7, table 3, item 1— (a) if the material change of use does not involve the construction or extension of a relevant vehicular access to a State-controlled road— (i) for premises that are to be comprised of at least 1 dwelling but not more than 4 dwellings (ii) otherwise (b) if the material change of use involves the construction or extension of a relevant vehicular access to a State-controlled road— (i) if the premises are to be comprised of at least 1 dwelling but not more than 4 dwellings (ii) otherwise	756.00 1511.00 1511.00 3024.00
5	Operational work for which a referral agency is stated in schedule 7, table 3, item 1A	3024.00
Coastal management districts		

1	2	3
	Development to which application relates	Application fee \$
6	Building work for which a referral agency is stated in schedule 7, table 1, item 11	3024.00
7	Material change of use of premises for which a referral agency is stated in schedule 7, table 3, item 5	3024.00
Queensland heritage place		
8	Building work for which a referral agency is stated in schedule 7, table 1, item 12— (a) if the building work is associated with premises comprised of at least 1 dwelling but not more than 4 dwellings (b) otherwise	nil 3024.00
9	Development for which a referral agency is stated in schedule 7, table 2, item 19— (a) if the development is a material change of use of premises that would result in the premises being comprised of at least 1 dwelling but not more than 4 dwellings (b) if the development is building work or operational work associated with premises comprised of at least 1 dwelling but not more than 4 dwellings (c) otherwise	nil nil 3024.00
Public passenger transport		
10	Building work for which a referral agency is stated in schedule 7, table 1, item 14	3024.00
11	Reconfiguring a lot for which a referral agency is stated in schedule 7, table 2, item 33	1511.00
12	Development for which a referral agency is stated in schedule 7, table 3, item 14— (a) if the development is in connection with the construction of at least 1 dwelling but not more than 4 dwellings (b) if any part of the land is within 25m of— (i) 2 or more public passenger transport corridors; or	756.00 3024.00

[s 23]

1	2	3
	Development to which application relates	Application fee \$
	(ii) 2 or more future public passenger transport corridors; or (iii) 1 or more public passenger transport corridors and 1 or more future public passenger transport corridors (c) otherwise	1511.00
Railways		
13	Building work for which a referral agency is stated in schedule 7, table 1, item 16	3024.00
14	Reconfiguring a lot for which a referral agency is stated in schedule 7, table 2, item 34	3024.00
15	Material change of use of premises for which a referral agency is stated in schedule 7, table 3, item 15A— (a) if the premises are to be comprised of at least 1 dwelling but not more than 4 dwellings (b) otherwise	756.00 3024.00
16	Operational work for which a referral agency is stated in schedule 7, table 3, item 15B	3024.00
Environmentally relevant activities		
17	Material change of use of premises mentioned in schedule 7, table 2, item 1 for which the chief executive is a referral agency— (a) if the environmentally relevant activity involves intensive animal feedlotting, pig keeping or poultry farming (b) otherwise— (i) if the aggregate environmental score for the environmentally relevant activity is 25 or less (ii) if the aggregate environmental score for the environmentally relevant activity is more than 25, but no more than 74 (iii) if the aggregate environmental score for the environmentally relevant activity is more than 74	3024.00 1511.00 3024.00 12,095.00

