



Queensland

Transport Infrastructure and Other Legislation Amendment Regulation 2019

Subordinate Legislation 2019 No. 248

made under the

Planning Act 2016

Transport Infrastructure Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Infrastructure and Other Legislation Amendment Regulation 2019*.

2 Commencement

This regulation commences on 13 December 2019.

Part 2 Amendment of Planning Regulation 2017

3 Regulation amended

This part amends the *Planning Regulation 2017*.

4 Amendment of sch 5 (Infrastructure)

Schedule 5, part 1, item 1, after ‘encroachments’—
insert—
for a road

5 Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development)

(1) Schedule 6, section 9—
omit, insert—

9 Operational work for ancillary works and encroachments for a road

Operational work for ancillary works and encroachments for a road—

[s 6]

- (a) carried out in accordance with a notice made under the Transport Infrastructure Act, section 50(4); or
 - (b) done as required by a written arrangement entered into with the chief executive (transport) mentioned in the Transport Infrastructure Act, section 50(2)(c).
- (2) Schedule 6, section 26(1), after ‘encroachments’—
insert—
for a road

6 Amendment of sch 24 (Dictionary)

Schedule 24, definition *ancillary works and encroachments*, after ‘*encroachments*’—

insert—

, for a road,

Part 3 Amendment of Transport Infrastructure (State-controlled Roads) Regulation 2017

7 Regulation amended

This part amends the *Transport Infrastructure (State-controlled Roads) Regulation 2017*.

8 Amendment of s 3 (Definitions)

Section 3, ‘schedule 2’—

omit, insert—

schedule 1

9 Omission of ss 12 and 13

Sections 12 and 13—

omit.

10 Replacement of s 14 (Chief executive may require documents or information)

Section 14—

omit, insert—

14 Chief executive may require information about application

- (1) This section applies to an application for an approval mentioned in section 50(2)(a) of the Act.
- (2) The chief executive may, by notice given to the applicant, require the applicant to give the chief executive further information the chief executive reasonably requires to decide the application within a reasonable period of at least 28 days stated in the notice.
- (3) The chief executive may refuse the application if the applicant fails, without reasonable excuse, to comply with the notice within the stated period.
- (4) In this section—
information includes a document.

11 Amendment of s 15 (Construction to be according to approved plans and specifications and approval conditions)

- (1) Section 15(1), ‘50(2)’—

omit, insert—

50(2)(a)

- (2) Section 15(2)(b), ‘50(5)’—

omit, insert—

[s 12]

50(6)

12 Insertion of new pt 7

After section 16—

insert—

**Part 7 Transitional provision
for Transport
Infrastructure and
Other Legislation
Amendment Regulation
2019**

**17 Existing applications for approval for ancillary
works and encroachments**

- (1) This section applies if an application for the chief executive's approval under section 50 of the Act was made but not decided before the commencement.
- (2) Section 14 of this regulation as in force immediately before the commencement continues to apply in relation to the application as if the *Transport Infrastructure and Other Legislation Amendment Regulation 2019* had not been made.

**13 Omission of sch 1 (Encroachments declared to be
ancillary works and encroachments)**

Schedule 1—

omit.

14 Amendment and renumbering of sch 2 (Dictionary)

- (1) Schedule 2, definition *remotely piloted aircraft*—

omit.

- (2) Schedule 2—
renumber as schedule 1.

ENDNOTES

- 1 Made by the Governor in Council on 12 December 2019.
- 2 Notified on the Queensland legislation website on 13 December 2019.
- 3 The administering agency is the Department of Transport and Main Roads.

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