

Development Scheme for the Callide Infrastructure Corridor State Development Area

October 2009



Table of Contents

1.	Introduction	2
2.	Definitions.....	2
3.	Background	6
4.	Intent of the development scheme for the Callide Infrastructure Corridor State Development Area.....	6
5.	Objectives of the Callide Infrastructure Corridor State Development Area...	7
6.	Policies	8
7.	Land use approval	8
8.	Assessment procedure and process.....	9
8.1	Application stage	9
8.2	Referral stage	10
8.3	Public notification stage	12
8.4	Review stage.....	12
8.5	Decision stage	13
8.6	Term of approval stage	14
9.	Minor change of the approval.....	15
10.	Matters the Coordinator-General may consider in making a decision.....	16
11.	Existing use rights.....	16
12.	Approval of an authorised, alternative lawful or approved use	16
13.	Claim for compensation	17
14.	Compliance with development scheme	17
15.	Approval attaches to land.....	17
	Schedule 1 – Consistent Use Table	18
	Schedule 2 – Map of the CICSDA.....	19



Development scheme

1. Introduction

This development scheme may be cited as the development scheme for the Callide Infrastructure Corridor State Development Area (CICSDA).

This development scheme has been prepared pursuant to section 79 of the *State Development and Public Works Organisation Act 1971* and shall come into operation on a date appointed by the Governor in Council by proclamation published in the Queensland Government Gazette.

2. Definitions

(1) In this development scheme:

‘acquisition land’ means land:

- (a) proposed to be taken or acquired under the *State Development and Public Works Organisation Act 1971* or *Acquisition of Land Act 1967*
- (b) in relation to which a notice of intention to resume under the *Acquisition of Land Act 1967* has been served, and the proposed taking or acquisition has not been discontinued
- (c) that has not been taken or acquired.

‘alternative lawful use’ for land, means a lawful as of right use for which the owner of the land can use the land.

‘ancillary’ means the use of premises associated with but incidental and subordinate to the predominant use.

‘applicant’ means a person who makes an application under section 8.1 of this development scheme and includes a person who, under an agreement or other arrangement with the person who lodged the application, becomes the applicant.

‘application’ means an application for material change of use under section 8.1(1) of this development scheme.

‘approved use’, for land, means a use of land approved under section 84(4) of the *State Development and Public Works Organisation Act 1971*.

‘authorised use’ for land, means a use of land authorised under a development approval, or an instrument taken to be a development approval under the *Integrated Planning Act 1997 (IPA)*.



‘building’ means a fixed structure that is wholly or partly enclosed by walls and is roofed, and includes any part of a building.

‘business day’ has the meaning given by the *IPA*.

‘Callide Infrastructure Corridor State Development Area’ refers to part of the Gladstone region declared by the State Development and Public Works Organisation Regulation 1998 and any subsequent regulation.

‘community infrastructure’ has the meaning given by the *IPA*.

‘Coordinator-General’ means the corporation sole constituted under section 8A of the *State Development and Public Works Organisation Act 1938*, and preserved, continued in existence and constituted under section 8 of the *State Development and Public Works Organisation Act 1938*.

‘currency period’ for the approval, means the latest of the following periods to end:

- (a) four years starting the day the approval took effect
- (b) if the approval states or implies a time for the approval to lapse—the period from the day the approval took effect until the stated or implied time
- (c) if within the period mentioned in paragraph (a) or (b) the Coordinator-General, by written notice to the person having the benefit of the approval, fixes another period—the other period.

‘development scheme’ means the development scheme for the CICSDA.

‘environmental impact statement’ means a statement or study that investigates and assesses environmental impact and may include a statement prepared under section 26 of the *State Development and Public Works Organisation Act 1971*.

‘environmental value’ is:

- (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety or
- (b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

‘infrastructure’ means those facilities, services and utilities that, in the opinion of the Coordinator-General, are required by or associated with development of the CICSDA. This infrastructure may include local infrastructure.



'material change of use' means:

- (a) the start of a new use of the premises or
- (b) the re-establishment on the premises of a use that has been abandoned or
- (c) a material increase in the intensity or scale of the use of the premises but does not include an environmentally relevant activity as defined in the *Environmental Protection Act 1994*.