1	2	3
	Development to which application relates	Application fee \$
Clearing vegetation		
18	Reconfiguring a lot for which a referral agency is stated in schedule 7, table 2, item 4	6048.00
19	<p>Operational work for which a referral agency is stated in schedule 7, table 2, item 5—</p> <p>(a) for high value agriculture clearing or irrigated high value agriculture clearing—</p> <p style="padding-left: 20px;">(i) if the total area to be cleared is 30ha or less—</p> <p style="padding-left: 40px;">(A) for an area that includes an endangered regional ecosystem or of concern regional ecosystem</p> <p style="padding-left: 40px;">(B) otherwise</p> <p style="padding-left: 20px;">(ii) if the total area to be cleared is more than 30ha</p> <p>(b) for necessary environmental clearing—</p> <p style="padding-left: 20px;">(i) if the clearing is necessary to restore the ecological and environmental condition of land</p> <p style="padding-left: 20px;">(ii) if the clearing is necessary to divert existing natural channels in a way that replicates the existing form of the natural channels</p> <p style="padding-left: 20px;">(iii) if the clearing is necessary to prepare for the likelihood of a natural disaster</p> <p style="padding-left: 20px;">(iv) if the clearing is necessary to remove contaminants from land</p> <p>(c) for a purpose other than reconfiguring a lot, a material change of use of premises, high value agriculture clearing, irrigated high value agriculture clearing or necessary environmental clearing, if the clearing is—</p> <p style="padding-left: 20px;">(i) of an area less than 5ha and is for establishing a necessary fence, firebreak, road or vehicular track, or necessary built infrastructure</p> <p style="padding-left: 20px;">(ii) for fodder harvesting</p>	<p>6048.00</p> <p>6048.00</p> <p>3024.00</p> <p>12,095.00</p> <p>nil</p> <p>6048.00</p> <p>nil</p> <p>nil</p> <p>3024.00</p> <p>3024.00</p>

[s 23]

1	2	3
	Development to which application relates	Application fee \$
	(iii) for thinning	3024.00
	(iv) the clearing of encroachment	3024.00
	(v) necessary for controlling non-native vegetation or declared pests	nil
	(vi) necessary for ensuring public safety	nil
	(d) otherwise	12,095.00
20	Material change of use of premises for which a referral agency is stated in schedule 7, table 3, item 10	6048.00
Major hazard facilities		
21	Material change of use of premises for which a referral agency is stated in schedule 7, table 2, item 8—	
	(a) for an existing major hazard facility	nil
	(b) for a proposed major hazard facility—	
	(i) if the facility is to be a tier 3 major hazard facility	6048.00
	(ii) otherwise	756.00
Taking or interfering with water		
22	Operational work for which a referral agency is stated in schedule 7, table 2, item 9—	
	(a) if the work is for the taking of water	151.00
	(b) if the work is for interfering with water	6048.00
Particular dams		
24	Operational work for which a referral agency is stated in schedule 7, table 2, item 11—	
	(a) if all of the following apply—	6048.00
	(i) the dam is, or is intended to be, more than 20 metres high;	

[s 23]

1	2	3
	Development to which application relates	Application fee \$
	(a) if the reconfiguration is in connection with the construction of an artificial waterway (b) if the lot— (i) is more than 2ha; and (ii) is to be reconfigured to create 10 or more lots (c) otherwise	12,095.00 12,095.00 6048.00
28	Operational work for which a referral agency is stated in schedule 7, table 2, item 15— (a) if the works are for a private purpose (b) otherwise	1511.00 12,095.00
Land contaminated because of unexploded ordnance		
29	Development for which a referral agency is stated in schedule 7, table 2, item 22 or schedule 7, table 3, item 11	nil
Works or other development in a fish habitat area		
30	Building work for which a referral agency is stated in schedule 7, table 2, item 25— (a) if the applicant holds a resource allocation authority for all the development (b) otherwise— (i) for development that is expected to cause a permanent loss of capacity of tidal land— (A) if the development is to be carried out in an area of no more than 500m ² (B) otherwise (ii) for development that is not expected to cause a permanent loss of capacity of tidal land— (A) if the development is to be carried out in an area of no more than 1500m ²	1511.00 6048.00 12,095.00 6048.00

1	2	3
	Development to which application relates	Application fee \$
	(B) otherwise	12,095.00
31	<p>Operational work for which a referral agency is stated in schedule 7, table 2, item 26—</p> <p>(a) if the applicant holds a resource allocation authority for all the development 1511.00</p> <p>(b) otherwise—</p> <p>(i) for development that is expected to cause a permanent loss of capacity of tidal land—</p> <p>(A) if the development is to be carried out in an area of no more than 500m² 6048.00</p> <p>(B) otherwise 12,095.00</p> <p>(ii) for development that is not expected to cause a permanent loss of capacity of tidal land—</p> <p>(A) if the development is to be carried out in an area of no more than 1500m² 6048.00</p> <p>(B) otherwise 12,095.00</p>	
Certain aquaculture		
32	<p>Material change of use of premises for which a referral agency is stated in schedule 7, table 2, item 28—</p> <p>(a) if the aquaculture— 3024.00</p> <p>(i) is carried out in a tank, pond or hatchery; and</p> <p>(ii) is not expected to cause the discharge of waste into Queensland waters</p> <p>(b) if the aquaculture— 6048.00</p> <p>(i) is carried out in a tank, pond or hatchery that covers an area of 100ha or less; and</p> <p>(ii) is expected to cause the discharge of waste into Queensland waters</p>	

