Planning and Development (Consequential) and Other Legislation Amendment Bill 2014

Explanatory Notes

Short title

The short title of the Bill is the Planning and Development (Consequential) and Other Legislation Amendment Bill 2014.

Policy objectives and the reasons for them

The objective of the Bill is to make consequential amendments required for the proposed enactment of the Planning and Development Bill 2014 and Planning and Environment Court Bill 2014 and repeal of the *Sustainable Planning Act 2009*.

On 12 June 2013, the Queensland Government announced that the Sustainable Planning Act would be reviewed, and new legislation introduced to reform Queensland's planning and development assessment system. The Planning and Development Bill 2014 and the Planning and Environment Court Bill 2014 have been developed to implement these reforms, following an extensive program of public consultation. These Bills simplify the planning and development assessment framework, through reducing the complexity of plan-making processes, streamlining categories of development and removing procedural and prescriptive detail from the primary legislation.

The Planning and Development (Consequential) and Other Legislation Amendment Bill makes the amendments required as a result of the reform of the planning legislation, including updating Sustainable Planning Act terminology and references in other Acts and reflecting the consolidation of planning functions within the planning portfolio.

Amendments to the *Environmental Protection Act 1994*

Amendments to the *Environmental Protection Act 1994* are proposed to include the Coordinator-General's Impact Assessment Report (IAR) in the streamlined Environmental Authority (EA) process under the Environmental Protection Act.

The amendments complement changes already made by the *Mineral and Energy Resources (Common Provisions) Act 2014* and the *Environmental Protection and Other Legislation Amendment (EPOLA) Act 2014* that enable a streamlined EA process for coordinated projects evaluated by an Environmental Impact Statement. The intention is that the 'greentape' streamlining provisions in the Environmental Protection Act apply to all coordinated projects that have been assessed by the Coordinator-General.

Amendments to the *State Development and Public Works Organisation Act 1971*

The objective of the amendment is to clarify the application of the existing powers of the Coordinator-General to grant access for the purposes of works within a State Development Area.

Following the declaration of the Galilee Basin State Development Area, proponents approached the Coordinator-General about facilitating the undertaking of temporary works on land within the Galilee Basin State Development Area.

Achievement of policy objectives

The Bill amends 67 Acts to reflect the proposed enactment of the Planning and Development Bill and Planning and Environment Court Bill. The Bill includes amendments to:

- update references to Sustainable Planning Act with references to the Planning and Development Act or Planning and Environment Court Act;
- replace terminology contained in the Sustainable Planning Act with new terminology used in the Planning and Development Bill, such as the new categories of development and assessment;
- omit referral and assessment triggers for other State agencies which are redundant as a result of the establishment of the State Assessment and Referral Agency; and
- remove duplication in other Acts of planning processes or requirements which are more appropriately dealt with under the planning legislation.

Amendments to the *Environmental Protection Act 1994*

The amendments to the Environmental Protection Act streamline the Environmental Authority process for coordinated projects that have been evaluated by the Coordinator-General in the Impact Assessment report (IAR) process. Where an IAR has been completed, certain information and notification requirements for an Environmental Authority no longer apply.

Amendments to the *State Development and Public Works Organisation Act 1971*

The amendments to the SDPWO Act are of an administrative nature and clarify the existing powers of the Coordinator-General to grant access for the purposes of works within a State Development Area.

Landowners' rights will continue to be protected through notice of entry and compensation provisions. This amendment will assist the delivery of proposed railway projects in the Galilee Basin State Development Area.

Alternative ways of achieving policy objectives

The Bill includes amendments to legislative references and terminology required as a result of the proposed introduction of the new planning legislation. There are no alternatives to effecting these amendments other than through the passage of legislation.

Estimated cost for government implementation

The costs of implementation of the planning reform program are to be funded within current resources. There are not expected to be any significant additional costs to government for implementation of the Planning and Development (Consequential) and Other Legislation Amendment Bill, however, any costs will be incorporated as part of the overall implementation of the planning reform program or covered by existing budget allocations.

Consistency with fundamental legislative principles

The Bill has been drafted having regard to the fundamental legislative principles (FLP) contained in the *Legislative Standards Act 1992*. The Bill is generally consistent with fundamental legislative principles.

Amendments to the *State Development and Public Works Organisation Act 1971*

The amendments to the SDPWO Act raise potential issues relating to the rights and liberties of individuals. This principle requires that powers to enter premises should be subject to the occupier's consent or granted pursuant to a warrant issued by a judge or magistrate.

The amendments provide that the Coordinator-General or an authorised person (third party) may enter land (but not a residence) within a State Development Area for the purposes of undertaking works. However, the amendments give sufficient regard to landowners' rights and liberties by requiring that the landowner be notified in writing of the proposed entry and/or occupation of their land and by providing compensation for landowners for any damage suffered as a result from the entry to their land. Prior to authorising persons to enter land, the Coordinator-General will consider in detail the nature of the works to be carried out with the intention of the project proceeding. In addition, any works to be carried out will be subject to any required planning approvals. This amendment will assist the delivery of proposed railway projects in the Galilee Basin State Development Area.

Consultation

Consultation has been undertaken with all relevant departments regarding the amendments to the legislation they administer. Broader public consultation has not been undertaken on the Bill as the amendments generally reflect the policy positions implemented through the Planning and Development Bill and the Planning and Environment Court Bill or other planning reforms such as the introduction of the State Assessment and Referral Agency. However, targeted consultation has been conducted where amendments to specific Acts have implications for individual stakeholders.

A comprehensive program of consultation was undertaken during the development of the Planning and Development Bill and Planning and Environment Court Bill, including:

- stakeholder working groups convened in 2012 by the then Assistant Minister for Planning to examine operational aspects of the legislation and potential areas for improvement;
- the annual Queensland Planning Forum held in March 2013 which examined potential solutions and priorities for reform;
- monthly stakeholder forums established in May 2013 to continue discussions with stakeholders on issues arising from the Annual Forum;
- focus groups established in September 2013 comprising key practitioners across industry and local government to test practical aspects of proposed reforms;
- the annual Queensland Planning Forum held in March 2014 to examine the purpose and structure of proposed new legislation;
- working drafts of the Bills released to Forum members in April 2014 for feedback;
- consultation drafts of the Bills released in August 2014 for broad public consultation for eight weeks from 1 August to 26 September 2014; and
- meetings convened with local government and industry around the State, presentations delivered at conferences and discussions held with peak bodies and key stakeholders during the consultation period for the draft Bills.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another state. However, the planning reform program has been developed having regard to the direction of planning reforms being pursued across other jurisdictions.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the Planning and Development (Consequential) and Other Legislation Amendment Act 2014.

Clause 2 states that the Bill commences on a day to be fixed by proclamation. The commencement date will be aligned with the date of commencement of the proposed new Planning and Development Act and Planning and Environment Court Act.

Part 2 Amendment of Aboriginal Cultural Heritage Act 2003

Clause 3 provides that the part amends the *Aboriginal Cultural Heritage Act 2003.*

Clause 4 omits section 89 (Cultural heritage management plan needed under Planning Act), which applies when the chief executive administering the Aboriginal Cultural Heritage Act is a concurrence agency for a development application. Following the establishment of the State Assessment and Referral Agency, the chief executive administering the *Sustainable Planning Act 2009* performs referral agency functions on behalf of the State. Therefore this provision is redundant as a consequence of these new arrangements.

Part 3 Amendment of Aboriginal Land Act 1991

Clause 5 provides that the part amends the *Aboriginal Land Act 1991*.

Clause 6 updates a legislative reference.

Part 4 Amendment of Acquisition of Land Act 1967

Clause 7 provides that the part amends the *Acquisition of Land Act 1967*.

Clause 8 amends schedule 1 (Purposes for taking land) part 2, which lists purposes relating to the Environment as including conservation of koalas on land in certain areas within the Regional Plan for South East Queensland.

The clause updates references to the proposed new planning legislation and includes reference to Noosa Shire Council as a local government area with the SEQ Regional Plan area following de-amalgamation of the Sunshine Coast Regional Council.

Part 5 Amendment of Acts Interpretation Act 1954

Clause 9 provides that the part amends the *Acts Interpretation Act 1954*.

Clause 10 amends schedule 1 (Meaning of commonly used words and expressions) to include a definition of the Planning and Environment Court as the court continued in existence under the Planning and Environment Court Act. Due to the inclusion of this definition in the Acts Interpretation Act, it will not be necessary to separately define the Planning and Environment Court in individual Acts.

Part 6 Amendment of Airport Assets (Restructuring and Disposal) Act 2008

Clause 11 provides for the amendment of the *Airport Assets (Restructuring and Disposal) Act 2008*.

Clause 12 omits chapter 3, part 1, divisions 2 and 3 amends section 31 (Notice of first land use plan). These provisions are spent as the first land use plans have now been replaced.

Clause 13 omits section 34 (Requirement to prepare land use plan) to remove a statutory requirement to prepare a new land use plan at least once every 8 years. With the removal of a 10 year review requirement in the Planning and Development Bill, the omission is to seek parity between the systems.

Clause 14 amends section 35 (Content of land use plan) to update references to categories of development and assessment, consistent with the new categories under the Planning and Development Bill, while maintaining current requirements for public notification of development applications. This clause also updates legislative references to remove the term 'desired environmental outcomes' which is no longer in use, and replace 'priority infrastructure interface plan' with the shorter form 'infrastructure interface plan'.

Clause 15 amends section 36 (Statement of proposal for preparation of land use plan or amendment of plan) to update terminology by replacing 'exempt or self-assessable' categories with 'accepted'. This clause also omits the definition of 'minor amendment', which has been relocated to schedule 3 (Dictionary).

Clause 16 amends section 46 (Ministerial direction to airport lessee) to omit the definition of 'minor amendment', which has been relocated to schedule 3 (Dictionary).

Clause 17 replaces section 48 (Airport land not subject to local planning instrument) to update legislative references in the provision and include reference to 'any other instrument made by a local government that relates to land use planning for, or development on, airport land'. This is intended to confirm definitively that, given the length of the airport leases, airport land is not affected by any future local planning mechanisms.

Clause 18 omits section 49 (Development under land use plan) as it duplicates section 35 and has been combined with that section. The clause also omits section 50 (Local government is advice agency for particular development). Under the Planning and Development Bill, advice agencies are not continued as a separate category of referral agency, instead the Planning and Development Regulation will prescribe referral agencies and the extent of their responsibilities. The existing role of relevant local governments in providing advice on development applications for airport land will be maintained through the Planning and Development Regulation.

Clause 19 amends section 52 (Particular provisions of Planning Act do not apply in relation to airport land) to update legislative references. These amendments maintain the existing application of section 52, which provides that the local government land acquisition and compensation provisions of the Sustainable Planning Act do not apply to airport land.

Clause 20 amends section 53 (Modified application of Planning Act, ch 9, pt 6, div 4) to update legislative references relating to planning and development certificates. Detailed requirements for the contents of planning and development certificates are to be prescribed through access rules under the Planning and Development Bill, and the proposed new subsection (3) applies these rules to the planning chief executive for applications for certificates for premises on airport land.

Clause 21 amends section 54 (Development on local heritage place not assessable development) to update legislative reference to assessable development. This amendment maintains the existing effect of section 54 by providing that development on a local heritage place on airport land is not assessable development.

Clause 22 amends section 55 (Restriction on designation for community infrastructure) to update legislative 'community infrastructure' references with 'designation of premises for the development of infrastructure'. Existing subsection (1) which provides that only a Minister may designate airport land for community infrastructure is omitted as superfluous, as the Planning and Development Bill provides for this. It also omits an editor's note which no longer applies, and the reference to the definition which is now located elsewhere.

Clause 23 omits section 56 (Restriction on application of master plan) as this provision is redundant.

Clause 24 omits section 58 (Land use plan or amendment of plan does not affect existing development approval) and section 59 (Planning scheme cannot affect existing development approval) and inserts a new section 58 to confirm that existing uses on airport land are protected in the same way as existing development approvals generally under the Planning and Development Bill.

Clause 25 amends section 61 (Amendment of planning schemes) to update legislative references relating to guidelines for making or amending planning schemes as a result of the Planning and Development Bill.

Clause 26 amends section 97 (Application of particular local laws to airport land) by omitting an example.

Clause 27 omits the chapter 6, part 1 heading (Miscellaneous) as these transitional provisions are no longer required.

Clause 28 omits chapter 6, part 2 (Transitional provisions). As above, these provisions are no longer required.

Clause 29 inserts a new chapter 7 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 119 (Definitions for ch 7) inserts new a definition for 'amending Act' required for the interpretation of chapter 7.

- New section 120 (Existing land use plans) provides for references in existing land use plans to be interpreted as references to new terminology under the amended Airport Assets (Restructuring and Disposal) Act and the proposed new Planning and Development Act. This includes interpretation of references to existing categories of development and assessment under the Sustainable Planning Act (exempt development, self-assessable development, development requiring compliance assessment and code assessment) as being references to the categories of development and assessment under the Planning and Development Bill (accepted development, assessable development and standard assessment The section also includes a reference to a reference to assessable development requiring code assessment is taken to be a reference to assessable development requiring merit assessment, to the extent the existing land use plan states the development is inconsistent with the land use plan; to reflect the structure of the current airport land use plans. References to priority infrastructure plans and priority infrastructure interface plans will also be interpreted as reference to local government infrastructure plans and infrastructure interface plans. These interpretive provisions will allow existing airport land use plans to transition to and operate under the new planning framework without immediate need for amendment.

- New section 121 (Existing development applications under the repealed Sustainable Planning Act 2009) ensures that existing sections 50 (Local government is advice agency for particular development) and 51 (Restriction on conditions of development approvals) of the Airport Assets (Restructuring and Disposal) Act as in force before the enactment continue to apply to any development application to which the repealed Sustainable Planning Act applies under the transitional provisions of the Planning and Development Bill.

- New section 122 (Amendment of planning scheme under Sustainable Planning Act 2009) applies to any amendment to a local government planning scheme required under section 61(2) which has not been completed before commencement. The provision ensures that the existing guideline for amending a planning scheme under the Sustainable Planning Act and applied through section 61(3) continues to apply to the amendment.

Clause 30 amends schedule 3 (Dictionary) to update terminology and legislative references, including replacing the definitions for 'priority infrastructure plan' and 'priority infrastructure interface plan' with 'local government infrastructure plan' and 'infrastructure interface plan' respectively.

An amended definition of 'minor amendment' applying to changes to airport land use plans is also relocated from sections 36 and 46. The new definition provides greater flexibility in making a minor amendment to a land use plan, broadly consistent with the arrangements applying for local government planning instruments.

Part 7 Amendment of Biosecurity Act 2014

Clause 31 provides that the part amends the *Biosecurity Act 2014*.

Clause 32 amends section 9 (Relationship with particular Acts) to ensure that the *Biosecurity Act 2014* prevails over the proposed new Planning and Development Act to the extent of any inconsistency. This ensures that any activity done for a biosecurity reason, that is inconsistent with activity approved under the Planning and Development Act, prevails.

Clause 33 amends section 119 (Additional powers of inspector for place within a biosecurity emergency area) to omit subsection (8) as it is no longer required.

Part 8 Amendment of Body Corporate and Community Management Act 1997

Clause 34 provides that the part amends the *Body Corporate and Community Management Act 1997*.

Clause 35 amends section 60 (Community management statement notation) to update legislative references, and apply relevant procedural provisions of the proposed new Planning and Environment Court Act for appeals about community management statement notations.

Clause 36 amends section 313 (Representation in planning proceedings) to update a legislative reference.

Clause 37 amends schedule 6 (Dictionary) to insert a definition of 'Planning Act' and update legislative references in the definition of 'development approval'.

Part 9 Amendment of Building Act 1975

Clause 38 provides that the part amends the *Building Act 1975*.

Clause 39 amends section 3 (Simplified outline of main provisions of Act) to reflect that self-assessable development does not exist under the Planning and Development Bill, instead noting that Chapter 2 includes what work is assessable or 'accepted development' for the Planning Act and removing the reference to carrying out self-assessable development.

Clause 40 amends section 5 (What is building work) to remove the reference to IDAS, under the Sustainable Planning Act, as amendments to section 30 remove IDAS from the Building Assessment provisions.

Clause 41 amends section 10 (What is a building certifying function) to replace the term 'concurrence' with 'referral', as the Planning and Development Bill does not use the terms 'concurrence' or 'advice' to differentiate between referral agency powers. Instead, any restriction on their response powers will be contained in the Planning and Development Regulation.

