



Queensland

Ports Bill 2014



Queensland

Ports Bill 2014

Contents

		Page
Part 1	Preliminary	
Division 1	Introduction	
1	Short title	10
2	Purpose of Act and achieving the purpose.	10
3	Principles for achieving Act's purpose	10
4	Act binds all persons	12
Division 2	Interpretation	
5	Dictionary	12
6	Application of provisions.	12
7	References to functions	12
Part 2	Priority port development areas	
8	Priority port development areas for particular ports	13
Part 3	Port planning instruments	
Division 1	Preliminary	
9	What is a port planning instrument.	14
Division 2	Making, amending and repealing port planning instruments	
10	Process for making, amending or repealing port planning instruments	14
11	Making or amending port planning instruments	14
12	Minister asks supporting entity for assistance	16
13	Supporting entity prepares part of port planning instrument or amendment	16
14	Process if supporting entity prepares whole of port planning instrument or amendment	16
15	Minor or permissible amendments of port planning instruments	18
16	Minor amendments	19
17	Permissible amendments	19
18	Repealing port planning instruments	20

Contents

Division 3	Guidelines for port planning instruments	
19	Ministerial guidelines	21
Division 4	Relationship of particular port planning instruments with other instruments	
20	Master plans prevail over particular instruments	21
21	PPDA development schemes prevail over particular instruments	22
22	Port land use plans prevail over local planning instruments.	22
23	Port planning instruments prevail over local laws.	22
Division 5	Miscellaneous provisions	
24	Exchange of documents and information with responsible entities	23
25	Non-disclosure of commercially sensitive information	24
26	Recording matters about land to which port planning instrument applies	25
Part 4	Port planning instruments for ports with a PPDA	
Division 1	Preliminary	
27	Application of pt 4.	25
Division 2	Master plans	
Subdivision 1	Requirement for master plans	
28	Master plan required	26
29	Content of master plan	26
Subdivision 2	State powers for master plans	
30	Definitions for sdiv 2.	27
31	Power of Minister to direct action be taken.	27
32	Power of Minister to take urgent action	28
Subdivision 3	Reviewing master plans	
33	Requirement to review master plans	29
34	Public notice of review	29
35	Action Minister must take after review	30
Division 3	PPDA development schemes	
Subdivision 1	Requirement for PPDA development schemes	
36	PPDA development scheme required.	30
37	Content of PPDA development scheme	31
Subdivision 2	Interim PPDA development scheme	
38	Power to make interim PPDA development scheme	32
39	Duration of interim PPDA development scheme	33

Subdivision 3	Reviewing PPDA development schemes	
40	Requirement to review PPDA development schemes	33
41	Public notice of review	34
42	Action Minister must take after review	34
Part 5	Port planning instruments for non-PPDA ports	
Division 1	Preliminary	
43	Application of pt 5.	35
Division 2	Port land use plans	
Subdivision 1	Requirement for port land use plans	
44	Port land use plan required	35
45	Content of port land use plan.	36
Subdivision 2	Reviewing port land use plans	
46	Requirement to review port land use plans	36
47	Public notice of review	37
48	Action Minister must take after review	37
Part 6	Planning and development	
Division 1	Development assessment	
Subdivision 1	Relationship with Planning Act	
49	Application of Planning Act.	38
Subdivision 2	Provisions about assessment manager and referral agencies	
50	Assessment manager and referral agency for port development applications	38
51	Effect of referral agency's response	39
52	Delegation	40
Subdivision 3	Particular provisions about development applications and development approvals	
53	Development application may include application for allocation of quarry material.	40
54	Requirement to give port entity notice of development approval	41
Division 2	Protection of particular uses and rights	
55	Lawful uses of premises protected	41
56	Lawfully constructed buildings and work protected	42
57	Existing development approvals	42
58	Existing development applications	42
Division 3	Exemptions and exceptions	
59	Particular operational work that is tidal works	43

Contents

60	Owner’s consent not required in particular circumstances	43
61	Reconfiguring a lot	44
62	Exemption for emergency development or use	45
63	Subleases and licences under Land Act	45
Division 4	Miscellaneous provisions	
64	Roads and road closures	46
65	Vesting land in permanently closed road	46
66	By-laws	47
67	Interim local laws	48
68	Royalty or price for quarry material	49
Part 7	Compensation for particular port planning instrument changes	
Division 1	Preliminary	
69	Definitions for pt 7.	49
Division 2	Compensatory circumstances	
70	Effect of particular port planning instruments.	50
71	Effect of interim PPDA development schemes	50
Division 3	Limits on compensatory circumstances	
72	Time limit on claiming	51
73	General exclusions	51
Division 4	Processing claims	
74	Deciding and notifying compensation claims	52
75	Notifying decision	52
76	Calculating amount of compensation	52
77	When compensation is payable	53
78	Payment of compensation to be recorded on title	53
Division 5	Appeals	
79	Appeals against decisions on compensation claims	54
80	Procedure for an appeal	54
81	Powers of court on appeal	54
Part 8	Prohibitions relating to Great Barrier Reef World Heritage Area	
Division 1	Significant port development prohibition	
82	No approvals for significant port development	55
Division 2	Dredging prohibition	
83	What is prohibited dredging	56

84	No approvals for prohibited dredging	56
85	Relationship with particular Acts	57
Part 9	General	
Division 1	Offences	
86	Privacy	58
87	Refusal of disclosure of commercially sensitive information	58
88	Giving false or misleading document	59
Division 2	Evidentiary and legal proceedings	
89	Evidentiary aids	59
Division 3	Provisions about performance of functions etc. under this Act	
90	Ministerial delegations	60
91	Ministerial directions.	60
92	Protection from civil liability	61
Division 4	Other administrative matters	
93	Registers	61
94	Access to registers.	62
95	Approval of forms	62
96	Regulation-making power.	62
Part 10	Transitional provisions	
Division 1	Preliminary	
97	Definitions for pt 10.	63
98	References to former provisions.	63
Division 2	Provisions for Transport Infrastructure Act	
99	Existing land use plans.	64
100	Continued application of repealed provisions to PPDA ports.	64
101	Making or amending land use plans for non-PPDA ports	65
102	Special arrangements for ports of Gladstone and Rockhampton.	66
Division 3	Prohibitions relating to Great Barrier Reef World Heritage Area	
103	Particular development exempted	66
104	Existing approvals not affected.	66
Division 4	Transitional regulation-making power	
105	Transitional regulation-making power.	67

Contents

Part 11	Amendment of Acts	
Division 1	Amendment of this Act	
106	Act amended	68
107	Amendment of long title	68
Division 2	Amendment of State Development and Public Works Organisation Act 1971	
108	Act amended	68
109	Amendment of pt 4A, hdg (Assessment and approval of particular coordinated projects under bilateral agreement)	68
110	Amendment of s 54H (Application and purpose of pt 4A)	68
111	Insertion of new ss 54HA and 54HB	69
	54HA What is a bilateral project.	69
	54HB Declaration of port development activity.	69
112	Amendment of s 54I (Definitions for pt 4A).	69
113	Amendment of pt 4A, div 2, hdg (Coordinated projects to be assessed under this part)	70
114	Amendment of s 54J (Declaration for coordinated project for this part) 70	
115	Amendment of s 54K (Application for declaration)	71
116	Amendment of s 54M (Cancellation of declaration)	71
117	Amendment of s 54N (Lapsing of declaration)	71
118	Amendment of s 54O (Application of div 3)	71
119	Amendment of s 54P (Preparation of draft protected matters report) 72	
120	Amendment of s 54Q (Public notification of draft protected matters report).	72
121	Amendment of s 54R (Proponent must finalise protected matters report after public notification).	72
122	Amendment of s 54S (Coordinator-General may seek further information or comments).	72
123	Amendment of s 54T (Decision about approving undertaking of coordinated project)	73
124	Amendment of s 54U (Conditions)	73
125	Amendment of s 54V (Jurisdiction for conditions)	73
126	Amendment of s 54W (Criteria for decision)	73
127	Amendment of s 54Y (Issuing environmental approval).	73
128	Amendment of s 54Z (Application for amendment)	73
129	Amendment of s 54ZA (Coordinator-General may seek further information or comments).	74
130	Amendment of s 54ZB (Public notification of amendment application) 74	

131	Amendment of s 54ZC (Deciding amendment application)	74
132	Amendment of s 54ZF (Cancellation or suspension at proponent's request)	75
133	Amendment of s 54ZG (Cancellation or suspension for grounds including contravention or unforeseen significant impact)	75
134	Amendment of s 54ZH (Notice of proposed cancellation or suspension) 75	
135	Amendment of s 54ZI (Notice of cancellation or suspension decision) 75	
136	Amendment of s 54ZJA (Request to reinstate cancelled or suspended environmental approval)	76
137	Amendment of s 54ZL (Compliance under Environmental Protection Act)	76
138	Amendment of s 54ZM (Declarations)	76
139	Insertion of new s 54ZMA	76
	54ZMA Conditions of environmental approvals prevail over conditions of other approvals	76
140	Amendment of s 54ZN (Fees for pt 4A)	77
141	Insertion of new s 54ZNA	77
	54ZNA Coordinator-General may waive or reduce fee	78
142	Amendment of s 54ZO (Recovering the cost of advice or services for assessment)	78
143	Insertion of new s 54ZP	78
	54ZP Notice of change of proponent, contact details or registered office	78
144	Amendment of sch 2 (Dictionary)	79
Division 3	Amendment of Transport Infrastructure Act 1994	
145	Act amended	80
146	Amendment of s 267 (Definitions for chapter)	80
147	Amendment of s 267AA (Meaning of port area)	80
148	Amendment of s 278 (Powers of port authorities)	81
149	Amendment of s 282 (Port authority or port lessor may control activities by port notice)	81
150	Amendment of s 282E (Port notice—parking or stopping of vehicles) 81	
151	Omission of ch 8, pt 4, div 1 and div 2 hdg	82
152	Amendment of s 287A (Impact of particular development and port operations)	82
153	Amendment of s 288 (Restrictions on dealing in property)	82
154	Amendment of s 295 (Notices at entrances)	82
155	Amendment of sch 6 (Dictionary)	82

Contents

Division 4	Minor and consequential amendments of other legislation	
156	Legislation amended	83
Schedule 1	Dictionary	84
Schedule 2	Consequential or minor amendments	93
	Coastal Protection and Management Regulation 2003	93
	Land Act 1994	93
	Land Tax Act 2010	94
	Local Government Act 2009	94
	Local Government Regulation 2012	95
	State Development and Public Works Organisation Regulation 2010	95
	Survey and Mapping Infrastructure Act 2003	96
	Sustainable Planning Act 2009	97
	Sustainable Planning Regulation 2009	98

2014

A Bill

for

an Act to provide for the development of ports through long-term planning while protecting and managing environmental assets, to amend the *State Development and Public Works Organisation Act 1971* and the *Transport Infrastructure Act 1994* for particular purposes, and to make consequential or minor amendments of this Act and other legislation mentioned in schedule 2

[s 1]

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
Division 1 Introduction	3
1 Short title	4
This Act may be cited as the <i>Ports Act 2014</i> .	5
2 Purpose of Act and achieving the purpose	6
(1) The purpose of this Act is to stimulate Queensland’s economic growth while protecting and managing Queensland’s outstanding environmental assets.	7 8 9
(2) The purpose is achieved through planning for the efficient use and development of long-established major ports in a way that—	10 11 12
(a) increases their contribution to the State’s economy; and	13
(b) protects and manages environmental assets, including the Great Barrier Reef; and	14 15
(c) is consistent with ecologically sustainable development.	16
3 Principles for achieving Act’s purpose	17
(1) The purpose of this Act is intended to be achieved in accordance with principles that include the following—	18 19
(a) long-term planning for all ports;	20
(b) concentrating port development in the long-established major ports;	21 22
(c) recognising the diverse functions of the port network, including trade, tourism and defence operations;	23 24

-
- (d) efficiently using existing port and supply chain infrastructure; 1
2
- (e) expanding port and supply chain capacity in a staged and incremental way to meet emerging demand for imports and exports; 3
4
5
- (f) identifying and protecting land and infrastructure critical to the effective operation of the port network; 6
7
- (g) maximising the community and economic benefits of port development and minimising potential adverse impacts on social, environmental and cultural heritage values; 8
9
10
11
- (h) avoiding unacceptable impacts on environmental values by having regard to the avoid, mitigate, offset hierarchy. 12
13
- (2) The ***avoid, mitigate, offset hierarchy*** is the following precepts, listed in the preferred order in which land use planning for ports should be considered— 14
15
16
- (a) avoid impacts on environmental values, including on any of the following— 17
18
- (i) a matter of national environmental significance under the Commonwealth Environment Act, chapter 2; 19
20
21
- (ii) an outstanding universal value within the meaning of the World Heritage Convention (Article 11); 22
23
- (iii) a matter of State environmental significance that is prescribed as a prescribed environmental matter under the *Environmental Offsets Act 2014*; 24
25
26
- (b) mitigate impacts on environmental values; 27
- (c) offset any significant residual loss of environmental values that can not be avoided or mitigated. 28
29
- (3) In this section— 30
- World Heritage Convention*** means the Convention for the Protection of the World Cultural and Natural Heritage that has been adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization, a 31
32
33
34

[s 4]

	copy of which is set out in the <i>Wet Tropics World Heritage Protection and Management Act 1993</i> , schedule 2.	1 2
4	Act binds all persons	3
	(1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.	4 5 6
	(2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.	7 8
Division 2	Interpretation	9
5	Dictionary	10
	The dictionary in schedule 1 defines particular words used in this Act.	11 12
6	Application of provisions	13
	(1) This section applies if a provision of this Act applies to any of the following (the <i>applied law</i>) for a purpose—	14 15
	(a) another provision of this Act;	16
	(b) another law;	17
	(c) a provision of another law.	18
	(2) The applied law and any definition relevant to it apply with necessary changes.	19 20
	(3) Subsection (2) is not limited merely because a provision states how the applied law is to apply.	21 22
7	References to functions	23
	In this Act—	24
	(a) a reference to a function includes a reference to a power; and	25 26

-
- (b) a reference to performing a function includes a reference to exercising a power. 1
2

Part 2 Priority port development areas 3

8 Priority port development areas for particular ports 4

- (1) Each of the following ports has, on the making of a master plan for the port, a priority port development area— 5
6
- (a) Port of Abbot Point; 7
 - (b) Port of Gladstone; 8
 - (c) the ports of Hay Point and Mackay; 9
 - (d) Port of Townsville. 10
- Notes—* 11
- 1 The PPDA for the ports of Hay Point and Mackay comprises 2 areas. One area is for the Port of Hay Point and the other for the 12
13
14 Port of Mackay.
 - 2 For provisions about the Port of Brisbane, see the Transport 15
16
17 Infrastructure Act. In particular, see chapter 8, parts 3C, 4C, 4D and 4E of that Act.
- (2) The *priority port development area* or *PPDA* for a port is the 18
19
20 area identified in the port's master plan as its priority port development area.