1	2	3
	Development to which application relates	Application fee \$
	<p>(a) for each waterway barrier works the subject of the application, if 1 or both of the following apply—</p> <p>(i) the applicant has a valid fish movement exemption notice for the application and the notice still applies;</p> <p>(ii) the waterway barrier works—</p> <p>(A) is to be constructed or raised in a low-risk waterway; and</p> <p>(B) does not have as its primary purpose the impounding of water</p> <p>(b) for each waterway barrier works the subject of the application, if 1 or both of the following apply—</p> <p>(i) the waterway barrier works is a bridge to be constructed in a major-risk waterway;</p> <p>(ii) the waterway barrier works—</p> <p>(A) is to be constructed or raised in a moderate-risk waterway or high-risk waterway; and</p> <p>(B) does not have as its primary purpose the impounding of water</p> <p>(c) for each waterway barrier works the subject of the application, if 1 or both of the following apply—</p> <p>(i) the primary purpose of the waterway barrier works is to impound water;</p> <p>(ii) the waterway barrier works—</p> <p>(A) is to be constructed or raised in a major-risk waterway or an unmapped tidal waterway; and</p> <p>(B) is not a bridge</p> <p>(d) otherwise, for each waterway barrier works the subject of the application</p>	<p>3024.00</p> <p>6048.00</p> <p>12,095.00</p> <p>3024.00</p>
Removal, destruction or damage of marine plants		

[s 23]

1	2	3
	Development to which application relates	Application fee \$
34	<p>Operational work for which a referral agency is stated in schedule 7, table 2, item 30—</p> <p>(a) if 1 or more of the following apply—</p> <ul style="list-style-type: none"> (i) the development is, or involves, the removal, destruction or damage of marine plants covering an area of less than 25m²; (ii) the development is to be carried out in an area that is above the level of the highest astronomical tide; (iii) the development is for education or research <p>(b) if either or both of the following apply—</p> <ul style="list-style-type: none"> (i) the development— <ul style="list-style-type: none"> (A) is, or involves, the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 500m²; and (B) is expected to cause a loss of capacity of tidal land; (ii) the development— <ul style="list-style-type: none"> (A) is, or involves, the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 1500m²; and (B) is not expected to cause a loss of capacity of tidal land <p>(c) if either or both of the following apply—</p> <ul style="list-style-type: none"> (i) the development— <ul style="list-style-type: none"> (A) is, or involves, the removal, destruction or damage of marine plants covering an area of more than 500m²; and (B) is expected to cause a loss of capacity of tidal land; (ii) the development— 	<p>3024.00</p> <p>6048.00</p> <p>12,095.00</p>

1	2	3
	Development to which application relates	Application fee \$
	<p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of more than 1500m²; and</p> <p>(B) is not expected to cause a loss of capacity of tidal land</p>	
35	<p>Reconfiguring a lot for which a referral agency is stated in schedule 7, table 2, item 31—</p> <p>(a) if 1 or more of the following apply—</p> <p>(i) the development is, or involves, the removal, destruction or damage of marine plants covering an area of less than 25m²;</p> <p>(ii) the development is to be carried out in an area that is above the level of the highest astronomical tide;</p> <p>(iii) the development is for education or research</p> <p>(b) if either or both of the following apply—</p> <p>(i) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 500m²; and</p> <p>(B) is expected to cause a loss of capacity of tidal land;</p> <p>(ii) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 1500m²; and</p> <p>(B) is not expected to cause a loss of capacity of tidal land</p> <p>(c) if either or both of the following apply—</p> <p>(i) the development—</p>	<p>3024.00</p> <p>6048.00</p> <p>12,095.00</p>