Clause 42 amends section 11 (Who is the assessment manager for a building development application) to update a legislative reference.

Clause 43 amends section 16 (Reference in Act to applicants, development, assessment managers, referral agencies, building work or building certifiers) to remove references to 'concurrence agency' and 'advice agency' as these terms are not used in the Planning and Development Bill.

Clause 44 amends the chapter 2 heading (When building work is assessable, self-assessable or exempt development) to replace 'self-assessable' and 'exempt' with 'accepted' to reflect the new categories of development under the Planning and Development Bill. It also updates the note to replace specific Sustainable Planning Act references, including IDAS.

Clause 45 amends section 20 (Building work that is assessable development for the Planning Act) to replace 'self-assessable' and 'exempt' with 'accepted' to reflect the new categories of development under the Planning and Development Bill.

Clause 46 amends section 21 (Building work that is self-assessable for the Planning Act) which currently provides that the Building Act can declare building work to be self-assessable development for the Planning Act; and also provides that building work declared to be self-assessable development under a regulation, must comply with any relevant building assessment provision or alternative provisions detailed in section 33 of the Building Act. With the Planning and Development Bill replacing 'exempt' and 'self-assessable' categories of development under the SPA with 'accepted' development, this provision needs to continue the ability to provide the distinction between what is currently 'exempt' and 'self-assessable' for the Planning Act. Accordingly, this clause amends section 21 by updating 'self-assessable' references to 'accepted' development and introducing the term 'relevant provisions' which includes 'any building assessment provisions that apply to the work'.

The amendments provide the ability for a regulation to prescribe building work as 'accepted development', and also to require certain building work prescribed 'accepted development' to comply with the 'relevant provisions' in order to be declared 'accepted development'. This continues the ability for the Building Act to distinguish between requirements for what is currently 'self-assessable' building work and what is 'exempt' building work for the SPA, as 'accepted development' under the Planning and Development Bill.

Clause 47 omits section 22 (Building work that is exempt development for the Planning Act) as the amended section 21 provides the ability for a regulation to declare certain building work as 'accepted development' by prescribing the work under a regulation, continuing the effect of this provision.

Clause 48 amends the note under chapter 3 (Additional requirements for building development applications) to update legislative references.

Clause 49 amends section 25 (General requirements for supporting documents) to remove references to 'IDAS' and update Sustainable Planning Act terms 'self-assessable development' and 'concurrence agency' with the relevant terms under the Planning and Development Bill.

Clause 50 amends the chapter 4 heading (Assessment of building development applications and carrying out self-assessable building work) to change the concept of building work being assessed against the 'building assessment provisions', to the concept that the 'building assessment provisions' apply to building work. This aligns with the amended section 31 of the Building Act which states that the building assessment provisions are assessment benchmarks for the Planning and Development Bill, and under the Planning and Development Bill, assessable development must be assessed against the assessment benchmarks.

In addition, sections 34A, 36 and the definition of 'building assessment work' in the Building Act address that building assessment work must comply with the building assessment provisions, and that building work that complies with the 'building assessment provisions' must be approved. The amended section 21 addresses when the 'building assessment provisions' apply for 'accepted development'.

Clause 51 amends the chapter 4, part 1 heading (Laws and other documents under which building work must be assessed) to reflect the change from building work being assessed against the 'building assessment provisions', to the concept that the 'building assessment provisions' apply to building work.

Clause 52 amends the chapter 4, part 1, division 1 heading (General provisions about the laws and documents for the assessment) to reflect the change from building work being assessed against the 'building assessment provisions', to the concept that the 'building assessment provisions' apply to building work.

Clause 53 amends section 30 (Relevant laws and other documents for assessment of building work) to define 'building assessment provisions' by reflecting the intent of amendments made to the headings of chapter 4; remove reference to 'IDAS' as this is an unnecessary inclusion as a 'building assessment provision' given that building development approvals are development approvals under the Planning and Development Bill, and development approvals under the Planning and Development Bill are issued following the development assessment process; and replace 'self-assessable building work' with 'accepted building work' to reflect the new categories of development under the Planning and Development Bill.

Clause 54 amends section 31 (Building assessment provisions form a code for IDAS) to provide that the building assessment provisions are assessment benchmarks for the Planning and Development Bill, rather than 'a Code for IDAS' under the Sustainable Planning Act.

Clause 55 amends section 33 (Alternative provisions to QDC boundary clearance and site cover provisions for particular buildings) to replace 'self-assessable' with 'accepted' to reflect the new categories of development under the Planning and Development Bill.

Clause 56 omits section 34 (Relationship between IDAS and other building assessment provisions) to reflect the intent behind removing the 'IDAS' (development assessment process) reference from the 'building assessment provisions'.

Clause 57 amends section 34A (Decision for building development application that complies with building assessment provisions) to update a legislative reference.

Clause 58 amends section 37 (Provision for changes to building assessment provisions) to remove references to IDAS under the Sustainable Planning Act.

Clause 59 amends section 38 (Applying to vary how particular building assessment provision applies) to remove references to IDAS under the Sustainable Planning Act.

Clause 60 amends section 40 (Effect of variation application on IDAS process) to replace references to 'IDAS process' with references to development assessment process under the Planning and Development Bill.

Clause 61 amends section 42 (Criteria for decision) to remove references to IDAS under the Sustainable Planning Act.

Clause 62 amends section 43 (Notice of decision) to update legislative references in the note.

Clause 63 amends section 46 (Concurrence agencies may carry out building assessment work within their jurisdiction) to update references to the Sustainable Planning Act term 'concurrence' agency with 'referral' agency and update legislative references.

Clause 64 amends section 48 (Functions of private certifier (class A)) to update legislative references.

Clause 65 amends section 51 (Function to act on building development application or development approval unless private certifier (class A) engaged) to update legislative references.

Clause 66 amends section 54 (Local government may rely on documents private certifier gives it for inspection for purchase) to update the title and provisions to refer to, and reflect terms used in, the access rules under the Planning and Development Bill.

Clause 67 amends the chapter 4, part 2, division 4 heading (Power of particular replacement assessment managers to decide status under IDAS) to update the IDAS reference to the development assessment process under the Planning and Development Bill.

Clause 68 amends section 55 (Power to decide what stage of IDAS application is to resume or start) to update the IDAS reference to the development assessment process under the Planning and Development Bill.

Clause 69 amends section 57 (Building certifier's or concurrence agency's discretion – QDC) to replace references to 'concurrence' agency with 'referral' agency to reflect the Planning and Development Bill.

Clause 70 amends section 59 (Discretion for building development applications for particular budget accommodation buildings) to replace Sustainable Planning Act and Integrated Planning Act terms such as 'desired environmental outcomes' and 'strategic outcomes' with a references to 'relevant planning scheme' to better reflect the intent of the provision as detailed in the explanatory note.

Clause 71 omits section 62 (Requirement to consider any advice agency response) as this provision is an unnecessary duplication of what the Planning and Development Bill already requires of assessment managers.

Clause 72 amends the note at chapter 4, part 5 heading (Conditions of building development approvals) to update legislative references.

Clause 73 amends section 69 (Operation of div 1) to update legislative references.

Clause 74 amends section 71 (When demolition, removal and rebuilding must start and be completed) to update legislative references in the note.

Clause 75 amends section 83 (General restrictions on granting building development approval) to remove references to 'compliance permits' under the Sustainable Planning Act, and update 'concurrence' agency and 'IDAS' references to 'referral' agency and 'development assessment process' references under the Planning and Development Bill respectively.

Clause 76 amends section 84 (Approval must not be inconsistent with particular earlier approvals or self-assessable development) to replace 'self-assessable' with 'accepted' and remove references to 'compliance permits' to reflect the new categories of assessment under the Planning and Development Bill.

Clause 77 amends section 85 (Additional requirements for decision notice) to update references to 'self-assessable codes' to requirements the building work must comply with to be categorised as accepted development' to reflect the new categories of assessment under the Planning and Development Bill.

Clause 78 amends section 86 (Requirements on approval of application) to update legislative references in the note.

Clause 79 amends section 90 (Relevant period under the Planning Act, s341 for development approval) to update the Sustainable Planning Act 'relevant period' references and section references to 'currency period' and the relevant lapsing section reference under the Planning and Development Bill.

Clause 80 amends section 91 (Lapsing of building development approval) to update a legislative reference.

Clause 81 amends section 94 (Application of div 2) to update legislative references in the note.

Clause 82 amends section 95 (Reminder notice requirement for lapsing) to update terminology and legislative references to reflect the Planning and Development Bill.

Clause 83 amends section 96 (Extension of lapsing time because of application to extend relevant period under the Planning Act, s341) to update the Sustainable Planning Act term 'relevant period' and legislative references to 'currency period' and the relevant lapsing section references under the Planning and Development Bill.

Clause 84 amends section 97 (Restriction on private certifier (class A) extending relevant period under the Planning Act, s341 more than once) to update the Sustainable Planning Act term 'relevant period' and section references to 'currency period' and the relevant lapsing section references under the Planning and Development Bill.

Clause 85 amends section 99 (Obligation to give owner inspection documentation on final inspection) to update legislative references in the note.

Clause 86 amends section 102 (Obligation to give certificate of classification on inspection after particular events) to update Sustainable Planning Act section references in the note to the relevant Planning and Development Bill section references.

Clause 87 amends section 107 (Building certifier's obligation to give referral agency certificate and other documents) to update Sustainable Planning Act section references to the relevant Planning and Development Bill section references and provide greater clarity on the relevance to the agencies function as a referral agency.

Clause 88 amends section 122 (Building certifier's obligation to give owner inspection documentation if building development approval lapses) to update Sustainable Planning Act section references in the note to the relevant Planning and Development Bill section references.

Clause 89 amends section 131 (Access to code of conduct) to update Sustainable Planning Act references to reflect the Planning and Development Bill.

Clause 90 amends section 146 (Agreed fee recoverable despite valid refusal of particular actions) to replace 'applicable code under IDAS' to 'assessment benchmark under the Planning Act' to reflect the development assessment process under the Planning and Development Bill.

Clause 91 amends section 204 (Decision after investigation or audit completed) to replace 'self-assessable' development references with 'accepted' development to reflect the new categories of development under the Planning and Development Bill.

Clause 92 amends section 220 (Owner must ensure building confirms with fire safety standards) by updating legislative references.

Clause 93 amends section 221 (Approval of longer period for conformity with fire safety standard) to update legislative references in the note to reflect the Planning and Development Bill section references.

Clause 94 amends section 223 (Stay of operation of local government decision) to update the reference to 'building and development dispute resolution committee' with 'the development tribunal' to reflect their new name under the Planning and Development Bill.

Clause 95 amends section 231AI (RCB assessment reports) to update Sustainable Planning Act section references in the note to the relevant Planning and Development Bill section references.

Clause 96 amends section 231AL (Approval of later day for obtaining fire safety (RCB) compliance certificate or certificate of classification) to update legislative references.

Clause 97 amends section 238 (Notice of decision) to update legislative references in the note.

Clause 98 amends section 242 (Local government may revoke exemption) to update legislative references in the note.

Clause 99 amends section 244 (Keeping copy of exemption) to update Sustainable Planning Act references with reference to the access rules under the Planning and Development Bill.

Clause 100 amends section 245C (Notice of decision and application of pool safety standard under exemption) to update legislative references in the note.

Clause 101 amends section 245E (Local government may revoke exemption) to update legislative references in the note.

Clause 102 amends section 245FA (Keeping copy of exemption) to update Sustainable Planning Act references with reference to the access rules under the Planning and Development Bill

Clause 103 amends section 245S (Appeals to building and development committee of decision under div 6) to update references to 'building and development dispute resolution committee' with 'the development tribunal' to reflect their new name under the Planning and Development Bill.

Clause 104 amends section 246AO (Appeals to building and development committee of decisions under pt 3) to update references to 'building and development dispute resolution committee' with 'the development tribunal' to reflect their new name under the Planning and Development Bill and remove the note.

Clause 105 amends section 246ATB (Private certifier to take enforcement action) to update legislative terms and references.

Clause 106 amends Chapter 9 (Show Cause and enforcement notices) to update Sustainable Planning Act section references in the note with the relevant Planning and Development Bill section references.

Clause 107 amends section 248 (Enforcement notices) to update Sustainable Planning Act section reference to the relevant Planning and Development Bill section reference.

Clause 108 amends section 250 (Appeals against enforcement notices) to update references to 'building and development dispute resolution committee' with 'the development tribunal' to reflect their new name under the Planning and Development Bill.

Clause 109 amends section 255 (Information to be given by the state) to update the 'self-assessable' development reference to 'accepted' development to reflect the new categories of assessment under the Planning and Development Bill.

Clause 110 amends section 259 (Access to guidelines) to update Sustainable Planning Act references with reference to the access rules under the Planning and Development Bill.

Clause 111 amends chapter 11 (Savings, transitional and validation provisions) by inserting a new part 19 (Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

New section 345 (Existing development applications under the repealed Sustainable Planning Act 2009) provides that existing development applications made under the Sustainable Planning Act but not decided before commencement continue to be progressed under the Building Act provisions applicable before the enactment of the Planning and Development (Consequential) and Other Legislation Amendment Act 2014.

Clause 112 amends Schedule 2 (Dictionary) to remove Sustainable Planning Act terms not continued under the Planning and Development Bill, include a new definition for 'accepted building work', and include references to 'accepted development', 'development tribunal', 'Planning Act', and 'planning scheme' and updates legislative references.

Part 10 Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991

Clause 113 provides that the part amends the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

Clause 114 amends section 67 (Notification of building and construction work) to omit a reference to compliance permits, which are not continued under the Planning and Development Bill.

Under the transitional provisions of the Planning and Development Bill, compliance permits under the Sustainable Planning Act become instruments of the corresponding type under the proposed new Planning and Development Act, being development permits.

Clause 115 amends section 73 (Meaning of *cost* of building and construction work) to refer to environmental impact statements conducted under the 'repealed' Sustainable Planning Act. The Planning and Development Bill does not provide for the conduct of environmental impact statements.

Clause 116 amends section 74 (Liability for levy) to update legislative references and omit paragraph (ca), which deals with compliance assessment under the Sustainable Planning Act, as this type of assessment is not continued under the Planning and Development Bill.

Clause 117 amends section 75 (When levy is payable) to update legislative references and omit references to compliance permits.

Clause 118 amends section 77 (Duty to sight approved form) to update legislative references and omit references to compliance permits and assessors under the Sustainable Planning Act.

Clause 119 inserts a new part 11, division 8 (Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

New section 125 (Existing development applications and requests for compliance assessment under the repealed Sustainable Planning Act 2009) applies to development applications and compliance assessment requests made under the Sustainable Planning Act but not decided before the commencement. This clause ensures that the unamended sections 74, 75 and 77 of the Building and Construction Industry (Portable Long Service Leave) Act continue to apply to these applications and requests.

Clause 120 amends the schedule (Dictionary) to insert definitions for 'Planning Act' and 'private certifier', relocate, from the Sustainable Planning Act, the definition of 'private certifier (class A)' and update a legislative reference in the definition of 'assessment manager'.

Part 11 Amendment of Cape York Peninsula Heritage Act 2007

Clause 121 provides that the part amends the *Cape York Peninsula Heritage Act 2007*.

Clause 122 inserts a new part 7 (Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 30 (Continuing application of part 4) provides that part 4 of the Cape York Peninsula Heritage Act, as in force immediately before commencement, continues to apply to an existing application as if the existing application was a vegetation clearing application. The section defines 'existing application' as a development application made under the Sustainable Planning Act for assessable development that is prescribed under section 232(1) of that Act and operation work, as defined under the that Act, that is the clearing of vegetation.

Clause 123 amends the schedule (Dictionary) to update the definition for 'vegetation clearing application'.

Part 12 Amendment of Century Zinc Project Act 1997

Clause 124 provides that the part amends the *Century Zinc Project Act 1997*.

Clause 125 inserts a new part 8 (Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 23 (Continuing application of pt 4) provides that part 4 of the Century Zinc Project Act, as in force before commencement of the Planning and Development (Consequential) and Other Amendment Act, continues to apply to a development application made under the Sustainable Planning Act.

Clause 126 amends schedule 6 (Dictionary) to update a legislative reference in the definition for 'development application'.

Part 13 Amendment of City of Brisbane Act 2010

Clause 127 provides that the part amends the *City of Brisbane Act 2010*.

Clause 128 amends section 40 (Development processes) to replacing a Sustainable Planning Act reference with a reference to the development assessment process under the Planning and Development Bill.