[s 9]

Part 3	Port planning instruments	1
Division 1	Preliminary	2
9	What is a <i>port planning instrument</i>	3
(1)	Each of the following is a <i>port planning instrument</i> —	4
(a)	a master plan;	5
(b)	a PPDA development scheme, including an interim PPDA development scheme;	6 7
(c)	a port land use plan.	8
(2)	A port planning instrument is a statutory instrument.	9
Division 2	Making, amending and repealing port planning instruments	10 11
10	Process for making, amending or repealing port planning instruments	12 13
	The process stated in this division must be used for making, amending or repealing a port planning instrument.	14 15
11	Making or amending port planning instruments	16
(1)	If the Minister proposes to make or amend a port planning instrument, the Minister must publish a public notice stating—	17 18 19
(a)	where copies of the proposed port planning instrument, or proposed amendment, (the <i>instrument</i>) are available for inspection and purchase; and	20 21 22
(b)	a phone number or email address to contact for information about the instrument; and	23 24
(c)	that a person may make a written submission about any aspect of the instrument to the Minister; and	25 26

-
- (d) the requirements for properly making a submission; and 1
- (e) the period within which a submission may be made, that 2
must be at least— 3
- (i) if the Minister proposes to make a port planning 4
instrument—30 business days after the public 5
notice is published; or 6
- (ii) if the Minister proposes to amend a port planning 7
instrument—20 business days after the public 8
notice is published. 9
- (2) The Minister must give each affected port entity and affected 10
local government a copy of— 11
- (a) the public notice; and 12
- (b) the instrument. 13
- (3) After the Minister considers all submissions made in 14
accordance with the public notice, the Minister must decide— 15
- (a) to make the instrument; or 16
- (b) to make the instrument with the amendments the 17
Minister considers appropriate; or 18
- (c) not to make the instrument. 19
- (4) If the Minister decides to make the instrument (with or 20
without amendments), the Minister must— 21
- (a) publish the decision in a public notice stating— 22
- (i) the day the instrument was made; and 23
- (ii) where a copy of the instrument is available for 24
inspection and purchase; and 25
- (b) give each affected port entity and affected local 26
government a copy of the notice. 27
- (5) The instrument has effect on— 28
- (a) the day after the notice mentioned in subsection (4) is 29
published; or 30
- (b) a later day stated in the instrument. 31
-

[s 12]

(6)	If the Minister decides not to make the instrument, the Minister must publish the decision in a public notice.	1 2
12	Minister asks supporting entity for assistance	3
	The Minister may ask any of the following persons (each a <i>supporting entity</i>) to assist the Minister to make or amend a port planning instrument by preparing, or preparing a part of, the instrument or amendment—	4 5 6 7
	(a) the chief executive;	8
	(b) the coordinator-general;	9
	(c) a port entity;	10
	(d) a local government.	11
13	Supporting entity prepares part of port planning instrument or amendment	12 13
	If the Minister asks a supporting entity to prepare a part of a port planning instrument or a part of an amendment of a port planning instrument, the supporting entity must prepare the part and give it to the Minister.	14 15 16 17
	<i>Note—</i>	18
	After the supporting entity prepares the part, the Minister makes or amends the port planning instrument under section 11.	19 20
14	Process if supporting entity prepares whole of port planning instrument or amendment	21 22
(1)	This section applies for the Minister making or amending a port planning instrument if the Minister asks a supporting entity to prepare the whole port planning instrument or the whole amendment of a port planning instrument.	23 24 25 26
(2)	The supporting entity must publish a public notice stating—	27
	(a) where copies of the proposed port planning instrument, or proposed amendment, (the <i>instrument</i>) are available for inspection and purchase; and	28 29 30

-
- (b) a phone number or email address to contact for information about the instrument; and
- (c) a person may make a written submission about any aspect of the instrument to the supporting entity; and
- (d) the requirements for properly making a submission; and
- (e) the period within which a submission may be made, that must be at least—
- (i) if the Minister proposes to make a port planning instrument—30 business days after the public notice is published; or
 - (ii) if the Minister proposes to amend a port planning instrument—20 business days after the public notice is published.
- (3) The supporting entity must give each affected port entity and affected local government a copy of—
- (a) the public notice; and
 - (b) the instrument.
- (4) After the supporting entity considers all submissions made in accordance with the public notice, the supporting entity must make any amendments of the instrument the entity considers appropriate.
- (5) The supporting entity must give the Minister—
- (a) a copy of the instrument; and
 - (b) a copy of any submissions made; and
 - (c) if the instrument has been amended—
 - (i) how the instrument was amended because of the submissions and a description of the amendments; and
 - (ii) a copy of the instrument as amended.
- (6) After the Minister considers the documents given to the Minister under subsection (5), the Minister must decide—
- (a) to make the instrument or the instrument as amended; or
-

[s 15]

- (b) to make the instrument with the amendments the Minister considers appropriate; or
 - (c) not to make the instrument or the instrument as amended.
- (7) If the Minister decides to make the instrument (with or without amendments), the Minister must—
 - (a) publish the decision in a public notice stating—
 - (i) the day the instrument was made; and
 - (ii) where a copy of the instrument is available for inspection and purchase; and
 - (b) give each affected port entity and affected local government a copy of the notice.
- (8) The instrument has effect on—
 - (a) the day after the notice mentioned in subsection (7) is published; or
 - (b) a later day stated in the instrument.
- (9) If the Minister decides not to make the instrument or the instrument as amended, the Minister must publish the decision in a public notice.
- (10) This section applies despite section 11.

15 Minor or permissible amendments of port planning instruments

- (1) The Minister may make a minor amendment or permissible amendment of a port planning instrument without complying with section 11 or 14.
- (2) If the Minister, in making a minor amendment or permissible amendment of a port planning instrument, asks a supporting entity to prepare the amendment, the supporting entity may prepare the amendment without complying with section 14.
- (3) If the Minister makes a minor amendment or permissible amendment of a port planning instrument, the Minister must publish a public notice stating—

(a)	a brief description of the amendment; and	1
(b)	the day the amendment was made; and	2
(c)	where a copy of the port planning instrument, as amended, is available for inspection and purchase.	3 4
(4)	The amendment has effect on—	5
(a)	the day after the public notice is published; or	6
(b)	a later day stated in the amendment.	7
16	Minor amendments	8
(1)	A <i>minor amendment</i> of a port planning instrument is—	9
(a)	an amendment that corrects or otherwise changes—	10
(i)	a spelling, grammatical or mapping error in the instrument; or	11 12
(ii)	an explanatory matter about the instrument; or	13
(iii)	the format or presentation of the instrument; or	14
(iv)	a factual matter incorrectly stated in the instrument; or	15 16
(v)	a redundant or outdated term in the instrument; or	17
(vi)	numbering of provisions in the instrument; or	18
(vii)	a cross-reference in the instrument; or	19
(b)	another amendment of a minor nature prescribed by regulation.	20 21
17	Permissible amendments	22
	A <i>permissible amendment</i> of a port planning instrument is—	23
(a)	subject to paragraph (e), an amendment that corrects or otherwise changes a property description or property boundary, if the change does not alter the boundary of a PPDA, core port area, future investigation area, strategic port land or future strategic port land; or	24 25 26 27 28

[s 18]

- (b) an amendment the Minister considers is made to ensure a State planning instrument, or part of a State planning instrument, is appropriately reflected in the instrument; or 1
2
3
4
 - (c) an amendment the Minister considers is made to reflect— 5
6
 - (i) a development approval; or 7
 - (ii) a designation of land for community infrastructure under the Planning Act, section 200; or 8
9
 - (iii) an approval, or a condition of an approval, under a Commonwealth Act, including, in particular— 10
11
 - (A) the Commonwealth Environment Act; and 12
 - (B) the *Environment Protection (Sea Dumping) Act 1981* (Cwlth); and 13
14
 - (C) the *Great Barrier Reef Marine Park Act 1975* (Cwlth); or 15
16
 - (iv) a change to a Commonwealth Act, or plans, policies or guidelines under a Commonwealth Act; or 17
18
19
 - (d) for a port planning instrument that is a master plan—an amendment of the master plan the Minister considers is made to reflect a PPDA development scheme or an amendment of a PPDA development scheme; or 20
21
22
23
 - (e) for a port planning instrument that is a port land use plan—an amendment of the plan to change future strategic port land to strategic port land. 24
25
26
- Note—* 27
- See, however, sections 99(4) and 101(5). 28

18 Repealing port planning instruments 29

- (1) The Minister may repeal a port planning instrument by making another port planning instrument that specifically repeals the instrument. 30
31
32

(2)	The port planning instrument is repealed on the day the other port planning instrument has effect.	1 2
(3)	Despite subsections (1) and (2), if the Minister repeals a master plan for a PPDA, the PPDA development scheme for the PPDA is also repealed.	3 4 5
(4)	For subsection (3), the PPDA development scheme is repealed on the day the master plan replacing the repealed master plan has effect.	6 7 8
Division 3	Guidelines for port planning instruments	9 10
19	Ministerial guidelines	11
(1)	The Minister may make guidelines about matters that may be included in a port planning instrument.	12 13
(2)	The Minister must publicly notify the guidelines.	14
Division 4	Relationship of particular port planning instruments with other instruments	15 16 17
20	Master plans prevail over particular instruments	18
	If there is an inconsistency between a master plan and any of the following instruments, the master plan prevails to the extent of the inconsistency—	19 20 21
(a)	a planning instrument;	22
(b)	an approved development scheme for a State development area under the State Development Act;	23 24
(c)	a development scheme, or an interim land use plan, for a priority development area under the Economic Development Act;	25 26 27

[s 21]

	(d) a PPDA development scheme;	1
	(e) a port land use plan.	2
21	PPDA development schemes prevail over particular instruments	3 4
	A PPDA development scheme prevails over the following instruments—	5 6
	(a) a planning instrument;	7
	(b) an approved development scheme for a State development area under the State Development Act;	8 9
	(c) a development scheme, or an interim land use plan, for a priority development area under the Economic Development Act;	10 11 12
	(d) a port land use plan.	13
22	Port land use plans prevail over local planning instruments	14 15
	If there is an inconsistency between a port land use plan in its application to strategic port land and a local planning instrument, the port land use plan prevails to the extent of the inconsistency.	16 17 18 19
23	Port planning instruments prevail over local laws	20
	If there is an inconsistency between a port planning instrument and a local law, the port planning instrument prevails to the extent of the inconsistency.	21 22 23

Division 5	Miscellaneous provisions	1
24	Exchange of documents and information with responsible entities	2 3
(1)	This section applies if the Minister proposes to make or amend a port planning instrument.	4 5
(2)	The Minister may ask a responsible entity to give the Minister the documents or information the responsible entity has that the Minister reasonably needs to make or amend the port planning instrument.	6 7 8 9
(3)	<i>A responsible entity</i> is any of the following—	10
(a)	an affected port entity;	11
(b)	an affected local government;	12
(c)	a government entity that has planning or registration functions for land or development in the area to which the port planning instrument applies or will apply.	13 14 15
(4)	Subsection (5) applies if the Minister asks a supporting entity under section 13 or 14 to assist the Minister to make or amend the port planning instrument by preparing, or preparing a part of, the instrument or amendment.	16 17 18 19
(5)	The supporting entity may ask a responsible entity to give the supporting entity the documents or information the responsible entity has that the supporting entity reasonably needs to prepare, or prepare the part of, the instrument or amendment.	20 21 22 23 24
(6)	The responsible entity must comply with a request under subsection (2) or (5) within a reasonable period.	25 26
(7)	Documents or information required to be given under this section must be given free of charge.	27 28
(8)	In this section—	29
	<i>government entity</i> means an entity as defined under the <i>Public Service Act 2008</i> , section 24.	30 31

[s 25]

25	Non-disclosure of commercially sensitive information	1
(1)	This section applies if—	2
(a)	a responsible entity gives the Minister or a supporting entity (each a <i>receiver</i>) information about a person under section 24 in relation to the making or amendment of a port planning instrument; and	3 4 5 6
(b)	the responsible entity advises the receiver that the information is commercially sensitive; and	7 8
(c)	the receiver believes disclosure of the information—	9
(i)	would be likely to damage the person’s commercial activities; and	10 11
(ii)	would not be in the public interest.	12
(2)	The receiver must take all reasonable steps to ensure the information is not, without the person’s consent, disclosed to another person other than—	13 14 15
(a)	in the administration of this Act; or	16
(b)	in a proceeding under this Act; or	17
(c)	in a proceeding before a court in which the information is relevant to the issue before the court; or	18 19
(d)	if the receiver is the Minister—an employee of a department who receives the information in the course of the employee’s duties; or	20 21 22
(e)	if the receiver is the supporting entity—an employee of the supporting entity who receives the information in the course of the employee’s duties.	23 24 25
(3)	Disclosure of the information under subsection (2) is restricted to that part of the information the receiving entity has that the receiver reasonably needs to make or amend the port planning instrument.	26 27 28 29
(4)	An employee mentioned in subsection (2)(d) must not disclose to any person the information the employee obtains under subsection (2) other than to another employee of a department in the course of the employee’s duties.	30 31 32 33

(5)	An employee mentioned in subsection (2)(e) must not disclose to any person the information the employee obtains under subsection (2) other than to another employee of the supporting entity in the course of the employee’s duties.	1 2 3 4
(6)	In this section— <i>information</i> includes a document. <i>responsible entity</i> see section 24(3).	5 6 7
26	Recording matters about land to which port planning instrument applies	8 9
(1)	This section applies to a local government for a local government area in which a port is situated.	10 11
(2)	The local government must ensure there is a record—	12
(a)	on each relevant map in its planning scheme identifying the land to which a port planning instrument applies; and	13 14 15
(b)	in its planning scheme stating where a copy of the port planning instrument is available for inspection and purchase.	16 17 18
Part 4	Port planning instruments for ports with a PPDA	19 20
Division 1	Preliminary	21
27	Application of pt 4	22
	This part applies to a port mentioned in section 8(1).	23

[s 28]