[s 23]

1	2	3
	Development to which application relates	Application fee \$
	<p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of more than 500m²; and</p> <p>(B) is expected to cause a loss of capacity of tidal land;</p> <p>(ii) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of more than 1500m²; and</p> <p>(B) is not expected to cause a loss of capacity of tidal land</p>	
36	<p>Material change of use of premises for which a referral agency is stated in schedule 7, table 2, item 32—</p> <p>(a) if 1 or more of the following apply—</p> <p>(i) the development is, or involves, the removal, destruction or damage of marine plants covering an area of less than 25m²;</p> <p>(ii) the development is to be carried out in an area that is above the level of the highest astronomical tide;</p> <p>(iii) the development is for education or research</p> <p>(b) if either or both of the following apply—</p> <p>(i) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 500m²; and</p> <p>(B) is expected to cause a loss of capacity of tidal land;</p> <p>(ii) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 1500m²; and</p>	<p>3024.00</p> <p>6048.00</p>

1	2	3
	Development to which application relates	Application fee \$
	<p>(B) is not expected to cause a loss of capacity of tidal land</p> <p>(c) if either or both of the following apply—</p> <p>(i) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of more than 500m²; and</p> <p>(B) is expected to cause a loss of capacity of tidal land;</p> <p>(ii) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of more than 1500m²; and</p> <p>(B) is not expected to cause a loss of capacity of tidal land</p>	12,095.00
37	<p>Material change of use of premises for which a referral agency is stated in schedule 7, table 3, item 25—</p> <p>(a) if 1 or more of the following apply—</p> <p>(i) the development is, or involves, the removal, destruction or damage of marine plants covering an area of less than 25m²;</p> <p>(ii) the development is to be carried out in an area that is above the level of the highest astronomical tide;</p> <p>(iii) the development is for education or research</p> <p>(b) if either or both of the following apply—</p> <p>(i) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 500m²; and</p> <p>(B) is expected to cause a loss of capacity of tidal land;</p>	<p>3024.00</p> <p>6048.00</p>

[s 23]

1	2	3
	Development to which application relates	Application fee \$
	<p>(ii) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of at least 25m², but no more than 1500m²; and</p> <p>(B) is not expected to cause a loss of capacity of tidal land</p> <p>(c) if either or both of the following apply—</p> <p>(i) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of more than 500m²; and</p> <p>(B) is expected to cause a loss of capacity of tidal land;</p> <p>(ii) the development—</p> <p>(A) is, or involves, the removal, destruction or damage of marine plants covering an area of more than 1500m²; and</p> <p>(B) is not expected to cause a loss of capacity of tidal land</p>	12,095.00
State-controlled transport tunnels		
38	Reconfiguring a lot for which a referral agency is stated in schedule 7, table 2, item 34A	6048.00
39	Development for which a referral agency is stated in schedule 7, table 3, item 15C	6048.00
Regional plans		
40	Reconfiguring a lot for which a referral agency is stated in schedule 7, table 2, item 39	1511.00
41	Material change of use of premises for which a referral agency is stated in schedule 7, table 3, item 12	1511.00
Land in or near a wetland		

1	2	3
	Development to which application relates	Application fee \$
44	Reconfiguring a lot for which a referral agency is stated in schedule 7, table 2, item 43A	3024.00
45	Operational work for which a referral agency is stated in schedule 7, table 2, item 43B	3024.00
46	Material change of use of premises for which a referral agency is stated in schedule 7, table 3, item 21A	3024.00
Construction of new levees or modification of existing levees		
47	Operational work for which a referral agency is stated in schedule 7, table 2, item 48	12,095.00
Development impacting on State transport infrastructure		
48	Development for which a referral agency is stated in schedule 7, table 3, item 2—	
	(a) if the development is in LGA population 2	3024.00
	(b) otherwise	6048.00
Land designated for community infrastructure		
49	Development for which a referral agency is stated in schedule 7, table 3, item 6	3024.00