Clause 129 amends section 79 (Assessment of impacts on roads from certain activities) to update reference to development categorised as assessable development under the council's planning scheme and omit references to compliance assessment and compliance assessor, which are not continued under the Planning and Development Bill.

Clause 130 inserts a new chapter 8, part 7 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 270 (Definitions for pt 7) inserts a new definition for 'repealed Planning Act', required for the interpretation of part 7.

- New section 271 (Continuing application of s 90) provides that section 90 (Resumption of prescribed land by council) continues to apply where a development application has been made under the Sustainable Planning Act before the commencement. This provision is necessary as the definition of 'Planning Act' referenced in this section is being amended to refer to the proposed new Planning and Development Act.

- New section 272 (Continuing application of s 121) states that section 121 (Entering under an application, permit or notice) continues to apply to an application made, or a permit or notice given under the Sustainable Planning Act before the commencement.

- New section 273 (Existing remedial notice) ensures that a remedial notice requiring an owner or occupier of a property to take action under the Sustainable Planning Act that was given under section 127A (Notices for this division) before the commencement, continues to have effect as if the Sustainable Planning Act had not been repealed.

- New section 274 (Inside information about repealed Planning Act) provides that information about certain actions and decisions under the Sustainable Planning Act, and certain advice about the Sustainable Planning Act, continues to be inside information for section 173A (Prohibited conduct by councillor in possession of inside information) as if the Sustainable Planning Act had not been repealed.

- New section 275 (Continuing application of s 228) provides that section 228(2) continues to apply to a fine imposed by the court for an offence against the Sustainable Planning Act as if that Act had not been repealed. This means that fines continue to be paid to the council's operating fund unless the court ordered the find be paid to a person.

These transitional provisions are necessary as the definition of 'local government related law' referenced in these sections currently includes the Sustainable Planning Act but is being amended to refer to the proposed new Planning and Development Act.

Clause 131 amends schedule 1 (Dictionary) to update legislative references for the definitions of 'Planning Act' and 'planning scheme' and omit the 'Planning and Environment Court' definition, as this definition is being inserted into the Acts Interpretation Act.

Part 14 Amendment of Coastal Protection and Management Act 1995

Clause 132 provides that the part amends the *Coastal Protection and Management Act 1995*.

Clause 133 amends section 9 (Meaning of canal) to further define 'canal' to provide that it does not include an artificial waterway that intersects, or is connected to, inundated land or leased land if the registered proprietor of the land may restrict or prohibit the use or movement of vessels in water on the land. This captures requirements previously identified in section 118 of the Coastal Protection and Management Act. By adding this criteria to the definition of canal, section 118 can be omitted and the matter can be identified upfront, as part of the definition, instead of as a mandatory refusal provision for a development application.

Clause 134 amends section 21 (Content of coastal plan) to remove references to 'coastal State planning instrument', as the State Planning Policy made under the planning legislation includes planning and development requirements for the coastal environment.

Clause 135 amends section 25 (Notice about draft coastal plan) to remove the requirement for a copy of the draft coastal plan to be given to the Planning Minister, as the draft coastal plan will no longer include planning and development requirements.

Clause 136 amends section 28 (Notice about making coastal plan) to remove the requirement for a copy of the coastal plan to be given to the Planning Minister, given that the coastal plan will no longer include planning and development requirements.

Clause 137 amends section 34 (Implementation of coastal plan) to remove a subsection that is not required, as it simply refers to making a request and this can occur without a legislative provision.

Clause 138 amends section 85 (Suspension or cancellation–grounds) to include reference to development permits for removal of the quarry material obtained before the day an allocation notice is issued.

Clause 139 omits chapter 2, part 5, division 2 (Removal of quarry material may require other approvals) to remove duplicative and redundant provisions.

Clause 140 amends chapter 2, part 6 heading (Development approvals for assessable development) to reflect amended provisions.

Clause 141 omits chapter 2, part 6, divisions 1 and 2 as these divisions are no longer required.

Clause 142 amends section 109 so that it uses the term 'reconfiguring a lot'.

Clause 143 omits chapter 2, part 6, division 3, subdivision 2 (Land surrender conditions), as these provisions are redundant due to SARA arrangements.

Clause 144 amends section 115A (Applicant may surrender land voluntarily) as a result of omission of chapter 2, part 6, division 3, subdivision 2 (Land surrender conditions).

Clause 145 amends section 115B (Surrendered land to be dedicated for coastal management purposes) to reflect the omission of chapter 2, part 6, division 3, subdivision 2 (Land surrender conditions).

Clause 146 amends section 116 (Canals – surrender to the State) so that it uses the term 'reconfiguring a lot'.

Clause 147 omits chapter 2, part 6, division 4, subdivision 2 (Development applications involving artificial waterways) as these sections are redundant as a result of SARA arrangements and relevant requirements in section 118 are better located in the section 9 definition of 'canal'.

Clause 148 omits chapter 2, part 6, division 5 (Exemption Certificates), given that there is an exemption certificate process in the Planning and Development Bill.

Clause 149 amends section 123 (Right to occupy and use land on which particular tidal works were, or are to be, carried out) to update terminology to reflect the Planning and Development Bill.

Clause 150 inserts a new chapter 5, part 2A (Planning and Environment Court declarations) and new section 164A (Planning and Environment Court may make declarations) so that the Court is empowered to make declarations about matters under chapter 2, part 3, division 2.

Clause 151 amends section 167 (Regulation-making power) to remove redundant provisions and update terminology to reflect the Planning and Development Bill.

Clause 152 amends section 177 (Relationship to particular Planning Act provisions) to update legislative references.

Clause 153 amends section 189 (Particular permits under the Beach Protection Act) to update legislative references.

Clause 154 amends section 193 (Responsible entity for request to change deemed approval) to provide an end date for the application of this transitional provision and update legislative references.

Clause 155 amends section 194 (Continuing application of particular provisions) to update legislative references.

Clause 156 amends section 204 (Development applications not decided on commencement that relate to tidal works) to update legislative references.

Clause 157 inserts a new chapter 6, part 8 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

New section 205 (Definitions for pt 8) inserts definitions for the interpretation of new chapter 6, part 8.

New section 206 (Responsible entity for change application for deemed approval) applies to a deemed approval mentioned in section 177 (Relationship to particular Planning Act provisions) if the holder of the approval makes a change application for a change to the deemed approval after commencement of the proposed Planning and Development Act and proposed Planning and Development (Consequential) and Other Legislation Amendment Act.

New section 207 (Existing development applications under the repealed Sustainable Planning Act 2009) provides that, for a development application made under the Sustainable Planning Act but not decided before commencement, former sections 100A (Removal of quarry material is subject to other approvals) and, if the chief executive administering the Coastal Protection and Management Act is the assessment manager or a concurrence agency for the development application, former chapter 2, part 6 (Development approvals for assessable development), continue to apply to the development application as if the Planning and Development (Consequential) and Other Amendment Act had not commenced.

New section 208 (Land surrender conditions) provides that, if a development approval includes a land surrender condition under former section 110 (Minister may approve inclusion of land surrender condition), former section 115B (Surrendered land to be dedicated for coastal management purposes) continues to apply to the surrender of land under the land surrender condition as if the Planning and Development (Consequential) and Other Amendment Act had not commenced.

Clause 158 amends the schedule (Dictionary) to update legislative references and remove redundant definitions.

Part 15 Amendment of Criminal Organisation Act 2009

Clause 159 provides that the part amends the *Criminal Organisation Act 2009*.

Clause 160 amends section 40 (Relationship with Planning Act and development approvals) to replace subsection 40(2), with the effect of replacing reference to ‘exempt development’ with ‘accepted development’ and removing reference to ‘development requiring compliance

assessment', to reflect changes to development categories in the Planning and Development Bill.

Clause 161 amends schedule 2 (Dictionary) to update legislative references in the definition of 'Planning Act'.

Part 16 Amendment of Disaster Management Act 2003

Clause 162 provides that the part amends the *Disaster Management Act 2003*.

Clause 163 amends section 20B (Chairperson may give notice about deemed approvals under Sustainable Planning Act) to replace the definitions for 'deemed approval provisions', 'development application' and 'Planning Act' and make related amendments to reflect the Planning and Development Bill. The amendments maintain the existing intention of section 20B, which allows the chairperson of the State Disaster Management Group to prevent deemed approval provisions from applying to particular development applications where this is necessary due to a disaster situation.

Clause 164 inserts a new part 14, division 3, subdivision 3 (Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

New section 181 (Notices about deemed approvals for existing development applications under the repealed Sustainable Planning Act 2009) continues the application of section 20B to any existing development applications which were made under the Sustainable Planning Act but not decided before the commencement, and the effect of any notices given under the unamended Disaster Management Act.

Part 17 Amendment of Economic Development Act 2012

Clause 165 provides that the part amends the *Economic Development Act 2012*.

Clause 166 amends section 34 (Declaration) to replace a reference to the Sustainable Planning Act with the 'Planning Act'. A new definition of Planning Act, being the proposed new Planning and Development Act, is also being inserted into schedule 1 (Dictionary).

Clause 167 amends section 37 (Declaration) to update a reference to the Sustainable Planning Act.

Clause 168 amends section 41 (Cessation of provisional priority development area) to update a reference to the Sustainable Planning Act and replace legislative references to reflect the Planning and Development Bill.

Clause 169 amends section 42K (Effect of planning instrument change) to update a reference to the Sustainable Planning Act and replace legislative references to reflect the Planning and Development Bill.

Clause 170 amends the heading of chapter 3, part 2, division 4 (Relationship with Sustainable Planning Act) to update a reference to the Sustainable Planning Act.

Clause 171 amends section 44 (Existing SPA development applications) to replace references to 'SPA development applications' with 'development applications under the Planning Act'.

Clause 172 amends section 45 (Existing SPA development approvals) to replace references to 'SPA development approvals' with 'development approvals under the Planning Act'.

Clause 173 amends section 47 (Community infrastructure designation) to replace the provision to replace references to 'community infrastructure designation' with 'designation under the Planning Act' to reflect terminology in the Planning and Development Bill.

Clause 174 amends section 48 (Conversion of PDA development approval to SPA development approval) to update references from 'SPA development approval' to 'a development approval under the Planning Act'.

Clause 175 amends section 49 (Outstanding PDA development applications) to update a references from 'SPA development approval' to 'a development approval under the Planning Act'.

Clause 176 amends section 50 (Provisions for converted SPA development approval) to update references from 'SPA development approval' to 'a development approval under the Planning Act' and update legislative references.

Clause 177 amends section 51 (Lawful uses in priority development area) to update a reference to the Sustainable Planning Act.

Clause 178 amends section 57 (Content of development scheme) to replace a reference to plans, policies and codes made under the Sustainable Planning Act or other Acts, with assessment benchmarks, consistent with the terminology of the Planning and Development Bill. The Economic Development Act provides a streamlined planning framework to facilitate development in priority development areas (PDAs) independent of the Sustainable Planning Act and, as such, existing categories of development will be retained.

Clause 179 amends section 71 (Development scheme prevails over particular instruments) to update a reference to plans, policies or codes made under the Sustainable Planning Act.

Clause 180 amends section 77 (Exemption for particular SPA development approvals and community infrastructure designations) to update terminology and legislative references to reflect the Planning and Development Bill.

Clause 181 amends section 80 (Amendment of relevant development instrument does not affect existing SPA or PDA development approval) to update terminology to reflect the Planning and Development Bill.

Clause 182 amends section 81 (Development or use carried out in emergency) to update a reference to community infrastructure and insert a new definition of 'emergency' consistent with the Planning and Development Bill.

Clause 183 amends section 82 (How to make application) to provide that owner's consent is not required for PDA development applications where the State is the owner of the land, consistent with the changed requirements under the Planning and Development Bill.

Clause 184 amends section 86 (Restrictions on granting approval) to replace a reference to 'SPA preliminary approval' with a 'preliminary approval under the Planning Act'.

Clause 185 amends section 87 (Matters to be considered in making decision) to replace a reference to 'SPA preliminary approval'.

Clause 186 amends section 90 (Right of appeal against particular conditions) to update legislative references.

Clause 187 amends section 97 (Provision for enforcement of PDA development conditions) to replace subsection (1) to update legislative references.

Clause 188 amends section 100 (When approval lapses generally) to update the currency periods and terminology for PDA development approvals consistent with the new currency periods and terminology under the Planning and Development Bill.

Clause 189 amends section 104 (Plans of subdivision) to allow requirements for the approval of plans of subdivision by the Minister for Economic Development Queensland (MEDQ) to be prescribed by regulation. Currently, the Economic Development Act applies the requirements of the Sustainable Planning Act in relation to compliance assessment of plans of subdivision as prescribed under schedule 19 of the Sustainable Planning Regulation. Compliance assessment has been discontinued under the Planning and Development Bill, and the process for approval of plans of subdivision by local governments will be prescribed under the Planning and Development Regulation without reference to compliance assessment. Regulatory amendments required for the commencement of the proposed new Planning and Development Act will include amendments to the *Economic Development Regulation 2013* to prescribe requirements for MEDQ approval of plans of subdivision, consistent with the requirements which will apply for local governments.

Clause 190 amends section 109 (Powers about enforcement orders) to update cross-references to the Sustainable Planning Act with the relevant provisions of the Planning and Environment Court Bill and the Planning and Development Bill.

Clause 191 amends section 110 (Offence to contravene enforcement order) to update a cross-reference relating to the Planning and Environment Court with the relevant provision of the Planning and Environment Court Bill.

Clause 192 amends section 123 (Application of local government entry powers for MEDQ's functions or powers) to update the definition of 'lot' with the relevant provision of the Planning and Development Bill.

Clause 193 amends section 127 (Direction to government entity or local government to accept transfer) to update a cross-reference with the relevant provision of the Planning and Development Bill.

Clause 194 amends section 177 (Definitions for ch 6) to insert new definitions for 'SPA development approval' and 'Sustainable Planning Act' for the interpretation of chapter 6, which provides new transitional provisions.

Clause 195 amends section 195 (Relationship with Sustainable Planning Act) to insert new definitions of 'community infrastructure designation' and 'SPA development application' for section 195.

Clause 196 inserts new chapter 7 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 217 (Definitions for ch 7) inserts new definitions of 'amending Act' and 'former' required for the interpretation of chapter 7.

- New section 218 (Existing development applications under repealed Sustainable Planning Act 2009) ensures that existing section 44 (Existing SPA development applications) of the Economic Development Act continues to apply to any development applications which have been made under the Sustainable Planning Act but not decided at commencement. Under the transitional provisions of the Planning and Development Bill, undecided applications will continue to be considered and decided under the Sustainable Planning Act. Further, subsection (3) provides for the lawful development or use of the premises under the approval, in accordance with section 77 (Exemption for particular SPA development approvals and community infrastructure designations) of the Economic Development Act.

- New section 219 (Existing compliance assessment for plans of subdivision) provides that existing section 104 (Plans of subdivision) continues to apply to any compliance assessment of plans of subdivision which has not been completed at commencement.

Clause 197 amends schedule 1 (Dictionary) to update definitions for 'building work', 'infrastructure agreement', 'lawful use', 'material change of use', 'operational work',

'planning instrument', 'planning scheme' , 'reconfiguring a lot', 'relevant development' and 'relevant land', insert a definition for 'Planning Act' and omit redundant definitions.

Part 18 Amendment of Electricity Act 1994

Clause 198 provides that the part amends the *Electricity Act 1994*.

Clause 199 omits section 112A (Clearing native vegetation for operating works on freehold land) and replaces it with a new section 112A which refers to the new Act and terms used within in it including 'accepted development'.

Part 19 Amendment of Environmental Offsets Act 2014

Clause 200 provides that the part amends the *Environmental Offsets Act 2014*.

Clause 201 amends section 5 (Relationship with particular Acts) to update legislative references.

Clause 202 amends section 13B (What this part is about) to update a legislative reference.

Clause 203 amends section 16 (Conditions that apply under this Act to authority) to update legislative references.

Clause 204 amends schedule 2 (Dictionary) to insert definitions for 'assessment manager', 'Planning Act' and 'referral agency', and update the definition for 'administering agency' to update terminology and legislative references.

Part 20 Amendment of Environmental Protection Act 1994

Clause 205 provides that the part amends the *Environmental Protection Act 1994*.

Clause 206 amends section 115 (Development application taken to be application for environmental authority in particular circumstances) to update terminology and legislative references.