'minor change' to an approval of an application means a change to the approval of the Coordinator-General under this development scheme that would not, if the application was remade including the change:

- (a) be inconsistent with a recommendation made by a referral agency in a referral agency submission, unless agreed by the referral agency
- (b) in the Coordinator-General's opinion:
 - be inconsistent with the development scheme
 - create the need to make a development application or
 - cause a person to make a submission objecting to the proposal.

'planning report' means a document containing:

- (a) an accurate description of the land, the subject of the application
- (b) a description of the proposed use of the land, the subject of the application
- (c) an assessment of the consistency of the proposal with the development scheme for the CICSDA including any policies
- (d) a description and assessment of the impacts of the proposal
- (e) a plan to manage any adverse impacts
- (f) an assessment of the impacts of the proposal on existing infrastructure incorporating an analysis of the need for additional infrastructure.

'policies' means the policies prepared in accordance with this development scheme.

'premises' means:

- (a) a building or structure or
- (b) land (whether or not a building is situated on the land).

'previous approval' means an:

- (a) alternative lawful use or
- (b) approved use or
- (c) authorised use.

'public sector entity' has the meaning given by the IPA.



‘referral agency’ for an application means:

- (a) an agency that would have been an advice agency or concurrence agency if the application had been one for a development approval under the IPA.
- (b) Gladstone Regional Council
- (c) any other agency nominated by the Coordinator-General.

‘referral agency submission’ means a submission prepared by a referral agency under section 8.2(7) or (8) of this development scheme.

‘reviewer’ is the person appointed by the Coordinator-General under section 8.4(1) of this development scheme.

‘significant project’ means a project declared under section 26 of the Act to be a significant project.

‘submission’ means a submission that:

- (a) is made to the Coordinator-General in writing
- (b) is received on or before the last day of the submission period
- (c) is signed by each person who made the submission
- (d) states the name and address of each person who made the submission
- (e) states the grounds of the submission and the facts and circumstances relied on in support of the grounds.

‘supporting material’ means the additional information provided by the applicant in response to a request by the Coordinator-General under section 8.1(5) and (6) and a referral agency under section 8.2(3) under this development scheme.


‘the Act’ means the *State Development and Public Works Organisation Act 1971*.

‘use’ of premises, includes any ancillary use of the premises.

- (2) In this development scheme the uses specified in Schedule 1 have the following meanings:

‘animal husbandry’ means the use of premises for the non-intensive keeping, breeding, grazing and depasturing of animals, if such use does not normally require the importation of feed.

‘gas transportation infrastructure’ means the use of premises for the bulk transportation of gas through a pipe or series of pipes or similar gas transportation infrastructure.



'services infrastructure' means the use of premises for water distribution or reticulation, sewerage and stormwater drainage or telecommunications.


3. Background

- (1) In 2009, the Coordinator-General identified the need for an infrastructure corridor to provide for co-location of underground pipelines to transport coal seam gas from Callide to the Gladstone State Development Area (GSDA).
- (2) Recently, there has been considerable interest in this potential industry for Queensland.
- (3) Other key initiatives include the provision of industrial land for liquefied natural gas (LNG) plants, securing corridors to deliver coal seam gas by pipe from the gas fields to the LNG plants, master planning for the Port of Gladstone and surrounding area to ensure the long-term sustainability of the LNG industry, and coordinating common user infrastructure.
- (4) It has been identified that, in order to enhance the export capacity of LNG, the provision of an infrastructure corridor between Callide and the GSDA would be beneficial and would accrue to different sectors of the Queensland economy.
- (5) Benefits include time and cost saving to infrastructure applicants and the avoidance of multiple corridors crossing the region thereby minimising disruption to landowners.
- (6) Declaration of the CICSDA enables the state to facilitate and effectively manage the planned development of co-located pipelines and associated infrastructure.

4. Intent of the development scheme for the Callide Infrastructure Corridor State Development Area

The intent of the development scheme for the CICSDA is to:


- (1) Establish a purpose and identify land uses considered appropriate for the CICSDA.
- (2) Establish a set of objectives for the assessment of development in the CICSDA
- (3) Establish a procedure for assessment and determination by the Coordinator-General of the suitability of uses in the CICSDA.