24 Replacement of sch 20 (Court fees)

Schedule 20—

omit, insert—

Schedule 20 Court fees

section 22

	\$
1 Filing a 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	590.25
(b) otherwise	1168.50
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 the applicants are individuals	590.25
(b) otherwise	1168.50
3 Issuing a certificate on a final judgment, order, finding or decision	62.30
4 Filing a document (the <i>first document</i>), other than any subsequent document relating to the first document, for which no other fee is provided	89.65
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	2.45
(b) maximum fee for first copy	66.50
(c) additional copy—each page	0.55
(d) maximum fee for additional copy	26.20
6 Opening or keeping open the registry after hours	485.75
7 Searching the record in an appeal or other proceeding—for each name or file	23.20
8 Attending a view—	
(a) for each hour or part of an hour	103.25
(b) but not more than, for each day	516.65

	\$
9 Making an appointment for assessment of a costs statement	103.25
10 Assessing a costs statement—for each \$100 or part of \$100 allowed	12.45

25 Replacement of sch 21 (Building and development committee fees)

Schedule 21—

omit, insert—

Schedule 21 Building and development committee fees

section 23

	\$
1 Declaration under the Act, chapter 7, part 2, division 3, subdivision 1	252.45
2 Appeal under the Act, section 519, 520, 521, 522, 523, 524 or 525—	
(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	371.75
(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	618.45
3 Appeal under the Act, section 527, 528, 529, 530, 531, 532 or 533 about a class 1 building or a class 10 building or structure—	

[s 25]

	\$
(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	371.75
(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	618.45
4 Appeal under the Act, section 527, 528, 529, 530, 531, 532 or 533 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	541.60
(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	781.45
5 Appeal under the Act, section 527, 528, 529, 530, 531, 532 or 533 about a class 2, 3, 4, 5, 6, 7, 8 or 9 building with a floor area of 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	781.45
(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	1161.25
6 Appeal under the Act, section 535, 535A or 849—	
(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	651.75
(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	898.50
7 Appeal under the SEQ Water Act, section 99BRBE—	
(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	371.75

	\$
(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	618.45
8 Appeal under the SEQ Water Act, section 99BRBF—	
(a) for an appeal about a review decision relating to a decision to give an infrastructure charges notice—	
(i) 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	651.75
(ii) 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	898.50
(b) otherwise	651.75
9 Appeal under the SEQ Water Act, section 99BRBFA—	
(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	651.75
(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	898.50

26 Amendment of sch 26 (Dictionary)

(1) Schedule 26—

insert—

highest astronomical tide, for schedule 7A, see section 744(3) of the Act, definition *highest astronomical tide*.

non-host lot means a lot no part of which is used for a wind farm or part of a wind farm.

wind farm—

[s 26]

- (a) means the use of premises for generating electricity by wind force; and
- (b) includes any of the following that are used in connection with, or are ancillary to, the use of the premises or the construction of works relating to the use—
 - (i) wind turbines, wind monitoring towers or anemometers;
 - (ii) buildings, storage areas, maintenance facilities and other structures;
 - (iii) infrastructure and works, including, for example, site access, foundations, electrical works and landscaping; and
- (c) does not include the use of premises for generating electricity that is to be used mainly on the premises for a domestic or rural use.

Note for paragraph (c)—

Development involving wind turbines that is not a material change of use for a wind farm may otherwise be assessable development under a planning instrument.

wind turbine means a machine or generator that uses wind force to generate electricity, and includes the blades of the machine or generator.

- (2) Schedule 26, definition *sensitive land use*, after ‘for’—

insert—

schedule 3, part 1, table 2 and

- (3) Schedule 26, definition *State development assessment provisions*, ‘22 April 2016’—

omit, insert—

22 July 2016

ENDNOTES

- 1 Made by the Governor in Council on 7 July 2016.
- 2 Notified on the Queensland legislation website on 8 July 2016.
- 3 The administering agency is the Department of Infrastructure, Local Government and Planning.

© State of Queensland 2016