Clause 207 amends section 125 (Requirements for applications generally) of the Environmental Protection Act 1994 so that the general application requirements do not apply in certain circumstances if the application relates to the Coordinator-General's evaluation of an Impact Assessment Report under the *State Development and Public Works Organisation Act 1971*.

Currently, this section applies if the Environmental Impact Statement (EIS) process under the *Environmental Protection Act 1994* has been completed. Section 125 of the Environmental Protection Act will be amended by the *Environmental Protection and Other Legislation Amendment Act* 2014 to include the EIS under the *State Development and Public Works Organisation Act 1971.* This exemption is being extended to an IAR under the *State Development and Public Works Organisation Act 1971.* The exemptions for Coordinated Project's EIS and IAR apply only to the extent the Coordinator-General's evaluation and conditions relate to the relevant activities the subject of the application. This is because the Coordinator-General's report may not have addressed some aspects of the project, and information may be required for the administering authority to assess those aspects.

Clause 208 amends section 126 (Requirements for site-specific applications- Coal Seam Gas activities) of the *Environmental Protection Act 1994* so that the application requirements do not apply to the extent that the application relates to the evaluation and conditions have been imposed through the Coordinator-General's report through an evaluation of an IAR under the *State Development and Public Works Organisation Act 1971.* Section 126 applies to require information about CSG water management in certain circumstances. Where the Coordinator-General report has already assessed this information and imposed appropriate conditions, there is no need for this information to be provided again.

Clause 209 amends section 139 (Information stage does not apply if EIS process complete) of the Environmental Protection Act 1994 so that the information stage does not apply in certain circumstances if the application relates to the Coordinator-General's evaluation of an Impact Assessment Report under the State Development and Public Works Organisation Act 1971.

Currently, this section applies if the EIS process under the Environmental Protection Act 1994 has been completed. Section 139 of the Environmental Protection Act will be amended by the Mineral and Energy Resources (Common Provisions) Act 2014 to include the EIS under the State Development and Public Works Organisation Act 1971. This exemption is being extended to an IAR under the State Development and Public Works Organisation Act 1971. The exemptions for Coordinated Project's EIS and IAR apply only to the extent the Coordinator-General's evaluation and conditions relate to the relevant activities the subject of the application. This is because the Coordinator-General's report may not have addressed some aspects of the project, and information may be required for the administering authority to assess those aspects.

Clause 210 amends section 150 (Notification stage does not apply to particular applications) of the Environmental Protection Act 1994 so that the section also applies if an IAR has been completed under the State Development Public Works Organisation Act 1971. The Mineral and Energy Resources (Common Provisions) Act 2014 included the EIS under the State Development and Public Works Organisation Act 1971. This exemption is being extended to an IAR under the State Development and Public Works Organisation Act 1971.

This section is being amended to that notification is not required if an IAR has been competed under the State Development and Public Works Organisation Act 1971. Notification of an IAR is mandatory where subsequent approvals are required (i.e. an Environmental Authority).

Clause 211 amends section 153 (Required content of application notice) of the Environmental Protection Act 1994 to also include IAR where reference is made to EIS. The IAR and EIS are termed the relevant assessment. This amendment would limit the notification of an environmental authority application to the environmental risks of the activity, if it had changed since the IAR was publically notified. This notification is limited to ensure that any public notification and submitter rights are limited to this change. Under the IAR process, submissions may be made to the Coordinator-General on the submitted IAR. These submissions are considered by the Coordinator-General in the development of the IAR assessment report.

This section only applies if the notification stage applies (i.e. where section 150 of the Environmental Protection Act 1994 does not exempt the application from being required to complete the notification stage). Therefore, the amendments to this section only apply to the application that has completed an IAR, but does not satisfy the criteria of section 150.

The amendments are linked to the changes in the Environmental Protection and Other Legislation Amendment Act 2014.

Clause 212 amends section 161 (Acceptance of submission) of the Environmental Protection Act 1994 as a consequence of the amendment to section 153, so that the administering authority need not accept any part of a submission on an environmental authority application that is not related to the environmental risks of the activity that have changed since the IAR was publically notified.

This section only applies if the notification stage applies (i.e. where section 150 of the Environmental Protection Act 1994 does not exempt the application from being required to complete the notification stage). Therefore, the amendments to this section only apply to the application that has completed an IAR, but does not satisfy the criteria of section 150.

The amendments are linked to the changes in the Environmental Protection and Other Legislation Amendment Act 2014.

Clause 213 amends section 166 (When does decision stage start-application relating to development applications) to update terminology.

Clause 214 section 169 (When decision must be made-particular applications) to update terminology.

Clause 215 amends section 173 (When particular applications must be refused) to update terminology and to include reference to the planning chief executive as a result of the State Assessment and Referral Agency.

Clause 216 amends section 195 (Issuing environmental authority) to include references to the planning chief executive as a result of the State Assessment and Referral Agency.

Clause 217 omits a note in section 205 (Conditions that must be imposed if application relates to coordinated project) inserted by the Environmental Protection and Other Legislation Amendment Act 2014.

Clause 218 amends section 332 (Administering authority may require draft program) to remove reference to a development condition of a development approval.

Clause 219 amends section 338 (Criteria for deciding draft program) by a subsection that is not required.

Clause 220 amends section 370 (Definitions for pt 8) to remove the definition for 'compliance permit' as a consequence of the new categories of assessment under the Planning and Development Bill.

Clause 221 omits section 382 (Compliance permit) as a consequence of the new categories of assessment under the Planning and Development Bill.

Clause 222 amends section 388 (Application of sdiv 2) as a consequence of the new categories of assessment under the Planning and Development Bill.

Clause 223 amends section 580 (Regulation-making power) to omit a redundant provision relating to fees before SARA.

Clause 224 amends sections 616ZB (End of environmental authority) to update a legislative reference.

Clause 225 amends section 624 (Effect of commencement on particular approvals) to update a legislative reference.

Clause 226 inserts a new part 24 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014), to provide for transitional arrangements upon commencement.

- New section 740 (Definitions for pt 24) provides definitions for the interpretation of the new part 24.

- New section 741 (Existing development applications under the repealed Planning Act) provides that, for development applications made under the Sustainable Planning Act

before the commencement, that are also taken to be applications for an environmental authority, the Environmental Protection Act as in force immediately before commencement of the Planning and Development (Consequential) and Other Legislation Amendment Act will continue to apply to the application for the environmental authority as if the.

- New section 742 (Requests for compliance assessment under the repealed Planning Act) provides that if a request for compliance assessment was made under the Sustainable Planning Act before commencement, the Environmental Protection Act as in force immediately before commencement of the Planning and Development (Consequential) and Other Legislation Amendment Act will continue to apply in relation to a compliance permit given for the request.

- New section 743 (Transitional environmental programs) provides that a condition of a development approval given before or after the commencement that requires a draft transitional environmental program under former section 332(1)(b) will continue in force. It also provides that the Environmental Protection Act as in force immediately before commencement of the Planning and Development (Consequential) and Other Legislation Amendment Act will continue to apply in relation to the condition.

Clause 227 amends schedule 1 (Exclusions relating to environmental nuisance or environmental harm) to update a legislative reference.

Clause 228 amends schedule 2 (Original decisions) of the Environmental Protection Act 1994 to exclude the Coordinator-General's conditions imposed in the IAR from being an 'original decision' under section 519 of the Environmental Protection Act 1994. By listing a decision in schedule 2, this means that the review and appeal provisions of the Act are enlivened and the normal appeal process applies.

The amendments are linked to the changes in the Mineral and Energy Resources (Common Provisions) Act 2014.

Clause 229 amends schedule 4 (Dictionary) to update legislative references, remove definitions for omitted terms and update the definition for 'development condition' as a result of SARA.

Part 21 Amendment of Fire and Emergency Services Act 1990

Clause 230 provides that the part amends the *Fire and Emergency Services Act 1990*.

Clause 231 amends section 113 (Appeal against local government's determination) to update a reference to the Sustainable Planning Act with the proposed new Planning and Development Act.

Clause 232 amends section 152C (Inspection of records of local governments and building certifiers) to replace references to the *Integrated Planning Act 1997* and the Sustainable Planning Act with the 'repealed' Acts and the proposed new Planning and Development Act.

Part 22 Amendment of Fisheries Act 1994

Clause 233 provides that the part amends the *Fisheries Act 1994*.

Clause 234 omits section 22 (Integrated development assessment system regulations and guidelines) to remove a redundant provision.

Clause 235 amends the note at section 52 (Things authorised by authorities) to update legislative references.

Clause 236 amends section 76A (Application of sdiv 1) to update terminology and legislative references.

Clause 237 amends section 76C (Nature of fisheries development approval for which resource allocation authority required) to update legislative references.

Clause 238 omits part 5, division 3A, subdivision 2 (Assessment of development applications for fisheries development approval generally) to remove redundant provisions.

Clause 239 amends part 5, division 3A, subdivision 3, heading (Assessment of development applications for construction or raising of waterway barrier works) as to reflect amended provisions.

Clause 240 omits section 76G (When chief executive may approve applications relating to waterway barrier works) to remove a provision that is no longer required.

Clause 241 amends part 5, division 3A, subdivision 4, heading (Conditions on fisheries development approvals generally) to reflect amended provisions.

Clause 242 amends section 76H (Relationship between subdivision 4 and Planning Act) to update legislative references.

Clause 243 omits section 76I (Conditions on fisheries development approvals generally) to remove a redundant provision.

Clause 244 amends section 76IA (Environmental offset conditions) to update legislative references.

Clause 245 omits sections 76J (Conditions on fisheries development approvals relating to aquaculture), 76K (Conditions on fisheries development approvals for constructing or raising waterway barrier works) and 76L (Conditions on fisheries development approvals for works

in a declared fish habitat area or removal etc. of marine plans) to remove redundant provisions.

Clause 246 omits part 5, division 3A, subdivision 5 (Amending conditions on fisheries development approvals) to remove redundant provisions.

Clause 247 amends section 76S (Purpose of sdiv 6) to update legislative references in the note.

Clause 248 amends section 76T (Penalties for carrying out assessable development without permit) to update legislative references and terms.

Clause 249 amends section 76U (Penalties for noncompliance with particular development approvals) to update legislative references.

Clause 250 amends section 76V (Additional requirement for development carried out in emergency) to update legislative references.

Clause 251 amends section 88B (Carrying out particular development without resource allocation authority) to update legislative references and terms.

Clause 252 amends section 145 (Entry to places) to update terminology to reflect changes to categories of assessment under the Planning and Development Bill.

Clause 253 amends section 185 (Who may apply for review) to remove a redundant part of the provision.

Clause 254 amends section 223 (Regulation making power) to allow a regulation to state the requirements that fisheries development must comply with to be categorised as accepted development under the proposed Planning and Development Act. This provision is required as a result of the changed categories of development under the Planning and Development Bill.

Clause 255 omits a note in section 242 (Continuing effect of existing approvals for waterway barrier works) as the Planning and Development Bill will make it redundant.

Clause 256 amends section 244 (Applications in progress for particular relevant authorities) to define 'Planning Act' as the Sustainable Planning Act for that section.

Clause 257 inserts a new part 12, division 10 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 262 (Definitions for div 10) provides definitions for the interpretation of new division 10.

- New section 263 (Existing development applications under the repealed Planning Act) provides that former sections 76D, 76G and part 5, division 3A, subdivision 4 continue to apply to a development application made under Sustainable Planning Act but not decided before the commencement if the chief executive administering the Fisheries Act is the assessment manager or a concurrence agency for the development application. It also provides that a decision of the chief executive administering the Fisheries Act about the development application is not reviewable under section 185(1).

- New section 264 (Existing appeals under former s76Q) provides that, if a person has appealed to the Planning and Environment Court under former section 76Q(1) and the appeal has not been decided before commencement, the Planning and Environment Court must hear, or continue to hear, and decide the appeal under former sections 76Q and 76R as if the Planning and Development (Consequential) and Other Legislation Amendment Act 2014 had not commenced.

- New section 265 (Right to appeal under former s76Q) provides that if a person, immediately before commencement, could have appealed to the Planning and Environment Court under former section 76Q(1) and the person has not appealed before commencement, the person may appeal and the Planning and Environment Court must hear and decide the appeal under former sections 76Q and 76R as if the Planning and Development (Consequential) and Other Legislation Amendment Act 2014 had not commenced.

Clause 258 amends the schedule (Dictionary) to update legislative terms and references and omit redundant definitions.

Part 23 Amendment of Geothermal Energy Act 2010

Clause 259 provides that the part amends the *Geothermal Energy Act 2010*.

Clause 260 amends section 327 (Restriction on carrying out geothermal activities) to update a legislative reference.

Part 24 Amendment of Gold Coast Waterways Authority Act 2012

Clause 261 provides that the part amends the *Gold Coast Waterways Authority Act 2012*.

Clause 262 amends section 4 (Relationship with other Acts) to update a legislative reference.

Part 25 Amendment of Inala Shopping Centre Freeholding Act 2006

Clause 263 provides that the part amends the *Inala Shopping Centre Freeholding Act 2006*.

Clause 264 amends section 27 (Exempt Development) to reflect the changed categories of development under the Planning and Development Bill.

Part 26 Amendment of Integrated Resort Development Act 1987

Clause 265 provides that the part amends the *Integrated Resort Development Act 1987*.

Clause 266 amends section 15 (Approved scheme regulates development etc. of site) to update a legislative reference.

Clause 267 amends section 20 (Effect of revocation) to update a legislative reference.

Clause 268 amends section 72 (Boundary adjustment plan) to remove a redundant provision.

Clause 269 amends section 90 (Construction of canals) to update a legislative reference.

Clause 270 amends section 96 (Surrender of canal to the State) to update a legislative reference.

Clause 271 amends schedule 7 (Dictionary) to update legislative references.

Part 27 Amendment of Integrity Act 2009

Clause 272 provides that the part amends the *Integrity Act 2009*.

Clause 273 amends section 42 (Meaning of 'lobbying activity' and 'contact') to replace a reference to the Sustainable Planning Act with the proposed new Planning and Development Act.

Part 28 Amendment of Land Act 1994

Clause 274 provides that the part amends the *Land Act 1994*.

Clause 275 amends section 55D (Registration surrenders deed of grant in trust) to update a legislative reference.

Clause 276 amends section 109A (Simultaneous opening and closing of roads – deed of grant) to update a legislative reference.

Clause 277 amends section 109B (Simultaneous opening and closure of roads – trust or lease land) to update a legislative references.

Clause 278 amends section 294B (Building management statement may be registered) to update the definition for 'building development approval'.

Clause 279 amends section 373A (Covenant by registration) to update legislative references and terms. It also incorporates a requirement previously located in section 87 (Covenants not to conflict with planning schemes) of the Sustainable Planning Act.

Clause 280 amends section 431N (Ability to prosecute under other Acts) to update a legislative reference.

Clause 281 amends schedule 6 (Dictionary) to include a definition for 'Planning Act'.

Part 29 Amendment of Land Sales Act 1984

Clause 282 provides that the part amends the *Land Sales Act 1984*.

Clause 283 amends section 12 (Requirements for disclosure statement) to change the definition of 'development approval' to omit reference to compliance permits, as compliance assessment and compliance permits are not continued under the Planning and Development Bill.

Clause 284 amends schedule 1 (Dictionary) to update legislative references for the definitions of 'Planning Act', 'operational work' and 'reconfiguring a lot'.

Part 30 Amendment of Land Tax Act 2010

Clause 285 provides that the part amends the *Land Tax Act 2010*.

Clause 286 amends section 55 (Port authority land) to update legislative references.

Part 31 Amendment of Land Title Act 1994

Clause 287 provides that the part amends the *Land Title Act 1994*.

Clause 288 amends section 50 (Requirements for registration of plan of subdivision) to reflect updated terms and processes as a result of the Planning and Development Bill.

Clauses 289 amends section 54A (Building management statement may be registered) to update legislative references and omit the term 'compliance permit', as compliance assessment and compliance permits are not continued under the Planning and Development Bill.

Clause 290 amends section 65 (Requirements of instrument of lease) to refer to 'reconfiguring a lot' and update a legislative reference.

Clause 291 amends section 83 (Registration of easement) to update legislative references and terms as a result of the Planning and Development Bill.

Clause 292 amends section 94 (Meaning of high-density development easement) to update legislative references.

Clause 293 amends section 97A (Covenant by registration) to update legislative references and terms. It also incorporates a requirement previously located in section 87 (Covenants not to conflict with planning schemes) of the Sustainable Planning Act.

Clause 294 amends section 115I (Enlarging the number of lots through progressive subdivision) so that the section also applies to a basic scheme for which an application for development approval is made under the proposed Planning and Development Act.