Division 2	Master plans	1
Subdivision 1	Requirement for master plans	2
28	Master plan required	3
(1)	The Minister must, within 3 years after the commencement, make a master plan for each port.	4 5
(2)	A single master plan may be made for the ports of Hay Point and Mackay.	6 7
(3)	A master plan for a port must identify the following areas for the port, and state the location of the area's boundaries—	8 9
(a)	the PPDA;	10
(b)	the core port area;	11
(c)	any future investigation area.	12
(4)	Each of the areas mentioned in subsection (3) may comprise land that is not contiguous.	13 14
29	Content of master plan	15
	In addition to identifying the areas mentioned in section 28 for a port, the port's master plan must include the following—	16 17
(a)	the strategic vision, objectives and desired outcomes for the PPDA for the next 30 or more years (the <i>master plan goals</i>);	18 19 20
(b)	the activities and land uses in the PPDA for the next 30 or more years;	21 22
(c)	the potential activities and land uses in any future investigation area;	23 24
(d)	a plan for achieving the master plan goals;	25
(e)	any other matter prescribed by regulation.	26

Subdivision 2	State powers for master plans	1
30	Definitions for sdiv 2	2
	In this subdivision—	3
	<i>instrument</i> means any of the following—	4
	(a) a planning instrument;	5
	(b) an approved development scheme for a State development area under the State Development Act;	6 7
	(c) a development scheme, or an interim land use plan, for a priority development area under the Economic Development Act.	8 9 10
	<i>planning entity</i> , for an instrument, means—	11
	(a) if the instrument is a planning instrument—a local government with a local government area that the Minister considers is or will be affected by the instrument; or	12 13 14 15
	(b) if the instrument is a development scheme approved under the State Development Act—the coordinator-general; or	16 17 18
	(c) if the instrument is a development scheme, or an interim land use plan, for a priority development area under the Economic Development Act—MEDQ under that Act.	19 20 21
31	Power of Minister to direct action be taken	22
	(1) This section applies if the Minister considers a planning entity for an existing or proposed instrument should take an action in relation to the instrument, or a proposed amendment of the instrument if it is an existing instrument, to ensure the instrument is consistent with a master plan.	23 24 25 26 27
	(2) The Minister must give the planning entity a written notice stating—	28 29
	(a) the action the Minister considers should be taken; and	30

[s 32]

- (b) the reasons for taking the action; and 1
 - (c) the reasonable period within which the entity may make submissions to the Minister about the action. 2
3
 - (3) After the Minister considers all submissions made in accordance with the notice, the Minister may decide— 4
5
 - (a) to direct the planning entity to take the action mentioned in the notice; or 6
7
 - (b) to direct the planning entity to take other action; or 8
 - (c) not to direct the planning entity to take the action. 9
 - (4) The Minister must give the planning entity a written notice of— 10
11
 - (a) the decision; and 12
 - (b) the reasons for the decision; and 13
 - (c) if the entity is directed to take action— 14
 - (i) the nature of the action; and 15
 - (ii) a reasonable period within which the entity must take the action. 16
17
- 32 Power of Minister to take urgent action 18**
 - (1) This section applies if the Minister considers— 19
 - (a) an action should be taken in relation to an existing or proposed instrument, or a proposed amendment of an instrument, to ensure the instrument is consistent with a master plan; and 20
21
22
23
 - (b) the action must be taken urgently. 24
 - (2) The Minister may give a planning entity for the instrument a written notice stating— 25
26
 - (a) the action the Minister intends to take; and 27
 - (b) the reasons for taking the action. 28
 - (3) After giving the notice, the Minister may take the action without— 29
30

-
- (a) giving a direction to the planning entity under section 31; or
 - (b) consulting with anyone before taking the action.
- (4) The action taken by the Minister has the same effect as if the planning entity had taken the action.
- (5) If the planning entity is a local government, any expense reasonably incurred by the Minister in taking the action may be recovered from the local government as a debt owing to the State.

Subdivision 3 Reviewing master plans 10

33 Requirement to review master plans 11

- (1) The Minister must complete a review of each master plan at least every 10 years after the plan has effect.
- (2) The review must include an assessment of—
- (a) whether the boundaries of the PPDA, core port area and any future investigation area that are identified in the master plan are still appropriate having regard to the master plan goals; and
 - (b) whether the boundaries should be changed.
- (3) Subsection (1) does not limit the Minister’s power to review a master plan at any time.

34 Public notice of review 22

- (1) In conducting a review of a master plan, the Minister must publish a public notice stating—
- (a) that a review is being conducted; and
 - (b) that written submissions about any aspect of the master plan may be made by anyone; and
 - (c) the period (the *submission period*) during which submissions may be made to the Minister; and

[s 35]

	(d) the requirements for a properly made submission.	1
(2)	The submission period must be at least 20 business days after the notice is published.	2 3
(3)	The Minister must consider all properly made submissions about the master plan made to the Minister during the submission period before taking action under section 35.	4 5 6
35	Action Minister must take after review	7
(1)	After reviewing a master plan, the Minister must—	8
	(a) prepare a new master plan; or	9
	(b) amend the master plan; or	10
	(c) if the Minister is satisfied the master plan is suitable to continue without amendment—decide to take no further action.	11 12 13
(2)	If the Minister decides to take no further action, the Minister must table in the Legislative Assembly a report stating the reasons for the decision.	14 15 16
Division 3	PPDA development schemes	17
Subdivision 1	Requirement for PPDA development schemes	18 19
36	PPDA development scheme required	20
(1)	The Minister must make a PPDA development scheme for a port's PPDA, or part of a port's PPDA, (the <i>development scheme area</i>) at the same time as, or as soon as practicable after, the making of the master plan for the port.	21 22 23 24
(2)	The development scheme area must include the port's core port area.	25 26

-
- (3) The PPDA development scheme must identify the development scheme area and state the location of the area's boundaries. 1
2
3
- 37 Content of PPDA development scheme 4**
- (1) The PPDA development scheme for a development scheme area may provide for any matter the Minister considers will promote the proper and orderly planning, development and management of the area. 5
6
7
8
- (2) The PPDA development scheme must include— 9
- (a) a plan regulating development in the development scheme area; and 10
11
- (b) a plan for infrastructure, including a plan for core port infrastructure and port related development, in the development scheme area; and 12
13
14
- (c) an environmental management framework to manage the potential impact of development; and 15
16
- (d) a table of assessment for the development scheme area; and 17
18
- (e) any other matter prescribed by regulation. 19
- (3) Without limiting subsection (2)(a), the PPDA development scheme may provide for any matter about which a planning instrument may provide for an area. 20
21
22
- (4) An environmental management framework may apply to the whole or a part of the port's development scheme area, but the area to which it applies must include the port's core port area. 23
24
25
- (5) Despite subsections (1) to (3), the PPDA development scheme is subject to part 6, division 2. 26
27
- (6) In making the PPDA development scheme, the Minister must consider, but is not bound by, a requirement under any of the following relevant to the development scheme area— 28
29
30
- (a) a planning instrument; 31

[s 38]

- (b) an approved development scheme for a State development area under the State Development Act; 1
2
 - (c) a development scheme, or an interim land use plan, for a priority development area under the Economic Development Act; 3
4
5
 - (d) a plan, policy or code made under the Planning Act or another Act. 6
7
- (7) In this section— 8
- environmental management framework* means a framework that— 9
10
- (a) identifies environmental values; and 11
 - (b) states how impacts on the environmental values will be managed. 12
13

Subdivision 2 Interim PPDA development scheme 14

38 Power to make interim PPDA development scheme 15

- (1) The Minister may make a PPDA development scheme (an *interim PPDA development scheme*) by publishing a public notice about the scheme if the Minister considers the scheme is urgently required— 16
17
18
19
- (a) to give effect to the master plan goals in a master plan; 20
or 21
 - (b) to protect or give effect to a State interest. 22
- (2) The notice must state— 23
- (a) the port to which the interim PPDA development scheme relates; and 24
25
 - (b) where a copy of the scheme may be inspected. 26
- (3) An interim PPDA development scheme may provide for anything for which a PPDA development scheme may provide. 27
28
29

(4)	Part 3, division 2 does not apply to an interim PPDA development scheme despite section 10.	1 2
(5)	In this section—	3
	<i>State interest</i> means an interest the Minister considers to be—	4
(a)	an economic, community or environmental interest of the State or a part of the State; or	5 6
(b)	the interest of ensuring this Act’s purpose is achieved, having regard to the principles for achieving this Act’s purpose mentioned in section 3.	7 8 9
39	Duration of interim PPDA development scheme	10
(1)	An interim PPDA development scheme has effect on—	11
(a)	the day after the public notice is published; or	12
(b)	a later day stated in the scheme.	13
(2)	An interim PPDA development scheme has effect until the earliest of the following—	14 15
(a)	2 years after the day the scheme first has effect;	16
(b)	the day stated in the scheme that the scheme is to have effect;	17 18
(c)	a PPDA development scheme that replaces the interim PPDA development scheme has effect.	19 20
Subdivision 3	Reviewing PPDA development schemes	21 22
40	Requirement to review PPDA development schemes	23
(1)	As soon as practicable after the amendment of a master plan for a port, other than a minor or permissible amendment of a master plan, the Minister must conduct a review of the PPDA development scheme for the port’s PPDA to assess the effectiveness and relevance of the PPDA development scheme.	24 25 26 27 28 29

[s 41]

- (2) The review must include an assessment of whether changes are required to the PPDA development scheme to make it consistent with the amended master plan. 1
2
3
- (3) Subsection (1) does not limit the Minister’s power to review a PPDA development scheme at any time. 4
5
- 41 Public notice of review** 6
- (1) In conducting a review of a PPDA development scheme, the Minister must publish a public notice stating— 7
8
- (a) that a review is being conducted; and 9
- (b) that written submissions about any aspect of the PPDA development scheme may be made by anyone; and 10
11
- (c) the period (the *submission period*) during which submissions may be made to the Minister; and 12
13
- (d) the requirements for a properly made submission. 14
- (2) The submission period must be at least 20 business days after the notice is published. 15
16
- (3) The Minister must consider all properly made submissions about the PPDA development scheme made to the Minister during the submission period before taking action under section 42. 17
18
19
20
- 42 Action Minister must take after review** 21
- (1) After reviewing a PPDA development scheme, the Minister must— 22
23
- (a) prepare a new PPDA development scheme; or 24
- (b) amend the PPDA development scheme; or 25
- (c) if the Minister is satisfied the PPDA development scheme is suitable to continue without amendment—decide to take no further action. 26
27
28

(2)	If the Minister decides to take no further action, the Minister must table in the Legislative Assembly a report stating the reasons for the decision.	1 2 3
Part 5	Port planning instruments for non-PPDA ports	4 5
Division 1	Preliminary	6
43	Application of pt 5	7
	This part applies to a port (a <i>non-PPDA port</i>) other than the following—	8 9
	(a) a port mentioned in section 8(1);	10
	(b) the Port of Brisbane.	11
Division 2	Port land use plans	12
Subdivision 1	Requirement for port land use plans	13
44	Port land use plan required	14
(1)	The Minister must, within 3 years after the commencement, make a plan (a <i>port land use plan</i>) for each non-PPDA port.	15 16
(2)	A port land use plan for a non-PPDA port must identify the following areas for the port, and state the location of the area's boundaries—	17 18 19
	(a) the strategic port land;	20
	(b) any future strategic port land.	21

[s 45]

45	Content of port land use plan	1
(1)	The port land use plan for a non-PPDA port must, for the port's strategic port land and any future strategic port land—	2 3
(a)	include a part outlining, by way of concept plans and words, for a period of at least 20 years after the plan has effect—	4 5 6
(i)	planning for core port infrastructure and proposed port related development for the land; and	7 8
(ii)	anticipated infrastructure requirements relating to development mentioned in subparagraph (i); and	9 10
(b)	include a part identifying the strategic outcomes for the land and stating measures that facilitate achieving the strategic outcomes; and	11 12 13
(c)	state details of the land and the current and intended uses of the land; and	14 15
(d)	include a plan for infrastructure for the land; and	16
(e)	integrate matters relevant to the land under the regional plan and State planning instruments under the Planning Act; and	17 18 19
(f)	outline existing land uses for land (<i>adjacent land</i>) adjoining or neighbouring the port's strategic port land and future strategic port land and how the adjacent land is dealt with by the planning scheme for the adjacent land.	20 21 22 23 24
(2)	The port land use plan must also include a table of assessment for the strategic port land.	25 26

Subdivision 2 Reviewing port land use plans 27

46	Requirement to review port land use plans	28
(1)	The Minister must complete a review of each port land use plan at least every 10 years after the plan has effect.	29 30

-
- (2) The review must include an assessment of the boundaries of the strategic port land and future strategic port land that are identified in the port land use plan, and whether the boundaries of the areas should be changed.
- (3) Subsection (1) does not limit the Minister’s power to review a port land use plan at any time.

47 Public notice of review

- (1) In conducting a review of a port land use plan, the Minister must publish a public notice stating—
- (a) that a review is being conducted; and
 - (b) that written submissions about any aspect of the port land use plan may be made by anyone; and
 - (c) the period (the *submission period*) during which submissions may be made to the Minister; and
 - (d) the requirements for a properly made submission.
- (2) The submission period must be at least 20 business days after the notice is published.
- (3) The Minister must consider all properly made submissions about the port land use plan made to the Minister during the submission period before taking action under section 48.

48 Action Minister must take after review

- (1) After reviewing a port land use plan, the Minister must—
- (a) prepare a new port land use plan; or
 - (b) amend the port land use plan; or
 - (c) if the Minister is satisfied the port land use plan is suitable to continue without amendment—decide to take no further action.
- (2) If the Minister decides to take no further action, the Minister must table in the Legislative Assembly a report stating the reasons for the decision.