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- (4) Establish procedures for effective referral and public consultation so that other government and semi-government agencies, Gladstone Regional Council and the community are engaged, where appropriate, in the assessment of applications for use of the land in the CICSDA.
 - (5) Recognise the Coordinator-General has primary carriage for the development, operation and management of land use in the CICSDA.
 - (6) Assist in achieving ecological sustainability of activities within the CICSDA.

5. Objectives of the Callide Infrastructure Corridor State Development Area

The objectives of the CICSDA are:

- (1) Provide, manage and plan land for the establishment of an efficient and effective infrastructure corridor of regional, state and national significance for co-located underground pipelines (principally for the transportation of gas) between Callide and the GSDA, to facilitate economic development.
- (2) Ensure the integrity and functionality of the CICSDA is maintained and protected from land uses and activities that may be incompatible with, or adversely affect, the continued use of the state development area for co-located underground pipelines (principally for the transportation of gas) of regional, state and national significance.
- (3) Protection of the CICSDA to ensure the land resource is effectively utilised and uses are appropriately sited such that infrastructure, and distances between infrastructure, does not consume land unnecessarily or compromise future use and ensures the long-term viability of infrastructure within the CICSDA.
- (4) Ensure the impacts of land use minimises operational impediments on existing infrastructure and surrounding uses and provides orderly development of infrastructure within the CICSDA.
- (5) Ensure locations for infrastructure, other than gas transportation infrastructure, to intersect the CICSDA are minimised and rationalised.
- (6) Ensure the physical characteristics of land are considered in determining the suitability and location of land uses.
- (7) Ensure land use recognises and appropriately addresses environmental, cultural heritage and community values.

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- (8) Ensure the impacts of land use on the environment, including cumulative impacts, are minimised to meet the requirements of applicable government policies.

6. Policies

- (1) The Coordinator-General may prepare policies, which are consistent with the objectives and intent of this development scheme, to assist in the implementation of the development scheme.
- (2) The policies prepared for the CICSDA shall be used by the Coordinator-General, Gladstone Regional Council, and applicants to guide development.

7. Land use approval

- (1) Subject to this development scheme, no person shall carry out a use on any premises in the CICSDA without the approval of the Coordinator-General.
- (2) An application for a material change of use in the CICSDA is assessed by the Coordinator-General under the provisions of this development scheme. Development under the IPA, other than a material change of use, is assessed by the relevant assessment manager under the IPA.
- (3) The Coordinator-General shall have regard to the intent and objectives of this development scheme in assessing an application for a material change of use within the CICSDA.
- (4) An approval may be subject to conditions. For example, a condition may, among other things, place a limit on how long a use may continue or works remain in place, or require restoration of the premises and/or decommissioning works.
- (5) Schedule 1 identifies the uses considered highly likely to meet, that may meet, or are considered likely to compromise the purpose of the CICSDA.
- (6) Schedule 2 identifies the land within the CICSDA.
- (7) The Coordinator-General shall hold for inspection details of decisions issued in respect of the use of premises within the CICSDA.



8. Assessment procedure and process

8.1 Application stage

- (1) A person may make application to the Coordinator-General for a material change of use of premises as set out in Schedule 1 of this development scheme, in the CICSDA.
- (2) An application must:
 - (a) include an accurate description of the land, the subject of the application
 - (b) identify the proposed use or uses for which approval is sought
 - (c) include the written consent of:
 - (i) the person who has the benefit of the easement where the application is for a material change of use consistent with the purpose for which the easement is taken; or
 - (ii) the owner of the land where the application is for a material change of use for a use inconsistent with the purpose for which the easement is taken
 - (iii) written consent is not required to the extent the land, the subject of the application, is acquisition land; and the application relates to the purpose for which the land is to be taken or acquired
 - (d) include the application fee determined by the Coordinator-General
 - (e) be accompanied by a planning report.
- (3) Subject to subsection (4) a public sector entity is exempt from making an application under subsection (1) where the proposed material change of use is in relation to community infrastructure on land identified or reserved for community infrastructure (for example: state controlled roads, railways, power line easements and land for water treatment and distribution).
- (4) Notwithstanding subsection (3), a public sector entity is not exempt from making an application under subsection (1) if the material change of use is an assessable or self-assessable development under Schedule 8 of the *IPA*.
- (5) The Coordinator-General must, within 20 business days after receiving the application:
 - (a) decide to:
 - (i) request additional information from the applicant or
 - (ii) advise the applicant that the applicant's proposed use has been declared a significant project pursuant to section 26 of the Act or
 - (iii) process the application without further information and
 - (b) give the applicant written notification of the decision under subsection (5)(a) and a timeframe for providing any additional information.