Clause 295 amends schedule 2 (Dictionary) to provide a definition for 'Planning Act'.

Part 32 Amendment of Land Valuation Act 2010

Clause 296 provides that the part amends the *Land Valuation Act 2010*.

Clause 297 amends section 10 (Zoned rural land) to continue the effect of the provision while taking into account changes under the Planning and Development Bill.

Clause 298 amends section 11 (Cessation of zoned rural land) to replace a reference to a 'preliminary approval under the Planning Act' with 'development approval' to address an existing issue in the Land Valuation Act. The provision will now provide that zoned rural land ceases to be zoned rural land and becomes non-rural land if, under a development approval approving a material change of use, it is used for an urban purpose.

Clause 299 amends the schedule (Dictionary) to update legislative references and include a definition for 'planning scheme'.

Part 33 Amendment of Liquor Act 1992

Clause 300 provides that the part amends the *Liquor Act 1992*.

Clause 301 amends section 4 (Definitions) to update legislative references for the definitions for 'development approval' and 'relevant period' and insert a new definition for 'Planning Act'.

Clause 302 amends section 105B (Application for adult entertainment permit requires local government consent) to update legislative references for the definition of 'consent'.

Clause 303 amends section 121 (Matters the commissioner must have regard to) to update legislative references to the Planning Act in the provision.

Clause 304 amends section 123 (Commissioner may grant provisional licence) to update legislative references to the Planning Act in the provision.

Part 34 Amendment of Local Government Act 2009

Clause 305 provides that the part amends the *Local Government Act 2009*.

Clause 306 amends section 37 (Development processes) to update reference to the development assessment process under the proposed new Planning and Development Act.

Clause 307 amends section 72 (Assessment of impacts on roads from certain activities) to update reference to development categorised as assessable development under the local government's planning scheme, omitting reference to compliance assessment and compliance assessor which are not continued under the Planning and Development Bill.

Clause 308 amends section 93 (Land on which rates are levied) to omit a reference to compliance permits.

Clause 309 inserts a new chapter 9, part 9 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 308 (Definitions for pt 9) inserts a definition for 'repealed Planning Act' required for the interpretation of part 9.

- New section 309 (Continuing application of s 132) provides that section 132 (Entering under an application, permit or notice) continues to apply to an application made, or a permit or notice given under the Sustainable Planning Act before the commencement.

- New section 310 (Existing remedial notice) ensures that notices issued before the commencement under section 138AA (Notices for this division) requiring remedial action to be taken under the Sustainable Planning Act continue to have effect.

- New section 311 (Inside information about repealed Planning Act) protects the confidentiality of information about the exercise of a power under the Sustainable Planning Act in accordance with the requirements applying to other local government related laws under section 171A (Prohibited conduct by councillor in possession of inside information).

- New section 312 (Continuing application of s 246) ensures that any fines imposed for an offence under the Sustainable Planning Act continue to be paid to the council's operating fund in accordance with section 246 (Where fines are to be paid to).

These transitional provisions are necessary as the definition of 'Local Government Act' referenced in these sections currently includes the Sustainable Planning Act but is being amended to refer to the proposed new Planning and Development Act.

Clause 310 amends schedule 4 (Dictionary) to update the definitions of 'Planning Act' and 'planning scheme' for the Planning and Development Bill. The definition of 'Planning and Environment Court' is omitted as this definition is being inserted into the Acts Interpretation Act.

Part 35 Amendment of Local Government (Robina Central Planning Agreement) Act 1992

Clause 311 provides that the part amends the *Local Government (Robina Central Planning Agreement) Act 1992*.

Clause 312 amends section 6 (Amendment of planning agreement) to update legislative terms and references.

Clause 313 inserts a new section 12 (Transitional provision for Planning and Development Act 2014 and Planning and Development (Consequential) and Other Legislation Amendment Act) to provide for transitional arrangement upon commencement.

Part 36 Amendment of Major Events Act 2014

Clause 314 provides that the part amends the *Major Events Act 2014*.

Clause 315 amends section 78 (Application of other Acts to activities or works for major event) to replace a reference to the Sustainable Planning Act with the proposed new Planning and Development Act.

Part 37 Amendment of Major Sports Facilities Act 2001

Clause 316 provides that the part amends the *Major Sports Facilities Act 2001*.

Clause 317 amends section 30AI (Definitions for div 1) to update the definition of 'relevant development approval' to refer to the 'repealed' Sustainable Planning Act and the proposed new Planning and Development Act.

Clause 318 amends section 30AN (Use of Suncorp Stadium for major sport events) to insert a replacement subsection (2), replacing a reference to the Sustainable Planning Act and omitting references to compliance permits, which are not continued under the Planning and Development Bill.

Clause 319 amends section 30A (Lawful use for major sports facilities for prescribed special events) to insert a replacement subsection (2), replacing a reference to the Sustainable Planning Act and omitting references to compliance permits.

Clause 320 amends schedule 2 (Dictionary) to insert a definition of 'Planning Act' and update the definition of 'use' for the Planning and Development Bill.

Part 38 Amendment of Marine Parks Act 2004

Clause 321 provides that the part amends the *Marine Parks Act 2004*.

Clause 322 amends the schedule (Dictionary) to update the example in the definition of 'environment conservation legislation' for the Planning and Development Bill.

Part 39 Amendment of Mineral Resources Act 1989

Clause 323 provides that the part amends the *Mineral Resources Act 1989*.

Clause 324 amends chapter 1, part 3, heading (Relationship with Sustainable Planning Act 2009) to update legislative references.

Clause 325 amends section 4A (Effect on development) to update legislative terms, references and effects.

Clause 326 amends section 4B (Notice to local government and chief executive (planning) of particular mining tenements) to update terminology as a result of the Planning and Development Bill.

Clause 327 amends schedule 2 (Dictionary) to update legislative terms and references.

Part 40 Amendment of Nature Conservation Act 1992

Clause 328 provides that the part amends the *Nature Conservation Act 1992*.

Clause 329 omits section 106 (Orders prevail over planning schemes) as a redundant provision. Applicable interim conservation orders and planning schemes both need to be complied with and one does not prevail over the other.

Clause 330 omits section 122 (Conservation plans and regulations prevail over planning schemes) as a redundant provision. Applicable conservation plans, and regulations giving effect to management plans, and planning schemes each need to be complied with and one does not prevail over the other.

Clause 331 amends the schedule (Dictionary) to remove a redundant definition.

Part 41 Amendment of Neighbourhood Disputes (Dividing Fences and Trees) Act 2011

Clause 332 provides that the part amends the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.

Clause 333 amends the schedule (Dictionary) to update legislative references in the definition of 'development approval'.

Part 42 Amendment of Nuclear Facilities Prohibition Act 2007

Clause 334 provides that the part amends the *Nuclear Facilities Prohibition Act 2007*.

Clause 335 amends section 8 (No development approval or mining tenement for a nuclear facility) to update legislative references.

Part 43 Amendment of Petroleum and Gas (Production and Safety) Act 2004

Clause 336 provides that the part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

*Clause 337*amends a note to section 33 (Incidental activities) to update legislative references.

Clause 338 amends a note to section 112 (Incidental activities) to update legislative references.

Clause 339 amends a note to section 403 (Incidental activities) to update legislative references.

Clause 340 amends a note to section 442 (Incidental activities) to update legislative references.

Part 44 Amendment of Plumbing and Drainage Act 2002

Clause 341 provides that the part amends the *Plumbing and Drainage Act 2002*.

Clause 342 amends section 85 (Process for assessing plans) to update the reference in the note from the relevant sections of the Sustainable Planning Act to the relevant sections of the Planning and Development Act 2014.

Clause 343 amends section 86 (General process for assessing compliance assessable work) to update the reference in the note from the relevant sections of the Sustainable Planning Act to the relevant sections of the Planning and Development Act 2014.

Clause 344 amends section 86A (Process for assessing certain compliance assessable work in remote areas) to update the reference in the note from the relevant sections of the Sustainable Planning Act to the relevant sections of the Planning and Development Act 2014.

Clause 345 amends section 95 (Information Notice) to update the reference in the note from the relevant sections of the Sustainable Planning Act to the relevant sections of the Planning and Development Act 2014.

Clause 346 amends s114 (Functions and powers of inspectors and relationship to the Local Government Act 2009 and City of Brisbane Act 2010) to replace a reference to the Sustainable Planning Act with a reference to the proposed new Planning and Development Act.

Clause 347 amends s118 (Relationship with Sustainable Planning Act 2009) to update legislative references to reflect the proposed new Planning and Development Act.

Clause 348 amends the Schedule (Dictionary) to include a definition for 'Planning Act', and update legislative references and terms.

Part 45 Amendment of Private Health Facilities Act 1999

Clause 349 provides that the part amends the *Private Health Facilities Act 1999*.

Clause 350 amends section 62 (Meaning of *prescribed alteration*) to omit reference to compliance permits and replace a reference to the Sustainable Planning Act with the proposed new Planning and Development Act.

Part 46 Amendment of Prostitution Act 1999

Clause 351 provides that the part amends the *Prostitution Act 1999*.

Clause 352 amends section 62 (Definition for pt 4) to update legislative reference in the definition of 'development application'.

Clause 353 amends section 63B (Notification by assessment manager of development application) to update references to the categories of assessment for development applications for brothels. Under the Planning and Development Bill, code assessment and impact assessment have been replaced with standard assessment and merit assessment.

Clause 354 amends part 4, division 3 (Review by QCAT) to omit the editor's note referring to the repealed Integrated Planning Act and interpretive provisions of the Sustainable Planning Act.

Clause 355 amends section 64A (Review of decisions about code assessment) to replace references to 'code assessment' with 'standard assessment', consistent with the new terminology under the Planning and Development Bill. Subsection (2) is amended to align the decisions subject to review by the Queensland Civil and Administrative Tribunal (QCAT) with the appeal rights for other development applications as prescribed under schedule 1 of Planning and Development Bill. The clause replaces references to decisions provided for under the Integrated Planning Act, updating these to the relevant decisions provided for under the Planning and Development Bill. *Clause 356* amends section 64B (Review of decisions about impact assessment) to replace reference to 'impact' assessment with 'merit' assessment, consistent with the terminology under the Planning and Development Bill and update legislative references. Section 64B(3) is amended to replace a reference to 'acknowledgement notice' as these notices are not continued under the Planning and Development Bill.

Requirements for development applications will be set out in the Development Assessment Rules to be made under the proposed new Planning and Development Act, and the provision is being amended to refer to a notice accepting the application given under the Rules.

Clause 357 amends section 64D (No appeal from QCAT's decision under the Integrated Planning Act) to update legislative references.

Clause 358 amends section 140 (Regulation-making power) to replace subsection (2)(f) which contains reference to an Integrated Development Assessment System (IDAS) code for brothel development applications. Under the Planning and Development Bill, IDAS codes are not continued and 'assessment benchmarks' will be introduced to specify the matters assessment managers must assess development applications against. Regulatory amendments required for the commencement of the proposed new Planning and Development Act will include amendments to the *Prostitution Regulation 2014* to update the terminology of the current IDAS code for brothels.

Clause 359 inserts a new part 9, division 8 (Provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014 to provide for transitional arrangements upon commencement.

- New section 164 (Existing development applications under the repealed Sustainable Planning Act 2009) ensures that existing part 4 (Development approvals for brothels) of the Prostitution Act continues to apply to any development applications for a material change of use for a brothel or a request to change a development approval for a brothel which have been made under the Sustainable Planning Act but not decided at commencement. Under the transitional provisions of the Planning and Development Bill, undecided applications will continue to be considered and decided under the Sustainable Planning Act.

- New section 165 (QCAT review proceedings) applies for any QCAT reviews under sections 64A or 64B which have not been decided before the commencement. The proposed new section provides that QCAT must continue to hear and decide the matter in accordance with the unamended Prostitution Act, and that existing rights to apply to QCAT for review and for QCAT to hear and decide the matter continue as if this Bill had not commenced. It also provides definitions for amending Act and unamended Act for clarity.

Clause 360 amends schedule 4 (Dictionary) to update legislative references for the definitions of, 'development approval', 'IDAS', 'Planning Act' and 'Assessment Manager'.

Part 47 Amendment of Queensland Building and Construction Commission Act 1991

Clause 361 provides that part 46 of the Bill amends the *Queensland Building and Construction Commission Act 1991*.

Clause 362 amends s68E (Obligation of assessment manager or compliance assessor in relation to insurance premium) to replace provisions referencing compliance assessment requirements under the Sustainable Planning Act with the equivalent development approval requirements under the Planning and Development Bill.

Clause 363 amends s108 (Obligation of assessment manager) to replace a reference to the Sustainable Planning Act in the definition for 'assessment manager' with a reference to the Planning and Development Bill.

Clause 364 amends Schedule 1B (Domestic building contracts) to replace a reference to the Sustainable Planning Act definition for 'development approval' with a reference to the Planning and Development Bill.

Clause 365 amends Schedule 2 (Dictionary) to update the definitions for 'assessment manager' and 'Planning Act' as a result of the Planning and Development Bill.

Part 48 Amendment of Queensland Heritage Act 1992

Clause 366 provides that the part amends the *Queensland Heritage Act 1992*.

Clause 367 amends part 6, division 1, heading (Assessing development applications) to change it to 'Development of Queensland heritage place by State' as a consequence of removing sections 68-70 (see clause below) and renumbering of divisions in the part.

Clause 368 omits sections 68 to 70, which provided arrangements for the assessment of development applications, as these provisions are redundant as a result of the establishment of the State Assessment and Referral Agency.

Clause 369 amends section 77 (Purpose of div 3) to update legislative references and terms.

Clause 370 amends section 111 (Appeals about permit to enter protected area) to update legislative references to both the proposed new Planning Act and the proposed new Planning and Environment Court Act.

Clause 371 amends section 112 (Local government to identify places in planning scheme or local heritage register) to remove a redundant provision.

Clause 372 replaces part 11, division 4 (Code for IDAS for local heritage places on local heritage registers) to update legislative references, particularly assessment benchmarks under the Planning Act in the new section 121.

Clause 373 amends section 123 (Local heritage register may be adopted in planning scheme) as a redundant provision, given there is no equivalent of section 85 of the Sustainable Planning Act in the Planning and Development Bill.

Clause 374 amends section 124 (Provision about entitlement to claim compensation) to update legislative references and terms.

Clause 375 replaces section 164 (Court process for appeal) to update legislative references to both the Planning and Development Act and the new Planning and Environment Court Act.

Clause 376 amends section 164B (Restoration orders) to update legislative references in the definition of 'offence'.

Clause 377 amends section 164C (Non-development orders) to update legislative references in the definition of 'offence'.

Clause 378 amends section 164D (Education and public benefit orders) to update legislative references in the definitions of 'education order' and 'offence'.

Clause 379 amends section 198 (Local governments prescribed under the pre-amended Act, s112) to update legislative references.

Clause 380 inserts a new part 15, division 5 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014 to provide for transitional arrangements on commencement.

- New section 200 (Definitions for div 5) defines 'amending Act' and 'former' for the purposes of the division.

- New section 201 (Existing development applications under the repealed Sustainable Planning Act 2009) applies to a development application for a development approval made under the repealed Sustainable Planning Act before the commencement. The clause provides that section 59 continues to apply to the development application as if the amending Act had not commenced. It goes on to provide that if the chief executive is the assessment manager or a referral agency for the development application, former section 68 to 70 continue to apply to the development application as if the amending Act had not commenced.

- New section 202 (Continuing application of s 169) applies if a person is convicted of an offence against the repealed Sustainable Planning Act, section 578(1) or 580 in relation to development on a Queensland heritage place. The section provides that the court may make an order under section 169(1) in relation to the office as if the amending Act had not commenced.

- New section 203 (continuing application of s 170) applies if the owner of a Queensland heritage place is convicted of an offence against the repealed Sustainable Planning Act, section 578(1) or 580 in relation to development on a Queensland heritage place; and the offence involves the destruction of, or damage to, the Queensland heritage place. The section provides, in subsection (2), that the Minister may make an order under section 170(1) in relation to the offence as if the amending Act had not commenced. Section 170(2) to (5) applies to an order made under subsection (2).

Clause 381 amends the schedule (Dictionary) to remove the definition for Planning and Environment Court as this is now addressed by the Acts Interpretation Act, and update legislative references in the definitions of 'Planning Act' and 'planning scheme'.