[s 49]

Part 6	Planning and development	1
Division 1	Development assessment	2
Subdivision 1	Relationship with Planning Act	3
49	Application of Planning Act	4
(1)	Subject to this part, the Planning Act applies for development on—	5 6
(a)	land in a development scheme area; or	7
(b)	strategic port land.	8
(2)	If there is an inconsistency between this part and the Planning Act, this part prevails to the extent of the inconsistency.	9 10
(3)	If development is stated to be development of a particular type for the Planning Act under a PPDA development scheme or port land use plan, the development is taken to be development of that type under that Act.	11 12 13 14
Subdivision 2	Provisions about assessment manager and referral agencies	15 16
50	Assessment manager and referral agency for port development applications	17 18
(1)	This section applies to a development application (a <i>port development application</i>) for development—	19 20
(a)	that is assessable development for the Planning Act under a PPDA development scheme or port land use plan; and	21 22 23
(b)	on land that, whether wholly or partly, is in a development scheme area or is strategic port land.	24 25

-
- (2) The chief executive is the assessment manager for the port development application. 1
2
 - (3) However, if only part of the land to which the port development application relates is in a development scheme area or is strategic port land— 3
4
5
 - (a) the Minister may decide that another entity is the assessment manager for the application; and 6
7
 - (b) an entity that would under the Planning Act be the assessment manager for the application is a referral agency for the application; and 8
9
10
 - (c) the development of all of the land must be in accordance with the PPDA development scheme or port land use plan. 11
12
13
 - (4) An entity that becomes a referral agency under subsection (3)(b) has the jurisdiction it would have had if it were the assessment manager. 14
15
16
 - (5) This section has effect despite any other Act. 17

51 Effect of referral agency's response 18

- (1) The assessment manager for a port development application must, when assessing the application, consider a referral agency's response to the application. 19
20
21
- (2) However, the assessment manager is not bound in any way to adopt the response. 22
23
- (3) Subsection (4) applies if the assessment manager approves the port development application and imposes on the development approval a condition that a referral agency has given in a response. 24
25
26
27
- (4) The referral agency is the assessing authority for the development to which the approval relates for the administration and enforcement of a matter relating to the condition. 28
29
30
31

[s 52]

52	Delegation	1
	The chief executive may delegate the chief executive's function under section 50 as assessment manager for a port development application to any of the following—	2 3 4
	(a) the coordinator-general;	5
	(b) a port entity;	6
	(c) a local government.	7
Subdivision 3	Particular provisions about development applications and development approvals	8 9 10
53	Development application may include application for allocation of quarry material	11 12
(1)	This section applies if a person makes a development application for development—	13 14
	(a) that is assessable development for the Planning Act under a PPDA development scheme; and	15 16
	(b) on land that, whether wholly or partly, is in a development scheme area.	17 18
(2)	The person may, in the same application, apply for an allocation of quarry material in the development scheme area.	19 20
(3)	If the assessment manager approves the development application, the assessment manager is taken to have granted the application for the allocation of quarry material.	21 22 23
(4)	The assessment manager may impose conditions on the development approval relating to the allocation of quarry material as if the assessment manager were the chief executive administering the Coastal Protection and Management Act imposing conditions on an allocation notice under section 79 of that Act.	24 25 26 27 28 29
(5)	The Planning Act applies to the allocation of quarry material as if it were part of the development approval.	30 31

<i>Example—</i>	1
If a development approval lapses under the Planning Act, section 341, the allocation of quarry material lapses.	2 3
(6) This section applies despite the Coastal Protection and Management Act, chapter 2, part 5.	4 5
54 Requirement to give port entity notice of development approval	6 7
(1) This section applies if the chief executive gives a development approval for development in a port’s development scheme area or on a port’s strategic port land.	8 9 10
(2) If the applicant for the development approval is not the port entity for the port, the chief executive must give the port entity a copy of the approval.	11 12 13
<i>Note—</i>	14
The Planning Act, section 334 provides that the assessment manager must give notice of the decision to the applicant and other entities.	15 16
Division 2 Protection of particular uses and rights	17 18
55 Lawful uses of premises protected	19
(1) This section applies if, immediately before a port planning instrument or an amendment of a port planning instrument has effect, the use of premises was a lawful use of the premises in the area to which the port planning instrument applies.	20 21 22 23
(2) Neither the port planning instrument nor the amendment can—	24 25
(a) stop the use from continuing; or	26
(b) further regulate the use; or	27
(c) require the use to be changed.	28

[s 56]

56	Lawfully constructed buildings and work protected	1
	To the extent a building has been lawfully constructed or work lawfully carried out, neither a port planning instrument nor an amendment of a port planning instrument can require the building or work to be altered or removed.	2 3 4 5
57	Existing development approvals	6
(1)	This section applies if—	7
(a)	a development approval exists for premises; and	8
(b)	after the approval is given, a port planning instrument or an amendment of a port planning instrument has effect.	9 10
(2)	To the extent the development approval has not lapsed, neither the port planning instrument nor the amendment can stop or further regulate the development to which the approval relates, or otherwise affect the approval.	11 12 13 14
58	Existing development applications	15
(1)	Subsection (2) applies if, immediately before a master plan for a port has effect—	16 17
(a)	a development application had been made for land in an area that will become the PPDA for the port; and	18 19
(b)	the application was a properly made application and had not lapsed under the Act under which the application was made (the <i>applicable Act</i>); and	20 21 22
(c)	the application had not been decided.	23
(2)	Despite the master plan having effect, the application must be decided under the applicable Act, and that Act continues to apply, as if the land were not land in the PPDA.	24 25 26
(3)	Subsection (4) applies if, immediately before a PPDA development scheme for a port has effect—	27 28
(a)	a development application had been made for land in an area that will become the development scheme area for the port; and	29 30 31

-
- (b) the application was a properly made application and had not lapsed under the Act under which the application was made (the *relevant Act*); and
- (c) the application had not been decided.
- (4) Despite the PPDA development scheme having effect, the application must be decided under the relevant Act, and that Act continues to apply, as if the land were not land in the development scheme area.

Division 3 Exemptions and exceptions

59 Particular operational work that is tidal works

- (1) This section applies to the following development in a development scheme area—
- (a) operational work that is tidal works under the Planning Act if the work is the maintenance, repair or reconstruction of, or the installation of equipment on, an approved tidal structure;
- (b) operational work that is the removal, destruction or damage of a marine plant that has grown through or on an approved tidal structure.
- (2) Despite the Planning Act, the development is exempt development under that Act.
- (3) In this section—
- approved tidal structure* means a structure, the construction of which was operational work that is tidal works under the Planning Act and for which there was a development approval for the work.
- marine plant* see the *Fisheries Act 1994*, section 8.

60 Owner's consent not required in particular circumstances

- (1) This section applies if—

[s 61]

- (a) a person proposes to make a development application under the Planning Act for work on land below high-water mark and outside a canal as defined under the Coastal Protection and Management Act; and
- (b) the land is State land that is in a development scheme area or is strategic port land; and
- (c) the work is consistent with the development proposed for the land under the PPDA development scheme or port land use plan.
- (2) Despite the Planning Act, section 263(1), the person may make the development application without obtaining the consent of the State.
- (3) In this section—
State land means State land under the Transport Infrastructure Act.
- 61 Reconfiguring a lot**
- (1) Subsection (2) applies to development that is reconfiguring a lot by a lease only if the reconfiguring is consistent with the PPDA development scheme or port land use plan that applies to the lot.
- (2) Despite the Planning Act, the development is exempt development under that Act.
- (3) Subsection (4) applies to development that is reconfiguring a lot, other than reconfiguring to which subsection (1) applies.
- (4) The development is assessable development requiring code assessment under the Planning Act and there are no referral agencies for the development.
- (5) In this section—
lease includes a sublease.
reconfiguring a lot see the Planning Act, section 10.

62	Exemption for emergency development or use	1
(1)	The Minister may carry out development or a use for premises in a development scheme area or on strategic port land because of an emergency endangering—	2 3 4
(a)	the life or health of a person; or	5
(b)	the structural safety of a building; or	6
(c)	the operation or safety of community infrastructure that is not a building.	7 8
(2)	Subsection (1) applies despite the Planning Act, sections 575, 576, 578, 580, 581 and 582.	9 10
63	Subleases and licences under Land Act	11
(1)	This section applies to any of the following dealings affecting land in a PPDA or on strategic port land—	12 13
(a)	a transfer under the Land Act, section 322 of a sublease;	14
(b)	a sublease under the Land Act, section 332;	15
(c)	an amendment under the Land Act, section 336 of a sublease.	16 17
(2)	If land affected by the dealing is held under a lease under the Land Act of port land (a <i>port lease</i>) or a sublease of a port lease, despite a provision of the Land Act mentioned in subsection (1), the Minister’s approval is not required for the dealing or the registration of a document for the dealing.	18 19 20 21 22
(3)	If a port entity holds a port lease, or a sublease of a port lease, the port entity may grant a licence to enter and use the land.	23 24
(4)	Subsection (3) is subject to any condition of the port lease that prohibits or restricts the grant of a licence.	25 26
(5)	To remove any doubt, it is declared that the Minister’s approval under the Land Act is not required for the grant of a licence under this section.	27 28 29

[s 64]

Note—

See also the Transport Infrastructure Act, sections 477C to 477E in relation to declared projects under the *Infrastructure Investment (Asset Restructuring and Disposal) Act 2009*.

(6) In this section—

sublease includes a concurrent lease.

Division 4 Miscellaneous provisions

64 Roads and road closures

(1) The Minister may perform functions for a road in a PPDA that the Minister considers necessary or desirable to perform the Minister's other functions relating to the PPDA.

(2) Without limiting subsection (1), the Minister may, by gazette notice, permanently or temporarily close all or part of a road.

(3) Before the closing of the road takes effect, the Minister must publish a notice the Minister considers appropriate about the closure in a newspaper circulating in the relevant local government area.

(4) Failure to comply with subsection (3) does not invalidate the closure.

(5) The Minister may do everything necessary to stop traffic using a road or part of a road closed under this section.

(6) To remove any doubt, it is declared that this section applies to a road—

(a) whether or not the road is a State-controlled road under the Transport Infrastructure Act; and

(b) whether or not the Land Act applies to the road.

65 Vesting land in permanently closed road

(1) The Minister may, by gazette notice, declare any land that comprised a road under the Land Act that has been

permanently closed under section 64 is vested in an entity, in fee simple.	1 2
(2) The chief executive of the department in which the Land Act is administered must, under that Act, register the vesting if the entity lodges in the land registry under that Act—	3 4 5
(a) a request under that Act to register the vesting; and	6
(b) if that chief executive so requires—a plan of subdivision under that Act for the land the subject of the vesting; and	7 8
(c) a copy of the gazette notice.	9
(3) On the registration of the request to vest, the Governor in Council may issue to the entity a deed of grant under the Land Act for the land the subject of the vesting.	10 11 12
(4) If the land vests in the State under subsection (1), despite the Land Act and the <i>Land Title Act 1994</i> , no fee is payable by the entity in relation to the registration of the vesting or to give effect to it.	13 14 15 16
66 By-laws	17
(1) The Minister may make by-laws under this Act for a PPDA or strategic port land about any matter for which a local law may be made, including the creation of offences.	18 19 20
(2) However, a by-law can not fix a penalty of more than—	21
(a) if the by-law replaces a local law—the maximum penalty units applying to a contravention of the local law it replaces; or	22 23 24
(b) otherwise—20 penalty units for an offence against the by-law.	25 26
(3) A by-law <i>replaces</i> a local law if—	27
(a) the local law no longer applies to a matter in a PPDA or on strategic port land because a by-law provides that the local law does not apply, or applies with stated changes, in the PPDA or on the strategic port land; and	28 29 30 31

[s 67]

(b)	the by-law applies to the matter in the PPDA or on the strategic port land.	1 2
(4)	A by-law may provide that all or part of a stated local law does not apply, or applies with stated changes, in a PPDA or on strategic port land.	3 4 5
(5)	If a by-law provides that a stated local law does not apply, or applies with stated changes, in a PPDA or on strategic port land, the local law does not apply, or applies with the stated changes, in the PPDA or on the strategic port land.	6 7 8 9
(6)	A by-law must be approved by the Governor in Council.	10
	<i>Note—</i>	11
	The effect of subsection (6) is that a by-law is subordinate legislation. See the <i>Statutory Instruments Act 1992</i> , sections 7, 8(b)(i) and 9(1)(a).	12 13
67	Interim local laws	14
(1)	This section applies if land ceases to be in a PPDA or to be strategic port land and, immediately before the cessation, by-laws applied to the area.	15 16 17
	<i>Notes—</i>	18
	1 A master plan for a port identifies the PPDA for the port and states the location of its boundaries. The master plan can be amended to change the boundaries of the PPDA.	19 20 21
	2 A port land use plan for a port identifies the strategic port land for the port and states the location of its boundaries. The port land use plan can be amended to change the boundaries of the strategic port land.	22 23 24 25
(2)	A regulation may make a local law (the <i>interim local law</i>) for the land, about any matter provided for under the by-laws.	26 27
(3)	However, the regulation may be made only if the local government whose local government area includes the land no longer in the PPDA or that is no longer strategic port land (the <i>receiving local government</i>) has agreed to the making of the regulation.	28 29 30 31 32

(4)	For the <i>Local Government Act 2009</i> , the interim local law is taken to have been made under that Act by the receiving local government.	1 2 3
(5)	The interim local law expires 1 year after it commences.	4
68	Royalty or price for quarry material	5
(1)	This section applies to quarry material removed from tidal water in a development scheme area under a development approval to which section 53 applies.	6 7 8
(2)	Royalty at the rate prescribed under a regulation or the price set for the sale is payable to the State as prescribed under the regulation or the sale.	9 10 11
(3)	The royalty, or the price payable and not paid, may be recovered from the holder of the development approval as a debt owing to the State.	12 13 14
(4)	This section is subject to the Transport Infrastructure Act, section 278(3).	15 16
Part 7	Compensation for particular port planning instrument changes	17 18 19
Division 1	Preliminary	20
69	Definitions for pt 7	21
	In this part—	22
	<i>alternative lawful use</i> , for land, means a lawful as of right use for which the owner of the land may use the land.	23 24

[s 70]

owner, of an interest in land, means the owner of the interest 1
when a port planning instrument, or an amendment of a port 2
planning instrument, first applied to the land. 3

Division 2 Compensatory circumstances 4

70 Effect of particular port planning instruments 5

- (1) An owner of an interest in land is entitled to be paid 6
compensation by the State if— 7
- (a) immediately before a port planning instrument, or an 8
amendment of a port planning instrument, had effect for 9
the land there was an alternative lawful use for the land; 10
and 11
 - (b) after the port planning instrument or amendment had 12
effect for the land, the owner may no longer lawfully use 13
the land for the alternative lawful use; and 14
 - (c) the application of the port planning instrument or 15
amendment to the land reduces the value of the interest; 16
and 17
 - (d) the owner has asked the Minister to approve of the 18
alternative lawful use and the Minister refuses the 19
request. 20
- (2) In this section— 21
- port planning instrument* does not include an interim PPDA 22
development scheme. 23

71 Effect of interim PPDA development schemes 24

- An owner of an interest in land is entitled to be paid 25
compensation by the State if— 26
- (a) immediately before an interim PPDA development 27
scheme had effect for the land there was an alternative 28
lawful use for the land; and 29

-
- (b) after the interim PPDA development scheme had effect for the land, the owner may no longer lawfully use the land for the alternative lawful use; and
 - (c) when the interim PPDA development scheme is replaced by a PPDA development scheme, the PPDA development scheme does not permit the owner to use the land for the alternative lawful use; and
 - (d) the application of the PPDA development scheme to the land reduces the value of the interest; and
 - (e) the owner has asked the Minister to approve of the alternative lawful use and the Minister refuses the request.