- (6) If the applicant receives a request under subsection (5)(a)(i) the applicant must respond by giving the Coordinator-General:
 - (a) all the information requested or
 - (b) part of the information requested together with a notice asking the Coordinator-General to proceed with the assessment of the application or
 - (c) a notice stating the information requested will not be provided and asking the Coordinator-General to proceed with the assessment of the application.
- (7) An application lapses if the applicant does not respond under subsection (6) within the time specified by the Coordinator-General under subsection 5(b).
- (8) The Coordinator-General may decide that sections 8.2, 8.3 or 8.4 do not apply in whole or in part to an application:
 - (a) for which the applicant has provided an environmental impact statement (EIS) and a report evaluating the EIS has been prepared by the Coordinator-General or
 - (b) accompanied by documentation providing sufficient information for the Coordinator-General to be satisfied no further information is needed to assess the application or
 - (c) that has already been subject to some form of referral to stakeholders or public consultation that the Coordinator-General is satisfied meets the requirements of sections 8.2, 8.3 or 8.4.
- (9) In making a decision under subsection 8.1(8) that section 8.2 does not apply or applies only in part to the referral agencies, the Coordinator-General will advise the referral agencies.

8.2 Referral stage

- (1) The Coordinator-General:
 - (a) shall refer the application to all referral agencies within 10 business days after the completion of any of the following:
 - (i) the receipt of an application accompanied by a planning report for which further information is not required or
 - (ii) the receipt of additional information from the applicant in response to a request by the Coordinator-General and satisfactory to the Coordinator-General and
 - (b) shall give written notification to the applicant of the referral of the application to each referral agency.
- (2) The Coordinator-General may, by written notice to the applicant and without the applicant's agreement, extend the period under subsection (1) by not more than 10 business days.



- (3) The Coordinator-General may, within 20 business days after completing the requirements in subsection (1) and after consultation with each referral agency, by written request ask the applicant to give additional information to a referral agency which is needed to assess the application.
- (4) The Coordinator-General may, by written notice to the applicant and without the applicant's agreement, extend the period under subsection (3) by not more than 20 business days.
- (5) If the applicant receives a request for additional information, the applicant must, within a period of 12 months or such longer period as may be agreed by the Coordinator-General, give each requesting referral agency a written response supplying:
 - (a) all of the information requested or
 - (b) part of the information requested together with a notice asking the requesting referral agency to proceed with the assessment of the application or
 - (c) a notice stating that the information requested will not be provided and asking the requesting referral agency to proceed with the assessment of the application.
- (6) An application lapses if the applicant does not respond to a request for additional information within the time specified by the Coordinator-General under subsection (5).
- (7) If the applicant is not required to give further information to a referral agency under subsection (3), each referral agency must within 30 business days after receiving the application under subsection (1):
 - (a) assess the application
 - (b) give to the Coordinator-General a written submission on the application including any recommendations to address the impact of the material change of use.
- (8) If the applicant is required to give further information to a referral agency, each referral agency must within 30 business days after receiving a written response from the applicant under subsection (5):
 - (a) assess the application
 - (b) give to the Coordinator-General a written submission on the application including any recommendations to address the impact of the material change of use.
- (9) If a referral agency does not respond within the required time the Coordinator-General may proceed to the next stage of the assessment process as if the agency had assessed the application, and had no requirements for the application.