Part 49 Amendment of Queensland Reconstruction Authority Act 2011

Clause 382 provides that part 48 of the Bill amends the *Queensland Reconstruction Authority Act 2011*.

Clause 383 amends section 47 (Definitions for pt 5) to update the definitions of 'decision-maker' and 'prescribed process' to omit references to 'concurrence agency' and 'IDAS', which are not continued under the Planning and Development Bill, and to omit an example from the definition 'prescribed process'.

Clause 384 amends section 49 (Progression notice) to omit a reference to IDAS.

Clause 385 amends section 50 (Notice to decide) to update a reference to the decision stage for a development application under the Sustainable Planning Act to refer to the decision-making period, consistent with the terminology of the Planning and Development Bill.

Clause 386 amends section 53 (Providing assistance or recommendations) to update a reference to 'infrastructure' under the Sustainable Planning Act with the terminology and relevant provisions under the Planning and Development Bill.

Clause 387 amends section 54 (Effects of step-in notice) to omit references to 'concurrence agency' and 'advice agency' under the Sustainable Planning Act. Under the Planning and Development Bill, concurrence agencies and advice agencies are not continued as separate categories of referral agencies.

Clause 388 amends section 55 (Authority's decision) to insert new subsections (4) and (4A) in order to clarify the intention of the existing cross-reference to section 633(2)(b) of the Sustainable Planning Act relating to the issuing of infrastructure charges notices. The amendments provide that where the Queensland Reconstruction Authority receives a recommendation from a local government to impose a condition for a prescribed decision (section 55(3)), and a development approval under the Planning Act is given (new section 55(4)), the local government must give an infrastructure charges notice under the Planning and Development Bill (new section 55(5)). This amendment ensures that the requirements and timeframes for local governments to give infrastructure charges notices under the Planning and Development Bill continue to apply where the Queensland Reconstruction Authority has given the relevant development approval.

Clause 389 amends section 57 (Notice of decision) to insert a new subsection (1A) which provides that the Queensland Reconstruction Authority must give notice of decisions about development applications to the relevant local government. This amendment ensures that the local government is able to comply with the requirements of section 55 in relation to the issuing of infrastructure charges notices under the Planning and Development Bill.

Clause 390 amends section 63 (Content of development scheme) to replace subsection 63(3)(b) to (e) which relate to requirements for land use plans which form part of the development schemes for reconstruction areas. The amendment replaces references to the categories of development and assessment under the Sustainable Planning Act with the new categories under the Planning and Development Bill, being accepted development, assessable development (standard assessment or merit assessment) and prohibited development. Proposed new subsection (5) ensures that existing requirements for public notification of development applications continue to apply, by stating that relevant provisions of the Planning and Development Bill relating to public notification for merit assessable applications apply.

In addition, the clause replaces a reference to plans, policies and codes made under the Sustainable Planning Act or other Acts, with assessment benchmarks, consistent with the terminology of the Planning and Development Bill.

Clause 391 amends section 64 (Development scheme may make provision for particular assessable development) to update references to assessable development under the Sustainable Planning Act with terminology consistent with the Planning and Development Bill. The amendments maintain the existing powers under the Queensland Reconstruction Authority Act for development schemes to override requirements prescribed under the Sustainable Planning Act.

Clause 392 amends section 78 (Relationship with other instruments) to replace a reference to plans, policies and codes made under the Sustainable Planning Act or other Acts, with assessment benchmarks, consistent with the terminology of the Planning and Development Bill.

Clause 393 amends the heading of part 6, division 4 (Relationship with Sustainable Planning Act) to update a reference to the Sustainable Planning Act.

Clause 394 amends section 80 (Referral agency's assessment of development application) to replace a cross-reference relating to referral agencies with the relevant provisions of the Planning and Development Bill.

Clause 395 amends section 81 (Assessment manager's assessment of development application) to replace cross-references relating to assessment of development applications with the relevant provisions of the Planning and Development Bill. In addition, new subsections (2) and (2A) clarify the requirements applying if a development scheme is amended while an assessment manager is assessing a development application against the scheme. The requirements are consistent to those applying to assessment managers under clause 59(5) of the Planning and Development Bill.

Clause 396 omits section 82 (Decision generally) as the provision applies to State planning regulatory provisions, which are not continued under the Planning and Development Bill.

Clause 397 amends section 83 (Restriction on granting development approval) to update a reference to the Sustainable Planning Act.

Clause 398 omits part 6, division 4, subdivision 4 (Compliance stage under IDAS) as this subdivision modifies provisions relating to compliance assessment, which is not continued under the Planning and Development Bill.

Clause 399 amends section 89 (Lawful use of premises protected) to replace a reference to the Sustainable Planning Act in the definition of 'lawful use' with the proposed new Planning and Development Act and the repealed planning Acts and to update a cross-reference.

Clause 400 amends section 91 (New instruments can not affect existing development approval or compliance permit) to omit references to compliance permits, which are not continued under the Planning and Development Bill.

Clause 401 amends section 92 (Minister's power to amend development approval or compliance permit) to omit references to compliance permits, update a reference to the Sustainable Planning Act and include reference to the access rules to be made under the proposed new Planning and Development Act.

Clause 402 replaces subdivision 6 (Designations under the Planning Act) relating to the infrastructure designations for land subject to a development scheme. Currently, the Queensland Reconstruction Authority Act prohibits an infrastructure designation being made for land subject to a development scheme. However, recent amendments to section 47 of the Economic Development Act allowed community infrastructure designations to be made for land in priority development areas, and the Planning and Development Bill will provide that only the Minister is able to make designations of land for infrastructure. Accordingly, section 93 is amended to allow infrastructure designations to be made for land to which a development scheme applies, to continue any existing designations in force, and to provide that development in accordance with the designation is accepted development. As a result of the amendments, existing section 94 of the Act will be omitted.

Clause 403 amends section 95 (Planning and Environment Court may make declarations) to omit the definition of 'Planning and Environment Court' as this definition is being inserted into the Acts Interpretation Act.

Clause 404 amends section 100 (Application of Sustainable Planning Act) to update cross-references to the Sustainable Planning Act with the relevant provision of the Planning and Development Bill.

Clause 405 amends section 112 (Power of Minister to direct local government to take particular action about local planning instrument) to omit an example referring master planned areas, as these provisions have been removed from the Sustainable Planning Act, and to allow for Ministerial powers to direct amendment of (in addition to making and repealing) temporary local planning instruments. Definitions of 'planning scheme', 'planning scheme policy' and 'temporary local planning instrument' are also updated for the Planning and Development Bill.

Clause 406 amends section 114 (Minister to give notice of direction) to update a reference to the Sustainable Planning Act.

Clause 407 inserts new part 12 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 140 (Definition for pt 12) inserts new definitions required for the interpretation of part 12.

- New section 141 (Existing development schemes) provides for references in existing development schemes to be interpreted as references to new terminology under the amended Queensland Reconstruction Authority Act and the proposed new Planning and Development Act.

  This includes interpretation of references to existing categories of development and assessment under the Sustainable Planning Act (exempt development, self-assessable development, development requiring compliance assessment, code assessment and impact assessment) as being references to the categories of development and assessment under the Planning and Development Bill (accepted development, assessable development, standard assessment and merit assessment). These interpretive provisions will allow existing development schemes to transition to and operate under the new planning framework without immediate need for amendment.

- New section 142 (Existing development applications under the repealed Sustainable Planning Act 2009) ensures that the existing requirements of the Queensland Reconstruction Authority Act continue to apply to any development applications which have been made under the Sustainable Planning Act but not decided before commencement. Under the transitional provisions of the Planning and Development Bill, undecided applications will continue to be considered and decided under the Sustainable Planning Act.

- New section 143 (Existing request for compliance assessment under the repealed Sustainable Planning Act 2009) applies to any requests for compliance assessment of a development, document or work which have not been decided before

commencement. The provision ensures that the Act as in force before commencement continues to apply to the request.

Clause 408 amends the schedule (Dictionary) to update definitions to reflect the Planning and Development Bill.

Part 50 Amendment of Regional Planning Interests Act 2014

Clause 409 provides that part 49 of the Bill amends the *Regional Planning Interests Act 2014*.

Clause 410 amends section 5 (Relationship with resource Acts and Environmental Protection Act) to replace a reference to the Sustainable Planning Act with the proposed new Planning and Development Act.

Clause 411 amends section 25 (Exemption—pre-existing regulated activity) to insert reference to the 'repealed' Sustainable Planning Act' and the proposed new Planning and Development Act.

Clause 412 amends section 71 (Definitions for pt 5) to omit reference to the Planning Environment Court being established under the Sustainable Planning Act.

Clause 413 amends section 72 (Appeals to Planning and Environment Court) to replace the note to refer to provisions of the Planning and Environment Court Bill relating to the powers, processes and procedures of the court.

Clause 414 inserts new section 77A (Appeal decision) to specify the powers of the Planning and Environment Court in deciding an appeal against a regional interests decision. These powers are consistent with the Planning and Environment Court Bill, which applies to Planning and Development Bill appeals.

Clause 415 amends section 78 (Declarations) to replace subsection (2) to provide that the Planning and Environment Court may make an order about any declaration it makes. This provides consistency with the court's general declaratory jurisdiction under the Planning and Environment Court Bill.

Clause 416 amends schedule 1 (Dictionary) to update the definitions for 'regional plan' and 'road' and insert a definition of 'Planning Act' to reflect the Planning and Development Bill.

Part 51 Amendment of Residential Services (Accreditation) Act 2002

Clause 417 provides that this part amends the *Residential Services (Accreditation) Act 2002*.

Clause 418 amends section 29 (Notice of compliance with prescribed building requirements) to replace legislative terms and references to reflect the Planning and Development Bill.

Clause 419 amends section 30 (Appeal) to replace a reference to the Sustainable Planning Act with a reference to the Planning and Development Bill.

Clause 420 amends section 31 (Decision on appeal) to replace legislative terms and references to reflect the Planning and Development Bill.

Clause 421 amends section 33 (Prescribed fire safety document) to remove provisions relating to a process using compliance assessment under the Sustainable Planning Act, which is not continued as an assessment category under the Planning and Development Bill.

Clause 422 amends Schedule 2 (Dictionary) to insert a definition for 'Planning Act' and replace Sustainable Planning Act references with the relevant Planning and Development Bill references.

Part 52 Amendment of Sanctuary Cove Resort Act 1985

Clause 423 provides that this part amends the *Sanctuary Cove Resort Act 1985*.

Clause 424 amends sections 9, 12E and 103 to update legislative terms.

Clause 425 amends schedule 9 (Dictionary) to update legislative references.

Part 53 Amendment of South Bank Corporation Act 1989

Clause 426 provides that the part amends the *South Bank Corporation Act 1989*.

Clause 427 amends section 3 (Definitions) to update definitions of 'Planning Act', 'planning scheme' and 'operational work' for the Planning and Development Bill.

Clause 428 amends section 4 (Meaning of assessable development) to update a reference to assessable development or self-assessable development prescribed under the Sustainable Planning Act to remove reference to 'self-assessable development' and update terminology consistent with the Planning and Development Bill.

Clause 429 amends the heading of part 7, division 5 (Relationship with the Sustainable Planning Act until the development completion date) to replace the reference to the Sustainable Planning Act with the proposed new Planning and Development Act and Planning and Environment Court Act.

Clause 430 replaces section 77 (Application of div 5) and section 78 (Modified application of the Planning Act) and inserts a new section 78A (Modified application of Planning and Environment Court Act 2014). The redrafted provisions remove current provisions relating concurrence agency codes where the South Bank Corporation is prescribed as a concurrence agency under the Sustainable Planning Act. Current subsection 78(a) is removed, as concurrence agencies are not continued as a separate category of referral agency under the Planning and Development Bill, and the relevant matters referral agencies must assess applications against will be prescribed under the proposed new Planning and Development Regulation. New sections 78 and 78A will apply if the South Bank Corporation is prescribed as a referral agency, and maintain the existing application of subsections 78(b), (c) and (d) in relation to the South Bank Corporation's referral agency role.

Clause 431 amends the heading of part 7, division 6 (Relationship with the Sustainable Planning Act on development completion date) to update a reference to the Sustainable Planning Act.

Clause 432 amends section 79 (Effect of development completion date) to update a reference to the Sustainable Planning Act.

Clause 433 inserts new part 11, division 9 (Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014 to provide for transitional arrangements upon commencement.

New section 141 (Application of s 78 to particular development applications) continues the application of section 78 (Modified application of the Planning Act) if the South Bank Corporation is a concurrence agency for a development application made but not decided before commencement.

Part 54 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

Clause 434 provides that the part amends the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

Clause 435 amends section 53 (Delegation) to update legislative terms.

Clause 436 amends section 77H (Provision for things done under agreement before the transfer) to update legislative references and terms.

Clause 437 amends section 77I (Application of sdiv 3A) to update legislative references.

Clause 438 amends section 78 (Reconfiguring a lot after transfer scheme or notice takes effect) to update legislative references and terms.

Clause 439 amends chapter 3, part 3, division 2, subdivision 5 (Planning schemes and declared master planned areas) to remove obsolete provisions.

Clause 440 amends chapter 3A, part 5, division 6, heading (Planning Act) to update legislative terms and references.

Chapter 441 amends section 92DI (Cessation of Allconnex's functions) to update legislative references and to confirm Allconnex retains certain functions for applications under the repealed SPA

Clause 442 omits section 92DJ (Continued effect of non-application of planning schemes under s 78A) to remove an obsolete provision.

Clause 443 amends section 99BO (Content of part A of plan) to update a legislative reference.

Clause 444 amends section 99BRBC (Notice of review decision) to update a legislative term.

Clause 445 amends chapter 4C, part 4, division 3, heading (Appeals to a building and development committee) to update a legislative term.

Clause 446 amends section 99BRBE (Appeals about applications for connections-general) to update legislative terms and references.

Clause 447 amends sections 99BRBF (Appeals about applications for connections-particular charges) to update legislative terms.

Clause 448 amends section 99BRBFA (Appeals against refusal of conversion application) to update legislative terms.

Clause 449 amends section 99BRBG (Application of relevant committee appeal provisions) to update legislative terms and references.

Clause 450 replaces section 99BRBGA (Matters development tribunal may consider in making decision) to update legislative terms and clarify the application of relevant statutory instruments.

Clause 451 amends section 99BRBH (Notice of appeal) to update legislative terms.

Clause 452 amends section 99BRBK (Registrar must ask distributor-retailer for material in particular proceedings) to update legislative terms.

Clause 453 amends section 99BRBL (Lodging appeal stops particular actions) to update legislative terms.

Clause 454 amends section 99BRBQ (Application of relevant court provisions) updates legislative references and terms and in particular clarifies certain terms used under the Planning Act to ensure they are able to be interpreted under this Act

Clause 455 inserts a new section 99BRBQA that confirms that the Planning and Environment Court must decide an appeal based on the statutory instruments applying when the application was made, but the Court has discretion to consider an amended or replacement instrument to the extent the Court considers appropriate in deciding the appeal.

Clause 456 amends section 99BRBU (Who must prove case for appeals) to confirm, in certain circumstances, that the appellant is to establish that the appeal should be upheld and the distributor-retailer must establish that the appeal should be dismissed in the case of an appeal by the recipient of a water connection compliance notice.

Clause 457 amends section 99BRCC (Definitions for part 7) to update legislative terms and references.

Clause 458 amends section 99BRCF (Power to adopt charges by board decision) to update legislative references and terms.

Clause 459 amends section 99BRCG (Matters for board decision) to update legislative references and terms and to provide for certain provisions to be included in charges notices resulting from board decisions.

Clause 460 amends section 99BRCH (Working out cost of infrastructure for offset or refund) to update legislative references.

Clause 461 amends section 99BRCHA (Criteria for deciding conversion application) to update legislative references.

Clause 462 amends section 99BRCI (When charge may be levied and recovered) to update legislative references and to clarify factors applying to a levied charge under an infrastructure charges notice

Clause 463 amends section 99BRCJ (Limitation of levied charge) to update a legislative reference.

Clause 464 amends section 99BRCL (Payment triggers generally) to update legislative references.

*Clause 465*amends section 99BRCN (Application of Planning Act, chapter 8, part 2, division 1, subdivision 5) to update section numbering as a result of other amendments.

Clause 466 amends section 99BRDB (No conditions on State infrastructure suppliers) to update section numbering.

Clause 467 amends section 99BRDE (Application to convert infrastructure to trunk infrastructure) to reflect recent changes to the distributor-retailer model framework

Clause 468 amends section 99BRDN (When water infrastructure agreement binds successors in title) to update section numbering.