Division 3 Limits on compensatory circumstances

72 Time limit on claiming

Compensation under division 2 is payable only if a claim is made to the Minister (a *compensation claim*) within the following period—

- (a) for section 70—within 3 years after the day the port planning instrument, or amendment of the port planning instrument, has effect;
- (b) for section 71—within 3 years after the day the PPDA development scheme has effect.

73 General exclusions

- (1) Despite sections 70 and 71, compensation is not payable for a compensation claim—
 - (a) about a matter if compensation has already been paid for the matter to a previous owner of the interest in land, before the planning change happened; or
 - (b) about anything done in contravention of this Act.

[s 74]

- (2) A compensation claim can not be made for a matter for which compensation is also payable under another Act. 1
2

Division 4 Processing claims 3

74 Deciding and notifying compensation claims 4

The Minister must decide a compensation claim within 60 business days after the day the claim is made. 5
6

75 Notifying decision 7

The Minister must, within 10 business days after deciding a compensation claim, give the claimant a written notice stating— 8
9
10

- (a) the decision, and the reasons for it; and 11
(b) if the decision is to pay compensation—the amount of compensation; and 12
13
(c) that the decision, including any amount, may be appealed; and 14
15
(d) how to appeal. 16

76 Calculating amount of compensation 17

(1) This section applies for working out the amount of compensation payable because of either of the following (a *planning change*) for an interest in land— 18
19
20

- (a) a port planning instrument, or an amendment of a port planning instrument, (a *relevant instrument*) has effect under section 70; or 21
22
23
(b) an interim PPDA development scheme (also a *relevant instrument*) has effect under section 71. 24
25

(2) The amount must be the difference between the interest's market value immediately before the planning change and its market value immediately after the planning change, 26
27
28

-
- appropriately adjusted having regard to the following if they
are relevant—
- (a) any limitations or conditions that may reasonably have
applied to the use of the land immediately before the
planning change to the land;
 - (b) any benefit accruing to the land from the planning
change;
- Example—*
- the likelihood of improved amenity in the land’s locality
- (c) if the owner has an interest in land adjacent to the land,
any benefit accruing to the adjacent land because—
 - (i) the planning change has effect; or
 - (ii) of the construction of, or improvement to,
infrastructure on the adjacent land under the
relevant instrument, other than infrastructure
funded by the owner, before the compensation
claim;
 - (d) the effect of any other changes to the relevant instrument
since the planning change.

77 When compensation is payable

- Any compensation decided under a compensation claim is
payable within 30 business days after—
- (a) if no appeal is made—the appeal period ends; or
 - (b) if an appeal is made—the appeal ends.

78 Payment of compensation to be recorded on title

- (1) The Minister must give the registrar of titles written notice of
the payment of compensation under a compensation claim.
- (2) The notice must be in the form approved by the registrar.
- (3) The registrar must keep the information stated in the notice as
information under the *Land Title Act 1994*, section 34.

[s 79]

Division 5	Appeals	1
79	Appeals against decisions on compensation claims	2
	A person who is dissatisfied with the Minister’s decision about a compensation claim may appeal to the court against the decision.	3 4 5
80	Procedure for an appeal	6
(1)	An appeal to the court is started by filing a notice of appeal with the registrar of the court.	7 8
(2)	The notice of appeal must be filed within 20 business days after the person was given the notice of the decision (the <i>appeal period</i>).	9 10 11
(3)	The notice of appeal must state the grounds of the appeal.	12
81	Powers of court on appeal	13
(1)	In deciding an appeal, the court—	14
(a)	has the same powers as the Minister in making the decision appealed against; and	15 16
(b)	is not bound by the rules of evidence; and	17
(c)	must comply with natural justice.	18
(2)	An appeal is by way of rehearing.	19
(3)	The court must decide to do 1 of the following for the decision appealed against—	20 21
(a)	confirm it;	22
(b)	change it;	23
(c)	set it aside and make a decision replacing it.	24
(4)	If the court acts under subsection (3)(b) or (c), the court’s decision is taken (other than for this part) to have been made by the Minister.	25 26 27

Part 8	Prohibitions relating to Great Barrier Reef World Heritage Area	1 2 3
Division 1	Significant port development prohibition	4 5
82	No approvals for significant port development	6
(1)	An assessment manager must refer to the Minister a development application made during the prohibited period for port development that is—	7 8 9
(a)	in, or on land under tidal water adjoining, the Great Barrier Reef World Heritage Area; but	10 11
(b)	outside a port’s existing port limits.	12
(2)	The Minister must decide whether the port development is significant port development, having regard to the purpose of this Act and the principles for achieving this Act’s purpose mentioned in sections 2 and 3.	13 14 15 16
(3)	If the Minister decides the port development is significant port development, the assessment manager must refuse the development application.	17 18 19
(4)	If the Minister decides the port development is not significant port development, the assessment manager must assess and decide the development application under the Act under which the application was made.	20 21 22 23
(5)	This section applies despite the following—	24
(a)	the Transport Infrastructure Act, section 291;	25
(b)	the Planning Act.	26
(6)	In this section—	27
	<i>existing port limits</i> , for a port, means the port’s port limits, immediately before the commencement, under the Transport Infrastructure Act.	28 29 30

[s 83]

port development means operational work that is tidal works under the Planning Act to support the import or export of goods by ship.

prohibited period means the period starting on the commencement and ending at the end of 31 December 2022.

Division 2 Dredging prohibition 6

83 What is *prohibited dredging* 7

- (1) ***Prohibited dredging*** is dredging that is carried out in, or on land under tidal water adjoining, the Great Barrier Reef World Heritage Area but outside a PPDA for the purpose of—
- (a) establishing or constructing new port facilities; or
 - (b) improving existing port facilities.
- (2) However, ***prohibited dredging*** does not include dredging that is carried out for any of the following purposes—
- (a) ensuring the safety of persons, ships and other things at a port;
 - (b) maintaining navigation channels, or removing impediments to navigation, in a port;
 - (c) increasing a port's resilience to effects of extreme weather;
 - (d) maintaining the effective operation of existing port facilities;
 - (e) improving the operation of port facilities and port services of a port mentioned in section 8(1).

84 No approvals for prohibited dredging 25

- (1) An approving authority must not grant an approval during the prohibited period for development that includes the carrying out of prohibited dredging.
- (2) In this section—

-
- approval*** means— 1
- (a) an allocation of quarry material; 2
 - (b) an environmental authority; 3
 - (c) a Forestry Act approval under the *Forestry Act 1959*; 4
 - (d) a development approval. 5
- approving authority*** means— 6
- (a) for an allocation of quarry material—the chief executive 7
under the Coastal Protection and Management Act; 8
 - (b) for an environmental authority—the chief executive 9
under the Environmental Protection Act; 10
 - (c) for a Forestry Act approval—the chief executive under 11
the *Forestry Act 1959*; 12
 - (d) for a development approval—the assessment manager 13
for the development application to which the approval 14
relates. 15
- Forestry Act approval*** means an agreement, contract, permit, 16
licence or authority relating to the removal of quarry material 17
under the *Forestry Act 1959*. 18
- prohibited period*** means the period starting on the 19
commencement and ending at the end of December 2024. 20

- 85 Relationship with particular Acts** 21
- This division applies despite the following Acts— 22
- (a) the Coastal Protection and Management Act; 23
 - (b) the Environmental Protection Act; 24
 - (c) the Planning Act; 25
 - (d) the State Development Act. 26

[s 86]

Part 9	General	1
Division 1	Offences	2
86	Privacy	3
(1)	This section applies to a person who—	4
(a)	is, or has been, a person performing functions under this Act; and	5 6
(b)	obtains in the course of, or because of, the performance of a function under this Act, personal or confidential information, or information that is commercially sensitive, that is not publicly available.	7 8 9 10
(2)	The person must not—	11
(a)	make a record of the information; or	12
(b)	divulge or communicate the information to anyone else, whether directly or indirectly; or	13 14
(c)	use the information to benefit any person.	15
	Maximum penalty—100 penalty units.	16
(3)	However, subsection (2) does not apply if the record is made, or the information is divulged, communicated or used—	17 18
(a)	for a purpose under this Act; or	19
(b)	with the consent of the person to whom the information relates; or	20 21
(c)	as required by law.	22
87	Refusal of disclosure of commercially sensitive information	23 24
(1)	A person engaged in the administration or enforcement of this Act can not be compelled to disclose to a court or tribunal in a proceeding, or to a party to the proceeding—	25 26 27
(a)	information that is commercially sensitive; or	28

-
- (b) whether or not the person has received particular information that is commercially sensitive; or
 - (c) the identity of the source of particular information that is commercially sensitive.
- (2) Subsection (1) does not apply to a proceeding for the administration or enforcement of this Act.

88 Giving false or misleading document

A person must not, in relation to the performance of the Minister's or a supporting entity's functions, give the Minister or a supporting entity a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—1665 penalty units.

Division 2 Evidentiary and legal proceedings

89 Evidentiary aids

A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—

- (a) a decision, direction or notice under this Act;
- (b) a thing that must or may be included in a register kept under this Act;
- (c) that a stated document is a document kept under this Act;
- (d) that a stated document is a copy of, or an extract from or part of, a thing mentioned in paragraph (a) or (b);
- (e) that on a stated day—
 - (i) a stated person was given a stated decision, direction or notice under this Act; or
 - (ii) a stated direction or requirement under this Act was made of a stated person.

[s 90]

Division 3	Provisions about performance of functions etc. under this Act	1 2
90	Ministerial delegations	3
(1)	The Minister may delegate the Minister’s functions under this Act, except sections 11 to 14, 50 and 64 to 66, to any of the following—	4 5 6
(a)	the chief executive;	7
(b)	the coordinator-general;	8
(c)	a port entity;	9
(d)	a local government.	10
(2)	The chief executive may subdelegate a function of the Minister delegated to the chief executive under subsection (1) to an appropriately qualified officer or employee of the department.	11 12 13 14
(3)	A local government may subdelegate a function of the Minister delegated to it under subsection (1) to an appropriately qualified employee of the local government.	15 16 17
(4)	However, subsection (3) does not apply to a function if the Minister has, when delegating the function to the local government, directed that the function can not be subdelegated.	18 19 20 21
91	Ministerial directions	22
(1)	This section applies to an entity to whom a function is delegated under section 90.	23 24
(2)	The entity must perform the function within a reasonable period and subject to—	25 26
(a)	the general direction and control of the Minister; and	27
(b)	any specific written directions given to it by the Minister.	28 29

-
- (3) Without limiting subsection (2)(b), a direction under that provision may require the entity to give stated information to the Minister. 1
2
3

92 Protection from civil liability 4

- (1) A prescribed person performing a function under this Act is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act or a direction or a requirement under this Act. 5
6
7
8
- (2) If subsection (1) prevents a civil liability attaching to the person, the liability attaches instead to the State. 9
10
- (3) Subsection (1) does not apply to a prescribed person if the person is a State employee within the meaning of the *Public Service Act 2008*, section 26B(4). 11
12
13

Note— 14

For protection from civil liability in relation to State employees—see the *Public Service Act 2008*, section 26C. 15
16

- (4) In this section— 17
- prescribed person*** means a person to whom a function has been delegated under section 90. 18
19

Division 4 Other administrative matters 20

93 Registers 21

- (1) The chief executive must keep a register of each of the following— 22
23
- (a) proposed port planning instruments, or proposed amendments of port planning instruments, under part 3; 24
25
- (b) port planning instruments, including any interim PPDA development schemes; 26
27
- (c) by-laws. 28

[s 94]

- (2) The chief executive may also keep a register of other documents or information relating to this Act that the chief executive considers appropriate. 1
2
3
- (3) The chief executive may keep a register in the way the chief executive considers appropriate. 4
5
- (4) However, the documents included in the registers must also be published on— 6
7
- (a) the department’s website; and 8
- (b) the website of the port entity for the port to which the document applies. 9
10
- 94 Access to registers** 11
- (1) The chief executive must— 12
- (a) keep each register open for inspection by the public during office hours on business days at the department’s head office; and 13
14
15
- (b) allow a person to search and take extracts from the register; and 16
17
- (c) give a person who asks for it a copy of all or part of a document or information held in the register, on payment of the fee decided by the chief executive. 18
19
20
- (2) The fee can not be more than the actual cost of giving the copy. 21
22
- 95 Approval of forms** 23
- The chief executive may approve forms for use under this Act. 24
- 96 Regulation-making power** 25
- (1) The Governor in Council may make regulations under this Act. 26
27
- (2) A regulation may— 28

-
- (a) provide for fees payable under this Act and the matters for which they are payable; and 1
2
 - (b) prescribe the matters that must be included in a port planning instrument; and 3
4
 - (c) impose a penalty of no more than 20 penalty units for a contravention of a regulation. 5
6

Part 10 Transitional provisions 7

Division 1 Preliminary 8

- 97 Definitions for pt 10** 9
- In this part— 10
- former*, in relation to a provision, means the provision as in force immediately before the repeal of the provision under this Act. 11
12
13
- port authority* means a port authority under the Transport Infrastructure Act. 14
15
- PPDA port* means a port mentioned in section 8(1). 16
- 98 References to former provisions** 17
- If this part states that a former provision continues to apply— 18
- (a) the provision applies as if this Act had not been enacted; 19
and 20
 - (b) any other former provision mentioned in the provision, or necessary to give effect to the provision, continues to apply unless otherwise stated. 21
22
23

[s 99]

Division 2	Provisions for Transport Infrastructure Act	1 2
99	Existing land use plans	3
(1)	This section applies to a port authority's land use plan for the port (an <i>existing land use plan</i>) under the Transport Infrastructure Act, former section 285, in effect immediately before the commencement.	4 5 6 7
(2)	If the port is a PPDA port, the existing land use plan for the port continues to have effect until it is replaced by a PPDA development scheme.	8 9 10
(3)	If the port is a non-PPDA port—	11
(a)	the port's existing land use plan is taken to be the port land use plan for the port; and	12 13
(b)	the land included in the existing land use plan that is identified in the plan as the port authority's strategic port land is taken to be the port's strategic port land; and	14 15 16
(c)	the land identified in the existing land use plan as land the port authority for the port proposed to become strategic port land is taken to be the port's future strategic port land.	17 18 19 20
(4)	Section 17(e) does not apply to an existing land use plan that becomes a port land use plan under subsection (3).	21 22
100	Continued application of repealed provisions to PPDA ports	23 24
(1)	The repealed provisions continue to apply to a PPDA port until the PPDA development scheme for the port has effect.	25 26
(2)	For applying the repealed provisions, a reference in the repealed provisions to the Minister is taken to be a reference to the Minister administering this Act.	27 28 29
(3)	In this section—	30

repealed provisions means the Transport Infrastructure Act, former chapter 8, part 4, division 1, other than former section 285(2) of that Act.