8.3 Public notification stage

- (1) The Coordinator-General must give written notice to the applicant advising:
 - (a) whether or not the application requires public notification and
 - (b) the period during which a submission may be made, being not less than 15 business days starting on the day after the last action under subsection (2) is carried out.
- (2) If public notification is required, the applicant must:
 - (a) publish a notice at least once in a newspaper circulating generally in the locality of the CICSDA
 - (b) place a notice on each road frontage of the land for the duration of the period during which a submission may be made
 - (c) give written notice to the owners of all land adjoining the land the subject of the application.
- (3) The applicant must undertake public notification of an application within 30 business days after receiving notification from the Coordinator-General under subsection (1).
- (4) Any notice referred to in subsection (2) must include notification that any person may make a submission in writing to the Coordinator-General and details of the last date for the receipt of such submission.
- (5) If public notification is required, the Coordinator-General must make the application, the planning report, EIS or other relevant documentation as the case may be, and the supporting material available for inspection and purchase by the public.
- (6) A person may, on or before the last day for the receipt of submissions, make a submission to the Coordinator-General in respect of the application.
- (7) Within 5 business days after the last date for the receipt of submissions, the applicant is to provide the Coordinator-General with a statutory declaration in a form approved by the Coordinator-General which establishes that the applicant has complied with subsections (2), (3) and (4) and states the last date for the receipt of submissions.

8.4 Review stage

- (1) The Coordinator-General may appoint a person to review a submission received in response to the application by any person or a referral agency.



- (2) The reviewer must review each submission having regard to, but not limited to:
 - (a) the application
 - (b) the planning report
 - (c) all submissions referred to the reviewer
 - (d) the supporting material
 - (e) this development scheme
 - (f) the policies.
- (3) The reviewer may invite a submitter to attend a hearing conducted by the reviewer.
- (4) The reviewer must give the Coordinator-General a report on the submission within 60 business days of being appointed. The reviewer's report must:
 - (a) advise on the merits of the submission
 - (b) identify what the implications of the submission are for the application
 - (c) identify any means of overcoming the issues raised in the submission
 - (d) make recommendations about the issues raised in the submission and how the submission should be addressed.
- (5) The Coordinator-General may extend the period for the reviewer to give a report to the Coordinator-General by 30 business days.
- (6) If a reviewer does not respond within the required time the Coordinator-General may proceed to the next stage of the assessment process as if the Coordinator-General had not appointed a reviewer under subsection (1).

8.5 Decision stage


- (1) The Coordinator-General must decide an application within 30 business days of the completion of the last of the following:
 - (a) receiving an application satisfactory to the Coordinator-General or
 - (b) receiving a report of the reviewer or
 - (c) the applicant giving the Coordinator-General a statutory declaration under section 8.3(7) of this development scheme or
 - (d) the receipt of a submission from each referral agency under section 8.2(7) or 8.2(8) of this development scheme.
- (2) The Coordinator-General may, by written notice given to the applicant, extend the decision making period to 45 business days.
- (3) The Coordinator-General must assess the application having regard to, but not limited to, the following criteria where relevant:
 - (a) the application
 - (b) the planning report

- (c) EIS
- (d) Coordinator-General's report evaluating the EIS for a significant project
- (e) the supporting material
- (f) each referral agency submission
- (g) each submission received in response to the application
- (h) the report of the reviewer
- (i) the development scheme and
- (j) the policies.

- (4) In deciding the application, the Coordinator-General may:
 - (a) approve the application or
 - (b) approve the application subject to conditions or
 - (c) refuse the application.
- (5) A condition under subsection (4)(b) may, amongst other things:
 - (a) place a limit on how long a lawful use may continue
 - (b) require any restoration and/or decommissioning of the premises
 - (c) relate to infrastructure, including imposition of requirements for infrastructure including payment of monetary contributions towards the cost of supplying infrastructure and entry into an infrastructure agreement
 - (d) give effect to the intent and objectives of the CICSDA and policies of the development scheme.
- (6) The Coordinator-General must give written notice of the decision to:
 - (a) the applicant
 - (b) each referral agency
 - (c) each person who made a submission in respect of the application.
- (7) The decision notice must be given within 10 business days after the day the decision is made under subsection (4) and must include the following:
 - (a) whether the application is approved, approved subject to conditions or refused
 - (b) if the application is approved subject to conditions, the conditions
 - (c) if refused, the reasons for the refusal.


8.6 Term of approval stage

- (1) If an application is approved under section 8.5 or an approval is given under section 11, the approval takes effect from the time the decision notice is given.
- (2) An approval for a material change of use lapses at the end of the currency period for the approval unless the use happens before the end of the currency period.