Clause 469 amends section 99BU (Requirements for infrastructure charges register) to update legislative terms.

Clause 470 amends section 100G (Documents and information about water approvals and development approvals) to insert a new definition of 'development application'.

Clause 471 amends section 102 (Regulation-making power) to omit a provision no longer required.

Clause 472 amends section 131 (Definitions for part 9) to update legislative references.

Clause 473 amends section 140B (Definitions for part 10) to update legislative references.

Clause 474 inserts a new chapter 6, part 11 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements for commencement of the new Act.

- New section 142 defines the amending Act as the Planning and Development (Consequential) and Other Legislation Amendment Act 2014 for the purposes of interpreting the new part.

- New section 143 (Existing development applications or requests for compliance assessment) applies to a development application or request for compliance assessment made under the repealed SPA but not decided for commencement. The new section ensures that repealed SPA continues to apply to those activities as if the amending Act had not commenced.

- New section 144 (Continuing application of section 78B) provides that section 78B remains in force and continues to apply to an SEQ declared master planned area as if the amending Act had not commenced.

- New section 145 (Existing levied charge for reconfiguring a lot under the repealed SPA) provides that section 99BRCL as in force immediately before the commencement continues to apply to the levied change for a water approval if made before the commencement, there is a related reconfiguring of a lot for the water approval, and a development application or request for compliance assessment was made for the reconfiguration under the repealed SPA before the commencement.

- New section 146 (Water connection aspect of development approvals) clarifies the matters applying to development approvals involving a water connection where the application was made before the commencement and an approval is given after the commencement.

- New section 146 (Related applications made after commencement) applies to 'related applications' made after the commencement and in particular, to deciding the water connection aspects of the application.

- New section 148 (Giving infrastructure charges notices for particular development approvals taken to be water approvals) clarifies circumstances where other sections apply to a water connection aspect of a development approval where it is taken to be a water approval under section 146.

- New section 149 (Giving infrastructure charges notices for other development approvals) clarifies circumstances where a charges notices applying to a development approval given before 1 July 2014 involves a water connection aspect but did not become a water approval under section 135, and a request is made to change or extend the development approval. The section clarifies that a new infrastructure charges notice may be given to replace the original notice, in certain circumstances.

- New section 150 (Delegations) clarifies the circumstances relating to related applications made after the commencement and development approvals involving a water aspect, and provides for the continuing effect of delegations relating to certain referral and compliance assessment functions.

Clause 475 amends the schedule (Dictionary) to update legislative terms and references and insert additional definitions inserted by recent related legislative amendments reflecting changes to the distributor-retailer model.

Part 55 Amendment of Southern Moreton Bay Islands Development Entitlements Protection Act 2004

Clause 476 provides that the amends the *Southern Moreton Bay Islands Development Entitlements Protection Act 2004*.

Clause 477 amends section 4 (What is an SMBI application) to update legislative terms.

Clause 478 amends section 4A (What is an SMBI request) to update legislative terms and references.

Clause 479 amends section 7 (Modified application of Sustainable Planning Act 2009) to update legislative terms and references.

Clause 480 omits section 8 (Certain rights unaffected) as redundant.

Clause 481 inserts a new section 12 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide that for an SMBI application or SMBI request or a development approval given before the commencement for an SMBI application, made before the commencement, the Act as in force immediately before the commencement continues to apply to the SMBI application or SMBI request as if the Planning and Development (Consequential) and Other Legislation Amendment Act 2014 had not commenced.

Clause 482 amends the schedule (Dictionary) to update legislative terms and references.

Part 56 Amendment of State Development and Public Works Organisation Act 1971

Clause 483 provides that part 56 of the Bill amends the *State Development and Public Works Organisation Act 1971*.

Clause 484 amends section 24 (Definitions for pt 4) to update a reference to the Sustainable Planning Act in the definition of 'assessment manager'.

Clause 485 amends section 34G (Preparation of draft IAR) to replace a reference to 'impact assessment' with merit assessment and public notification, consistent with the Planning and Development Bill.

Clause 486 amends section 35A (Lapsing of Coordinator-General's report) to update a reference to the Sustainable Planning Act in the definition of 'relevant approval'.

Clause 487 amends the heading of part 4, division 4 (Relationship with Sustainable Planning Act) to update a reference to the Sustainable Planning Act.

Clause 488 amends section 37 (Applications for material change of use or requiring impact assessment) to replace update terminology consistent with the Planning and Development Bill. This includes replacing references to 'impact assessment' with 'merit assessment', removing references to 'IDAS', replacing references to 'concurrence agency' with 'referral agency' and replacing a reference to 'code assessment' with 'standard assessment'. While these amendments update terminology, the existing application of section 37 is maintained.

Clause 489 amends section 38 (When the decision stage for the project starts under IDAS) to replace references to the decision stage of IDAS with the decision-making period under the Planning and Development Bill, and update references to the Sustainable Planning Act.

Clause 490 amends section 39 (Application of Coordinator-General's report to IDAS) to replace references to IDAS, the Sustainable Planning Act and concurrence agency with new terminology, and replace a cross-reference relating to development approvals with the relevant provision of the Planning and Development Act.

Clause 491 amends section 41 (Concurrence agencies for conditions of development approvals) to replace references to 'concurrence agency' with 'referral agency'.

Clause 492 amends section 42 (Changing or cancelling a condition of a development approval) to update a cross-reference relating to change applications with the relevant provision of the Planning and Development Bill.

Clause 493 amends section 42A (Application of Coordinator-General's change report to IDAS) to replace references to IDAS, and to clarify the effect of a Coordinator-General's change report on the decision-making period under the Planning and Development Bill. New subsection (4) replaces the current cross-reference to section 319 of the Sustainable Planning Act (Decision-making period—changed circumstances) to explicitly provide that the decision-making period under the proposed new Planning and Development Act will stop on the day the change report is given to the proponent, and start again on the day the assessment manager receives a copy of the report. To ensure this is able to have effect, new subsection (1A) requires the Coordinator-General to give a copy of the change report to the assessment manager for the development application.

Clause 494 amends the heading of part 4, division 4, subdivision 2 (Community infrastructure) to replace reference to 'community infrastructure' with 'designation of land under the Planning Act', consistent with the terminology of the Planning and Development Bill.

Clause 495 amends section 43 (Application of Coordinator-General's report to designation) to update terminology and cross-references relating to the designation of land for infrastructure with the relevant provisions of the Planning and Development Bill.

Clause 496 amends section 50 (Application of div 7) to update a reference to the Sustainable Planning Act.

Clause 497 amends section 54A (Application of div 8) to replace a reference to impact assessment with merit assessment to reflect the new categories of assessment under the Planning and Development Bill.

Clause 498 amends section 54C (Provision for what conditions may be imposed) to replace cross-references relating to development conditions with the relevant provisions of the Planning and Development Bill.

Clause 499 amends section 54D (Effect of imposed conditions) to update cross-references relating to requirements to comply with development approvals with the relevant provisions of the Planning and Development Bill.

Clause 500 amends section 54F (Provision about enforcement orders under the Sustainable Planning Act) to update a reference to the Sustainable Planning Act and replace a cross-reference relating to enforcement orders with the relevant provision of the Planning and Development Bill.

Clause 501 amends section 54G (Declaration-making powers) to update cross-references relating to the declaratory jurisdiction of the Planning and Environment Court with the relevant provisions of the Planning and Environment Court Bill.

Clause 502 amends section 54ZM (Declarations) to update a cross-reference relating to the declaratory jurisdiction of the Planning and Environment Court with the relevant provision of the Planning and Environment Court Bill and correct an error in the title of the Planning and Environment Court.

Clause 503 amends section 76D (Definitions for pt 5A) to insert a new definition of 'relevant local government' for the purposes of section 76Q and update the definitions of 'decision maker' and 'prescribed decision' and 'prescribed process'.

Clause 504 amends section 76I (Progression notice) to remove a reference to IDAS.

Clause 505 amends section 76J (Notice to decide) to update terminology relating to the decision-making period for a development application, consistent with the Planning and Development Bill.

Clause 506 amends section 76M (Providing assistance or recommendation) to update a reference to 'infrastructure' with 'trunk infrastructure' and 'non-trunk infrastructure'.

Clause 507 amends section 76N (Effects of step in notice) to replace reference to 'concurrence agency' and 'advice agency' with 'referral agency'. The amendment also maintains the existing position that referral agencies are limited to providing advice to the Coordinator-General for a prescribed decision or process under this section.

Clause 508 amends section 76O (Coordinator-General's decision) to insert new subsections (4B) and (4C) in order to clarify the intention of the existing cross-reference to section 633(2)(b) of the Sustainable Planning Act relating to the issuing of infrastructure charges notices. The amendments provide that where the Coordinator-General receives a recommendation from a local government to impose a condition for a prescribed decision (section 76M(4)), and a development approval under the Planning Act is given (new section 76O(4B)), the local government must give an infrastructure charges notice under the Planning and Development Bill (new section 76O(4C)). This amendment ensures that the

requirement and timeframes for local governments to give infrastructure charges notices under the Planning and Development Bill continue to apply where the Coordinator-General has given the relevant development approval.

Clause 509 amends section 76Q (Notice of decision) to insert a new subsection (1A) which provides that the Coordinator-General must give notice of decisions about development applications to the relevant local government. This amendment ensures that the local government is able to comply with the requirements of section 76O in relation to the issuing of infrastructure charges notices under the Planning and Development Bill.

Clause 510 amends section 85 (Carrying out of particular development, use or works not an offence) to insert new subsections (5) and (6) which specify the effect of an infrastructure designation on land subject to a development scheme. This continues the effect of section 204 of the Sustainable Planning Act.

Clause 511 amends section 136 to clarify existing powers of the Coordinator-General to grant access for the purposes of works for planned development.

Clause 512 amends section 140 (Powers in respect of particular works on foreshore and under waters) to replace a reference to 'exempt development' with 'accepted development'.

Clause 513 amends section 157A (What is an 'enforceable condition') to update a cross-reference relating to infrastructure designations with the relevant provision of the Planning and Development Bill.

Clause 514 amends section 157D (Right of appeal) to update a note including a cross-reference relating to the Planning and Environment Court with the Planning and Environment Court Bill.

Clause 515 amends section 157M (Powers about enforcement orders) to replace a cross-reference in a note relating to the Planning and Environment Court with the relevant provisions of the Planning and Environment Court Bill.

Clause 516 amends section 157N (Offence to contravene enforcement order) to replace a cross-reference relating to the Planning and Environment Court with the relevant provision of the Planning and Environment Court Bill.

Clause 517 inserts a new part 9, division 9 (Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 203 (Existing development applications under the Sustainable Planning Act 2009) ensures that existing part 4, division 4 (Relationship with Sustainable Planning Act) continues to apply to any development applications which have been made under the Sustainable Planning Act but not decided at commencement. Under

the transitional provisions of the Planning and Development Bill, undecided applications will continue to be considered and decided under the Sustainable Planning Act.

Clause 518 amends schedule 2 (Dictionary) to update the definitions of 'advice agency', 'applicable code', 'authorised development', 'building work', 'concurrence agency', 'development approval', 'IDAS', 'operational work', 'Planning Act', 'Planning and Environment Court', 'reconfiguring a lot', 'referral agency', 'relevant local government' and 'Sustainable Planning Act' for the Planning and Development Bill.

Part 57 Amendment of Statutory Instruments Act 1992

Clause 519 provides that part 56 of the Bill amends the *Statutory Instruments Act 1992*.

Clause 520 amends schedule 2A (Subordinate legislation to which part 7 does not apply) to replace a reference to rules of court made under the Sustainable Planning Act with the proposed new Planning and Environment Court Act.

Part 58 Amendment of Supreme Court of Queensland Act 1991

Clause 521 provides that this part of the Bill amends the *Supreme Court of Queensland Act 1991*.

Clause 522 amends the long title of the Act to include reference to the power to prescribe fees for the Planning and Environment Court.

Clause 523 amends section 92 (Regulation-making power) to allow the Governor in Council to make regulations which prescribe fees and costs for the Planning and Environment Court in addition to the Supreme Court, District Court and Magistrates Courts.

Part 59 Amendment of Torres Strait Islander Cultural Heritage Act 2003

Clause 524 provides that the part amends the *Torres Strait Islander Cultural Heritage Act 2003.*

Clause 525 omits section 89 (Cultural heritage management plan needed under Planning Act), which applies when the chief executive administering the Torres Strait Islander Cultural Heritage Act is a concurrence agency for a development application. Following the establishment of the State Assessment and Referral Agency, the chief executive administering the Sustainable Planning Act performs referral agency functions on behalf of

the State. Therefore this provision is being omitted as a consequence of these new arrangements.

Part 60 Amendment of Torres Strait Islander Land Act 1991

Clause 526 provides that the part amends the *Torres Strait Islander Land Act 1991*.

Clause 527 amends section 28B (Definitions for part 2A) to update legislative references.

Part 61 Amendment of Transport Infrastructure Act 1994

Clause 528 provides that the part amends the *Transport Infrastructure Act 1994*.

Clause 529 amends section 42 (Impact of certain local government decisions on State-controlled roads) to include reference to the planning chief executive.

Clause 530 amends section 49 (Assessment of impacts on State-controlled roads from certain activities) to update legislative references and terms.

Clause 531 amends section 49A (Impact of particular development and State-controlled roads) to update legislative terms and references.

Clause 532 amends section 74 (Cases where compensation not payable) to update legislative terms and references.

Clause 533 amends section 75 (Conditions in development approval) to update legislative terms and references.

Clause 534 amends section 85B (Application of Queensland Heritage Act 1992 for development for a franchised road) to update legislative references.

Clause 535 amends section 93A (Application of Queensland Heritage Act 1992 for development for a toll road) to update legislative references.

Clause 536 amends section 247 (Chief executive taken to be owner of rail corridor land and on-rail corridor land for particular circumstances under Planning Act) to update legislative terms.

Clause 537 amends section 258 (Impact of particular development and railways) to update legislative references.

Clause 538 amends section 258A (Impact of change of management of local government road on railways) to update legislative terms and references.

Clause 539 amends section 283I (Definitions for pt 3C) to update legislative terms and references to reflect the Planning and Development Bill. A definition for 'valuable features' is omitted from this section because it is more appropriately located in schedule 6 (Dictionary).

Clause 540 omits section 283M (Application of Planning Act) as these provisions are more appropriately located in the proposed Planning and Development Regulation.

Clause 541 amends section 283S (Content of plan-mandatory requirements) to update legislative terms and references to reflect the Planning and Development Bill.

Clause 542 amends section 283T (Content of plan-matters about development) to update legislative terms and references to reflect the Planning and Development Bill.

Clause 543 amends section 283X (When plan must include priority infrastructure interface plan) to update legislative terms and references.

Clause 544 amends section 283ZI (Recording matters about Brisbane port LUP) to provide that a record made under the section in relation to the Brisbane port Land Use Plan is not an amendment of the planning scheme.

Clause 545 amends section 283ZL (Effect of land ceasing to be Brisbane core port land) to update legislative terms.

Clause 546 amends section 283ZM (Reconfiguring a lot) to update legislative terms as a result of changed development categories in the Planning and Development Bill.

Clause 547 amends section 283ZN (Port prohibited development) to update legislative terms and references to reflect changes to assessment categories in the Planning and Development Bill.

Clause 548 amends section 283ZO (Code assessment under Brisbane port LUP) to provide that for any part of a development application requiring standard assessment under the Brisbane Port LUP for port related development, the assessment manager must approve the part if the port related development is consistent with the Brisbane port LUP and complies with all assessment benchmarks under the Planning Act for the application. The section also provides that this is subject to any requirements of a referral agency for the part of the application requiring standard assessment under the Brisbane port LUP.

Clause 549 amends chapter 8, part 3C, division 5, subdivision 2, heading (Provisions about assessment manager and referral agencies) to replace it with the heading 'local heritage places and infrastructure contributions'.

Clause 550 omits sections 283ZP to 283ZU as these provisions are more appropriately located in the proposed Planning and Development Regulation.

Clause 551 amends section 283ZV (Assessment and referrals for heritage places) to update legislative terms and references.

Clause 552 omits sections 283ZW to 283ZY as these provisions are more appropriately located in the proposed Planning and Development Regulation.

Clause 553 amends section 283ZZA (Particular provisions of Planning Act do not apply in relation to Brisbane core port land) to update legislative references.

Clause 554 replaces section 283ZZB (Modified application of Planning Act, ch 9, pt 6, div 4) to update legislative terms and references..