- 101 Making or amending land use plans for non-PPDA ports**
- (1) This section applies if—
- (a) a port authority for a non-PPDA port started to prepare a land use plan, or an amendment of its land use plan, under the Transport Infrastructure Act, former section 285; and
- (b) immediately before the commencement, the Minister had not approved the land use plan or amendment under the Transport Infrastructure Act, former section 286.
- (2) For subsection (1)(a), a port authority has started to prepare a land use plan, or an amendment of its land use plan, if the port authority has prepared a statement of proposal about the plan or amendment under the Transport Infrastructure Act, former section 285A.
- (3) The Transport Infrastructure Act, former sections 285A to 286 continue to apply to the port authority for preparing or amending the land use plan.
- (4) On the day the land use plan or amendment is approved—
- (a) the land use plan, or amended land use plan, (the *new plan*) is taken to be the port land use plan for the port; and
- (b) the land included in the new plan that is identified in the new plan as the port authority’s strategic port land is taken to be the port’s strategic port land; and
- (c) the land identified in the new plan as land that the port authority for the port proposed to become strategic port land is taken to be the port’s future strategic port land.
- (5) Section 17(e) does not apply to a new plan that becomes a port land use plan under subsection (4)(a).
- (6) This section applies despite section 99.

[s 102]

102	Special arrangements for ports of Gladstone and Rockhampton	1 2
(1)	On the making of a PPDA development scheme for the Port of Gladstone, the Minister must make a port land use plan for the Port of Rockhampton (the <i>new port land use plan</i>).	3 4 5
(2)	The new port land use plan takes effect when the PPDA development scheme for the Port of Gladstone takes effect.	6 7
Division 3	Prohibitions relating to Great Barrier Reef World Heritage Area	8 9
103	Particular development exempted	10
(1)	Section 82 does not apply to development that is the subject of an EIS process started before the commencement.	11 12
(2)	Section 84 does not apply to development that includes the carrying out of prohibited dredging if the dredging is the subject of an EIS process started before the commencement.	13 14 15
(3)	In this section—	16
	<i>EIS process</i> means any of the following—	17
(a)	an EIS process for development within the meaning of the Planning Act;	18 19
(b)	an EIS process for a project within the meaning of the Environmental Protection Act;	20 21
(c)	the process under the State Development Act, part 4, division 3 for an environmental impact statement for a coordinated project;	22 23 24
(d)	an EIS for a project under the Commonwealth Environment Act;	25 26
(e)	an EIS for a project under another Commonwealth Act.	27
104	Existing approvals not affected	28
(1)	To remove any doubt, it is declared that—	29

-
- | | | |
|-----|---|----------------|
| (a) | section 82 does not affect— | 1 |
| | (i) a development approval in force immediately before the commencement; or | 2
3 |
| | (ii) the operation of another Act in relation to a development approval in force immediately before the commencement; and | 4
5
6 |
| (b) | section 84 does not affect— | 7 |
| | (i) an approval in force immediately before the commencement; or | 8
9 |
| | (ii) the operation of another Act in relation to an approval in force immediately before the commencement. | 10
11
12 |
| (2) | In this section— | 13 |
| | <i>approval</i> see section 84(2). | 14 |

Division 4	Transitional regulation-making power	15 16
-------------------	---	----------

- | | | |
|------------|--|----------------|
| 105 | Transitional regulation-making power | 17 |
| (1) | A regulation (a <i>transitional regulation</i>) may make provision of a saving or transitional nature to allow or facilitate the commencement of the operation of this Act. | 18
19
20 |
| (2) | A transitional regulation may have retrospective operation to a day not earlier than the day this section commences. | 21
22 |
| (3) | A transitional regulation must declare it is a transitional regulation. | 23
24 |
| (4) | This section and any transitional regulation expire 1 year after the commencement of this section. | 25
26 |

[s 106]

Part 11	Amendment of Acts	1
Division 1	Amendment of this Act	2
106 Act amended		3
	This division amends this Act.	4
107 Amendment of long title		5
	Long title, from ‘assets,’—	6
	<i>omit, insert—</i>	7
	assets	8
Division 2	Amendment of State Development and Public Works Organisation Act 1971	9 10 11
108 Act amended		12
	This division amends the <i>State Development and Public Works Organisation Act 1971</i> .	13 14
109 Amendment of pt 4A, hdg (Assessment and approval of particular coordinated projects under bilateral agreement)		15 16 17
	Part 4A, heading, ‘coordinated’—	18
	<i>omit, insert—</i>	19
	bilateral	20
110 Amendment of s 54H (Application and purpose of pt 4A)		21
	Section 54H(2) and (3), ‘coordinated’—	22

<i>omit, insert—</i>	1
bilateral	2
111 Insertion of new ss 54HA and 54HB	3
After section 54H—	4
<i>insert—</i>	5
54HA What is a <i>bilateral project</i>	6
A <i>bilateral project</i> is—	7
(a) a coordinated project; or	8
(b) a port development activity.	9
54HB Declaration of port development activity	10
(1) The Minister (Ports) may declare particular	11
development in a stated part of a priority port	12
development area, identified in a master plan or	13
PPDA development scheme under that Act, (the	14
<i>port development</i>) to be a port development	15
activity.	16
(2) The declaration must be made by gazette notice.	17
(3) In this section—	18
<i>Minister (Ports)</i> means the Minister	19
administering the <i>Ports Act 2014</i> .	20
<i>priority port development area</i> see the <i>Ports Act</i>	21
2014, section 8.	22
112 Amendment of s 54I (Definitions for pt 4A)	23
(1) Section 54I—	24
<i>insert—</i>	25
<i>amendment application</i> see section 54Z(1).	26
<i>bilateral project</i> see section 54HA.	27

[s 113]

	<i>port development</i> see section 54HB(1).	1
	<i>port development activity</i> means the port development declared under section 54HB in the gazette notice.	2 3 4
(2)	Section 54I, definitions <i>accepted submissions, environmental approval, environmental record, protected matters report</i> and <i>within the scope of the bilateral agreement</i> , ‘coordinated’— <i>omit, insert</i> — bilateral	5 6 7 8 9
113	Amendment of pt 4A, div 2, hdg (Coordinated projects to be assessed under this part) Part 4A, division 2, heading, ‘Coordinated’— <i>omit, insert</i> — Bilateral	10 11 12 13 14
114	Amendment of s 54J (Declaration for coordinated project for this part) (1) Section 54J, heading, ‘coordinated’— <i>omit, insert</i> — bilateral (2) Section 54J(1), ‘coordinated project to be also’— <i>omit, insert</i> — bilateral project to be (3) Section 54J(2), from ‘coordinated’— <i>omit, insert</i> — bilateral project is within the scope of the bilateral agreement. (4) Section 54J(3), ‘coordinated’—	15 16 17 18 19 20 21 22 23 24 25 26 27

<i>omit, insert—</i>	1
bilateral	2
115 Amendment of s 54K (Application for declaration)	3
Section 54K(1)(b), ‘coordinated project.’—	4
<i>omit, insert—</i>	5
bilateral project.	6
116 Amendment of s 54M (Cancellation of declaration)	7
(1) Section 54M(1), ‘a coordinated’—	8
<i>omit, insert—</i>	9
a bilateral	10
(2) Section 54M(1)(b), ‘the coordinated’—	11
<i>omit, insert—</i>	12
for a bilateral project that is a coordinated project, the coordinated	13 14
(3) Section 54M(1)(c), from ‘satisfied’—	15
<i>omit, insert—</i>	16
satisfied the bilateral project is within the scope of the bilateral agreement; or	17 18
117 Amendment of s 54N (Lapsing of declaration)	19
Section 54N, after ‘declaration for a’—	20
<i>insert—</i>	21
bilateral project that is a	22
118 Amendment of s 54O (Application of div 3)	23
Section 54O, ‘coordinated’—	24

[s 119]

	<i>omit, insert—</i>	1
	bilateral	2
119	Amendment of s 54P (Preparation of draft protected matters report)	3 4
	Section 54P(1), ‘coordinated’—	5
	<i>omit, insert—</i>	6
	bilateral	7
120	Amendment of s 54Q (Public notification of draft protected matters report)	8 9
	(1) Section 54Q(1) and (4)(d), ‘coordinated’—	10
	<i>omit, insert—</i>	11
	bilateral	12
	(2) Section 54Q(3), after ‘However,’—	13
	<i>insert—</i>	14
	for a bilateral project that is a coordinated project,	15
121	Amendment of s 54R (Proponent must finalise protected matters report after public notification)	16 17
	Section 54R(1), ‘coordinated’—	18
	<i>omit, insert—</i>	19
	bilateral	20
122	Amendment of s 54S (Coordinator-General may seek further information or comments)	21 22
	Section 54S(6), ‘coordinated’—	23
	<i>omit, insert—</i>	24
	bilateral	25

123	Amendment of s 54T (Decision about approving undertaking of coordinated project)	1
	Section 54T, ‘coordinated’—	2
	<i>omit, insert</i> —	3
	bilateral	4
124	Amendment of s 54U (Conditions)	5
	Section 54U, ‘coordinated’—	6
	<i>omit, insert</i> —	7
	bilateral	8
125	Amendment of s 54V (Jurisdiction for conditions)	9
	Section 54V(1), ‘coordinated’—	10
	<i>omit, insert</i> —	11
	bilateral	12
126	Amendment of s 54W (Criteria for decision)	13
	Section 54W(1), ‘coordinated’—	14
	<i>omit, insert</i> —	15
	bilateral	16
127	Amendment of s 54Y (Issuing environmental approval)	17
	Section 54Y(1), ‘coordinated’—	18
	<i>omit, insert</i> —	19
	bilateral	20
128	Amendment of s 54Z (Application for amendment)	21
	Section 54Z, ‘coordinated’—	22
		23

[s 129]

<i>omit, insert—</i>	1
bilateral	2
129 Amendment of s 54ZA (Coordinator-General may seek further information or comments)	3
Section 54ZA(1)(a), ‘coordinated’—	4
<i>omit, insert—</i>	5
bilateral	6
130 Amendment of s 54ZB (Public notification of amendment application)	8
Section 54ZB(3)(b), ‘coordinated’—	9
<i>omit, insert—</i>	10
bilateral	11
131 Amendment of s 54ZC (Deciding amendment application)	12
(1) Section 54ZC(3)(a)(v)—	13
<i>omit, insert—</i>	14
(v) whether the proposed amendment is	15
within the scope of the bilateral	16
agreement; and	17
(2) Section 54ZC—	18
<i>insert—</i>	19
(3A) A proposed amendment is within the scope of the	20
bilateral agreement if the bilateral project, as	21
changed or affected by the proposed amendment	22
of the environmental approval—	23
(a) is an action within the class of actions	24
specified in the agreement to which the	25
declaration mentioned in section	26
54H(1)(a)(ii) applies; and	27
	28

	(b) has had, will have or is likely to have an impact on an environmental matter protected by a specified provision.	1 2 3
(3)	Section 54ZC(6), ‘subsection (5)’— <i>omit, insert</i> — subsection (6)	4 5 6
(4)	Section 54ZC(3A) to (6)— <i>renumber</i> as section 54ZC(4) to (7).	7 8
132	Amendment of s 54ZF (Cancellation or suspension at proponent’s request) Section 54ZF(1), ‘coordinated’— <i>omit, insert</i> — bilateral	9 10 11 12 13
133	Amendment of s 54ZG (Cancellation or suspension for grounds including contravention or unforeseen significant impact) Section 54ZG, ‘coordinated’— <i>omit, insert</i> — bilateral	14 15 16 17 18 19
134	Amendment of s 54ZH (Notice of proposed cancellation or suspension) Section 54ZH(1), ‘coordinated’— <i>omit, insert</i> — bilateral	20 21 22 23 24
135	Amendment of s 54ZI (Notice of cancellation or suspension decision) Section 54ZI(2)(b), ‘coordinated’—	25 26 27

[s 136]

<i>omit, insert—</i>	1
bilateral	2
136 Amendment of s 54ZJA (Request to reinstate cancelled or suspended environmental approval)	3
Section 54ZJA(1), ‘coordinated’—	4
<i>omit, insert—</i>	5
bilateral	6
137 Amendment of s 54ZL (Compliance under Environmental Protection Act)	8
Section 54ZL, ‘coordinated’—	9
<i>omit, insert—</i>	10
bilateral	11
138 Amendment of s 54ZM (Declarations)	12
Section 54ZM(1), ‘coordinated’—	13
<i>omit, insert—</i>	14
bilateral	15
139 Insertion of new s 54ZMA	16
Part 4A, division 6—	17
<i>insert—</i>	18
54ZMA Conditions of environmental approvals prevail over conditions of other approvals	19
(1) If there is a conflict between a condition of an environmental approval for a bilateral project and a condition of an authority that also applies to the bilateral project, the condition of the environmental approval prevails to the extent of the inconsistency.	20
	21
	22
	23
	24
	25
	26
	27

(2)	In this section—	1
	<i>authority</i> means an approval, authority, lease, licence or permit, however called, issued under an Act.	2 3 4
	<i>Examples</i> —	5
	• development approval	6
	• environmental authority under the Environmental Protection Act	7 8
140	Amendment of s 54ZN (Fees for pt 4A)	9
(1)	Section 54ZN(3) and (4)— <i>omit.</i>	10 11
(2)	Section 54ZN(5) and (6), ‘coordinated’— <i>omit, insert</i> — bilateral	12 13 14
(3)	Section 54ZN(6), ‘subsection (5)’— <i>omit, insert</i> — subsection (3)	15 16 17
(4)	Section 54ZN(5) and (6)— <i>renumber</i> as section 54ZN(3) and (4).	18 19
(5)	Section 54ZN(7)— <i>omit, insert</i> — (5) Subsection (4) applies despite divisions 2 to 5.	20 21 22
141	Insertion of new s 54ZNA	23
	After section 54ZN— <i>insert</i> —	24 25

[s 142]