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- (3) The applicant or, in the case of an approval under section 11, the owner may, before the approval lapses, request that the Coordinator-General extend the approval period. A request must:
 - (a) be in writing
 - (b) including reasons for the request
 - (c) include the written consent of:
 - (i) the easement holder when approval is for a material change of use consistent with the purpose for which the easement is taken or
 - (ii) the owner of the land when the approval is for any other material change of use.
 - (4) The Coordinator-General must consult with all referral agencies for the application about the request made under subsection (3) before making a decision on the request.
 - (5) The Coordinator-General must make a decision on the request made under subsection (3) within 60 business days after receiving the request.
 - (6) Despite subsection (2), an approval under section 8.5 or section 11(4) of this development scheme in respect of which a request under subsection (3) has been received, does not lapse until the Coordinator-General decides the request.
 - (7) The Coordinator-General may either approve or refuse the request under subsection (3). If the request is approved, the approval period may be extended for a period to be determined by the Coordinator-General. After deciding the request, the Coordinator-General must within 10 business days of deciding the request, give notice of the decision to the person who applied for the request under subsection (3) and any referral agency.

9. Minor change of the approval

- (1) The applicant may at any time within the currency period, by written notice, request the Coordinator-General to approve a change to an approval under this development scheme or to any conditions to which the approval is subject.
- (2) If the applicant is not the owner of the land, the subject of the approval, a request must include the written consent of:
 - (a) the easement holder when the approval is for a material change of use consistent with the purpose for which the easement is taken; or
 - (b) the owner of the land when the approval is for any other material change of use.
- (3) The applicant must provide reasons for the request.

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- (4) The Coordinator-General may approve the request only if the change is, in the opinion of the Coordinator-General, a minor change to the approval or any conditions to which the approval is subject.

10. Matters the Coordinator-General may consider in making a decision

- (1) The Coordinator-General must assess an application for a material change of use made under section 8.1(1) based on the development scheme applying at the time the application was made, but may give weight to any new development scheme the Coordinator-General considers appropriate.

11. Existing use rights

- (1) Pursuant to section 85 of the Act if immediately before the development scheme applied to land, a person was lawfully using the land and the person continues the use after the development scheme applied to the land, the use may continue.

12. Approval of an authorised, alternative lawful or approved use

- (1) Pursuant to the Act, a person or anyone with the owner's consent may make application to the Coordinator-General to approve a previous approval that existed immediately before a development scheme started applying to the land and after the development scheme started applying to the land the previous approval would have been an offence under section 84 of the Act.
- (2) An application must:
 - (a) include an accurate description of the land, the subject of the application
 - (b) identify the proposed use or uses for which approval is sought
 - (c) include a copy of any previous approval issued in relation to the use.
- (3) The Coordinator-General must decide the application within 20 business days having regard to, but not limited to:
 - (a) the application
 - (b) the development scheme
 - (c) the policies.
- (4) The Coordinator-General may, by written notice given to the applicant, extend the decision making period by 20 business days.



- (5) In deciding the application, the Coordinator-General may:
 - (a) approve the application consistent with the previous approval
 - (b) approve the application subject to conditions and/or amended conditions of the previous approval after having consulted with relevant referral agencies
 - (c) refuse the application.
- (6) The Coordinator-General must within 10 business days of deciding the application give written notice of the decision with reasons to:
 - (a) the applicant; and
 - (b) each referral agency.

13. Claim for compensation

- (1) The compensation provisions of Part 6, Division 2 of the Act apply to the CICSDA.

14. Compliance with development scheme

- (1) If the Coordinator-General finds that a procedural requirement of this development scheme has not been complied with, or fully complied with, but is satisfied the non-compliance, or partial compliance, has not substantially restricted the opportunity for a person to exercise the rights conferred on the person by the development scheme, the Coordinator-General may deal with the matter in the way the Coordinator-General considers appropriate.

15. Approval attaches to land

- (1) The approval of the Coordinator-General attaches to the land, the subject of the application, and binds the owner, the owner's successors in title and any occupier of the land.



Schedule 1 – Consistent Use Table

(development scheme Section 7)

Column A	Column B	Column C
Uses that are considered highly likely to meet the objectives of the Callide Infrastructure Corridor State Development Area	Uses that may meet the objectives of the Callide Infrastructure Corridor State Development Area	Uses that are considered likely to compromise the objectives of the Callide Infrastructure Corridor State Development Area
animal husbandry gas transportation infrastructure	services infrastructure	All other uses not specified in Columns A and B

Schedule 2 – Map of the CICSDA