Clause 555 replaces section 283ZZC (Restriction on designation for community infrastructure) to provide that development under an infrastructure designation is accepted development under the Planning Act to the extent the development would, but for this section, be assessable development for that Act under the Brisbane port LUP. The provision also provides that subsection (1) does not limit the proposed Planning and Development Act provision which sets out that development under a designation, to the extent the development is building work that is building assessment work under the Building Act, is subject to the category of development stated for the building work under a regulation.

Clause 556 omits section 283ZZD (Restriction on application of master plan) as a redundant provision.

Clause 557 amends section 283ZZJ (Particular development applications-Brisbane core port land) to update legislative terms.

Clause 558 amends section 283ZZK (Particular development applications-balance port land or former Brisbane core port land) to update legislative terms.

Clause 559 amends section 284 (Definitions for div 1) to omit a definition for 'valuable features' from this section because it is more appropriately located in schedule 6 (Dictionary).

Clause 560 amends section 287 (Strategic port land not subject to local planning instrument) to update legislative references.

Clause 561 amends section 287A (Impact of particular development and port operations) to update legislative references.

Clause 562 amends section 287B (Guidelines for s287A) to update legislative references.

Clause 563 amends section 467 (Amounts payable are debts owing to the State) to include reference to the 'repealed' Sustainable Planning Act as well as the proposed new Planning and Development Act.

Clause 564 amends section 477A (Power to deal with particular land) to update legislative terms.

Clause 565 amends section 477AA (Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act) to update legislative terms.

Clause 566 amends section 513 (Continuing application of previous provisions to non-IDAS applications) to update legislative terms and include reference to the 'repealed' Sustainable Planning Act and the proposed new Planning and Development Act.

Clause 567 inserts a new chapter 21, part 5 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014) to provide for transitional arrangements upon commencement.

- New section 583 (Definitions for pt 5) provides a definition for 'amending Act' for the interpretation of part 5.

- New section 584 (Existing development applications under the repealed Sustainable Planning Act 2009) provides that the Transport Infrastructure Act continues to apply to a development application made under the Sustainable Planning Act but not decided before commencement, as if the Planning and Development (Consequential) and Other Legislation Amendment Act 2014 had not commenced.

- New section 585 (Existing Brisbane port LUP) provides for the transitioning of categories of development for the Brisbane port Land Use Plan.

- New section 586 (References to Brisbane port railway land) provides that if a document in force before the commencement defines the term 'Brisbane port railway land' as having the meaning given in the Transport Infrastructure Act, the term in the document continues to have the meaning given in section 283I as in force immediately before the provision was amended by the Planning and Development (Consequential) and Other Legislation Amendment Act 2014.

Clause 568 amends schedule 6 (Dictionary) to update legislative terms and references, remove redundant definitions and insert the Sustainable Planning Act definition for 'valuable features'.

Part 62 Amendment of Transport Operations (Marine Safety) Act 1994

Clause 569 provides that the part amends the *Transport Operations (Marine Safety) Act 1994*.

Clause 570 amends section 10A (Meaning of commercial ship, fishing ship and recreational ship, and related provision) to clarify subsection (2)(b) and update a legislative references.

Part 63 Amendment of Transport Planning and Coordination Act 1994

Clause 571 provides that the part amends the *Transport Planning and Coordination Act 1994*.

Clause 572 amends section 3 (Definitions) to update legislative terms and references.

Clause 573 amends section 8B (Impact of particular development on public passenger transport or active transport) to update legislative terms and references.

Clause 574 amends section 8C (Impact of road works on local government road) to update legislative terms.

Clause 575 amends section 8D (Impact of change of management of local government road on public passenger transport) to include reference to the planning chief executive as a result of the establishment of the State Assessment and Referral Agency.

Clause 576 amends section 8E (Guidelines for pt 2A) to update legislative references.

Clause 577 amends section 38 (Regulation-making power) to remove a redundant provision.

Part 64 Amendment of Transport (South Bank Corporation Area Land) Act 1999

Clause 578 provides that the part amends the *Transport (South Bank Corporation Area Land) Act 1999*.

Clause 579 amends section 12 (State may sign plans and other documents) to remove redundant provisions.

Part 65 Amendment of Vegetation Management Act 1999

Clause 580 provides that the part amends the *Vegetation Management Act 1999*.

Clause 581 amends section 3 (Purpose of Act) to update legislative terms to reflect the Planning and Development Bill and remove a redundant provision relating to the phasing out of broadscale clearing.

Clause 582 amends section 7 (Application of Act) to omit subsections that are no longer required.

Clause 583 omits part 2, divisions 2A (Other policies for vegetation management) and 3 (Regional vegetation management codes) as redundant provisions.

Clause 584 amends section 16 (Preparing declaration) to provide that the proposed declaration must include the proposed matters a development application for the clearing of vegetation in the state area may be assessed against.

Clause 585 amends section 17 (Making declaration) to omit a requirement for the declaration to include a code for the clearing of vegetation in the declared area.

Clause 586 omits sections 19A to 19C as redundant provisions.

Clause 587 amends section 19F (Making declaration) to remove a redundant provision. Amended section 19F will still provide that the chief executive need not make a declaration for the stated area if the chief executive considers the making of the declaration is not in the interests of the State, having regard to the public interest.

Clause 588 omits section 19H (Code for clearing of vegetation) as a redundant provision.

Clause 589 amends part 2, division 4A, heading (Code for clearing vegetation for special indigenous purpose) to replace the heading with the word 'clearing' to remove a redundant reference to 'code'.

Clause 590 replaces section 19N (Code for clearing vegetation for special indigenous purpose). It provides that the Minister may prepare a document setting out the proposed matters a development application may be assessed against or having regard to if the application is for the clearing of vegetation for development and the Minister is, satisfied under the Cape York Peninsular Heritage Act, that the development is for a special indigenous purpose. In preparing the document, the Minister must consult with the relevant landholders and the Cape York Peninsula Regional Advisory Committee. The Minister may consider any matters stated in the Cape York Peninsular Heritage Act, section 18 or 19, the Minister considers relevant to the clearing of vegetation for the development mentioned. The clause continues to define the terms 'Cape York Peninsula Region', 'Cape York Peninsula Regional Advisory Committee', 'DOGIT land', and 'relevant landholders'.

Clause 591 amends part 2, division 4B, heading (Self-assessable codes) to replace the reference to 'Self-assessable' with 'Accepted'.

Clause 592 amends section 19O (Self-assessable vegetation clearing code) to update terms by changing references from 'self-assessable' to 'accepted development'.

Clause 593 amends section 19P (When self-assessable vegetation clearing code takes effect) to update legislative terms, to change reference from 'self-assessable' to 'accepted development'.

Clause 594 amends section 19Q (Code compliant clearing and native forest practices self-assessable) to update legislative terms and provides for when an activity under this section is accepted development, assessable development and prohibited development for the Planning and Development Bill.

Clause 595 amends section 19R (Register of self-assessable notices given under code) to update legislative terms, to replace 'self-assessable' with 'accepted development'.

Clause 596 omits part 2, division 5 (Declarations about codes) as a redundant part.

Clause 597 amends section 20AH (Deciding to show particular areas as category B areas) to update legislative terms, to change a reference from 'self-assessable' to 'accepted development'.

Clause 598 amends section 20AI (Deciding to show particular areas as category C areas) to update legislative terms, to replace 'self-assessable' with 'accepted development'.

Clause 599 amends section 20CA (Process before making PMAV), to update legislative terms, to replace 'exempt' with 'accepted' and 'self-assessable' with 'accepted development'.

Clause 600 amends section 20D (When PMAV may be replaced) to update legislative terms, to replace 'self-assessable' with 'accepted development'.

Clause 601 amends section 20P (Criteria for approving draft plan or accrediting planning document) to update references by referring to a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against.

Clause 602 amends section 20R (Imposing additional condition on approval of draft plan) to update references by referring to a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against.

Clause 603 amends section 20UA (Chief executive may make area management plans) to update references by referring to a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against.

Clause 604 amends section 20ZB (Amendment by chief executive) to update legislative terms and references.

Clause 605 omits section 21 (Modifying effect on vegetation clearing applications) as a redundant provision.

Clause 606 omits section 22 (Declarations for the Planning Act) as a redundant provision.

Clause 607 amends section 22A (Particular vegetation clearing applications may be assessed) to update legislative references and extend the provision so that the chief executive administering the Planning and Development Act, as well as the chief executive administering the Vegetation Management Act can be satisfied a vegetation clearing application is for a relevant purpose under the section. The amendment also removes a duplicative subsection.

Clause 608 omits sections 22B to 22D as redundant provisions.

Clause 609 amends part 2, division 6, subdivision 1A, heading (Particular vegetation clearing applications) to insert the heading 'High value agriculture clearing and irrigated high value agriculture clearing'.

Clause 610 omits section 22DAA (Application of subdivision) as it is no longer required.

Clause 611 amends section 22DAB (Requirements for making application) to replace the heading with 'Restrictions on clearing' and remove provisions relating to making a development application.

Clause 612 amends section 22DAC (Matters for deciding application) to replace the section heading with 'When a vegetation clearing application is for irrigated or high value agriculture clearing' and update the provision to reflect the amendments to section 22DAB.

Clause 613 omits part 2, division 6, subdivision 2 (Referral agency assessment and responses) as redundant.

Clause 614 omits part 2, division 7 (Broadscale applications and ballots) as redundant.

Clause 615 omits section 22M (Refusing vegetation clearing application after conviction for vegetation clearing office) as redundant.

Clause 616 amends section 70AB (Copies of documents to be available for inspection and purchase) to update legislative references and remove redundant parts of the provision.

Clause 617 amends section 70A (Application of development approvals and exemptions for Forestry Act) to update legislative terms.

Clause 618 amends section 70B (Record of particular matters in land registry) to update legislative references and remove redundant parts of provisions.

Clause 619 amends section 72 (Regulation-making power) to remove a redundant part of the provision.

Clause 620 amends section 74 (Existing development control plans and special facilities zones) to update the provision to change references from 'Planning Act' to the 'repealed Sustainable Planning Act' and include reference to the proposed Planning and Development Act.

Clause 621 omits sections 75-78 as they are no longer required.

Clause 622 omits section 80 (Modifying effect of repealed Integrated Planning Act 1997 for owner's consent) as it is no longer required.

Clause 623 amends section 81 (Effect on existing riverine protection permits) to update legislative terms and references.

Clause 624 omits section 83 (Validation of regional vegetation management codes) as it is no longer required.

Clause 625 omits part 6, division 6 (Transitional provision for Sustainable Planning Act 2009) as it is no longer required.

Clause 626 omits sections 90 to 95 as they are no longer required.

Clause 627 amends section 100 (Clearing of regulated regrowth vegetation in retrospective period not an offence) to update legislative references.

Clause 628 omits sections 105 (Existing applications for moratorium exemption) and 106 (Existing PMAV applications) as they are no longer required.

Clause 629 omits section 108 (Appeals) as it is no longer required.

Clause 630 inserts a new part 6, division 12 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014, to provide for transitional arrangements for commencement of the Planning and Development Bill.

- New section 125 (Self-assessable vegetation clearing code continues in effect) to provide that a self-assessable vegetation clearing code in force immediately before the commencement continues in effect and is taken to be an accepted development vegetation clearing code.

- New section 126 (Existing vegetation clearing application or concurrence agency application under the repealed Sustainable Planning Act 2009) applies to a vegetation clearing application or concurrence agency application, as defined under the Vegetation Management Act immediately before the commencement, that was made under the repealed Sustainable Planning Act but not decided before the commencement.

The clause provides that the Vegetation Management Act as in force immediately before the commencement, continues to apply to the application as if the Planning and Development (Consequential) and Other Legislation Amendment Act had not commenced.

Clause 631 amends schedule (Dictionary) to update legislative terms and references.

Part 66 Amendment of Water Act 2000

Clause 632 provides that the part amends the *Water Act 2000*.

Clause 633 amends a note at chapter 2, part 2, division 1A (Authorised taking of, or interference with, water without water entitlement) to update legislative references.

Clause 634 amends section 46 (Content of draft water resource plans) to update legislative references.

Clause 635 amends section 363 (Water bores to which ch 3 applies) to include reference to the 'repealed' Sustainable Planning Act and the proposed Planning and Development Act.

Clause 636 amends section 740 (Functions and powers of authorised officers) to remove a redundant provision and renumber provisions.

Clause 637 amends section 746 (Power to enter land to monitor compliance) to update legislative terms and references.

Clause 638 amends section 814 (Excavating or placing fill without permit) to update legislative terms.

Clause 639 amends chapter 8, part 2, division 1, subdivision 1, heading (Additional provisions for making development applications) to remove the word 'making'.

Clause 640 amends section 967 (Applications for levees) to update legislative terms and references.

Clause 641 omits chapter 8, part 2, division 1, subdivision 2 (Additional assessment criteria) as redundant provisions.

Clause 642 amends section 972B (When an applicant may appeal to Land Court) to update a legislative reference.

Clause 643 omits section 972C (Offence to take or interfere with water if development permit required) as this provision is not required, given that it duplicates a Planning and Development Bill offence.

Clause 644 amends section 972D (Additional rights for permits for operational work) to update legislative terms to reflect changed categories of development under the Planning and Development Bill.

Clause 645 omits sections 972E and 972F as these provisions are not required, given the existence of relevant offences in the Water Act and Planning and Development Bill.

Clause 646 amends sections 972H (Modification of removal of works) to update legislative terms.

Clause 647 amends section 972J (Modification or removal of levees) to update legislative terms.

Clause 648 replaces section 972N (Effect on development permit) so that the section will no longer state that a development permit to which directions relate is changed to include the direction. The replacement of section 972N will continue to state that if the direction is inconsistent with a development permit, the direction prevails to the extent of the inconsistency.

Clause 649 amends section 1014 (Regulation-making power) to omit redundant and duplicative provisions, update legislative terms and provide that a regulation may state, for the Planning Act, the requirements that operational work that allows taking or interfering with water must comply with to be categorised as accepted development under the proposed Planning and Development Act.

Clause 650 amends section 1046 (Declared underground water areas) to update legislative terms and references.

Clause 651 amends section 1048A (Existing licences, permits and approvals) to update legislative references.

Clause 652 inserts a new chapter 9, part 9 (Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014 to provide for transitional arrangements for the commencement of the Planning and Development Bill.

- New section 1282 (Existing water resource plans) provides that the section applies to a water resource plan in force immediately before commencement. The clause provides that a reference in the water resource plan to self-assessable development is taken to be a reference to accepted development.

- New section 1283 (Existing development applications under the repealed Planning Act) provides that the section applies to a development application under the repealed Planning Act but not decided before the commencement. The clause provides that chapter 8, part 2, division 1 as in force immediately before the commencement continues to apply to the development application as if the Planning and Development

(Consequential) and Other Legislation Amendment Act had not commenced. The clause confirms that reference to 'repealed Planning Act' means the repealed Sustainable Planning Act.

Clause 653 amends schedule 4 (Dictionary) to remove redundant terms and definitions, and provide for updated legislative terms and references.

Part 67 Amendment of Water Supply (Safety and Reliability) Act 2008

Clause 654 provides that the part amends the *Water Supply (Safety and Reliability) Act 2008*.

Clause 655 amends section 559 (Definition for pt 2) to remove a redundant section cross-reference.

Clause 656 omits section 560 (Codes for Planning Act) to remove a redundant provision.

Clause 657 amends section 561 (Development applications for relevant operational work) to remove redundant provisions.

Clause 658 amends section 562 (When applicant may appeal to Land Court) to renumber section cross-referencing.

Clause 659 inserts a new chapter 10, part 9 (Transitional Provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014 to provide for transitional arrangements for commencement of the Planning and Development Act.

New section 672 (Existing development applications under the repealed Sustainable Planning Act 2009) provides that the section applies to a development application made under the repealed Sustainable Planning Act but not decided before the commencement. The section also provides that chapter 8, part 2, as in force immediately before the commencement, continues to apply to the development application as if the Planning and Development (Consequential) and Other Legislation Amendment Act had not commenced.

Clause 660 amends schedule 3 (Dictionary) to omit redundant terms and update legislative terms and references.

Part 68 Amendment of Wet Tropics World Heritage Protection and Management Act 1993

Clause 661 provides that the part amends the *Wet Tropics World Heritage Protection and Management Act 1993*.

Clause 662 amends schedule 3 (Dictionary) to update legislative references and terms such as ‘Planning Scheme’.