54ZNA Coordinator-General may waive or reduce fee	1
	2
(1) Despite section 54ZN, if a fee is prescribed as mentioned in that section for an application or bilateral project, the Coordinator-General may waive or reduce the fee.	3 4 5 6
(2) Subsection (3) applies if a fee is prescribed as mentioned in section 54ZN for an application under section 54Z for a proposed change to a bilateral project or a condition of the project.	7 8 9 10
(3) In deciding whether to waive or reduce the fee for the application, the Coordinator-General may have regard to—	11 12 13
(a) the complexity of the proposed change; and	14
(b) the extent of public consultation required in relation to the proposed change.	15 16
142 Amendment of s 54ZO (Recovering the cost of advice or services for assessment)	17 18
Section 54ZO(1), ‘coordinated’—	19
<i>omit, insert</i> —	20
bilateral	21
143 Insertion of new s 54ZP	22
Part 4A, division 7—	23
<i>insert</i> —	24
54ZP Notice of change of proponent, contact details or registered office	25 26
Section 27AE applies to the proponent of a port development activity as if a reference in the section to a coordinated project were a reference to a port development activity.	27 28 29 30

144	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2—	2
	<i>insert</i> —	3
	<i>amendment application</i> , for part 4A, see section 54Z(1).	4
	<i>bilateral project</i> , for part 4A, see section 54HA.	6
	<i>port development</i> , for part 4A, see section 54HB(1).	7
	<i>port development activity</i> , for part 4A, see section 54I.	8
(2)	Schedule 2, definitions <i>accepted submissions</i> , <i>environmental record</i> and <i>within the scope of the bilateral agreement</i> , ‘coordinated’—	11
	<i>omit, insert</i> —	12
	<i>omit, insert</i> —	13
	<i>omit, insert</i> —	14
	bilateral	15
(3)	Schedule 2, definition <i>development</i> , item 2, ‘part 6’—	16
	<i>omit, insert</i> —	17
	parts 4A and 6	18
(4)	Schedule 2, definition <i>properly made submission</i> , after ‘coordinated project,’—	19
	<i>insert</i> —	20
	bilateral project,	21
(5)	Schedule 2, definition <i>proponent</i> —	22
	<i>insert</i> —	23
	(c) of a port development activity—the person who proposes the port development activity and includes a person who, under an agreement or other arrangement with the person who is the existing proponent of the project, later proposes the activity.	24
		25
		26
		27
		28
		29
		30

[s 145]

Division 3	Amendment of Transport Infrastructure Act 1994	1 2
145 Act amended		3
	This division amends the <i>Transport Infrastructure Act 1994</i> .	4
146 Amendment of s 267 (Definitions for chapter)		5
(1)	Section 267, definition <i>strategic port land</i> —	6
	<i>omit.</i>	7
(2)	Section 267—	8
	<i>insert—</i>	9
	<i>development scheme area</i> see the <i>Ports Act 2014</i> , section 36(1).	10 11
	<i>future strategic port land</i> means future strategic port land under the <i>Ports Act 2014</i> .	12 13
	<i>port land</i> means port land under the <i>Ports Act 2014</i> .	14 15
	<i>strategic port land</i> means strategic port land under the <i>Ports Act 2014</i> .	16 17
147 Amendment of s 267AA (Meaning of port area)		18
(1)	Section 267AA(1)(a), ‘for a port’—	19
	<i>omit, insert—</i>	20
	for a non-PPDA port	21
(2)	Section 267AA(1)—	22
	<i>insert—</i>	23
	(ab) of a port authority for a port with a PPDA, means the area of its port land and port facilities within the port’s development scheme area, and within its port limits; or	24 25 26 27

(3)	Section 267AA(1)(ab) and (b)—	1
	<i>renumber</i> as section 267AA(1)(b) and (c).	2
(4)	Section 267AA(2), ‘subsection (1)(b)’—	3
	<i>omit, insert</i> —	4
	subsection (1)(c)	5
(5)	Section 267AA—	6
	<i>insert</i> —	7
	(4) In this section—	8
	<i>non-PPDA port</i> see the <i>Ports Act 2014</i> , section	9
	43.	10
	<i>PPDA</i> see the <i>Ports Act 2014</i> , section 8.	11
148	Amendment of s 278 (Powers of port authorities)	12
	Section 278(3)(b), ‘is, or is proposed to be, strategic port land’—	13
	<i>omit, insert</i> —	14
	is the port’s strategic port land, future strategic port	15
	land or land in the port’s development scheme area	16
149	Amendment of s 282 (Port authority or port lessor may control activities by port notice)	17
	Section 282(1)(b) and (2)(e), ‘strategic’—	18
	<i>omit.</i>	19
		20
150	Amendment of s 282E (Port notice—parking or stopping of vehicles)	21
	Section 282E(1), ‘strategic’—	22
	<i>omit.</i>	23
		24

[s 151]

151	Omission of ch 8, pt 4, div 1 and div 2 hdg	1
	Chapter 8, part 4, division 1 and division 2 heading—	2
	<i>omit.</i>	3
152	Amendment of s 287A (Impact of particular development and port operations)	4
	(1) Section 287A(1), ‘an assessment manager or’—	5
	<i>omit.</i>	6
	(2) Section 287A(3), ‘assessment manager or’—	7
	<i>omit.</i>	8
153	Amendment of s 288 (Restrictions on dealing in property)	9
	(1) Section 288(1), after ‘A port authority’—	10
	<i>insert—</i>	11
	for a port	12
	(2) Section 288(1)(b), ‘its strategic port land’—	13
	<i>omit, insert—</i>	14
	the port’s strategic port land or port land in the port’s development scheme area	15
154	Amendment of s 295 (Notices at entrances)	16
	Section 295(2), ‘strategic’—	17
	<i>omit.</i>	18
155	Amendment of sch 6 (Dictionary)	19
	(1) Schedule 6, definitions <i>commencement, draft plan, port land</i> and <i>statement of proposal</i> —	20
	<i>omit.</i>	21
	(2) Schedule 6—	22
		23
		24
		25

<i>insert—</i>		1
<i>development scheme area</i> , for chapter 8, see the <i>Ports Act 2014</i> , section 36(1).		2 3
<i>draft plan</i> , for chapter 8, part 3C, see section 283I.		4 5
<i>future strategic port land</i> , for chapter 8, see section 267.		6 7
<i>port land</i> , for chapter 8, see section 267.		8
<i>statement of proposal</i> , for chapter 8, part 3C, see section 283I.		9 10
Division 4	Minor and consequential amendments of other legislation	11 12
156	Legislation amended	13
	Schedule 2 amends the legislation it mentions.	14

Schedule 1	Dictionary	1
	section 5	2
	<i>affected local government</i> means a local government with a local government area that the Minister considers is to be affected by a proposed port planning instrument or a proposed amendment of a port planning instrument.	3 4 5 6
	<i>affected port entity</i> means a port entity with a port that the Minister considers is to be affected by a proposed port planning instrument or a proposed amendment of a port planning instrument.	7 8 9 10
	<i>allocation of quarry material</i> means an allocation of quarry material in tidal water under the Coastal Protection and Management Act, chapter 2, part 5.	11 12 13
	<i>alternative lawful use</i> , for land, for part 7, division 1, see section 69.	14 15
	<i>appeal period</i> see section 80(2).	16
	<i>approved form</i> means a form approved by the chief executive under section 95.	17 18
	<i>assessment manager</i> see the Planning Act, section 246(1).	19
	<i>by-laws</i> means by-laws made by the Minister under section 66.	20 21
	<i>Coastal Protection and Management Act</i> means the <i>Coastal Protection and Management Act 1995</i> .	22 23
	<i>commercially sensitive</i> means reasonably expected to affect adversely a person's commercial activities, if made publicly available.	24 25 26
	<i>Commonwealth Environment Act</i> means the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)</i> .	27 28
	<i>compensation claim</i> see section 72.	29
	<i>coordinator-general</i> means the Coordinator-General under the State Development Act.	30 31

-
- core port area**, for a port, means the area located in the PPDA for the port and identified in the port's master plan as its core port area.
- core port infrastructure** includes any of the following on land in a port's development scheme area or on a port's strategic port land or future strategic port land—
- (a) berths;
 - (b) bulk loading and unloading facilities;
 - (c) communications or telecommunications facilities;
 - (d) construction laydown areas;
 - (e) conveyors and pipelines;
 - (f) customs, immigration and quarantine facilities, including facilities for underbond storage and housing of animals;
 - (g) defence facilities;
 - (h) dredged channels, dredged basins, reclaimed land, breakwaters and groynes;
 - (i) emergency service facilities, including, for example, a base for water police;
 - (j) facilities for handling dredged material;
 - (k) freight warehouse or depot;
 - (l) monitoring facilities, including, for example a facility to monitor weather or tides;
 - (m) port terminal facilities;
 - (n) roads, driveways, flyovers and other accesses;
 - (o) security facilities;
 - (p) ship building facilities and dry docks;
 - (q) signage, other than advertising billboards;
 - (r) storage yards;
 - (s) transport and equipment depot;
 - (t) transport infrastructure;
-

Schedule 1

(u) utilities for water supply, sewerage, drainage, waste storage and collection, electricity supply and transmission;	1 2 3
(v) vehicle parking facilities;	4
(w) weighbridges;	5
(x) wharves and associated structures, including hydraulic structures, structures used for shipping purposes and wharf protection devices;	6 7 8
(y) ancillary offices for infrastructure mentioned in paragraphs (a) to (v).	9 10
<i>court</i> means the court under the Planning Act.	11
<i>development</i> see the Planning Act, section 7.	12
<i>development application</i> means—	13
(a) a development application under the Planning Act; or	14
(b) an SDA application under the State Development Act; or	15 16
(c) a PDA development application under the Economic Development Act.	17 18
<i>development approval</i> means—	19
(a) a development approval under the Planning Act; or	20
(b) an SDA approval under the State Development Act; or	21
(c) a PDA development approval under the Economic Development Act.	22 23
<i>development permit</i> means—	24
(a) a development permit under the Planning Act; or	25
(b) a PDA development permit under the Economic Development Act.	26 27
<i>development scheme area</i> see section 36(1).	28
<i>dredging</i> —	29
1 <i>Dredging</i> includes the removal of extractive material.	30

2	For paragraph 1, extractive material means sand, gravel, boulders, clay, silt, mud or other material in or on land under tidal water, but does not include a mineral within the meaning of the <i>Mineral Resources Act 1989</i> .	1 2 3 4
	<i>Economic Development Act</i> means the <i>Economic Development Act 2012</i> .	5 6
	<i>Environmental Protection Act</i> means the <i>Environmental Protection Act 1994</i> .	7 8
	<i>environmental value</i> see the Environmental Protection Act, section 9.	9 10
	<i>future investigation area</i> , for a port, means the area located outside the PPDA for the port and identified in the port's master plan as its future investigation area.	11 12 13
	<i>future strategic port land</i> means the area identified in a port's port land use plan as land the Minister proposes to be strategic port land.	14 15 16
	<i>Great Barrier Reef World Heritage Area</i> means the Great Barrier Reef World Heritage Area under the <i>Great Barrier Reef Marine Park Act 1975</i> (Cwlth).	17 18 19
	<i>instrument</i> , for part 4, division 2, subdivision 2, see section 30.	20 21
	<i>interim PPDA development scheme</i> see section 38.	22
	<i>land</i> means any land, whether above or below the ordinary high-water mark at spring tides.	23 24
	<i>Land Act</i> means the <i>Land Act 1994</i> .	25
	<i>local planning instrument</i> means a local planning instrument under the Planning Act.	26 27
	<i>master plan</i> means a master plan for a port that the Minister is required to make under section 28.	28 29
	<i>master plan goals</i> see section 29(a).	30
	<i>minor amendment</i> , of a port planning instrument, see section 16.	31 32
	<i>non-PPDA port</i> see section 43.	33

<i>owner</i> , of an interest in land, for part 7, division 1, see section 69.	1 2
<i>permissible amendment</i> , of a port planning instrument, see section 17.	3 4
<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	5
<i>planning change</i> see section 76(1).	6
<i>planning entity</i> , for an instrument, for part 4, division 2, subdivision 2, see section 30.	7 8
<i>planning instrument</i> means a planning instrument under the Planning Act.	9 10
<i>planning scheme</i> means a planning scheme under the Planning Act.	11 12
<i>port development application</i> see section 50(1).	13
<i>port entity</i> see the Transport Infrastructure Act, section 267.	14
<i>port facilities</i> see the Transport Infrastructure Act, section 267A.	15 16
<i>port land</i> means land over which tenure has been issued to a port entity.	17 18
<i>port land use plan</i> see section 44(1).	19
<i>port planning instrument</i> see section 9.	20
<i>port prohibited development</i> means development prescribed by regulation as port prohibited development for a development scheme area or strategic port land.	21 22 23
<i>port related development</i> —	24
1 <i>Port related development</i> includes development on land in a port's development scheme area, or on a port's strategic port land or future strategic port land, for any of the following purposes—	25 26 27 28
(a) service station;	29
(b) food and drink outlet;	30
(c) medical centre;	31
(d) nature based recreation facility;	32

	(e) office;	1
	(f) park;	2
	(g) seafarers' centre;	3
	(h) shop (minor);	4
	(i) visitor centre;	5
	(j) warehouse (general);	6
	(k) manufacturing activity requiring easy access to core port infrastructure.	7 8
2	For paragraph 1(a), a service station—	9
	(a) is premises used primarily for the sale of fuel for vehicle; and	10 11
	(b) includes part of any premises mentioned in paragraph (a) used to maintain, service, repair, clean or hire vehicles, or as a food and drink outlet or a shop (minor).	12 13 14 15
3	For paragraphs 1(b) and 2(b), a food and drink outlet is premises used for preparing and selling food or drink to the public, on a regular basis, for consumption on or off the premises.	16 17 18 19
4	For paragraph 1(c), a medical centre is premises—	20
	(a) used for medical or surgical care or treatment of patients; and	21 22
	(b) at which accommodation is not provided for patients to stay overnight.	23 24
5	For paragraph 1(d), a nature based recreation facility is premises used for minor recreational facilities that cause minimal impact on the environment.	25 26 27
	<i>Examples—</i>	28
	boardwalks, picnic facilities and premises used to educate visitors about an area's ecology	29 30
6	For paragraph 1(e), an office is premises used for an administrative, professional or management service,	31 32

	other than the manufacture or sale of goods, but does not include ancillary offices for core port infrastructure.	1 2
	<i>Example—</i>	3
	a financial institution’s office	4
7	For paragraph 1(g), a seafarers’ centre is premises where chaplaincy services and rest and recreational facilities are provided primarily for seafarers.	5 6 7
8	For paragraphs 1(h) and 2(b), a shop (minor) is premises having a gross floor area of not more than 2500m ² that are used for the display or retail of goods or personal services.	8 9 10 11
9	For paragraph 1(i), a visitor centre is premises used primarily to provide information to visitors about the port or training relating to the port, including premises containing an office, café or meeting rooms.	12 13 14 15
10	For paragraph 1(j), a warehouse is a building used for the storage or distribution of goods, other than a freight warehouse or depot or transport and equipment depot.	16 17 18
	port services includes the following services relating to the management of a port or port facilities—	19 20
	(a) monitoring and management of the movement of vessels, vehicles, goods and people in the port;	21 22
	(b) services in relation to port facilities;	23
	(c) services in relation to dredging;	24
	(d) services in relation to reclaiming land;	25
	(e) management, monitoring or administration of the use of, and access to, port facilities;	26 27
	(f) security services and security monitoring services in the port;	28 29
	(g) services relating to the safety of persons or things in the port;	30 31
	(h) services relating to the preservation of the environment;	32
	(i) issuing, and monitoring the use of, security identification;	33 34

-
- (j) traffic control services; 1
- (k) emergency services; 2
- (l) processing applications, reporting information and 3
attending to other administrative matters for the 4
management of the port. 5
- PPDA** see section 8. 6
- PPDA development scheme** means a PPDA development 7
scheme for a PPDA that the Minister is required to make 8
under section 36. 9
- premises** means— 10
- (a) a building or other structure; or 11
- (b) land, whether or not a building or other structure is 12
situated on the land. 13
- priority port development area** see section 8. 14
- prohibited dredging** see section 83. 15
- properly made submission** means a submission that— 16
- (a) is written; and 17
- (b) is signed by each person (a **signatory**) who made the 18
submission; and 19
- (c) states the name and address of each signatory; and 20
- (d) is made to the Minister. 21
- public notice** means a notice published— 22
- (a) in the gazette; and 23
- (b) in a newspaper circulating as follows— 24
- (i) for a notice about a port planning instrument or 25
amendment of a port planning instrument that has 26
or is to have effect in a part of the State 27
only—circulating in the part of the State; 28
- (ii) otherwise—circulating generally in the State; and 29
- (c) on the department’s website. 30
-

<i>quarry material</i> means quarry material under the Coastal Protection and Management Act.	1 2
<i>reasonably</i> means on grounds that are reasonable in all the circumstances.	3 4
<i>referral agency</i> see the Planning Act, section 252.	5
<i>State Development Act</i> means the <i>State Development and Public Works Organisation Act 1971</i> .	6 7
<i>strategic port land</i> means the port land identified in a port's port land use plan as its strategic port land.	8 9
<i>supporting entity</i> see section 12.	10
<i>table of assessment</i> , for a development scheme area or strategic port land, means a statement in the relevant PPDA development scheme or port land use plan as to whether development in the development scheme area or on the strategic port land is—	11 12 13 14 15
(a) exempt development or self-assessable development for the Planning Act, or development requiring compliance assessment or assessable development requiring code or impact assessment under the Planning Act; or	16 17 18 19
(b) port prohibited development.	20
<i>tidal water</i> means tidal water under the Coastal Protection and Management Act.	21 22
<i>transport infrastructure</i> see the Transport Infrastructure Act.	23
<i>Transport Infrastructure Act</i> means the <i>Transport Infrastructure Act 1994</i> .	24 25
<i>use</i> , for premises, includes any use incidental to and necessarily associated with the use of the premises.	26 27

Schedule 2	Consequential or minor amendments	1
		2
	section 156	3
 Coastal Protection and Management Regulation 2003		4
1	Section 9(3)(b), ‘that is, or is proposed to be, strategic port land’—	5
	<i>omit, insert—</i>	6
	<i>omit, insert—</i>	7
	that is land in a development scheme area, strategic	8
	port land or future strategic port land under the <i>Ports</i>	9
	<i>Act 2014</i>	10
 Land Act 1994		11
1	Section 126, heading, ‘Strategic’—	12
	<i>omit, insert—</i>	13
	Development scheme area and strategic	14
2	Section 126, ‘strategic port land for a port authority, the port authority’—	15
	<i>omit, insert—</i>	16
	<i>omit, insert—</i>	17
	land in a development scheme area or strategic port	18
	land for a port, the port authority for the port	19
3	Section 393(4)(b), ‘strategic port land’—	20
	<i>omit, insert—</i>	21

	land in a development scheme area or strategic port land	1 2
4	Schedule 6—	3
	<i>insert—</i>	4
	<i>development scheme area</i> see the <i>Ports Act 2014</i> , section 36(1).	5 6
5	Schedule 6, definition <i>strategic port land</i>, ‘<i>Transport Infrastructure Act 1994</i>’—	7 8
	<i>omit, insert—</i>	9
	<i>Ports Act 2014</i>	10
 Land Tax Act 2010		 11
1	Section 55(1)(b)(ii), ‘land use plan approved under the <i>Transport Infrastructure Act 1994</i>, section 286’—	12 13
	<i>omit, insert—</i>	14
	PPDA development scheme or port land use plan under the <i>Ports Act 2014</i>	15 16
 Local Government Act 2009		 17
1	Section 93(3)(e)—	18
	<i>omit, insert—</i>	19
	(e) the following land under the <i>Transport Infrastructure Act</i> —	20 21
	(i) existing or new rail corridor land;	22

	(ii) commercial corridor land that is not subject to a lease;	1 2
(ea)	the following land under the <i>Ports Act 2014</i> —	3 4
	(i) land in a development scheme area, or strategic port land, that is occupied by a port authority, the State or a government entity;	5 6 7 8
	(ii) land in a development scheme area, or strategic port land, that is occupied by a wholly owned subsidiary of a port authority, and is used in connection with the Cairns International Airport or Mackay Airport;	9 10 11 12 13 14

Local Government Regulation 2012 15

1	Section 59—	16
	<i>insert—</i>	17
	(5) This section is subject to the <i>Ports Act 2014</i> .	18
	<i>Note—</i>	19
	See the <i>Ports Act 2014</i> , part 3, division 4.	20

State Development and Public Works Organisation Regulation 2010 21 22

1	Part 13A, heading, ‘coordinated’—	23
	<i>omit, insert—</i>	24
	bilateral	25

Schedule 2

2	Section 36C(2)(a), ‘coordinated’—	1
	<i>omit, insert—</i>	2
	bilateral	3
3	Schedule 1AA, section 1, definition <i>relevant environmental impacts</i>, ‘coordinated’—	4
	<i>omit, insert—</i>	5
	bilateral	6
		7
4	Schedule 1BA, part 1, section 1, definition <i>assessment and approval process</i>, ‘coordinated’—	8
	<i>omit, insert—</i>	9
	bilateral	10
		11
5	Schedule 1BA, part 1, section 2(b), ‘coordinated’—	12
	<i>omit, insert—</i>	13
	bilateral	14
6	Schedule 1BA, part 2, table 1 heading, ‘coordinated’—	15
	<i>omit, insert—</i>	16
	bilateral	17
	Survey and Mapping Infrastructure Act 2003	18
1	Section 66(1)(c)—	19
	<i>omit, insert—</i>	20
	(c) the land is in a development scheme area or	21
	is strategic port land under the <i>Ports Act</i>	22
	2014; or	23

2	Section 66(2), ‘strategic port land under the <i>Transport Infrastructure Act 1994</i>’—	1 2
	<i>omit, insert—</i>	3
	land in a development scheme area or strategic port land under the <i>Ports Act 2014</i>	4 5
3	Section 66(2), ‘strategic port land.’—	6
	<i>omit, insert—</i>	7
	land in a development scheme area or strategic port land.	8 9
 Sustainable Planning Act 2009		10
1	Schedule 3—	11
	<i>insert—</i>	12
	<i>development scheme area</i> see the <i>Ports Act 2014</i> , section 36(1).	13 14
2	Schedule 3, definition <i>strategic port land</i>, ‘see the <i>Transport Infrastructure Act</i>, section 286(5)’—	15 16
	<i>omit, insert—</i>	17
	means strategic port land under the <i>Ports Act 2014</i>	18
3	Schedule 3, definition <i>tidal area</i>, paragraph 2, ‘strategic port land’—	19 20
	<i>omit, insert—</i>	21
	a development scheme area or strategic port land	22

Schedule 2

4	Schedule 3, definition <i>tidal area</i>, paragraph 3, ‘for strategic port land’—	1 2
	<i>omit, insert—</i>	3
	for a development scheme area or strategic port land	4
5	Schedule 3, definition <i>tidal area</i>, paragraph 3(a), (b) and (c), ‘strategic port land’—	5 6
	<i>omit, insert—</i>	7
	development scheme area or strategic port land	8

Sustainable Planning Regulation 2009 9

1	Schedule 3, part 1, table 2, items 2 and 3 and the headings to the items—	10 11
	<i>omit, insert—</i>	12

For a brothel		
2	Making a material change of use of premises for a brothel	Code assessment, if premises in an industrial area, on land in a development scheme area or on strategic port land Impact assessment, if premises in an area other than an industrial area, a development scheme area or on strategic port land unless a local planning instrument, or amendment of a local planning instrument made after 1 July 2000, requires code assessment

In a development scheme area		
3	Making a material change of use of premises on land in a port's development scheme area that is inconsistent with the PPDA development scheme for the port	Code assessment
On strategic port land		
3A	Making a material change of use of premises on a port's strategic port land that is inconsistent with the port land use plan for the port	Code assessment

- 2 Schedule 3, part 1, table 3, item 1, column 2, paragraph (g), 'strategic port land'—** 1
 2
omit, insert— 3
 land in a development scheme area or strategic port 4
 land 5

- 3 Schedule 3, part 1, table 5, item 6 and the heading to the item—** 6
 7
omit, insert— 8

Development in a development scheme area		
5	All aspects of development on land in a port's development scheme area, other than development mentioned in table 2, item 3, if the PPDA development scheme for the port states the development is assessable development	Code assessment
Development on strategic port land		
6	All aspects of development on a port's strategic port land, other than development mentioned in table 2, item 3A, if the port land use plan for the port states the development is assessable development	Code assessment

- 4 Schedule 4, table 3, item 2, paragraph (g), 'strategic port land'—** 9
 10
omit, insert— 11

land in a development scheme area or strategic port land

1
2

5 Schedule 5, part 1, table 2, item 4 and the heading to the item—

3
4

omit, insert—

5

Development scheme area	
4	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Development requiring code assessment under schedule 3, part 1, table 2, item 3 </div> <div style="width: 45%;"> (a) for the chief executive administering the <i>Ports Act 2014</i> as the assessment manager—the current PPDA development scheme; and (b) for the Minister under the Transport Infrastructure Act, as the concurrence agency, section 287A of that Act </div> </div>
Strategic port land	
4A	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Development requiring code assessment under schedule 3, part 1, table 2, item 3A </div> <div style="width: 45%;"> (a) for the chief executive administering the <i>Ports Act 2014</i> as the assessment manager—the current port land use plan; and (b) for the Minister under the Transport Infrastructure Act, as the concurrence agency, section 287A of that Act </div> </div>

6 Schedule 5, part 1, table 5, item 1 and the heading to the item—

6
7

omit, insert—

8

Development scheme area	
1	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> In a port’s development scheme area other than development requiring code assessment under schedule 3, part 1, table 2, item 3 </div> <div style="width: 45%;"> The current PPDA development scheme for the port </div> </div>
Strategic port land	
1A	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> On a port’s strategic port land other than development requiring code assessment under schedule 3, part 1, table 2, item 3A </div> <div style="width: 45%;"> The current port land use plan for the port </div> </div>

- 7** **Schedule 6, table 1, item 1, column 1, paragraphs (c) and (d), ‘port authority’s strategic port land tidal area’—** 1
omit, insert— 2
 tidal area of a port’s development scheme area or 3
 strategic port land 4
 5
- 8** **Schedule 6, table 2, item 1 and the heading to the item—** 6
omit, insert— 7

Development scheme area and tidal areas of development scheme area		
1	<p>If table 1 does not apply and the application is for—</p> <p>(a) development completely in a single port’s development scheme area; or</p> <p>(b) tidal works completely in the tidal area of a single port’s development scheme area; or</p> <p>(c) tidal works partly in the tidal area of a single port’s development scheme area and in no tidal area of any local government area or other port’s development scheme area</p>	The chief executive administering the <i>Ports Act 2014</i>
Strategic port land and tidal areas of strategic port land		
1A	<p>If table 1 does not apply and the application is for—</p> <p>(a) development completely in a single port’s strategic port land; or</p> <p>(b) tidal works completely in the tidal area of a single port’s strategic port land; or</p> <p>(c) tidal works partly in the tidal area of a single port’s strategic port land and in no tidal area of any local government area or other port’s strategic port land</p>	The chief executive administering the <i>Ports Act 2014</i>

- 9** **Schedule 6, table 3, item 6 and the heading to the item—** 1
 omit, insert— 2

Tidal works or work within a coastal management district		
6	If tables 1 and 2 do not apply and the application is for— (a) operational work that is— (i) tidal works not in the tidal area of a port's development scheme area, of a port's strategic port land or of any local government area; or (ii) work carried out completely or partly within a coastal management district; and (b) no other assessable development	The chief executive

- 10** **Schedule 7, table 2, item 6 and the heading to the item—** 3
 omit, insert— 4

Development scheme area and strategic port land		
6	A material change of use on land in a development scheme area or strategic port land made assessable under schedule 3, part 1, table 2, item 3 or 3A	The Minister under the Transport Infrastructure Act—as a concurrence agency The purposes of the Transport Infrastructure Act

- 11** **Schedule 7, table 2, item 16, column 1, 'land use plan'—** 5
 omit, insert— 6
 PPDA development scheme or port land use plan 7

- 12** **Schedule 18, table 1, item 1, paragraph (d)(vi), 'strategic port land'—** 8
 omit, insert— 9
 land in a development scheme area or strategic port 11
 land 12

- 13** **Schedule 26, definition *land use plan*—** 13
 omit. 14

14	Schedule 26—	1
	<i>insert—</i>	2
	<i>port land use plan</i> see the <i>Ports Act 2014</i> , section 44(1).	3 4
	<i>PPDA development scheme</i> means a PPDA development scheme under the <i>Ports Act 2014</i> .	5 6
15	Schedule 26, definition <i>subdivision plan</i>, paragraph 3(b)(iv), ‘strategic port land’—	7 8
	<i>omit, insert—</i>	9
	land in a development scheme area or strategic port land	10 11

© State of Queensland 2014

Authorised by the Parliamentary Counsel